



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 8 March 2007.

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DÁIL ÉIREANN

*Déardaoin, 8 Márta 2007.
Thursday, 8 March 2007.*

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

*Paidir.
Prayer.*

Requests to move Adjournment of Dáil under Standing Order 31.

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

Ms Cooper-Flynn: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of urgent national importance, namely, the reason the criteria for primary medical certificates and the resulting disabled drivers tax concessions exclude applicants with arm amputations but include applicants with leg amputations; and the reason the criteria have not been changed following the 2004 review group report.

Mr. Connolly: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of urgent national importance, namely, the urgent necessity to reduce primary school class sizes, which are currently the second-largest in the enlarged EU; the extreme difficulties experienced by teachers in endeavouring to effectively deliver the new primary school curriculum in overcrowded classrooms; the educational benefits to be gained from lower class numbers in terms of pupils' personal, academic and social development, with increased pupil engagement, more individualised teaching and minimal behavioural problems, with consequent advantages that last a lifetime; and calls on the Government to honour the solemn commitment in the programme for Government 2002 to 2007 to progressively introduce maximum class guidelines to ensure that the average size of classes for children would be below the international best practice guideline of 20:1.

Mr. J. Breen: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of local and national importance, namely, the failure of the Minister for Transport to honour previous commitments given to Shannon Airport under the open skies agreement, his shortening of the introductory period leading into the start

date of that agreement and the consequent risk to the future of Shannon Airport and industry in the mid-west.

Mr. Healy: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of urgent national importance, namely, the need for the Minister for Education and Science to implement the commitment in the programme for Government to radically reduce primary school class sizes and to ensure that no child of eight years of age or younger will be in a class of more than 20, having regard to the fact that Ireland is the second wealthiest nation in Europe but has the second largest class sizes, the significant numbers of international and special needs students in classes, and the need to implement the new activity-based curriculum for primary schools introduced by the Department of Education and Science.

Aengus Ó Snodaigh: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of urgent national importance, namely, the urgent need on this, International Women's Day, for the Government to take action, along the lines of that advocated by the recent Sinn Féin Private Members' motion, to tackle domestic and sexual violence against women, which remains at a shamefully high level and is an indictment of the Government's refusal to do all in its power to realise equality for women.

Mr. Cuffe: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of urgent national importance, namely, the need for the Taoiseach to seek 30% cuts in emissions to address the issue of climate change at the European Council meeting in Brussels today.

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

Order of Business.

The Tánaiste: It is proposed to take No. 14, motion re proposed approval by Dáil Éireann of a proposal that section 17A of the Diseases of Animals Act 1966 shall continue in force for the period ending on 8 March 2008, back from committee; No. 20, Prisons Bill 2006 [*Seanad*] — Report Stage (resumed) and Final Stage; and No. 4 — Electoral (Amendment) Bill 2007 — Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that No. 14 shall be decided without debate; the proceedings on the resumed Report and Final Stages of No. 20 shall, if not previously concluded, be brought to a conclusion at 12.30 p.m. today by one question which shall be put from the Chair and which shall, in respect of amendments, include only those set down or accepted by the Tánaiste and Minister for Justice, Equality and Law Reform; and the Second Stage

[The Tánaiste.]

of No. 4 shall be taken today and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 3.30 p.m.

Pursuant to Standing Order 80(3), the Dáil shall waive its instruction that not more than two select committees shall meet to consider a Bill on any given day in the case of the proposed meeting of the Select Committee on Enterprise and Small Business to consider the Consumer Protection Bill 2007 [*Seanad*] on Tuesday, 13 March 2007. Parliamentary questions next for answer by the Taoiseach on EU matters shall be taken on the same day as the statements on the EU Council meeting in Brussels, scheduled to be taken on Wednesday, 21 March 2007, and shall be moved to be taken first as ordinary oral questions to the Taoiseach on that day. The Dáil on its rising today shall adjourn until 2.30 p.m. on Tuesday, 20 March 2007.

An Ceann Comhairle: There are six proposals to put to the House. Is the proposal for dealing with No. 14 without debate agreed? Agreed. Is the proposal for dealing with No. 20 agreed?

Mr. Stagg: It is not agreed.

Question, "That the proposal for dealing with No. 20, the Prisons Bill 2006 [*Seanad*] — Report and Final Stages (Resumed), be agreed to," put and declared carried.

An Ceann Comhairle: Is the proposal for dealing with No. 4 agreed?

Mr. Gormley: It is not agreed, for the following reason. It does not address the central issue, which is spending between elections.

An Ceann Comhairle: That would not be a reason for objecting to the particular motion.

Mr. Gormley: It is a very good reason.

An Ceann Comhairle: It is purely a procedural motion on whether we take it.

Aengus Ó Snodaigh: As with the last proposal I object to the guillotine on the Second Stage debate.

Question, "That the proposal for dealing with No. 4 be agreed to", put and declared carried.

An Ceann Comhairle: Is the proposal for dealing with Standing Order 80(3), the waiving of instruction to committee, agreed to?

Mr. Stagg: This Standing Order exists for a very good reason, namely to prevent the Executive forcing legislation through the committee system of the House. Committees exist to examine Bills in great detail and, as a result, the House has decided there should not be more than two Bills

on any day in any committee. The proposal sets that aside so as to rush Bills, not just through Second Stage, as we see every day, but Committee Stage and that is not acceptable. We have seen the result of such decisions recently.

Aengus Ó Snodaigh: I agree with Deputy Stagg on this matter. One of the advantages of committees is that Deputies who are not members of a particular committee can take part. If two committees deal with two separate Bills on the same day it is nearly impossible for such Deputies to take part. There are free days next week when committees can sit and, if the Bills are urgent, they could be dealt with in the following week.

The Tánaiste: I appreciate the points Deputies Stagg and Ó Snodaigh make but we must remember that, subject to the next proposal, the Dáil will not be sitting on the day in question.

Mr. McCormack: Will it ever sit again?

Mr. J. O'Keeffe: The Dáil is dying on its feet.

The Tánaiste: Three events take place in the Dáil on that day.

A Deputy: Cheltenham, Cheltenham and Cheltenham.

Mr. Ring: The Tánaiste will have to try to get tickets for Cheltenham.

The Tánaiste: The normal procedure is for no more than two committees to function while the House is not sitting but this will allow the Deputies who are not attending plenary sessions of the Dáil to attend all the committee meetings in question.

Question, "That the proposal regarding Standing Order 80(3) be agreed to", put and declared carried.

An Ceann Comhairle: Is proposal No. 5, dealing with the Taoiseach's questions on Wednesday, 21 March 2007, agreed to? Agreed.

Is the proposal that the Dáil, on rising today, should adjourn until 2.30 p.m. on Tuesday, 20 March agreed to?

Mr. Bruton: We should be grateful there will be no emergency legislation next week.

Mr. Howlin: We do not know that.

Mr. Bruton: There might not be a quorum on the Government side. I will raise a serious issue. In the week we resume the Tánaiste and Minister for Justice, Equality and Law Reform proposes to hold a five-hour debate on Second Stage of a criminal justice Bill that is not even on the list. It is a major piece of legislation which will deal with the right to silence, detention, bail and sentenc-

ing. The Dáil has learned to its cost in recent weeks the folly of rushing through legislation and having to reconsider at length to fill loopholes created by a lack of attention to detail.

Mr. Quinn: It will be probably be as faulty as the last Bill.

Mr. Bruton: While everyone wants an effective response to the issues thrown up by a series of killings and other gangland activity, there is a huge onus on the Dáil to consider the matters in a mature way, rather than rushing into 11th hour action. This Government said two or three years ago that the killing of certain individuals was a watershed and that things would have to change. Now, at five minutes to midnight in terms of this Dáil session, the Minister comes forward with his proposals. There is no point pretending to give cover to a Minister who has been inactive in some of these areas.

Mr. Roche: That is the first time he has been accused of that.

Mr. Howlin: Does the Deputy find this funny?

Mr. Durkan: He will not find it funny after the election.

Mr. Bruton: We must deal with this issue in a proper way and the Dáil needs to use time, either next week or another week, to deal with these issues.

Ms McManus: A raft of legislation is being guillotined because the Government is coming to the end of its term of office. It is not allowing proper scrutiny of legislation, nor is it allowing this Parliament to function effectively. We already know to our cost what happened when the Minister for Justice, Equality and Law Reform rushed legislation through the House and had to return this week with emergency legislation, because the Labour Party pointed out the flaw in the original. There is a real danger we will end up in the same situation with regard to another area of law.

There have been seven guillotines this week. Because the Government proposes not sitting next week, eight guillotines are proposed for the week we return. It is not correct parliamentary activity to continually cut off the work in which we engage, which is to ensure legislation is robust and fair.

Mr. Quinn: Who is playing Ceaucescu now?

Ms McManus: The reason given for the Dáil not sitting is that St. Patrick's Day is next week, but that is not until next Saturday.

Mr. McCormack: The Government might change it.

Mr. J. O'Keefe: Do not forget the ministerial gallivanting — it will be their last chance.

Ms McManus: It does not take a week to travel anywhere in the world today. I am not aware that it takes a week for Ministers to do their packing. They are packing the timetable with legislation which deserves to be properly analysed and scrutinised. We propose we do not adjourn until 20 March but continue our business to ensure we do not end up with the unholy mess for which the Tánaiste was responsible in respect of providing safeguards for our children.

An Ceann Comhairle: A brief comment is allowed, Deputy.

Ms McManus: We need to sit next week to do the business we were elected to this House to do.

Mr. Howlin: Surely some Ministers will be present next week.

Mr. Gormley: We are opposed to this proposal, as we have been in previous years. It is wrong to conduct the business of the House in this way. My colleague, Deputy Boyle, has put forward proposals for reforming the House and has pointed out on numerous occasions that, as a Parliament, we are unproductive and sit fewer days than other parliaments in Europe. That needs to be rectified.

This is, ironically, business as usual in that we do what we do every year, namely facilitate people who want to attend horse race meetings, though some do important work. It is not acceptable because we suffer a build-up of legislation. Currently we have built up a mound of it which will have to be guillotined. At this time, when people are very busy, it is impossible for Deputies to attend all the sessions. I was surprised the Taoiseach promised even more legislation yesterday because I do not know how he will get it through. The only way is by use of the guillotine so we oppose the proposal.

Mr. Roche: It can be dealt with in committee.

Aengus Ó Snodaigh: Along with other Deputies, I object to this proposal. There is a range of legislation which deserves and requires our full attention. Some needs to be passed prior to the election and would be welcomed by the electorate. However, its passage will be facilitated by guillotine, rather than by a proper, measured debate. There are also many reports to which this House needs to give consideration by debating them, which could happen with a full sitting next week on Tuesday, Wednesday and Thursday.

We should sit next week to debate the legislation to which I referred. Following that, there could be committee meetings to deal with the relevant Bills in a proper way, but not more than

[Aengus Ó Snodaigh.]

two per day, as determined by the previous proposal.

The Tánaiste: As the House is aware, it has been the case for many years that the State takes advantage of the fact that the St. Patrick's Day festival is celebrated across the globe in order to project the good aspects of Ireland, avail of goodwill towards this country—

Mr. Stagg: St. Patrick's Day falls on a Saturday this year.

The Tánaiste: —and represent Irish interests at events organised abroad.

Mr. Durkan: It would not be right to let the day pass without celebrating it.

The Tánaiste: There is an undoubted and major dividend to the economy, the State and the Irish community overseas as a result of the Government taking the St. Patrick's Day festival seriously. The Deputies opposite will appreciate that although St. Patrick's Day falls on a Saturday this year, most Ministers will be obliged to attend a number of events in the days beforehand at the locations to which they are travelling.

Mr. Durkan: The poor things. Their itinerary is too strenuous.

(Interruptions).

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

Mr. Ring: Will any Ministers be attending the race meeting at Cheltenham?

An Ceann Comhairle: If Deputy Ring interrupts again, I will not call him in respect of other issues. The Minister to continue without interruption.

(Interruptions).

Mr. Durkan: The Government should resign *en bloc*.

An Ceann Comhairle: Deputy Durkan has made enough contributions for today.

Mr. Durkan: I apologise.

The Tánaiste: I am surprised that Deputy Gormley opposes the international celebration of the wearing of the green.

Mr. Durkan: That could have two meanings.

The Tánaiste: Deputy Gormley referred earlier to the moneys spent between elections. I under-

stand he could not afford to pay the relevant fees in order to have Al Gore address his party's conference. I understand Mr. Gore charges \$140,000.

Mr. Gormley: He charges \$170,000.

Mr. Stagg: Mr. Gore's fees are nearly as bad as those charged by senior counsel.

The Tánaiste: It is a pity the Green Party could not pay to have Mr. Gore appear.

(Interruptions).

The Tánaiste: As far as the Government is concerned, there is a great deal of legislation with which the House must deal.

Mr. Stagg: The Government has had ten years in which to deal with it.

The Tánaiste: I carried out some research—

Mr. Howlin: That is always a dangerous thing to do.

The Tánaiste: —and discovered that in one week last July the House spent between three and four hours debating the Order of Business on various days. That was a considerable amount of time to spend—

Mr. McHugh: Democracy is at risk, particularly if mistakes are made in legislation.

(Interruptions).

An Ceann Comhairle: The Minister to continue without interruption.

Mr. Gormley: This would never have happened in Romania.

The Tánaiste: The Government has an appetite for getting on with its work

(Interruptions).

The Tánaiste: My constituency colleague, Deputy Quinn, will feel somewhat like a baby who has thrown his or her rattle out of the pram when the Building Control Bill is finally passed.

Mr. Durkan: The Tánaiste knows all about throwing rattles out of prams.

The Tánaiste: The legislation in question has been mentioned on each day the House has met.

(Interruptions).

The Tánaiste: We are getting on with the business of the House. We are also getting on with Ireland's business.

Mr. McHugh: It is “Ireland’s Call”.

Mr. Allen: The Government is jackbooting legislation through the House.

(Interruptions).

The Tánaiste: The people appreciate what we are doing and like to see us working hard.

Question put: “That the proposal that the Dáil on its rising today shall adjourn until 2.30 p.m. on Tuesday, 20 March 2007 be agreed to.”

The Dáil divided: Tá, 61; Níl, 34.

Tá

Ahern, Dermot.
Ahern, Noel.
Ardagh, Seán.
Blaney, Niall.
Brady, Johnny.
Brady, Martin.
Breen, James.
Callanan, Joe.
Carty, John.
Collins, Michael.
Connolly, Paudge.
Cooper-Flynn, Beverley.
Coughlan, Mary.
Cullen, Martin.
Davern, Noel.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Dermot.
Grealish, Noel.
Hanafin, Mary.
Harney, Mary.
Haughey, Seán.
Jacob, Joe.
Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.

Kitt, Tom.
Lenihan, Conor.
McDowell, Michael.
McGuinness, John.
McHugh, Paddy.
Martin, Micheál.
Moloney, John.
Mulcahy, Michael.
Nolan, M. J.
Ó Cuív, Éamon.
Ó Fearghaíl, Seán.
O’Connor, Charlie.
O’Dea, Willie.
O’Donnell, Liz.
O’Donovan, Denis.
O’Flynn, Noel.
O’Keeffe, Batt.
O’Malley, Tim.
Parlon, Tom.
Power, Peter.
Power, Seán.
Roche, Dick.
Sexton, Mae.
Smith, Brendan.
Smith, Michael.
Wallace, Dan.
Wallace, Mary.
Wilkinson, Ollie.
Woods, Michael.
Wright, G. V.

Níl

Allen, Bernard.
Breen, Pat.
Bruton, Richard.
Costello, Joe.
Durkan, Bernard J.
Gormley, John.
Hayes, Tom.
Healy, Seamus.
Higgins, Michael D.
Hogan, Phil.
Howlin, Brendan.
Lynch, Kathleen.
McCormack, Pádraic.
McGrath, Finian.
McManus, Liz.
Morgan, Arthur.
Moynihan-Cronin, Breeda.

Murphy, Gerard.
Naughten, Denis.
Neville, Dan.
Noonan, Michael.
Ó Snodaigh, Aengus.
O’Shea, Brian.
O’Sullivan, Jan.
Pattison, Seamus.
Quinn, Ruairí.
Ring, Michael.
Ryan, Eamon.
Ryan, Seán.
Shortall, Róisín.
Stagg, Emmet.
Timmins, Billy.
Twomey, Liam.
Wall, Jack.

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

Question declared carried.

Mr. Bruton: As today is international day of women’s rights, many will be amazed to see that an advertising campaign by Trócaire highlighting problems of abuse of women in certain countries is being pulled by the Broadcasting Commission of Ireland. It is important that the Tánaiste com-

ments on this. It certainly seems an extraordinary level of political correctness.

An Ceann Comhairle: That issue was dealt with in the House yesterday.

Mr. Bruton: Another issue on which I ask the Tánaiste to comment is the Government’s inten-

[Mr. Bruton.]

tion to sign up to the international treaties on human trafficking, another source of abuse of women's rights, a matter on which we have fallen behind and which seems to have slipped down our agenda.

The health insurance situation seems to be getting "Curiouser and curiouser!", as in *Alice in Wonderland*, with Mr. Quinn having offered to buy VHI before the introduction of emergency legislation. What progress has been made by the Government in resolving the twin issues, the first of which is insurance and the reserves which must be set aside by VHI, a provision which is being challenged.

An Ceann Comhairle: Has legislation been promised?

Mr. Bruton: Legislation has most certainly been promised. The second issue concerns the obligations of insurers to contribute through existing arrangements to the costs of VHI. There is an unsatisfactory legal position which needs to be clarified urgently.

The Tánaiste: On the VHI matter, as Deputy Bruton will be aware, the Minister for Health and Children, Deputy Harney, proposes to publish health insurance legislation this session. Deputy Bruton will also be aware that there is a group, under Mr. Colm Barrington, studying some of the fundamental issues which lie at the heart of current controversies. The Government awaits its report this month.

The Criminal Justice (Trafficking in Persons and Sexual Offences) Bill is being worked on in my Department and expected in early summer. On the Broadcasting Commission of Ireland, all I can say is that it is an independent body which makes independent judgments.

Mr. M. Higgins: The Tánaiste could amend the legislation and solve the problem.

Mr. D. Ahern: To interfere with it.

Mr. M. Higgins: Not to interfere with it but to stop the censorship.

Mr. Howlin: I want to return to an issue in the Tánaiste's Department, as raised by Deputy Bruton. A new criminal justice Bill has been promised, the debate on which will be guillotined on Second Stage the week the Dáil resumes. As this Bill has not yet been published, I have questions for the Ceann Comhairle and the Tánaiste.

I understand the Ceann Comhairle has made a determination, if not a ruling, that complex legislation should be given space of at least two weeks between publication and the Second Stage debate. This is a fundamental question. The Tánaiste has signalled that significant issues will be captured in this legislation. When will the Bill

be published? I ask that the normal protocol of allowing at least a fortnight for proper debate apply, including taking soundings from bodies outside this House which have already expressed interest in the matter. Obviously, detailed responses cannot be made until we see the legislation.

There are only weeks remaining to us, yet it took months for the Criminal Justice Bill 2004 to pass through Committee Stage. Even if we are to conclude Second Stage between now and the cessation of this Dáil, there should be no question of providing inadequate time or putting pressure on us to conclude Committee Stage until all the issues are fully and properly ventilated, given that they cut to the heart of the criminal justice system in this country.

The Tánaiste: It is my hope that the Bill will be published on Monday of next week.

Mr. Stagg: Four days.

The Tánaiste: That will allow the whole of next week and the bulk of the following week, or until Thursday, for Deputies to consider the text and contents of the legislation.

It is proposed that a two-day Second Stage debate will be held on the legislation on Thursday and Friday of the following week. With regard to Committee Stage, I have always been willing to sit lengthy hours and until midnight if necessary to complete the work of the committee.

Mr. Eamon Ryan: Another family friendly day.

The Tánaiste: It may not be family friendly but sometimes the families of innocent people who have been shot down must also be considered.

Mr. Howlin: Bad legislation is worse than delayed legislation.

The Tánaiste: The legislation is needed. If I did not think that was so, I would not propose it. There is a clamant public demand to make the law as it pertains to bail, detention and questioning of people accused of tiger kidnappings, fire-arms murders and the like effective. That has to be done. I ask Deputy Howlin to bear in mind that we should not give up our day jobs just because an election is approaching.

Mr. Howlin: That is a disgraceful suggestion.

Mr. D. Ahern: Look at the numbers.

The Tánaiste: We have a lot of work to do and we owe it to our constituents and the people—

Mr. Durkan: We welcome this dedication to duty.

The Tánaiste: —to put in place the necessary measures to safeguard the people's welfare and protect the rights of individuals.

Mr. Allen: The Tánaiste should come here more often.

Mr. D. Ahern: Fine Gael Members did not turn up to vote.

The Tánaiste: The people's constitutional rights are not simply those of an accused in a criminal process. The rights also exist not to be shot or to have to stand at the foot of one's son's coffin.

Mr. Allen: The Tánaiste should get off the pulpit.

The Tánaiste: An individual has the right not to have his or her family kidnapped in a tiger kidnapping. These are all important constitutional rights and they should be defended with vigour by this House.

Mr. Durkan: That is not a defence.

Mr. Allen: The Tánaiste failed.

Mr. Howlin: On a point of order, the Tánaiste possibly inadvertently misled the House. The schedule issued to us for the week after next indicates that two Bills will be taken on the Thursday, the Broadcasting (Amendment) Bill 2006, which is important in the context of the discussion we just had, and the criminal justice Bill. On the following half-day, it is proposed to guillotine the pharmacy Bill and the criminal justice Bill. It is wrong, therefore, to claim we will have two days for debate.

An Ceann Comhairle: The Deputy made his point. I call Deputy Gormley.

Mr. Howlin: I would like the Tánaiste to acknowledge that he inadvertently misled the House.

Mr. Kitt: The Bill will be debated on both days.

Mr. Howlin: The Tánaiste said there would be two days of debate but there will not be two days. A bit of Thursday and Friday is proposed.

An Ceann Comhairle: The Deputy has made his point.

Mr. Howlin: We have not seen the legislation.

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

Mr. Howlin: This is about electioneering on the part of the Tánaiste, who has failed for ten years.

Mr. Durkan: He has failed.

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

Mr. Gormley: I am sure the Tánaiste is aware that many local authority tenants would like to purchase their houses and flats. The Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Noel Ahern, who is sitting opposite, has repeatedly promised the housing (miscellaneous provisions) Bill.

An Ceann Comhairle: The Tánaiste on the housing (miscellaneous provisions) Bill.

Mr. Gormley: Will we have the Bill before the election?

The Tánaiste: The Bill is scheduled for publication in early summer.

Mr. Durkan: Brilliant.

Mr. Allen: That is good news for the tenants of city councils.

Mr. Ring: The Minister for Foreign Affairs and the Taoiseach will travel to America next week. I would like them to raise the important issue of illegal Irish. The matter has reached a crucial stage in America and I ask the Minister and the Taoiseach to spell out to the US Government that it cannot be hypocritical—

An Ceann Comhairle: Sorry, Deputy, that does not arise on the Order of Business.

Mr. Ring: —in terms of using this country to make a lot of money when Irish citizens abroad are not being looked after.

An Ceann Comhairle: Deputy Ring has made his point. I call Deputy McManus.

Mr. Ring: I want the Tánaiste to ensure that the Taoiseach raises this issue because it is important to a large number of families in this country.

Mr. D. Ahern: He has started.

Mr. Ring: Our citizens are not being protected.

An Ceann Comhairle: The Chair has no choice but to move on to the next matter if Deputy Ring does not want to allow his colleagues to contribute. I call Deputy McManus.

Mr. Ring: I want to protect our citizens.

Mr. D. Ahern: The Deputy should be careful that he does not have a heart attack.

An Ceann Comhairle: Allow Deputy McManus without interruption.

Mr. Ring: The Minister never gets too excited himself.

An Ceann Comhairle: I ask the Minister and Deputy Ring to allow Deputy McManus to speak without interruption.

Mr. Ring: When he was up the trees, he was too easy going. If I went up a tree, I would look around.

Mr. Durkan: He is a lumberjack.

Mr. Howlin: Single party Government, no difference.

Mr. D. Ahern: What are Deputy Ring's chances with the Labour Party?

An Ceann Comhairle: I ask the Minister, Deputy Dermot Ahern, to allow Deputy McManus to speak.

Ms McManus: Last October, the Tánaiste loyally decided to stand by his Taoiseach when the latter was in a spot of bother over money. I remind the Tánaiste of the public commitment he made to publish the ethics in public office Bill and bring it before the Oireachtas as a matter of urgency. Where is that Bill?

The Tánaiste: The Bill in question will be brought before the House this session.

Mr. Howlin: When will it be published?

Mr. Costello: I am sure the Tánaiste is aware of the capacity crowds who attended Croke Park and the enjoyment they derived from recent matches. However, every time the capacity crowd of 82,500 fills Croke Park, life becomes a misery for local residents.

An Ceann Comhairle: Has the Deputy a question appropriate to the Order of Business?

Mr. Costello: Two weeks ago, I asked a question of the Tánaiste regarding public urination and the progress on bringing in legislation in this regard. I ask the same question now.

An Ceann Comhairle: Is legislation promised?

Mr. Costello: The Minister for the Environment, Heritage and Local Government indicated that he would be bringing in legislation to provide for resident-only parking in the vicinity of Croke Park on major match days. What progress has been made on both of these matters?

The Tánaiste: Public order legislation is adequate to deal with the first matter raised by Deputy Costello. Any garda who finds somebody engaged in that activity——

Mr. Gormley: The fines are too low.

The Tánaiste: Under the Criminal Justice (Public Order) Acts, there are plenty of large fines and other solutions. The Victorian nature of legislation is irrelevant to this issue.

Mr. Costello: Gardaí are not of that view.

The Tánaiste: Senior members of an Garda Síochána regard it as disorderly or offensive behaviour sufficient to provoke the provisions of the Acts.

Mr. Costello: What about on-the-spot fines?

The Tánaiste: The Criminal Justice Act 2006 makes provision for the application of on-the-spot fines in respect of public order offences.

Mr. Costello: I also asked about the legislation promised by the Minister for the Environment, Heritage and Local Government regarding resident-only parking in the vicinity of Croke Park on match days.

The Tánaiste: That is primarily a matter for the local authority. I am not aware of any legislative reform.

Mr. Costello: The Minister has promised such reform in the House.

Mr. Durkan: I realise the Ceann Comhairle has decided for some reason that he will not allow me to contribute and I am aware of the clamour on the Government benches to close down the Opposition——

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

Mr. Durkan: It is. If the Chair waited until I finished——

An Ceann Comhairle: The Chair is obliged to move on with the Order of Business and it is entirely at my discretion whom I call. I call Deputy Eamon Ryan.

Mr. Durkan: I am obliged to raise a point of order if the Chair disallows a valid intervention. It has become increasingly prevalent of late for Ministers to reply to parliamentary questions by way of a non-answer. One of those Ministers is present.

An Ceann Comhairle: That is not a point of order. I have called Deputy Eamon Ryan.

Mr. Durkan: If the Chair does not protect me and other Members, some other means will have to be found to do so.

An Ceann Comhairle: The first thing every Member has to do is treat this as a national, democratic Parliament, not a crèche.

Mr. Bruton: The Deputy is doing so.

Mr. Durkan: That includes everybody, including Government Members. As long as they——

An Ceann Comhairle: The Deputy should resume his seat because Deputy Eamon Ryan has been called to move First Stage of the Restricted Animal Testing Bill.

Mr. Eamon Ryan: I would like to raise an issue on the Order of Business first. The Minister for Communications, Marine and Natural Resources said——

An Ceann Comhairle: No, we have moved on.

Mr. Eamon Ryan: This is promised legislation.

An Ceann Comhairle: If the Deputy does not wish to move his Bill, he can wait until Tuesday week.

Mr. Eamon Ryan: I would like to raise an important issue on the Order of Business.

An Ceann Comhairle: We have concluded the Order of Business. It is almost 11.25 a.m. and the House must move on.

Restriction on Animal Testing Bill 2007: First Stage.

Mr. Eamon Ryan: I move:

That leave be granted to introduce a Bill entitled Bill entitled an Act to amend the law prohibiting the use of non-human primates in scientific research and other experimental activity.

An Ceann Comhairle: Is the Bill opposed?

Minister of State at the Department of the Taoiseach (Mr. Kitt): No.

Question put and agreed to.

An Ceann Comhairle: Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

Mr. Eamon Ryan: I move: "That the Bill be taken in Private Members' time".

Question put and agreed to.

Diseases of Animals Act 1966: Motion.

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

That Dáil Éireann resolves that section 17A (inserted by section 2(1) of the Diseases of Animals (Amendment) Act 2001 (No. 3 of 2001)) of the Diseases of Animals Act 1966

(No. 6 of 1966) shall continue in force for the period ending on 8 March 2008.

Question put and agreed to.

Prisons Bill 2006 [Seanad]: Report Stage (Resumed) and Final Stage.

An Ceann Comhairle: Amendments Nos. 20 and 21 are related to amendment No. 19 and all may be discussed together.

Mr. Howlin: I move amendment No. 19:

In page 18, between lines 8 and 9, to insert the following:

“(a) An Bord Pleanála,”.

This is an amendment to Part 4, which sets out new requirements relating to the construction and extension of prisons. We had a detailed debate on these matters on Committee Stage and the Minister explained that neither of the channels available, that is, going through normal local authority planning nor the processes introduced last year for strategic infrastructure, is appropriate for the planning of prisons. Two major prison developments are envisaged in the immediate future in north County Dublin and Cork. The Minister wants to introduce a regime that would do a number of things, the most important of which is to ensure his proposals are robust enough to be safeguarded against EU scrutiny of their environmental impact. He has incorporated them into this Part.

My concern is that the role of the Department and the Minister in this area is too direct. The Minister will explain that a division of the House will be required to approve a prison development, which will give it the ultimate seal of democracy. However, much is passed in this House without the greatest scrutiny and that pattern is likely to be repeated at least for the next few weeks, as evidenced by the Order of Business. I would like to ensure a development plan for a prison would be examined not only by the Department of Justice, Equality and Law in the context of its requirements and that of the criminal justice system and the Oireachtas, because very few of us are spatial planners or architects, but also by experts in this area. That is why my amendment proposes that An Bord Pleanála should be included in the parties listed under section 20 who will receive the environmental impact assessment.

An Bord Pleanála is the State planning authority and it has a nationwide remit. The current prison development plans relate to two large local authority areas, Cork and Fingal, both of which have reasonably developed planning authorities. Smaller local authorities might have limited planning expertise to deal with a major infrastructural plan and I acknowledge that was considered when this Part was drafted. However, at what

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point will expert planners be involved in this process?

Under section 19, the Irish Prison Service will appoint a person to prepare an environmental impact assessment. Will the Minister confirm that person will be an employee of a commercial company? Where in this process will an independent planning expert have an input? Where will his or her view be captured? Whatever about the requirements of the criminal justice system regarding prisons and the design issues, where will relevant planning issues such as the location of a prison and the appropriateness of the site and its development be determined? An Bord Pleanála is the only body with that residue of expertise. That is why I ask the Minister to take careful notice of the notion that the board should be included among the parties to receive the environmental impact statement.

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I do not propose to accept the amendment. An Bord Pleanála has clearly defined functions, principally in the area of appeals but also in regard to the referral of particular questions and applications. It does not have a role in the construction and extension of prisons and it does not have expertise that is special to it in that context. I specifically chose to introduce a separate clear and transparent planning process for new prisons because the construction of a prison can be a controversial issue and it is a matter of national importance. I would like to introduce a process that would involve widespread public consultation, as provided for in this Part.

Development plans introduced under it cannot proceed without the approval of both Houses of the Oireachtas and any scheme approved must be confirmed by an independent Act passed by the Oireachtas.

Mr. Howlin: Will that be done by statute rather than a motion?

Mr. McDowell: Yes. Given that Oireachtas approval is necessary, there is no clear role for An Bord Pleanála under this Part and I do not, therefore, see the point of serving notice of the development on the board. Nevertheless, section 20 provides that notice of the development shall be published in at least two newspapers and, under section 21, interested parties can make submissions or observations on the proposed development. An Bord Pleanála has other functions and its role is not to act as a watchdog on State developments when this House is being given that function.

Mr. Howlin: I regret the Minister read his briefing note because he normally listens to arguments from the Opposition and does not read such notes. I do not disagree that the framework he

has identified and set out is an improvement on the current framework. However, he has not answered my question. Perhaps my proposal to refer such plans to An Bord Pleanála is not ideal and I am happy to concede it if the Minister has a better proposal. Where will an independent planning expert be involved in this process? While the process is democratic in that the citizenry and, ultimately, the House will have an input, I have no planning expertise and, as a Member, I am not atypical. I cannot look at a development and say it is good or bad planning, that it fits into the national spatial strategy or that it is in a proper or a disastrous location. We need some planning input into a major infrastructural proposal of this scale. The notion that it is approved by this House, that it requires a statute or that local people have an input is all well and good but it does not answer the fundamental question, where is the planning expertise?

I disagree with the Tánaiste that An Bord Pleanála has no expertise in this matter because it clearly does. It ultimately determines all major developments going through the normal planning process. Under the current appeals process, very large developments are determined by it and under a recent statute, all compulsory purchases, for example, are determined by it. If the Tánaiste does not want An Bord Pleanála, fair enough. However, at what point will an independent assessment of planning, spatial planning and environmental implications from a planning point of view take place and by whom will it be done?

Mr. G. Murphy: I support Deputy Howlin on this issue. The whole planning process is very sensitive and our planners have expertise on a broad range of issues as a result of their experience and knowledge. Surely the input of professional people would be valuable.

Deputy Jim O'Keeffe tabled amendment No. 20, which is a simple one. It appears from section 20 that the Minister will give notice of development to everyone but the Oireachtas. This simple amendment will require the Minister to include the Houses in the notice sent.

Mr. McDowell: In regard to the notice, section 20(1) provides that on receipt of the documents mentioned in section 19(4), the Minister shall give notice of the development to the planning authority or authorities where the development is to be situated, to members of the public, to the Minister for the Environment, Heritage and Local Government and, if the development or any part thereof is adjacent to the foreshore, to the Minister for Communications, Marine and Natural Resources. However, the important point is that subsection (2) goes on to provide that the Minister shall cause a copy of the notice to be laid before each House of the Oireachtas, so all Oireachtas Members will be notified of it.

The widespread public consultation process will then be the subject matter of a process which

involves the appointment of a rapporteur under section 23. The rapporteur is supposed to analyse all the submissions received and put them before the Minister who——

Mr. Howlin: I raised this point on Committee Stage. There is no criteria in the Bill in regard to the rapporteur. The Tánaiste could appoint me as rapporteur under the Bill. What class of individual does he envisage as rapporteur?

Mr. McDowell: Somebody competent to synthesise——

Mr. Howlin: Would it be a planner or an official?

Mr. McDowell: It would have to be somebody who would be competent to synthesise the submissions and the environmental impact assessment and to put a report in the Minister's hands. The Minister is then obliged, under section 23(5), to publish the rapporteur's report. That will also be in the public domain and available to all Members of the Oireachtas. We can tie ourselves in knots on all this but the truth is this is a very open process. It is far more open than any equivalent planning process.

Mr. Howlin: I can see that. Has this Bill already gone to the Seanad?

Mr. McDowell: Yes.

Mr. Howlin: I would have tabled another amendment on the definition of "the rapporteur" because it would safeguard the issue if we included a definition of the category of people who should be the rapporteur. If I thought there was an independent individual trained in spatial planning and planning matters who would synthesise all this — to use the Tánaiste's word — I would be happy. As I cannot table an amendment, perhaps the Tánaiste might at least bear that in mind when selecting the individual to be appointed since I take it he is going to act on the legislation rather speedily.

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

Mr. Howlin: On the basis the Tánaiste may well be impressed enough to take on board at least the gist of what I want, I will withdraw the amendment.

Amendment, by leave, withdrawn.

Amendments Nos. 20 to 22, inclusive, not moved.

Mr. Howlin: I move amendment No. 23:

In page 23, between lines 41 and 42, to insert the following:

"(2) Where immediately before the commencement of this section a person held office as Inspector of Prisons, he or she shall become and be the first Inspector of Prisons pursuant to this section upon such commencement."

We had a debate on this issue and I will not rehash or re-quote some of the things I said on Committee Stage. This is a simple amendment which states: "(2) Where immediately before the commencement of this section a person held office as inspector of prisons, he or she shall become and be the first inspector of prisons pursuant to this section upon such commencement."

I tabled this amendment to ensure there is not a lacuna in terms of the continuation of work. Presumably, the current inspector of prisons is already engaged in inspection and in the correlation of data and it would be appropriate to have a date of conclusion which would perhaps coincide with the presentation, or conclusion, of a report.

I also wish to express the gratitude of this side of the House, and I am sure of the Tánaiste's side too, for the work done by the incumbent inspector, Mr. Justice Kinlen. He has made an extremely valuable contribution to the debate on prisons, some of which was critical. It was critical of all of us, including the Department, the Irish Prison Service, the Minister on occasion and of the Oireachtas. We all share in the responsibility for the state of some of our prisons and the lack of proper scope for people to ensure they spend their time constructively in prison and that there is a real prospect of them emerging not further entrenched in criminality but on the path to a normal citizen's existence. We owe a debt of gratitude to Mr. Justice Kinlen and for that reason, it would be appropriate that he continue in office for a period of time after the office he currently holds on a non-statutory basis is formally put on a statutory one.

Mr. McDowell: I share completely the views the Deputy expressed about the current inspector. I very much admire Mr. Justice Kinlen and I am very grateful to him for all the work he has done as inspector of prisons. Anybody who argued that his job was lacking in independence need only look at the record to see that he is certainly not the cat's paw of any Minister or, in any sense, inhibited in what he says. He has served the country extremely well as inspector of prisons.

On the Deputy's amendment, I do not want to be in a situation whereby the legislation automatically puts the inspector into a position on the commencement of the new section. That is not appropriate in the circumstances but it is my hope that he will serve a further period in office as inspector.

The inspector's job is very important. There are aspects of the prison system and its management

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which need not simply inspection but radical reform. Things are happening in our prisons — one need only look at one's newspaper — which require dramatic change. It is important our system of inspection is robust and in a position to give the public a very clear picture of what is happening. However, inspection is not enough and change is needed.

Now that we have solved the overtime issue and are making decisions about infrastructure, we must get on with the business of humanising our prisons and turning them into rehabilitative places rather than purely punitive ones.

Undoubtedly, in many locations our prison system is so physically arranged as to be at best neutral and at worst helpful to the spread of crime, which is sad.

Mr. Howlin: I genuinely welcome the Tánaiste's comments in respect of Mr. Justice Kinlen. Moreover, I recall doing radio interviews on the state of the prisons in the immediate aftermath of the dreadful circumstances surrounding the death of Mr. Gary Douch. The telephone calls received by some radio stations showed a complete disinterest in the conditions into which people are placed. Unfortunately, the attitude that they should be locked up and forgotten about was expressed too frequently and strongly. This is causing significant harm to society because recidivism is very strong. We must have a proper rehabilitation system that gives real prospects to those who have committed crimes to follow a path after prison of not re-offending and not returning to prison in a revolving door mechanism.

Although this point sometimes gets caught in the debate on how strong Members are as they flex their muscles on the criminal justice system, too many people are put in prison. Many people in the prison system are imprisoned for very short periods for relatively minor crimes and sometimes for non-payment of fines. I am aware all these matters are on the Tánaiste's agenda and Members must deal with them in the House in a collective way. However, I would certainly engage with the reforms signalled by him and Members should have the opportunity in future to ensure the prison system's character changes in the manner described by the Tánaiste.

Amendment, by leave, withdrawn.

Aengus Ó Snodaigh: I move amendment No. 24:

In page 23, between lines 41 and 42, to insert the following:

“(2) All appointments under this section shall require the approval of the Oireachtas and shall be subject to a transparent, open and merit-based selection process and shall involve published criteria for selection.”.

I intend to discuss amendments Nos. 24 to 26, inclusive, together.

An Leas-Cheann Comhairle: As they are related, amendments Nos. 24 to 26, inclusive, will be discussed together.

Aengus Ó Snodaigh: I apologise for not being present in the Chamber earlier as I was detained elsewhere.

In respect of two of these amendments, having read the proposals of the Jesuit Centre for Faith and Justice on this issue, I adopted a number of its suggestions, which were reasonable. Their acceptance would not tax the Tánaiste too much. Amendment No. 25 is intended to ensure the Minister did not appoint someone for a single year only by specifying a term of office. This would ensure someone could get to grips with this onerous job. He or she would have time to read him or herself into the job and to build up some credibility on the issues, which would allow the inspector to be approached by prisoners, prison officers, governors and the Minister to examine certain issues. Moreover, given the number of prisons, I do not believe that someone could fulfil the role fully within a term of less than three years.

Amendment No. 26 states “The Inspector of Prisons shall be provided with the staff and resources commensurate with the functions and duties outlined in this Act”. This is simply to ensure the role of Inspector of Prisons has an office associated with it, which can deal with the workload in a proper and expeditious fashion to avoid delays in reporting.

Amendment No. 24 is intended to ensure the Houses of the Oireachtas have a greater say in making appointments and that such appointments are made on a merit-based selection process. This is a standard amendment in the case of ministerial appointments so that rather than the Minister simply selecting someone, such selections should meet with the approval of the Houses and that a mechanism would exist whereby people can see it does not constitute cronyism. While I do not suggest the Minister has been so involved, in the past the public has looked on some appointments on that basis. The amendment is to ensure those selected are the best possible candidates available for the job and that party politics does not enter the equation in this regard.

Mr. McDowell: I am grateful to the Deputy for tabling these amendments. As for appointments, I am glad the Deputy has acknowledged that I have not engaged in cronyism. I wish to make clear that the office of Inspector of Prisons is an important public role and the person who takes it is expected to be independent in the discharge of his or her functions. I do not believe any successor of mine would appoint an unsuitable person. However, it is sometimes difficult to induce suitable persons to enter their names into a com-

petitive process. If the process is open and transparent, the fact that one might be rejected or whatever makes it difficult to induce people to come forward. This is a highly significant problem. If one wants to get someone good to do a job, one cannot ask that person to accept the job and state that although one wants him or her to do it, he or she will be obliged to go before a transparent process and engage in a competition with others; and that the newspapers will find out about it and would discover whether the person was rejected. Many suitable people will decide they do not wish to go through such a process and do not wish to have the public querying the reason they were unsuccessful. Consequently, we should retain the current position.

Moreover, since my appointment as Minister for Justice, Equality and Law Reform I have been extremely careful, in all appointments that I have made, to be free from political bias. I have appointed people of all political opinions and of none to various positions. In such circumstances, it would be a mistake to require all appointees to undergo a competitive process that would involve public awareness that people had applied for a job and had been rejected for it. This would result in a lesser standard of appointee.

The Deputy suggests there should be a minimum term of three years and a maximum term of five years. I am against this because there may be occasions on which someone who is doing a good job requests a further year or whatever. Alternatively, someone such as a High Court judge who may be available in 12 months' time may ask to keep the post open for him or her for a short time. The flexibility that would be lost with the acceptance of a minimum term is invaluable.

As for staff and resources, such a statutory provision is not required. Were the inspector to find that his or her statutory resources are inadequate, he or she can say so. There would be strong pressure on the Minister to do the right thing by the inspector. A point in favour of the current incumbent is that he maintains an extremely lean operation. Inspection requires no more than a small and lean bureaucracy surrounding it and the main thing is that inspections should be carried out. This requires personal inspections on the part of the Inspector of Prisons, as inspections by persons other than the inspector would carry less weight.

I echo what Deputy Howlin stated about the Gary Douch death which, as the Deputy knows, caused me profound anxiety and worry and it is with regard to such issues that we must remember the role of the inspector is important. The "lock them up and throw away the key and who cares how they suffer" mentality is counter-productive because almost everybody comes out sometime and if they are treated in a sub-human way or we allow them to be treated by other prisoners in a sub-human way, we will pay the price afterwards. This is why we must have a decent standard in our prisons.

Mr. G. Murphy: I have certain sympathy for the sentiments behind amendment No. 24. However, I accept the Minister's statement that it may be difficult to get suitable people to take the job if competition is involved. Under the US system, the Administration makes an appointment and the person then appears before a committee of the House. Such a system whereby the person would come before the appropriate committee of this House would be a compromise. It would clearly acknowledge the democratic role of the Oireachtas but would not create the competitive situation about which the Minister is justifiably concerned.

Mr. Howlin: It is not debarred.

Mr. McDowell: It is not prohibited.

Amendment, by leave, withdrawn.

Amendments Nos. 25 and 26 not moved.

An Leas-Cheann Comhairle: Amendments Nos. 27 to 33, inclusive, and amendments Nos. 39 to 41, inclusive, are related and may be discussed together.

Aengus Ó Snodaigh: I move amendment No. 27:

In page 24, line 15, after "Prisons" to insert the following:

" , his or her staff or persons authorised by the Inspector of Prisons,".

I will not labour these points. As I stated previously, a number of amendments came from reading the Jesuit Centre for Faith and Justice proposal. These are intended to strengthen this section of the Bill and ensure the inspector has the power to do his or her job adequately and properly without impediment. This is concerned with the staff, inspections of prisons and ensuring each prison or place of detention is inspected annually and that people have full access to copies of books, records and other documents required for them to carry out their duties and have access to prisoners and members of prison staff.

Mr. McDowell: I do not want to get into too much detail on how the inspector is to carry out his or her functions. The Bill as devised states that the inspector is obliged to carry out regular inspections of prisons. Under section 31(2), the inspector is authorised to investigate any matter arising out of the management or operation of a prison and to submit to the Minister a report on such investigations.

It would not help to put the inspector into an administrative straitjacket as to what and how regularly he or she should carry out those functions. The current inspector does a good job and chose a good cycle of inspections. The powers

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and statutory framework within which the current inspector carries out his functions are adequate.

Amendment No. 31 tabled by Deputy Ó Snodaigh proposes that a person can raise any matter of concern in the course of an inspection or arising from an inspection. I will accept this amendment.

Aengus Ó Snodaigh: I will withdraw or not move most of the other amendments in my name.

Amendment, by leave, withdrawn.

Amendment No. 28 not moved.

Aengus Ó Snodaigh: I move amendment No. 29:

In page 24, line 18, to delete “obtain from the governor a copy of any record” and substitute the following:

“request and obtain from the governor a copy of any books, records, other documents (including documents stored in non-legible form) or extracts therefrom”.

Amendment agreed to.

Amendment No. 30 not moved.

Aengus Ó Snodaigh: I move amendment No. 31:

In page 24, line 20, after “inspection” to insert “or arising out of an inspection”.

Amendment agreed to.

Mr. McDowell: I move amendment No. 32:

In page 24, line 22, after “the” where it secondly occurs to insert “Irish”.

Amendment agreed to.

Amendments Nos. 33 to 40, inclusive, not moved.

Mr. G. Murphy: I move amendment No. 41:

In page 25, between lines 8 and 9, to insert the following:

“(8) Any person referred to in *subsection* (7) who fails, without reasonable excuse, to comply with a request for information from the Inspector, made in the performance of his or her functions, shall be guilty of an offence.”.

This amendment creates a specific offence of failing to co-operate with the inspector. This is important in terms of supporting the work of the inspector, who has an extremely onerous task.

Mr. McDowell: I appreciate the Deputy wants to make it clear through a message from this House that the inspector’s demands are to be complied with, but I could have a HR problem with the people involved if I go down the road of criminalising people. I might find that lawyers would be involved——

Mr. Howlin: The Tánaiste can be certain of it.

Mr. McDowell: ——in a way which would be difficult.

Mr. Howlin: I understand the Minister’s response. However, it is a good point. What procedures are in place to ensure everybody co-operates fully with the inspector in carrying out his or her duties which will be statutory duties under the Act? I thank the Tánaiste for circulating the draft prison rules and I must make the terrible confession that I did not read all of them since receiving them yesterday. Will this co-operation be on the basis of these rules or contracts of employment? Since the Minister states he does not want to put it on a statutory basis, on what basis will it be? How can we be assured that everybody will co-operate with the work of the Inspector of Prisons which we will put on statutory basis?

Mr. McDowell: I am not in a position to answer off the top of my head as to whether the prison rules as drafted provide for it. I will undertake that we will insert a paragraph in the rules to mirror section 31(7).

Amendment, by leave, withdrawn.

Amendment No. 42 not moved.

Aengus Ó Snodaigh: I move amendment No. 43:

In page 25, line 14, after “prison” to insert the following:

“transport vehicle, court cell or other such places used for temporary detention of a prisoner, which has been”.

Mr. McDowell: I appreciate what the Deputy is driving at. To be honest, transport vehicles could involve Garda cars and vans being inspected, and the amendment could also require the inspector to go to all the courthouses around the country to look at cells there.

Mr. Howlin: They will all be closed down.

Mr. McDowell: Courthouse accommodation is being upgraded.

Mr. Howlin: Recently?

Mr. McDowell: There is no rehabilitative aspect in those courthouse cells. Most of them are now up to a good standard.

Mr. Howlin: They are very temporary.

Mr. McDowell: They are very bare and temporary and are simply places where a prisoner sits for a very short period. They are not a prison and are effectively under the jurisdiction of the Courts Service. I do not want to extend the inspector's role to that particular semi-State organisation.

Amendment, by leave, withdrawn.

Mr. G. Murphy: I move amendment No. 44:

In page 25, to delete lines 28 to 30 and substitute the following:

“(3) The Minister shall, within 3 months of receiving a report under this section, cause a copy of it to be laid before each House of the Oireachtas.”.

This type of amendment has been put forward by Fine Gael with many Bills, seeking to set down a specific timeframe whereby the Minister will have to lay a report before the Oireachtas. I am not suggesting the current Minister would delay putting a report before the Houses for any reason.

Mr. Howlin: The Deputy would be right to suggest it.

Mr. G. Murphy: It is appropriate that we should have a definite timescale so that a Minister could not be tempted to delay the publishing of a report for political or other reasons. From that perspective this amendment is worthwhile.

Mr. Howlin: I support the amendment. The Tánaiste will recall that we discussed this matter on Committee Stage and if I recall correctly, the potential problem was if there was adverse comment, the Minister of the day would have to ensure proper constitutional function and people would have a right to respond. Legal advice might be needed in regard to expunging part of the report, and then there would be a question of whether it would be the same inspector's report. This was the experience in at least one report that was delayed.

The Oireachtas would understand if there was a reason for a delay, but there must be some timeframe in law. Otherwise my experience has been that Departments take it less seriously if there is no binding statutory provision that a report be presented to the Houses, or a reason be given for it not being presented. Often these issues fall off the agenda and important matters are not brought into the full light of day in a timely manner.

What the Tánaiste intends in this legislation is to have an annual report conducted in good time

and presented to him in good time on a regular basis. The final step is to have the report published in good time on a regular basis. One would know there is a certain month in the year when the report of the inspector of prisons would be published.

Mr. McDowell: There has been no undue delay in the publication of reports, with the exception of one incident where there was a disagreement on the content of the report. This was not from the perspective of its criticism but on the question of whether it was legal to be published in the form I received it.

When these reports come in, it is reasonable for Department officials to read and consider them.

Mr. Howlin: Even for the Department of Justice, Equality and Law Reform, three months should be enough.

Mr. McDowell: They should be in a position to draw to the Minister's attention aspects of the report that are critical.

Mr. Howlin: Absolutely.

Mr. McDowell: If there is an aspect relevant to Government, the Minister should be in position to notify the Government that a particular report could have national or governmental significance. With the way bureaucracy works, a period of between eight and 12 weeks for the report to be digested and considered at the appropriate levels is reasonable. It is reasonable for the Minister also, if there is something egregious in a report before publication, to be in a position to go to the Prison Service and ask what is going on.

Mr. Howlin: That is all we want.

Mr. McDowell: Sometimes the Minister might have to wait for a response. The day the report is published the Minister will be asked what the response is to it.

Mr. Howlin: Absolutely.

Mr. McDowell: If, for instance, there is an indictment of the prison system, the Minister should be in a position to have the other side of the story heard before he or she comments. One cannot just reply “I do not know” to whether an issue is right or wrong and look to find out if a matter is true or false. The public will not accept a Minister looking for time to answer such a question.

Mr. Howlin: How long would the Tánaiste suggest?

Mr. McDowell: Between eight and 12 weeks is sufficient.

Mr. Howlin: That is all that is being asked for.

Mr. G. Murphy: That is all we are asking.

Mr. McDowell: There may be some particular reason. For example, there could be significant criticism of a particular governor.

Mr. Howlin: Explain that to the House.

Mr. McDowell: In that case, I would feel at the very least that I would have to be in a position to explain to the governor that this is coming down the tracks and that I would publish the report because it is in the public interest for it to be known. The governor would have the opportunity to tell his or her side of the story before I am asked to comment in public. This is reasonable and otherwise we could just say that the inspector can press a button and put it up on the Internet.

Mr. Howlin: No, that is not suggested at all.

Mr. McDowell: No, but I am just indicating the other extreme. I am not suggesting it should be done.

The three-month period is the norm but I do not propose to put it into legislative form. It is a reasonable period of time and it will only be in exceptional circumstances when it will not be met. For example, there may be injunctions etc. placed against the publication of a report.

Mr. Howlin: That would be that then. If there is an injunction, there is an injunction.

Mr. McDowell: They would be exceptional reasons. I do not want to put in place a statutory limit because it is unnecessary.

Mr. G. Murphy: I cannot accept the Minister's explanation. If there is a court injunction it would supersede the legislative provision, and if a court indicates the report cannot be published until a certain time, it will not happen, irrespective of what is in legislation.

Mr. Howlin: Of course.

Mr. G. Murphy: The Minister has pointed out that there may be very serious issues in the report to be dealt with. If they would be so serious, they would need to be dealt with in a short period of time and could not be left to drag on. The Minister is suggesting three months is adequate and there is no reason that cannot be contained in legislation.

Mr. McDowell: If there were any abuse of this or dilatory behaviour, the inspector is always in a position to indicate publicly that the Department is sitting on the reports. If the inspector makes such a statement, the Minister will be in the dog house. There is goodwill in these matters. If the inspector expects the reports to be acted on,

absorbed and appreciated by the system of Government, the provision of a reasonable period of time is essential.

The policy is that the report should be digested and published as soon as is reasonable. I do not wish to put an exact number of days on it.

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

Amendments Nos. 45 to 48, inclusive, not moved.

Mr. McDowell: I move amendment No. 49:

In page 29, between lines 5 and 6, to insert the following:

36.—(1) A prisoner who, without the permission of the governor of the prison, possesses or uses a mobile telecommunications device, or a person who supplies such a device to a prisoner without such permission, is guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding €5,000 or imprisonment for a term not exceeding 12 months or both, or

(b) on conviction on indictment, to a fine not exceeding €10,000 or imprisonment for a term not exceeding 5 years or both.

(2) *Subsection (1)* applies also to a prisoner while in custody outside the prison.

(3) In this section "mobile telecommunications device" includes a component of such a device.

This is an amendment I indicated on Committee Stage I intended to introduce.

Prisoners are already prohibited from possessing mobile phones. As Deputies are aware, there are increasing concerns that mobile phones are being used by prisoners in contravention of the rules and, much more seriously, to direct or assist in criminal activities outside the prison. There should be no need, except in very limited circumstances, for a prisoner ever to have a mobile phone in his or her possession.

I therefore bring forward this amendment providing that possession or use by a prisoner of a mobile phone without permission or supply of a mobile phone shall be an offence. A person found guilty of this offence shall be liable, on summary conviction, to a fine not exceeding €5,000 or imprisonment for 12 months, or on conviction on indictment to a fine not exceeding €10,000 or imprisonment for a term not exceeding five years.

I have borrowed the phrase "without the permission of the governor" so that certain exceptions can be made. For example, the governor might allow a prisoner the temporary possession of a mobile telephone to receive an urgent call if

there had been a death in the family, as part of a work training programme or if the prisoner was assembling parts of the telephone during a training exercise.

The expression “mobile telecommunications device” is being used to encompass technological advances in so far as possible. Possession of a component of such a device is also to be prohibited. Deputies will appreciate that there is a pattern involving individual prisoners with sim cards that can be installed in a mobile telephone hidden somewhere on the prison estate, enabling them to have private conversations over the mobile telephone network in a way that was not contemplated.

This is not an effort to be draconian; it is an effort to protect people outside the prison system from criminal activity directed from within it and to regulate and keep good order in the prison system. It is an effort to ensure the security of the system is maintained and that arrangements are not made, for example, for the introduction of drugs or alcohol. There have been recent indications that alcohol is being supplied to prisoners in contravention of prison rules, which I regard as a serious matter. It is not that I am a puritan on the subject of alcohol, but if a pattern of supply of alcohol within prisons by persons working within the prison system is tolerated, it will have a corrupting effect on the system. Both drugs and alcohol must be kept out of the system in all circumstances and without exception.

Mr. Howlin: I am interested in this amendment, which the Tánaiste signalled on Committee Stage. Reports of drug overlords, to use a hackneyed phrase, running their drug empires from their prison cells are of serious concern. I do not know whether these reports are urban myths or the reality, but perhaps the Tánaiste is in a position to provide the House with some details on the extent of the organisation of crime from prisons using mobile technology. I do not know how much of this matter has been exaggerated by the media, but I would be interested in hearing the Tánaiste’s assessment. Judging from the legislative measure proposed, which seems to be a response to a reality in the prison system rather than a preventative provision, I take it the matter is of serious concern.

On this amendment, which we have just seen for the first time, the Tánaiste has given the exemption of “without the permission of the governor of the prison”. Does this phrase have further meaning? If the governor was sick, absent or away on holiday, is there an understood mechanism to deal with the issue, namely, a devolution of responsibility, or would it be *ultra vires* for someone else to give such permission in the event of an emergency? In most instances, the prisoner would be given access to a landline rather than a mobile telephone.

As we are enshrining a criminal offence, the possession of what other device or implement

would constitute a criminal offence? Presumably, it is a criminal offence for a prisoner to have drugs. Is the prisoner punished under the rules of the Prison Service or prosecuted on the basis of a unique criminal offence? I presume the possession of an offensive weapon is also a criminal offence. Are these cases punished as criminal offences or are they captured by the prisons’ disciplinary systems? Is this a stand-alone issue or is it part of a broad compass of criminal law relating to the possession of prohibited materials and goods by a prisoner?

Aengus Ó Snodaigh: I will not delay. The extent of the fines and the terms of imprisonment suggested for someone found in possession of a mobile telephone are bizarre. It would be different were someone found to be threatening a person, organising criminal acts or arranging the supply of drugs, but we are discussing the possession of a mobile telephone.

Mr. Howlin: That is right.

Aengus Ó Snodaigh: The term of imprisonment of up to five years is substantial. I understand the concerns of the Tánaiste and others because the issue has been aired in the media. I do not disagree with the Tánaiste, but the scale of the imprisonment or fines is out of proportion to the act of possession.

If someone is organising a criminal gang or the delivery of drugs via mobile telephone, he or she should be prosecuted. We have a greater ability to monitor mobile telephone communications, an option the Garda should examine. Removing the mobile telephones supposedly in the prison population could be done by allowing greater accessibility to other telephones, which are monitored by prison officers or recorded to ensure nothing untoward is being done.

The supply of alcohol or drugs arranged via mobile telephones would be subject to similar provisions because it is an identifiable crime that can be dealt with. Alcohol is supplied from outside the prison. From anecdotal evidence, prisoners have a long tradition of producing alcohol.

Mr. Howlin: Home brew.

Aengus Ó Snodaigh: Hooch. It has a greater effect.

Mr. Howlin: That is a young person’s shot.

Aengus Ó Snodaigh: Yes, but from what I have heard, one would not drink the stuff in prison if given a choice.

Mr. Howlin: I would not drink it either.

Aengus Ó Snodaigh: One could lose one’s eyesight. Prison alcohol has health and safety implications for prisoners. Under prison rules, gover-

[Aengus Ó Snodaigh.]

nors and prison officers do not take the matter of alcohol in prisons lightly.

The provision is strange and came out of nowhere, as I was not aware that the Tánaiste was examining the matter. Perhaps we should reconsider the extent of the fines and the potential for five years imprisonment.

Mr. McDowell: To be historical, prison rules provide for wine and so on to be sent to certain classes of prisoners. Those rules have fallen into desuetude and will be brought to an end, as the new prison rules will prohibit alcohol. There are good reasons for this, as alcohol in prisons affects the security and safety of prisoners seriously, starts rows and so on.

While I take Deputy Ó Snodaigh's point about hooch, it is an urban myth cultivated to cover up the fact that alcohol is smuggled into prisons. In those circumstances, it is easier to say that someone was drunk due to something he or she did in prison instead of saying that smuggling had taken place. The definition of "governor" in section 2 of the Act means the governor of a prison or an officer acting on his or her behalf. It means there is not a lacuna if the governor is on holidays. I do not want to say much here about the use of phones for the purpose of directing crime, but will talk privately to the Deputy afterwards. I am absolutely satisfied, however, that this is not an unreal threat, but I will not go further than that.

Mobile phones——

Mr. Howlin: Has the Minister examined the notion of an electronic barrier?

Mr. McDowell: We are in the process of installing counter measures in prisons, but I do not know whether they will be 100% effective or if ways may be found to get around them.

Mr. Howlin: This is a very important point. It might be difficult to black out reception, say, in Mountjoy, because of its proximity to a hospital and its location. However, people who are suspected of using telephones should be moved to a prison where blocking technology is more effective.

Mr. McDowell: That is a good point. I am not unmindful of those points.

Aengus Ó Snodaigh: It affects prison officers' phones as well.

Mr. Howlin: What of it?

Mr. McDowell: Yes, but prison officers are not supposed to have phones with them while on duty, so that is another point. They are tough penalties, but if they were not, on indictment, we would have problems arresting people who were attempting to smuggle phones into prison because the supply clause in section 36(1) applies

to persons supplying a device to a prisoner without such permission. A person who attempts to do that will be indicted under the 1997 Act as an aider, abettor, counsellor or procurer and is liable to be punished for five years- and liable to be arrested and detained. That is why those penalties are provided to that extent.

Mr. Howlin: Is this a unique event or are there routine prosecutions for the other——

Mr. McDowell: I should have said the criminal law applies both inside and outside prison.

Mr. Howlin: Of course it does, but as a matter of routine is it applied?

Mr. McDowell: There is a provision in the rules that the Minister can issue directions as to whether a governor shall be under a duty to report an incident to An Garda Síochána for investigation or whether an offence has been committed under the Criminal Law Act 1976 or under this rule. There has to be discretion.

Mr. Howlin: It makes sense.

Mr. McDowell: If one prisoner throws a punch at another we cannot have——

Mr. Howlin: A Garda investigation.

Mr. McDowell: ——a situation where the Garda has to come in. There has to be discretion, but obviously in relation to serious offences the Garda should be called. It is a matter of judgment for the individual governor as to whether it is appropriate to bring the Garda in, because prisoners can be punished for minor infractions and for major infractions. A prisoner, for instance, who is found in possession of an improvised weapon, technically commits an offence under the law relating to offensive weapons. That prisoner might just be sent to Cork prison to spend three weeks there in a secure facility. It is a matter of choice for the governor to determine which way he or she will operate.

Amendment put and declared carried.

Amendment No. 50 not moved.

Aengus Ó Snodaigh: I move amendment No. 51:

In page 31, between lines 14 and 15, to insert the following:

“42.—The Minister for Justice, Equality and Law Reform shall make the necessary provisions for the closure of St. Patrick's Institution.”

This is taking the opportunity for the Prisons Bill to deal with St. Patrick's Institution. We have heard about the need for its closure over the

years and the mechanism indicated in this amendment will ensure it is closed. It should have been closed many years ago. Those of us who visited the prison as delegates from the Joint Committee on Justice, Equality, Defence and Women's Rights — we visited Mountjoy and the Dóchas Centre as well — were aware of the problems at that stage and that was a number of years ago. The situation has not got any better. At this stage the Minister needs to make provision for its closure. I am asking that this amendment be included in the Bill so it happens forthwith.

Mr. Howlin: I support the call for the closure of St. Patrick's Institution. There is not a Member of this House who does not agree with that, but it has gone on and on. I notice we have already lauded the Inspector of Prisons, Mr. Justice Kinlen. Repeatedly in his reports, and again in 2005, he has called for the closure of St. Patrick's Institution. He described it in his 2005 report as "a finishing school for bullying and developing criminal skills". I cannot imagine anything more shocking than the Inspector of Prisons, a former High Court judge, whom we all acknowledge as a person of substance, describing one of the institutions in which we incarcerate young people as a finishing school for bullying and developing criminal skills. A short timeframe must be laid down for the closure of this institution.

Mr. McDowell: I am grateful to the two Deputies for raising the issue of St. Patrick's Institution. Following a review of the youth justice system, the Government agreed in December to a number of reforms, including amendment of the Children Act 2001, which has since been included in the Criminal Justice Act 2006, and the establishment of an Irish Youth Justice Service. The issue of the accommodation of juvenile offenders in child detention schools comes within the scope of those reforms. As of 1 March 2007, responsibility for all child detention schools, for the detention of children under the age of 16, has transferred from the Department of Education and Science to the Irish Youth Justice Service, which is an executive office in the Department of Justice, Equality and Law Reform under the political management of my colleague, the Minister of State, Deputy Brian Lenihan.

All young female offenders in detention up to the age of 18 will now also be detained in child detention schools. Young male offenders aged 16 and 17 will remain the responsibility of the Irish Prison Service until additional spaces have been provided for them in child detention schools. The construction of child detention school places, which can accommodate 16 and 17 year old males with the requisite facilities to provide care and education, will take a period of time to complete. As an interim arrangement only, males between 16 and 17 years are being detained in St. Patrick's

Institution, as provided for under the Criminal Justice Act 2001, as amended by the 2006 Act. No child under 18 may be remanded or sentenced to a period of detention in any other adult facility.

We are working to a three-year timeframe so that by 2010 we will be able to scrap the existing arrangements. In the complex at Thornton Hall, there will be an area for younger offenders. To replace some of the secure facilities that are needed at the moment, it is not possible simply to——

Mr. Howlin: What age group?

Mr. McDowell: Between 18 and 21 years is the plan. I have to have some segregated facilities for younger offenders there. My intention is to bring the use of St. Patrick's Institution to an end as soon as I can. I cannot do it in the context of not having facilities built at Thornton. That is why this Bill is so important to both of those projects.

Aengus Ó Snodaigh: I welcome the fact that some of the facilities will be in place by 2010. St. Patrick's Institution, as it is at present, is not suitable for children and is in breach of the most fundamental principles of child protection. That was recognised ten years ago or more and it is one of the scandals that we, as a society, have not dealt with this properly and speedily. At this stage that facility should be fully closed. However, a delay of three years is understandable, because obviously a building has to be constructed, fitted out etc. The quicker the better, and that is the purpose of the amendment.

Amendment, by leave, withdrawn.

Bill, as amended, received for final consideration.

Question proposed: "That the Bill do now pass."

Aengus Ó Snodaigh: Not agreed.

An Leas-Cheann Comhairle: Agreed.

Aengus Ó Snodaigh: It is not agreed.

Mr. Howlin: The Deputy will have to shout louder.

Aengus Ó Snodaigh: I am shouting it from the rooftops.

Question put and declared carried.

Electoral (Amendment) Bill 2007: Order for Second Stage.

Bill entitled an Act to amend the Electoral Act 1992 and the Electoral Act 1997 and to provide for related matters.

Minister for the Environment, Heritage and Local Government (Mr. Roche): I move: "That Second Stage be taken now."

Question put and agreed to.

Electoral (Amendment) Bill 2007: Second Stage.

Minister for the Environment, Heritage and Local Government (Mr. Roche): I move: "That the Bill be now read a Second Time."

This Bill represents a response to the judgment of the Supreme Court on 13 November 2006 in the cases of King, Cooney and Riordan. The judgment deals with the assentor requirements for the nomination of Dáil candidates who are not members of registered political parties. The net impact of the judgment is that no statutory mechanism is in place to regulate the nomination of such candidates standing for election. This must be addressed before this year's general election.

I will outline briefly the background to this problem before I speak about the detail and implications of the court decision. The assentor provisions for the nomination of candidates were enacted in 2002 to provide an alternative to election deposits. This followed the 2001 High Court judgment in the Redmond case which found the deposits system which had been in place throughout the history of the State to be unconstitutional. The assentor provisions, as enacted, required the nomination papers of certain Dáil candidates to be assented to by 30 people, excluding the candidate and any proposer, who were registered as Dáil electors in the relevant constituency. Each assentor had to sign the candidate's nomination paper which was usually lodged at the main local authority offices. These requirements were put in place as an alternative to the system whereby a certificate of political affiliation had to be attached to the nomination papers of members of registered political parties.

The State had several grounds of appeal to the Supreme Court in the recent cases. It was successful on all but one point. The court upheld the main requirement of obtaining 30 assentors to help to ensure the proper regulation of elections. It struck down the provision that required the personal attendance of all assentors in a single location in a constituency, however, on the basis that it could make excessive demands on the time of assentors. The court found that the provision was disproportionate to the objective it was trying to achieve, the due authentication of nomination papers. It, therefore, declared section 46(4B) of the Electoral Act 1992 to be unconstitutional. The statutory mechanism that regulated the manner in which such candidates stood for election is no longer valid in the light of the judgment.

Most parliamentary democracies try to regulate access to the electoral process in some way. It is

widely seen as necessary to discourage an excessively large number from contesting an election and prevent frivolous candidates from entering the field and making a mockery of the democratic process. The need to prevent too many people from contesting elections was endorsed on page 19 of the Supreme Court judgment which supports fully the right of the Oireachtas to legislate in this area:

The Court is satisfied, and considers it self-evident that the State has a legitimate interest in regulating the conduct of elections by law, subject to the Constitution, in the interests of, inter alia, protecting and maintaining the integrity and efficacy of the electoral process for Dáil Éireann as well as ensuring that those elections are conducted free from abuse and in an orderly fashion consistent with democratic values acknowledged by the Constitution.

The judgment continues, on page 21:

In the view of the Court the State has a legitimate interest, founded on rational considerations, in being concerned that the integrity of the electoral process is not tainted by frivolous candidates or a seriously excessive number of candidates on the ballot paper.

In Ireland the purpose of a general election is to elect members to Dáil Éireann in accordance with the Constitution, with a view to the formation of a Government. Elections must have a reasonable structure and coherence if voters are to be able to foresee what the impact of their votes might be on the eventual composition of the Dáil and if they are to exercise a meaningful choice towards that objective. If an overly large number of candidates were to contest an election, it might have an impact on the democratic right of voters to play a meaningful part in the political process. As always, a balance has to be struck. In this case, the balance is between providing for a reasonable test of the bona fides of a prospective candidate and not setting that test so high as to unduly restrict people from seeking election. Having considered the issues involved, I am proposing to the House the measures provided for in the Bill.

I would like to explain the overall approach being adopted in the Bill. Almost by its nature, electoral law is complex. It can be challenging to read and make sense of some of our existing electoral law. In the Bill I am trying to avoid, as far as possible, making isolated textual amendments to the law which are not easy for people to follow. I have decided to present to the House a continuous text dealing with nominations in general. I propose to insert the specific new provisions arising from the court judgment within that text. Such an approach will allow Deputies to place the new provisions in their proper legal context. It will result in a single text that can more easily be

understood and implemented. One of the considerable merits of this approach is that, unlike most other electoral legislation, it will provide a continuous narrative. If the Members of this House can be faulted for anything, we can be faulted for making changes in law which make the law less readable, understandable and coherent. The Bill repeals and re-enacts without amendment most of the existing settled law relating to nominations. I will highlight the new provisions proposed to meet the terms of the court judgment. It is not necessary for me to comment on the Bill's proposals which have been in place as statutes for a long time. At this stage in the electoral cycle our attention should primarily be on the limited new provisions we need to put in place before the upcoming election.

The Bill provides for two alternative ways of regulating the nomination of Dáil candidates who do not possess certificates of political affiliation. It provides, first, for assents requiring the completion of statutory declarations by 30 assentors in the constituency which may be witnessed by a commissioner of oaths, a peace commissioner, a notary public, a garda or a local authority official. This provision could hardly be wider — we did not include postmen and bus drivers because we wanted to contain it a little. Second, the Bill provides for a process, whereby the candidate, or someone acting on his or her behalf, can lodge a deposit of €500 with the returning officer in advance of the deadline for the receipt of nominations.

As regards the assents procedure, the move to the use of statutory declarations allows a much more flexible system to be put in place. Previously, each assentor had to travel to the local authority office to sign the candidate's nomination paper. Assentor signatures will now be on documents attached to a nomination paper, as opposed to being on the actual paper. This is one of the most open nomination systems in the developed world. I know of no other system in use in the developed world and particularly in other European countries which is more liberal.

The break in the physical link with the nomination paper allows for more flexibility in the time for assents to be obtained and the Bill avails of this opportunity. The five categories of authorised persons who may witness the statutory declaration will also ensure a wide spread of locations with easy access for assentors. For example, under the Solicitors (Amendment) Act 1994, every practising solicitor, of whom there are more than 6,000, has all the statutory powers of a Commissioner for Oaths. The form of statutory declaration will be prescribed by the Minister and relevant details of an assentor must be included on the declaration. An assentor will have to present prescribed photographic ID to the person who is witnessing the declaration.

I wish to explain the alternative of deposits. In lieu of obtaining 30 assents, a candidate may choose the alternative of lodging a deposit. If he or she does not do so, their candidature will be deemed to have been withdrawn. The provisions are similar to the previous deposit system which operated until 2001.

This is consistent with the Supreme Court judgment. Notwithstanding the High Court decision in the Redmond case that year, the thinking on a return to a deposit system is informed by comments of the Supreme Court and advice from the Attorney General. To be clear on this point, I will quote directly from the Supreme Court judgment — page 22 — where it refers to the deposit of £300 which was required under the Electoral Act 1992:

In contemporary Ireland it is difficult to comprehend how a sum anywhere in the region of £300 or its equivalent in Euro (or more if inflation is allowed for in the meantime) could be considered a disproportionate measure for such a legitimate purpose or to involve invidious discrimination, given the costs necessarily otherwise incurred by candidates and the possibility, at least in certain circumstances, of a refund of the deposit.

In further response to the Supreme Court judgment, the Bill provides that the candidate, or someone on his or her behalf, has the option of lodging a deposit of €500 with the returning officer before the deadline for receiving nominations. The sum of €500 is less than the figure introduced in 1992 if that figure were to be increased by the rate of inflation. It is significantly less than the figures which applied in this State from 1922 onwards when in the first elections in the history of the State, the deposit was £100 which is significantly more than the sum of €500.

In summary, candidates standing for the Dáil who are not in possession of a certificate of political affiliation may now choose which option best suits their own circumstances — either assents or deposits — to support their nomination. This represents a significant improvement on the previous arrangements and fully meets the relevant constitutional requirements. It is undoubtedly one of the most liberal arrangements in the developed world.

The Bill contains three sections. Section 1 is the main provision. It amends the Electoral Act 1992, as previously amended, by inserting sections 44 to 52 in substitution for the existing ones. These sections cover the nomination of all candidates for election to the Dáil and most of the existing, settled law in this area is being re-enacted without amendment. This produces a more coherent narrative. The amendments necessary to meet the terms of the Supreme Court decision are being incorporated, as appropriate, in the re-enacted

[Mr. Roche.]

sections so as to give a single text relating to nominations generally.

Section 44 restates the law on the giving of a public notice at a Dáil election by the returning officer. The public notice sets out the time and place for receiving nominations and related arrangements. A new section 44(b) requires details of the new assentor and deposit provisions to be included on the notice of election.

Section 46 contains the substantive provisions underpinning the two alternative mechanisms to regulate the nomination of Dáil candidates who are not in possession of a certificate of political affiliation. Section 46(5) is a new section. It provides specifically that either the assents or deposits system must be complied with before the expiration of the time for receiving nominations. A consequential provision is included in the new section 46(2)(b) relating to inclusion of details of the new provisions on the notes to the nomination paper.

The detailed procedures for assents are set out in the new section 46(6). The relevant details of the assentors to be included on the statutory declaration are the assentor's number and polling district letters on the register of Dáil electors in force at the time of assent, the address on the register, the contact details, the relevant Dáil constituency on the date of assent where he or she is registered, the name and address of the candidate and the form of prescribed photographic ID produced and any number on it. An assentor must confirm on the statutory declaration that he or she has not consented to the nomination of any other candidate in the election concerned.

Under the Statutory Declarations Act 1938, a person who knowingly makes a false or misleading statutory declaration is liable on conviction to a fine not exceeding €2,539 or imprisonment for a term not exceeding six months or both. However, given that the misbehaviour of an assentor could have a dire consequence for a candidate, I have introduced a new section 52(1)(c). This provides that a candidate's nomination will not be invalid where a person assents to the nomination of more than one candidate. A candidate could be quite innocent if an assentor decided to misbehave or to make a misstatement or false statement. It seemed to me that the candidate should not suffer disproportionately for the misbehaviour of an assentor. It could be somebody acting the clown or who deliberately decides to make two assents with a view to nullifying a nomination of a candidate. The candidate should not suffer for the fraudulent assentor but the fraudulent assentor can be punished for his or her false declarations. Statutory declaration forms will be available free of charge from registration authorities and returning officers.

An assent will be valid in respect of the constituency in which the assentor's address at the

time of assent is located. The assent may be made at any time but it may only be used at the next general election or by-election in the relevant constituency and it expires when the current register ceases to be in force, notwithstanding that no such election may have been held by then. This is a liberalising clause to ensure that nobody is unduly pressured for time on the issue of making the assent. Responsibility will lie with the candidate or proposer to attach the 30 statutory declarations to the nomination paper and deliver all the documentation to the returning officer by the deadline for receipt of nominations. Where there are more than 30 statutory declarations attached to the nomination form, the first 30 attached will be taken into account.

Under the new section 52(1)(b), a returning officer may rule as invalid a nomination paper from a candidate who has opted for the assenting alternative if the returning officer considers that the candidate has not complied with the relevant statutory requirements set out in the Bill.

Instead of obtaining 30 assents, a candidate may choose the alternative of lodging a deposit under the new section 47. A candidate, or someone on his or her behalf, may lodge a deposit of €500 with the returning officer before the deadline for receiving nominations. If a candidate chooses this option and fails to lodge the deposit with the returning officer by the relevant deadline, his or her candidature will be deemed to have been withdrawn.

I regard the amount of €500 as reasonable. It is significantly less than the £300 enacted in 1992 as updated by reference to inflation and it is dramatically less than the figure of £100 in the 1920s. Under the new section 48, the deposit will be returned to successful candidates, to those receiving votes in excess of a quarter of the quota and in certain other circumstances, such as withdrawal of candidature or death. Otherwise, the deposit will be forfeited.

Section 2 of the Bill amends the Schedule to the Electoral Act 1997 to ensure that travelling and other expenses that may arise for a candidate or an assentor in meeting the assentor requirements, and the amount of any deposit paid, will not be regarded as an election expense. Section 3 is a standard provision relating to Short Title, collective citation and construction.

To conclude, elections are fundamental to the operation of our democracy. It is incumbent on us, as legislators, to ensure they are conducted in a fair, orderly and open manner. Candidates who are not in possession of a certificate of political affiliation will, under the terms of the Bill, have a choice in the mechanisms they use to support their nomination. This is a balanced and proportionate response to the terms of the Supreme Court judgment. I commend the Bill to the House.

Mr. McCormack: The Bill responds to a judgment of the Supreme Court in the cases of three citizens versus the Minister for the Environment, Heritage and Local Government, the Attorney General and others. The cases challenged the assentor provisions requiring that the nomination papers of Dáil candidates who are not candidates on behalf of a political party registered in the register of political parties — in other words, independents — be assented to, by way of signing the nomination paper, by 30 persons, excluding the candidate and any proposer, who are registered as Dáil electors in the constituency concerned. There is an important distinction in this regard. The court upheld the main requirement for obtaining 30 assentors as well as other provisions but it struck down the provision requiring personal attendance by all assentors in a single location in the constituency. It is important that this is corrected in this amending Bill. The court found that the provision is disproportionate to the objective to be achieved, namely, the due authentication of nomination papers, and declared section 46(4B) of the Electoral Act 1992 unconstitutional.

Anyone should have foreseen at the time that it was putting a severe penalty on independents that they were required to have 30 registered members of the electorate with them in signing their nomination paper. We should not make it more difficult for independent candidates who wish to stand for election. The Minister in his contribution stated: “Having an overly large number of candidates could impact on the democratic right of voters to play a meaningful part in the political process”. That is his view.

Mr. Roche: I was referring specifically to what the Supreme Court had to say on page 20 of its judgment.

Mr. McCormack: I thank the Minister. In case there is any doubt in this regard, I would not share that view. Independents can often add to the effect of an election in a constituency. In Galway West, there were 20 candidates for five seats on the last occasion. I am sure all of those candidates believed when they handed in their nominations they had a reasonable chance of getting elected — perhaps they were right to do so. I support the view that it is not our duty in any way limit the number of candidates who would be willing to contest an election. That is what democracy is about.

With the Bill, candidates now have the option of lodging a €500 deposit or 30 signatures, which is reasonable and will allow many people to put their name on the ballot paper if they feel strongly about the Deputies who represented them since the last election. Many people feel strongly about either the benefit or lack of benefit to them from their Deputies. It is reasonable that

they would have a chance to put their names on the ballot paper and state they want to challenge Pádraic McCormack, Frank Fahey, Éamon Ó Cuív, Michael D. Higgins, Noel Grealish or anybody else in the next election — that is democracy.

Mr. McHugh: Or Fidelma.

Mr. McCormack: She cannot be challenged yet because she is not in the House. Perhaps after the next election, she might be in a position to be challenged. I am talking about people who think their Dáil representatives are not providing the service they deserve in the constituency. Such people should have the right to put their names forward at an election. We can then let the people of the constituency decide, which is what democracy is about. Let the voters in the relevant constituencies decide to elect a new candidate or to re-elect a sitting Deputy if it was thought he or she gave a reasonable service. That is fair enough.

We should not move to limit the number of candidates. Of course there will be candidates who stand on a particular issue, and some issue candidates have been elected to the Dáil — perhaps some of those present in Chamber as we speak were elected on a particular issue. That is positive. It is democracy. It is the right of the people to do this. It is also their right to put their name forward on a particular issue. However, if 20 candidates run for just five seats, and eight, ten or 12 of them are issue candidates, they cannot all be elected. It is a matter for the people to decide which of the candidates is standing on the most important issue, and they will then elect that candidate for the term of the next Dáil. I support the right of anybody to put his or her name on the ballot paper for elections.

The Bill, as the Minister stated, responds to a judgment of the Supreme Court on 13 November 2006 in the case where three citizens challenged the Minister for the Environment, Heritage and Local Government, the Attorney General and others. We are obliged as a result of the court case to bring in the Bill to alter the situation. The three citizens challenged the provisions in the Electoral Act 2002 that required the nomination papers of candidates who wished to contest elections to this House and who are not members of a political party be assented to, by way of signing the nomination paper, by 30 persons. I understand the Act which is now being amended meant 30 persons had to be present at the handing in of the nomination paper. This was overruled by the courts. Specifically, the Supreme Court ruled it was unconstitutional to expect non-party candidates to arrange for the 30 people who wish them to be on the ballot paper to travel to the relevant local authority offices and declare in person they would nominate that candidate. It was unreasonable, and should have been foreseen to be

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unreasonable, to have 30 people in one room to sign a nomination paper. That was over the top.

Fine Gael accepts that the law must be changed and it is the duty of the Oireachtas to correct the legislation. However, it would be remiss of the

1 o'clock Opposition not to hold the Government to account for drafting improper legislation that requires us

to pass this Bill. While it was not this Minister who introduced the legislation, he would be well placed to explain the legal advice his predecessor received when drawing up the Electoral Bill, now the Electoral Act, and steering it through the Oireachtas. To know what that advice was would be helpful to Members of the House, as well as members of the public. The Minister may also be well placed to inform us whether his Department was warned that the provisions relating to non-party candidates, as they are to be known on the ballot paper, were likely to be considered unconstitutional, which they have proved to be.

In accepting the need for the Bill, Fine Gael has one question for the Minister. The Bill states that under the Statutory Declarations Act 1938, a person who knowingly makes a false or misleading declaration is liable on conviction to a maximum fine of €2,539.48. Can the Minister provide further clarification on the exact implications of that? Fine Gael also wants to know what measures are being put in place to catch somebody who breaks the law in this area. There is plenty of law but not enough order in the record of this Government. Making laws is not enough — their implementation is vital. Somebody must take responsibility for the latest blunder by the Government and not spotting that such a simple condition would be unconstitutional. It is one more example of its dreadful record in handling elections.

It would be remiss not to refer to the debacle of electronic voting during the course of this debate, because I took a keen interest in the issue at the time. This Bill should have included a provision to eliminate the possibility of electronic voting being introduced. It is an electoral amendment Bill and was an ideal opportunity for the Minister so to do, although I am aware it addresses the decision of the Supreme Court.

That episode showed the entire political and electoral process in a very bad light. Taxpayers are paying exorbitant rates for the storage of useless electronic voting machines, thanks to a complete lack of direction from the Department of the Environment, Heritage and Local Government.

The revelation, on foot of a parliamentary question tabled by my colleague, Deputy Paul McGrath, that the State is paying wildly different annual rates for storage, from nothing in Sligo to an average of €1.65 per machine in Louth to an incredible €271.22 per machine in Waterford. The Acting Chairman is from Waterford and I cannot understand how storage can be so much more

expensive in Waterford than Sligo, or than the national average. Perhaps it is because it is the constituency the former Minister for the Environment, Heritage and Local Government represents but one would think he could have shopped around for a cheaper place in Waterford. The Government should call off the whole exercise and sell the machines to somebody who could use them or keep them as souvenirs.

In early December 2003 I was a member of the Joint Committee on the Environment and Local Government which expressed serious reservations to the Minister about the rush to proceed with electronic voting without carrying out the necessary safety checks. To try to advance the matter the committee invited independent experts, officials from the Department of the Environment, Heritage and Local Government and the Dutch company which manufactured the machines to a meeting on 18 December 2003.

The early part of the meeting was very informative. Very useful exchanges of views took place and some searching questions were asked. The independent IT experts posed 41 questions to the departmental officials and experts on behalf of the manufacturers. We adjourned for lunch with the intention of continuing in the afternoon for the rest of the day with a view to getting answers to those serious questions. The Minister, Deputy Cullen, was not present for the early part of the meeting but I am sure he was in touch with developments. Whatever transpired during lunchtime, when we returned the Government representatives on the committee immediately proposed we end the discussion and give the Minister the go-ahead to sign the contract for the supply of the machines. The proposal was approved because the Government had a majority on the committee and the debate ended. We never received an answer to the 41 questions and never debated the issue fully because somebody wanted to kill the debate on that day.

That was 18 December and the contract for the machines was signed on 19 December. It has since been discovered under a freedom of information request that at that time €20 million worth of electronic voting machines had already been delivered to Ireland. It is no wonder the Minister wanted to get the decision through under the pretence that the committee had decided to go ahead. The decision had already been made, although we did not know that at the time. That highlights the utter contempt the then Minister and the Government had for the committee. Some 4,500 new voting machines costing €20 million were imported into Ireland before the contract was signed and 1,100 of these machines were imported before the design was certified on 19 September.

One way or the other, with or without Dáil approval, the Minister was determined to go ahead with buying the machines. I do not know what drove him but I had hoped that something would be included in this Bill. If that is not pos-

sible, I urge the present Minister to take electronic voting off the agenda and auction off the machines. It is now costing €700,000 a year to store the machines, which will continue. I do not know in what state they are kept but it would be far better for the Government to admit its mistake.

The episode should be investigated by the Committee of Public Accounts because it was a complete waste of taxpayers' money to spend €60 million or €70 million on machines that cost so much to store and will never be of any use. The cost of introducing the system was €33.4 million in 2001, although I do not know the cost to date.

This Bill has important implications for our electoral system and Fine Gael has further proposals in this area. One such proposal is to allow for automatic voter registration upon reaching one's 18th birthday. As I canvass in Galway city I find that the current electoral register is far from accurate. I meet scores of people who have not registered and have come across houses where people left a couple of years ago but are still on the register. In Galway alone, 12,000 people who were over 18 in November, according to the census, are missing from the register. In fact, many more are missing from the register in Galway city if one counts all the people on the register who should not be on it, of whom there are thousands. According to the census, there are between 15,000 and 20,000 in Galway city who are entitled to vote but who are not on the register. Some might be students who do not wish to be registered in Galway but in their home electoral area but there is a serious discrepancy in the register.

There cannot be so many people missing from a register. The only way to obtain an indication of the actual position was to take the total number of people in Galway listed in the recent census, subtract the number listed who were over 18 years of age and compare the result to the number listed on the register. It emerged that there was a difference of 12,000 between the figures from the census and those relating to the register. This does not take account of the number registered but who should not be.

The Minister should take on board Fine Gael's proposal that people should be automatically registered on reaching 18 years of age. This would offer a simple solution to the difficulties we are experiencing with the register. It would be easy to use the PPS numbers employed by the Department of Social and Family Affairs to register people when they turn 18. Every person has a PPS number and when someone reaches voting age, the Department could automatically inform the relevant local authority. Such a system would effectively eliminate much of the confusion, although it would not eliminate the need to remove from the register those whose names should not be on it. However, the system we propose could be adapted to facilitate the latter. There is no doubt that it would ensure everyone

living in an area would be automatically registered to vote on reaching 18 years of age.

Some might say it is not very important that certain individuals do not have a vote, while others might state it is not important that the names of many who should not be listed on the register are actually included in it. The potential for electoral fraud as a result of the gross mismanagement of the electoral register by the Government is huge. It would have been completely eliminated if the Minister had not been so stubborn and refused to accept proposals from the Opposition parties that PPS numbers should be used.

Everyone is aware that thousands of homes in the Galway West constituency were empty when council staff responsible for compiling the draft register visited them. I presume that the position was similar in other constituencies. It is the responsibility of each voter to check the draft register to see if his or her name is still on it. The initial process in this regard has ended because the official register has been issued. The only option open to voters to ensure they will be able to vote is to complete the pink form relating to the supplementary register. The system in this regard is not that straightforward and many will not go to the bother of obtaining the form, completing it and having it registered at a local Garda station by a member of the force who knows that they are resident at their given address. Safeguards of this nature are necessary in order to ensure people are not illegally registered on the supplementary register. Some simply will not register to vote if their names were not included in the original register. When the election takes place, therefore, the register will be inaccurate.

The register has been made available on-line in order that people may check to see if their names are on it. It is estimated that between 5,000 and 6,000 homes in Galway were empty when officials called to check people's details. On the basis of all the evidence that it was possible to acquire and from what I was told when canvassing in the area, I estimate that there are between 15,000 and 20,000 people in the Galway West constituency who are either not on the register but who are entitled to be or who are on it but not entitled to be.

Lifestyles are different from what they were ten or 15 years ago. What is happening with the register highlights the pressures with which individuals must cope. Thousands are out of their homes for up to 12 hours a day because they must commute to their places of employment and work longer hours. In many families both parents are obliged to go out to work. It was impossible, therefore, to ensure the register was checked properly. Even if a note stating their names would be removed from the register if they did not indicate that they were still resident at their address was left for them, people either did not have time or did not bother to reply because they

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were so busy. As a result, the register is in its current state.

Fine Gael also favours a reduction in the age at which people should be allowed to vote. This is to ensure more people would vote. By reducing the voting age to 17 years, people who are still in secondary school would be permitted to vote. In such circumstances, we could include in the school curriculum classes relating to the importance and relevance of elections and the right to vote. It is a good idea to reduce the voting age to 17.

I reiterate that the exclusion of 18 to 21 year olds from contesting Dáil elections makes no sense. It might be no harm if the right to stand in a Dáil election was reduced to 18 years. Citizens are very responsible at 18 and it might be good to have that age group represented in the House.

Section 1 is the main provision in the Bill. It amends the Electoral Act 1992, as previously amended, by inserting sections 44 to 52 in substitution for the existing ones. These sections cover the nomination of candidates in general for election to Dáil Éireann. Most of the existing law in this area is being re-enacted without amendment. The amendments necessary to meet the terms of the court decision — this is the important aspect of the legislation — are being incorporated, as appropriate, in the re-enacted sections so as to give a single text relating to nominations generally.

The new section 46(5) provides for two alternative mechanisms to regulate the nomination of Dáil candidates not in possession of a certificate of political affiliation, in other words, people standing as Independents.

Mr. F. McGrath: Hear, hear.

Mr. McCormack: The Bill outlines the nature of the alternative mechanisms to which I refer.

It is important to note that responsibility will rest with the candidate or proposer to attach the 30 statutory declarations to the nomination paper and deliver all the documentation to the returning officer by the deadline for receipt of nominations. An assessor must confirm on the statutory declaration that he or she has not consented to the nomination of any other candidate in the election concerned. Under the Statutory Declarations Act 1938, a person who knowingly makes a false or misleading statutory declaration is liable on conviction to a fine not exceeding €2,539.48 or imprisonment for a term not exceeding six months, or both. However, under the new section 52(1)(c), a candidate's nomination will not be invalid where a person assents to the nomination of more than one candidate, which is reasonable. Forms for the giving of assent will be available from returning officers and registration authorities.

I ask the Minister to clarify one other provision in the legislation. Under the new section 52(1)(b),

a returning officer may rule as invalid a nomination paper from a candidate who has opted for the assenting alternative if he or she considers that the candidate has not complied with the relevant statutory requirements set out in the Bill. If candidates now have two options, either to lodge €500 with the returning officer or have their nomination papers signed by 30 assentors, will the Minister clarify exactly what that paragraph means?

My party is not opposing the Bill which is necessary owing to the lack of foresight and other provisions. I have asked the Minister to clarify when introducing this Bill what legal advice his predecessor received. We are not opposing the Bill because it was necessary to correct the ridiculous position whereby an Independent candidate had to bring 30 persons with him or her when handing in the nomination paper.

Mr. Gilmore: Ní thógfaidh mé 30 nóiméad, is dócha, mar beidh sé deacair an méid sin ama a chaitheamh ar Bhille chomh beag leis seo.

This is the legislation the House must enact to clear the way to hold the general election. It is to rectify the flaw in the provision in the existing Electoral Act relating to the nomination of Independent or non-party candidates in a general election. I welcome the fact that it is before the House because, clearly, a general election could not have been called until it was introduced and enacted. Therefore, the Labour Party will not oppose it. We have comments to make on some of its detailed provisions, but we are not opposed to it in principle and will be supporting it on Second Stage. I ask that it be enacted as quickly as possible and a general election called as quickly as possible thereafter.

Mr. McCormack: The Deputy might get his wish.

Mr. Gilmore: We are on death watch in the House with regard to this Dáil.

Mr. F. McGrath: Imagine what it is like in a three seater.

Mr. Gilmore: I hope the Government is in its final days. Certainly, the 29th Dáil is in its final days. This democracy is not served by prolonging its life. It appears that the Government has an agenda. Whatever it is, it is not in the people's interests or those of the country. It is the Government's own partisan interests to prolong the life of this Dáil to get as much out of it as possible and string it out until the last possible day. Everybody knows that it is coming to a conclusion. There are nine or ten sitting days remaining, even if the Dáil lasts the full duration, when one factors in St. Patrick's Day and Easter. The legislative programme with which the House can deal is minuscule; it amounts to a tidying up operation. The work the committees of the House can do is

limited. No committee can seriously programme any significant work, adopt long-term objectives, engage in new projects or investigations, or place new issues on its work programme or agenda.

For some time the focus of Members and members of the Government has been on the impending general election. The posters are printed, the election literature is ready and Members and candidates are already out knocking on doors and engaging in campaign activity. The election campaign has been under way for some time. It would, therefore, serve the country better if the general election was called as soon as possible.

I say the following to the Minister. Let us get the Bill enacted because it is required before the general election can be called. As soon as it is enacted, let the Taoiseach go to the President to request a dissolution of the 29th Dáil and let the general election take place without further ado. After that, of course, it is a decision for the people as to whom they want to return to the House for the 30th Dáil and what shape of Government they want thereafter.

The presentation of the Bill gives us an opportunity to discuss a number of issues of electoral business that are not complete. I regret that the Government has failed to allow time in the House for a debate on the report of the commission on electronic voting. When the Government ran into trouble, the Minister's predecessor, Deputy Cullen, when it became apparent that the Government could not foist the electronic voting system that it had purchased on the people and the electoral system, set up with the agreement of the House the commission on electronic voting which reported to the House, not the Government, last July. I have repeatedly asked the Taoiseach on the Order of Business, including this week, to provide time for a debate on that report and every possible excuse has been used by him. He has stated the matter is with the Whips who can agree if we find time. This week the indications were that we might not be able to find an opportunity to do so in the time remaining in the 29th Dáil. Let it be clearly understood that the report of the commission is not being debated because the Government does not want it to be debated in the House.

Mr. F. McGrath: Hear, hear.

Mr. Gilmore: The Government does not want to present the Ministers who were responsible for the debacle, the waste of public money and the threat to our democracy to account for themselves. Let us repeat what they attempted to do. Let us look at what is contained in the report of the commission on electronic voting. It concluded that if the Labour Party and Fine Gael, in particular, had not challenged the proposals on electronic voting in 2003, the people would be going to the polls to vote using a system, first, which had never been fully tested. There was no com-

plete end-to-end testing of the system from the point where the voter cast his or her vote to the point where a result was announced. There was no joined-up test. Second, it was a system under which nobody would have been able to confirm that a person's vote had been recorded because there was no paper trail. There was no paper record and no way of auditing the system. The commission reported that it was a system which could be hacked into and interfered with. We were told that it was a system where the software for the counting of the votes was unreliable, in other words, we could have ended up with any result with no way of checking it.

There has been much focus, rightly so, on the waste of €60 million in purchasing machines which will never be used, but the biggest scandal surrounding electronic voting was the underhand attempt of a Government which will do anything to stay in power to foist on the people a system of voting that was as unreliable as the one it proposed. On top of this, it was going to hand control and ownership of the system's software and associated codes to a private company located outside the State. That is the biggest scandal associated with electronic voting, greater than the scandal of wasting €60 million of the taxpayer's money in an attempt to introduce the system. No Minister in the Government has been made accountable for this waste of public money and the attempt to steal — a word I use advisedly — the democracy that belongs to the people.

As Minister for the Environment, Heritage and Local Government, Deputy Noel Dempsey dreamed up the scheme, yet he has never been held to account. When his successor, Deputy Cullen, inherited the scheme, he was asked by Opposition Members not to proceed without all-party agreement but in a burst of arrogance he refused to listen. Despite wasting €60 million of the taxpayers' hard-earned money on purchasing a system which will not now be used, both Ministers remain in office. The very man who authorised the signing of the contract and who paid €60 million to purchase electronic voting machines was sent out a couple of weeks ago to spend €600 million on a second-hand bridge. This Government, and the aforementioned Ministers in particular, have a lot to answer for. However, the Taoiseach has refused to allow the House to debate the issue, which means our only opportunity to debate it is on the occasion of this Bill. Not only are the Members of this Government a crowd of wasters but they are also cowards because they will not come to this House to answer for their mistakes.

Were it not for the calls made repeatedly by this side of the House, the Government would have done nothing about the electoral register. I recall putting a question to the present Minister for the Environment, Heritage and Local Government regarding a request made by Kildare County Council for additional funding to update its electoral register. The council made a

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case to the Minister that the growth in population and the degree to which development had taken place in the local authority area had given rise to a problem in respect of the electoral register. However, the Minister refused the request for additional resources to update the register. When I put my question to the Minister, he stated there was no necessity to provide resources because it was a matter for the local authority. It was only when Deputies spoke about their experiences of the inaccuracy of the electoral register and a series of articles was published in the *Sunday Tribune* and elsewhere that the Minister, who had already rejected several valid suggestions from this side of the House, was forced to act.

The Labour Party proposed to address the issue by taking advantage of the opportunity presented in the census but the Minister tried to distort our position by claiming we were trying to interfere with the confidentiality of the census process, which was untrue. We were simply pointing out that because census takers would already be calling to every household in the country, it made sense to supply them with additional forms that would determine who was registered or entitled to vote in a particular household. We made our suggestion because we understood that the census process was the most reliable opportunity of addressing the increasing difficulty of reaching people at home. If our proposals had been taken up, the register would have been rectified and the personal public service number system could have been used to keep it updated and to provide controls at polling stations. However, all our proposals were rejected and it was only when the penny dropped at the 11th hour for the slow learners in this Government that it was decided to recommence the process by sending out local authority officials and re-recruited census enumerators to collect information for the register. While I acknowledge that the electoral register has improved as a result of that exercise, it is not yet accurate. During Question Time last week, I drew attention to the fact that the register is out by an average of 2,000 to 3,000 voters in each constituency. We all know elections often turn on handfuls of votes, so an inaccurate register is not good for our democracy.

This Bill proposes to end the absurdity whereby assentors to the election papers of Independent Dáil candidates have to attend local authority offices at the same time in order to submit nomination papers. That process was introduced to replace the deposit system, which I note the Minister is reintroducing through the back door. He claims he is reintroducing deposits as an alternative and that he is satisfied it is constitutionally robust to do so. We should remember, however, that the system of assentors came about in response to the Supreme Court decision in the Riordan case that the deposit system was not valid. That decision raises questions about whether the provision for a deposit system, albeit

one involving relatively modest amounts in the context of what some candidates now spend, will stand a constitutional challenge. There have been a number of instances, including as recently as this week, in which the Government introduced legislation which was subsequently found to be incapable of standing a challenge in the courts, with the result that Ministers have had to rush into the House in the dead of night after Private Members' Business to correct the mistakes their arrogance led them to make. I am concerned that the provision for deposit systems will be another such instance.

When we last debated the revision of constituencies, I drew the Minister's attention to the likelihood that the provisional census figures, which were not known at the time, would give rise to two problems. First, it was possible that some constituencies would exceed the maximum ratio of population to Deputy. That has turned out to be the case. Second, the variation in the ratio of population to Deputy per constituency threatened to be so wide as to raise doubts about the constitutionality of the composition of constituencies. The provisional census figures have since been published but we are going to hold an election on the basis of the existing constituency configuration. The Minister has stated that the official census figures are the basis for determining the matter. He might tell the House when he expects the official figures to be available or whether his Department has made any inquiries in that regard and what effect the matter is likely to have on the date of the election.

As far as this Bill is concerned, I have no difficulty in agreeing to Second Stage and I look forward to hearing the Minister's response to the issues I have raised.

Mr. F. McGrath: I propose to share my time with Deputies Catherine Murphy, Gormley and Morgan.

I welcome the opportunity to speak about the Electoral (Amendment) Bill 2007. This is an important debate because it gives us the opportunity to consider not only the legislation but also the position of independent politicians in the Ireland of 2007. It also presents an opportunity for us to examine the role of Independent Deputies, Senators, councillors and candidates for the next election and to acknowledge the value of Independent Members who have made a positive contribution to this Dáil. The Minister should recognise that Independent candidates are polling between 8% and 18% of the vote in various constituencies. Independents have a major stake in society and that mandate should be respected by the House and the national media. Sadly, many commentators are hostile to us but it is important to recognise that we are different.

I raised the issue of permitting the use of the title "Independent" on the ballot paper recently in the House and the Minister blew my argument out of the water. I challenge the Minister, the

Government and all those who seek to exclude this title from the ballot paper. We should be allowed to put the word “Independent” beside our names. Currently, our choice is to use the title “non-party” or leave the space blank. In an inclusive, progressive society in which the Minister and his colleagues claim to be democrats, why will they not permit us to put the title “Independent” beside our names on the ballot paper? It is a national scandal that many candidates will not be given the opportunity to state their representation. Independent Members have demonstrated over the past five years that they are on the side of the elderly, the poor, people with disabilities and working people in general and the media should recognise that reality. We all support the concept of a free press but I wonder how free its practitioners are when they constantly ignore Independent Deputies and councillors throughout the State.

The Minister is a great man for rolling out initiatives. We debated the issue of boundary changes during the previous Electoral Bill and it was an absolute disgrace that the Minister dumped all the three-seat constituencies north of the River Liffey in Dublin while all the five seat constituencies are located on the south side. Dublin North-East, Dublin Central and Dublin North-West could easily have been become five seaters but the Minister is trying to squeeze out the smaller candidates and parties. That might suit the elite and the wealthy in society but the people will see through it.

It is also important to examine why people vote for Independent candidates. Despite the Celtic tiger boom and our increased prosperity, people feel more disconnected from their communities than ever before. Scandals and corruption involving politicians, the church, the Garda, business and the medical and legal professions have shaken society’s confidence. Society is people and without people there is no society. Independents have brought communities together based on people centred policies and actions. Many of us came through the community and voluntary sector and we are making a contribution. Yesterday, ten Independent Members came together on the class size issue and demanded a 20:1 pupil-teacher ratio and investment in primary education. Tough rather than populist decisions need to be taken on health, education, disability, housing, environmental economic issues and that is the role Independent Deputies could play in this society. We are only answerable to the electorate, as opposed to vested interests. I welcome the opportunity to support the legislation.

Ms C. Murphy: I compliment the people who took the case that led to this legislation coming before the House. It takes a great deal of courage to take a case all the way to the Supreme Court. Had they not done so, the flaw would have remained in the primary legislation. The focus of attention regarding the nomination of Indepen-

dent candidates is on Dáil elections but the relevant provisions were seen at their most ridiculous prior to local elections. When I ran for Kildare County Council, a date was nominated when candidates would be received with their assentors. Ten independent candidates were running and each of us brought 30 people with us. We spent three or four hours standing in a queue similar to what happens in newly formed democracies where citizens are enthusiastic about voting and will queue for days or walk long distances to the polls. It was absolutely ridiculous.

I was contesting seats on both a town council and the county council and I had to go through the process twice. I had to ask people to give up their time, which was extremely unfair. That is a practical example of how ridiculous was this section. My mother was an assessor and she brought her passport, as it was only the document she had that contained a photograph. Many elderly people do not have documents with photographic identification and I was conscious of people being excluded because of such procedures and I may table an amendment to address this aspect.

In 2002, the largest number ever of Independent Deputies was elected to the House and I was an addition in 2005. Independents have been party to 13 different Governments in the history of the State and they have been in Government more often than the Labour Party. They have not played an inconsiderable part even in Government. Ireland is different in that more Independent politicians are elected than in other countries. The Minister stated that candidates in the first elections in the State had to pay a deposit of £100 but there was an equality to that because every candidate had to do so. However, nowadays, such deposits are only paid by Independent candidates.

I strongly agree with Deputy Finian McGrath’s comments on putting the title “Independent” beside the names of candidates on the ballot paper. We are referred to in the media and in the House as Independents. We put the title on our election material and we are independent of political parties. There is no reason we cannot properly define ourselves on a ballot paper because people understand us to be Independents. It is offensive that we are not allowed to describe ourselves in that fashion.

I refer to the issue of the weight of the vote, which has been mentioned by previous speakers. A census of population was conducted last year. However, the votes cast in the upcoming election will not be equal votes. This will not be an election in a democracy in a traditional sense where the votes are seen as equal because we will not use the census of population figures from the preliminary census. That is wrong. There is a less than 1% difference between the preliminary and final figures. We are either serious about the Constitution or not where it states there should be equality of votes and constituencies should not

[Ms C. Murphy.]

exceed 30,000 electors. That is a fatal mistake and I hope the public will understand this is being foisted on us. I ask the Minister to publish the advice he was given by the Attorney General on that issue because I believe it is flawed.

Mr. Gormley: I understand this is a tidying up exercise responding to the Supreme Court decision in November 2006. I also believe it is a missed opportunity and that there is so much in terms of electoral law that needs to be addressed which is not being addressed. The question of funding and how we deal with that in elections is not addressed in this legislation. There is provision in the Bill for a deposit of €500 and I fully understand the reasons behind that. We do not want people standing willy-nilly in elections. One could have a ballot paper the length of one's arm and it is a waste. It is important there is some hurdle. Obviously, people should get their money back etc.

I now come to the more profound issue. Once a person has put his or her hat in the ring, how does he or she contest because there is not an even playing field after that? If one looks around this city, there are 48 sheet billboards advertising certain candidates. I come from a party which does not accept corporate donations. How are we expected to contest an election with people who are funded up to the gills, sometimes by people such as developers etc., who have vested interests and seek to have them represented in Dáil Éireann. That is not conducive to real democracy.

In fairness, it is an issue the Labour Party tried to address when it was in Government. It brought in fairly far-seeing legislation and the idea was to cap electoral spending. I heard Deputy Fleming on a radio programme last night say the spending limit would be increased and that it would be consumer price index-linked. Again, that misses the point.

The three weeks before the election is no longer what it used to be. I heard Seán Barrett on a radio programme say that years ago — I am long enough in politics to remember this — candidates were chosen at convention approximately five weeks from the election. The candidates then put out their leaflets and that was the end of the matter. It does not function like that anymore.

We are now into almost five year election cycles where the gun is sounded once we get into the House. This is as a result of people trying to spend money before the three week period commences. It is spend, spend, spend. Looking at the glossy leaflets, bus shelters and billboards, I ask how much is being spent. I calculate some candidates must have spent approximately €100,000 in the past few months. How are we supposed to compete against that? Where are they getting the money?

There are far too many loopholes which the Minister should address. If we are talking about elections, surely we are talking about enfranchis-

ing people and about real democracy. A joke was made at our convention that we have the best democracy money can buy. It would be a very sad day if we were to down the American route which, increasingly, it seems we are.

The evidence from Trinity College, where scholars have done analysis, shows a number of things. Interpersonal contact is still the most important factor in that people need to know the candidate. That gives some of us an opportunity and a chance. However, another major factor is the amount of money spent. The more money spent, the more votes one gets. Of course, it is diminishing returns but if one spends €100,000, one will get a good return and the chances are one will be elected. That has nothing to do with the calibre of the candidate. It is great if one has a good candidate and one can add to that by spending a lot of money enabling him or her to get elected. This is not addressed in legislation. All these factors are ignored for one very good reason, namely, there are certain parties in the House which benefit.

The Minister's party, in particular, is flush with money. It gets huge amounts of money and the Galway tent has been mentioned so many times, it has become an almost mythical place at this stage. That money goes into these election funds. As far as I can see, Fianna Fáil has not yet started to spend money but when it does, there will be no end to it. It will put everyone in the shade.

There are many ways to get around the spending limits. We talk about donations, lack of corporate donations and how some donations are capped. One thing which is not capped is advertising. Each year Fianna Fáil produces an annual in which developers take out advertisements. As far as I know, that does not have to be declared. People can take out advertising and pay Fianna Fáil enormous sums. That is one of numerous ways to get around the ethics legislation. Those loopholes are being exploited. The result is fewer people will enter politics because they cannot compete.

The good news is that sometimes one can be elected on a small budget. I heard approximately 20 minutes ago that my colleague in Northern Ireland, Brian Wilson, could be in with a shout of getting an Assembly seat, and that is on a shoe-string budget.

I agree with the idea of a deposit, although others do not. However, the issue which the Minister needed to address in this legislation was spending between elections.

The electoral register is in a bit of a mess. I have seen that even in my constituency. Previously, there were over 65,000 people on the register in Dublin South-East but 5,000 have disappeared from it. Not only that but many people who took it for granted that they would be on the register have disappeared from it. The Minister must find a way to address this problem so that it is easy for people who genuinely want to participate in an election to get on the register. Perhaps

he will say when summing up whether we can at least make it easy for people to get on the register using the supplementary registration form. Will the Minister embark on an advertising campaign to let people know how this can be done? Many people are panicking at this stage because they are not on the register. They are asking how they can get on it. Can they get on the register using the supplementary registration form? Can the Minister let people know through an advertising campaign — I am not asking him to lash out lots of money on that — and give them some hope that on 18 May, or whenever the election is held, they will be able to cast their vote?

Mr. Morgan: I appreciate the opportunity to address the House on this Bill, which I welcome. However, it constitutes a missed opportunity on the part of the Minister to deal with a series of important issues. Before discussing them, I ask the Minister to clarify a number of issues in his response. For example, can spending limits for candidates be changed by ministerial order or must such changes come before the House?

2 o'clock

Mr. Roche: The former.

Mr. Morgan: In that case——

Mr. Roche: They can be changed up to a specific limit to take account of inflation.

Mr. Morgan: The limits may be changed in line with inflation. Is the Department considering the prospect of bringing the spending limit back to a period before the declaration of an election? As Members are aware, such a period is usually of the order of three weeks.

Mr. Roche: The Deputy would be in some trouble if I did so.

Mr. Morgan: I would not be in any trouble.

Mr. Roche: There are many Sinn Féin offices throughout the country.

Mr. Morgan: I do not receive the corporate donations enjoyed by candidates of the Minister's party. I am in no way reluctant to publish details on every last cent I receive and on where I spend it. However, that is a different matter and the Minister should not provoke me in this regard because he would not win that argument.

Mr. Roche: I am not so sure.

Mr. Morgan: I also wish to inquire about the opening hours of polling stations. I was in Armagh city until 10 p.m. last night when the polling booths there closed, having been open since 7 a.m. yesterday. People's lifestyles have changed and I will take as an example people in the constituency I represent from the northern end of County Louth, who live in places such as Faugh-

art, Kilkenny and the Cooley Peninsula. Under the existing opening hours, such people, who are obliged to commute to and from Dublin to do their day's work, find it difficult to get to a polling station. Is the Minister actively considering an extension of polling times to match the practice in the North, where they open from 7 a.m. to 10 p.m.? The change in lifestyle is a major factor that must be brought to bear on the entire electoral process.

I wish to raise another issue that I have raised previously with the Minister, namely, the supplementary register. Perhaps I will have more time to elaborate than was the case the last time I broached the subject. The supplementary register is particularly important because of the wholesale changes to the register of electors, which almost amounts to its rewriting. I suggest the transfer of responsibility for the supplementary register from the county registrar to the local authority as the latter is the body that has proficiency in this regard.

At present, the supplementary register is open from the time of the declaration of the election. The Minister should consider an 11-day or 12-day period during which applicants may apply for inclusion on the supplementary register. After 11 days, four days should be given to the local authority to process such applications and thereafter——

Mr. Roche: In order to be helpful to the Deputy, I should mention the process is more liberal than that. One can use the supplementary register up to 15 days before voting.

Mr. Morgan: However, the weakness in that regard is that the decision is made by the county registrar and there is no appeal mechanism. One does not know whether one has been included in the supplementary register until after its publication, which usually takes place two to three days before the election. The local authority should publish its draft and thereafter, people who wish to appeal may do so to the county registrar. In this way, the role of the county registrar would become an appeal process, which of itself constitutes natural justice. This would enhance——

Mr. Roche: This is what happens.

Mr. Morgan: No, one does not know whether one is on the register. At present, the county registrar makes the decision, not the local authority. One applies to the county registrar for inclusion on the supplemental register. That is the present position.

Mr. Roche: No.

Mr. Morgan: Forms are submitted to the county registrar. The Minister appears to have some doubt in this regard. The green forms that I am handing out on the doorsteps at present are addressed to the county registrar. If the forms in

[Mr. Morgan.]

my constituency are misprinted, I must examine the issue and establish what is going wrong.

In order to apply for inclusion on the supplementary register, one is obliged to have the form signed at a Garda station. In the constituency I represent, people who wish to gain access to a Garda station are obliged to mount a 24-hour vigil. Garda presence has been withdrawn from huge tracts of rural Ireland and one cannot find a garda. While I remember a time when we were tripping over them, one cannot find them now. The Minister should remember the Government promised additional gardaí at the last election but has forgotten to deliver them. They never came.

Mr. Roche: They were delivered.

Mr. Morgan: It has not happened.

Mr. Roche: I am smiling at the thought of the Deputy looking for a garda.

Mr. Durkan: It will be a promise for the next election.

Mr. Morgan: Perhaps. I suggest the removal of this requirement and its replacement by an absolute requirement obliging everyone who gains a place on the supplementary register to be in possession of proper identification. Instead of the system that applies to those on the ordinary register, whereby one in four or one in six people are checked, everyone on the supplementary register would be obliged to produce identification. This would reduce greatly the opportunity for fraud.

I also wish to raise the issue of constituency sizes, which was alluded to by a previous speaker. I am not concerned by constituency size as I represent a four seater. However, Deputy Finian McGrath noted earlier that on the north side of Dublin, virtually all the constituencies are three seaters while on the south side, they are virtually all five seaters. This is completely undemocratic and unfair. Members are aware that the greater the number of seats in a constituency, the more proportional the representation of the voices and views coming from that constituency in this House. I wonder whether this pertains to implementing best practice in democracy or trying to cook the books by matching the size of the constituency to suit the bigger parties, thereby ensuring they can sustain their power base in this House. Either way, constituency sizes must be reviewed. Incidentally, I do not accept that the constituency of Louth should remain as a four seater. It should have become a five seater before now and had the census figures been taken into account, it would have. The sooner this position is reached the better.

As only a few minutes remain to me, I wish to conclude by referring to the issue of electronic voting and the debacle created in respect of that nonsensical scheme in which approximately €60

million was squandered. Money was poured down the drain at a time when people are on hospital trolleys and when pensioners are cold and hungry in their homes because of a lack of proper medical care or heating, as well as a lack of provision of housing aid for the elderly whereby windows, doors and draught excluding issues could be resolved. The Minister should imagine the number of pensioners' homes throughout the State that could have been dealt with, had the €62 million spent been available.

Moreover, that sum merely refers to the machines. What about the other material pertaining to the e-voting debacle? I refer to the cost of the stands, the cost of the propaganda and the rogue machines Members saw next door when they were asked to inspect such wonderful machines. Subsequently, Members found out the machines did not work.

Mr. Durkan: They did not work at all.

Mr. Morgan: The cheque had been written and paid over before we were satisfied the machines would work and do what it says on the tin, in the words of the television advertisement.

Mr. Durkan: They should be recycled.

Mr. Morgan: I am conscious my time is almost up. When will the Minister address this issue?

Mr. Durkan: They should be melted down.

Mr. Morgan: What will the Minister do with the machines? Will he keep them indefinitely in highly expensive warehousing throughout the State—

Mr. Durkan: Paid for by the State. They should be melted down.

Mr. Morgan: — using up and wasting taxpayers' money, which is being poured down the drain?

Mr. Durkan: Hear, hear.

Mr. Morgan: Will the Minister continue to do so with such worthless machines—

Mr. Durkan: They should be put in the M50.

Mr. Morgan: —for which we have paid an absolute fortune? The Minister should address this issue in his response because people are asking me this question on the doorsteps and streets. If people are not asking that question of the Minister, he should ask himself why not. This issue is of concern to people and when will the Minister address it? Will he provide Members with answers today?

Moreover, in respect of accountability—

An Leas-Cheann Comhairle: The Deputy should conclude.

Mr. Morgan: I will finish on this point. When will we have Government accountability for the people who caused this debacle? Why did they walk free without responsibility or accountability to the House?

Mr. Durkan: Indictable offences.

Mr. Morgan: Will the Minister address these issues?

Mr. G. Mitchell: This is probably the last occasion on which I will have an opportunity in the current Dáil to make a Second Stage speech. It has been a great privilege to be a Member of the House for 26 years. I came here shortly after my confirmation. On Second Stage of this Bill I wish to say a few words on the relevance and importance of politics and people using the electoral register to vote. At the commencement of the 21st century and a time of unprecedented material wealth we have more opportunities than ever before to shape the Ireland we could only hope for in the past when, to a great extent, we were reactive or even protective and played the hand we had been dealt. Today we live in a country of previously unimagined wealth and in which there has been enormous change in a short few years, albeit with serious social and economic issues yet to be addressed. It is a country in which there is virtually full employment, in which Croke Park can host rugby and soccer matches, immigrants make up 10% of the population and, for the first time, we have broad political consensus on North-South relations. In such a changed Ireland what society should we now seek to shape?

For many years our greatest export was not agricultural produce, but our people. The devastation and heartbreak this created for families and communities should cause us to want an Ireland in which opportunity is nourished and enterprising spirit encouraged and rewarded. Enterprising spirit is not the sole property of the captains of industry. A man or woman who toils for a day is entitled to a day's reward. The wealth thereby created gives us the tools with which to ensure, at last, solidarity with the less fortunate. Enterprising spirit and solidarity go hand in hand. Solidarity is not about patronage or paternalism. None of us knows the hour or the day on which we will need to rely on each other, the community or public services. Solidarity is not for some other person. It is inclusive and for us all. It provides the platform to ensure equality of opportunity and protection of the weak and disadvantaged in society. The twin pillars of enterprising spirit and solidarity are based on the principle that we all have rights which should be protected and that we also have responsibilities to ourselves and each other to be discharged in accordance with our ability.

Nobody should have authority without also having responsibility for the decisions that go hand in hand with it. Neither should anybody

have responsibility while others exercise authority. At first consideration this may seem axiomatic, but in the Ireland of today far too many have power and authority but not the responsibility that goes with them. In particular, social partnership and a free media which have grown in stature and power must take the responsibility that goes with this stature. If we are to encourage enterprising spirit and solidarity, rights and responsibilities and authority and accountability, we must have more democratic debate and participation. What passes for debate in modern Ireland is little short of a sham. Far too many political parties vie for the middle ground; where there are ideologies, they are more likely to be bigoted than open to persuasion by the arguments of others. "Bigoted" is a word we normally reserve for our Northern brethren, but it is time to look into our own hearts. Our so-called consensus on neutrality, without as much as a discussion, is evidence of the appalling absence of democratic debate in the Republic.

Mr. Durkan: Hear, hear.

Mr. G. Mitchell: An Ireland with proper democratic debate would have at its centre respect for the rights of others. One minor example comes to mind. Some want to see the Angelus removed from RTE television and radio schedules. While I am not in favour of this, I am open to persuasion. If we were to have a proper and respectful debate on such an issue, perhaps an accommodation could be reached. Man does not live by bread alone. In this new materialistic Ireland could we build on the majority tradition by pausing for daily prayer or reflection when Roman Catholics could quietly say the Angelus and others might say whatever prayers they wish or simply take a moment to reflect?

In an Ireland which shows respect and solidarity could we consider a requirement for all to sign up for national service? Service in the Defence Forces immediately springs to mind when national service is mentioned. There is no disgrace in this. The Defence Forces have served us with great honour. Ultimately, they guarantee our democracy. However, national service need not be military service only. It could involve having to give six months of one's life to the community, prison visiting, helping those with learning difficulties or the developing world. Voluntarism has greatly declined in Ireland. Part of the reason for this is that people spend so much of their time commuting that few actually get home before 6 p.m.-8 p.m. or 9 p.m. is not unusual. Therefore, we have left less time for voluntarism. Perhaps it is time to reintroduce the concept of service to each other and the nation.

What is our concept of nation? The word "nation" comes from *natio* which means "greater community". The terms "state", "country" and "nation" are constantly used as if interchangeable. The Republic of Ireland is a state of 26 counties; the island has 32 counties and the nation

[Mr. G. Mitchell.]

of Ireland includes people who no longer live on the island such as the 800,000 now living in Britain. In revisiting the question are we prepared to be inclusive? What role can immigrants — the new Irish — play in all this? They also have rights and responsibilities but a crucial point little noted about them is that they have enriched our society, broadened our horizons and enabled us to grow economically and in societal terms in ways that would not have been possible without them. We would not have the IFSC on its current scale, major Intel investment or the Google European headquarters in Dublin to name but three examples without the presence of many of the new Irish. The health service would collapse without the presence of nurses from countries such as the Philippines. Some of our inner city churches and other places of worship of all denominations would close without the influx of new blood provided by the new Irish.

Mr. Durkan: Hear, hear.

Mr. G. Mitchell: It is time to be more honest and open. No society stands still. The challenge is to build a new inclusive nationalism. More than 200 years ago Wolfe Tone spoke of uniting the then very different traditions of Protestant, Catholic and Dissenter under the common name of Irishmen and women. Today we must be equally visionary to develop a new broad form of inclusive nationalism. Even in traditional terms we must ask ourselves whether the majority community in the Republic of Ireland is truly nationalist. Are a good number of us really partitionist because facilitating a united Ireland would be discomfiting? If we want to bring about a united Ireland, are we prepared to consider what it would take?

Our parliamentarians are now elected to the Dáil, Seanad and European Parliament by the register the Minister is preparing. In the North parliamentarians are elected to the European Parliament, the Northern Assembly and the parliament at Westminster. If we were to ask our Northern fellow Irish to give up electing members to the British House of Commons, could we, together, make another proposal? We learned last night that the British House of Lords is to be reformed to include elected members. Could part of the island elect members to the House of Lords who would take a special interest in Anglo-Irish issues? We already have the precedent of a particular group, namely, university graduates, having the unique right to elect Members of Seanad Éireann. Without diminishing the office of the President of Ireland, what role would we be prepared to consider for the British monarch? Section 3 of the Executive Authority (External Relations) Act 1936 left such a role open in the area of diplomatic representation and international agreements. For example, Articles 29.4.1° and 29.4.2° of Bunreacht na hÉireann, which created the office of President of Ireland,

specifically allowed for this and was approved directly by the people. Although we have had a President of Ireland since the enactment of the 1937 Constitution, the British monarch continued by ordinary law to be capable of acting in our affairs until 1948, provided the Executive Council, the then Government, agreed.

Would we be prepared to allow our Parliament sit in Belfast while Dublin remained the capital? Alternatively, could the Seanad meet in Belfast and the House of Representatives, the English name for Dáil Éireann, meet in Dublin?

If those of us who say we are constitutional nationalists are really interested in uniting the people of Ireland and bringing about consensus in the North on such unity, we will have to address these or similar questions. It is not good enough that we abandon the question of Irish unity to the one group which has no hope whatsoever of bringing it about, Provisional Sinn Féin.

The success we enjoy today was in great part brought about by politicians and public servants. In modern Ireland, politicians should have the courage to insist on respect for politics and stand up for the public service tradition. Those who do not have the gumption to stand for public office should be taken on more often when, as hurlers on the ditch, they overstep the mark and demean the value of public life.

Politics and politicians have been rotten from time to time. Some standards have left a terrible stench, although politics should not be cast to one side because of such appalling occurrences. Charles de Gaulle claimed politics is too important to be left to politicians, and it is certainly too important to be sullied and brought into the gutter by people whose capacity for political abuse is often in inverse proportion to their knowledge of current affairs.

Mr. Durkan: Hear, hear.

Mr. G. Mitchell: People do not generally kill because of business failure but they do because of the failure of politics. Thirty years of mayhem in Northern Ireland should teach us that. What happened in two world wars on the continent of Europe, when 60 million Europeans died in the first half of the last century, is the starkest reminder of what happens when politics fail. It is time for politicians to stand up for politics.

Look what happened in this country with the first Nice treaty referendum, when politicians did not motivate the volunteer members of their organisations, those who do a huge public service by voluntary contribution in good times and bad.

Mr. Durkan: Especially on the opposite side of the House.

Mr. Roche: I did not see the Deputy giving us much of a hand.

Mr. Durkan: I was the only one to do so in my constituency.

Mr. G. Mitchell: Was it really in our interest to be the one EU state to reject Nice? This shows that participation in political life must be encouraged.

Politics itself will become more interesting and more respected, and people will vote in bigger numbers and use the electoral register, when political parties are more clearly defined and identified by their distinctive ethos. Fine Gael will be identified as Christian democrats, Fianna Fáil as republicans, Labour as social democratic and socialist and the Green Party as environmentalists. Each would explain what their distinctive ethos means. Quite literally, in today's fudged party politics, someone could leave the Progressive Democrats in the morning and join the Irish Socialist Party and justify it on some pragmatic point.

In the case of my own political party, I have come to the belief over a number of years that we should embrace at home the mainstream Christian democratic tradition that we do in Europe. We should seek support of 30% of the electorate, not 50%, 60% or 70%. Those who do not subscribe to our beliefs should be in no doubt that we are not the people to vote for; similarly, other parties should define themselves in terms of ethos. That is what will turn the electorate out.

This does not mean we cannot respect each other's ethos and work with each other. In the European Parliament, for example, we have had a socialist president for the first two and a half years of the life of this Parliament and we now have a Christian democrat president for the second two and a half years through power sharing. As nobody has a majority we must work with each other, respecting diversity.

If a person wants to buy a hamburger, he or she can go to McDonalds, Supermacs or Eddie Rockets. A person cannot buy a burger in a hardware shop. Political parties must not be like retail outlets where almost anything can be purchased. Each party should have conviction about their stock in trade, but an even stronger conviction about what is not.

We do not just need a new kind of Ireland; we need a new Ireland that is kind. This would be an Ireland which fully embraces its responsibilities, for example, to the developing world. Given our own recent history of famine, we have the authority to give leadership. We could create a template to which other countries, when they ask who they should emulate, can turn. We should twin with the developing world our hospitals, Departments, local authorities, businesses, trade unions, educators and cultural leaders. We should legislate to meet the 0.7% of GNP contribution to the developing world as promised and seek to exceed it, as some other EU states have done.

The reason people are in prison or homeless and the cause of the widow should be high on our agenda. We should not simply prioritise those who turn out to vote in big numbers. Is an Ireland that fails to promote respect, tolerance, encouragement of openness and debate, perhaps an

Ireland with a harshness of criticism which is no longer tempered by charity, contributing to a hopelessness in society where suicide thrives?

In a just and fair society, would we not respect the mighty contribution that different religious traditions have given and continue to give? There can indeed be unity in diversity, as we are often reminded about the European ideal. That unity in diversity can start at home in a new kind of Ireland.

The challenge of forging a new kind of Ireland is not one we should or can long finger. At a time of prosperity such as now, choices can be made and transitions can be smoothed. If we leave this work until a time of economic downturn, the debate could too easily become a blame game or witch hunt where the vulnerable, the weak and the new suffer.

In the next nine years as we prepare for the centenary of the 1916 Rising, let us commit ourselves to building a better Ireland that is kinder, gentler, more inclusive and one in which all the children of the nation are truly cherished.

I appreciate the opportunity to put those words on the record. I may have strayed somewhat from the main content of the Bill but I wanted to take what may be my last opportunity in the current Dáil to put such comments on record. It is important that the electoral register is not only inclusive but up to date. We all hate to hear on election day somebody saying that he or she had been on the register for so many years but was not on it on that particular day, meaning he or she could not vote. It does not matter if the person would vote for us or not, the omission from the register is terrible.

Even on election day a District Court judge or similar official should be in residence so that he or she could order somebody to be put on the register of electors, with a subsequent Garda check to ensure the person did not vote twice. Nobody should be deprived of their vote.

More important than the right of people to vote is the reason they will vote. I hope some of the comments made here today will contribute to a debate on that reasoning.

Mr. Roche: Well said, Deputy.

Mr. J. Breen: I wish to share time with Deputies Healy and McHugh.

I welcome and wholeheartedly support this Bill. There has been much discussion this week in the media on the lack of women participating in politics, particularly on the national level. One of the criticisms levelled has been the lack of support structures within political parties for women wishing to involve themselves in politics.

The Bill makes it somewhat more accessible for any person wishing to stand in an election as an Independent candidate. As long as 30 people acquiesce to the nomination within the constituency, by completing the statutory declaration to that effect, a hurdle is overcome.

[Mr. J. Breen.]

As with any statutory declaration, the signature of an appointed officer is required, such as a peace commissioner or a commissioner for oaths. Frequently, I meet constituents seeking peace commissioners and commissioners for oaths, so I asked the Tánaiste to carry out a review of how many are in office.

Many political correspondents will be happy to see the deposit system return because it is not really an election count until one hears the immortal phrase to the effect that an unfortunate candidate has forfeited his or her deposit. To promote democratic procedures, it is important that an alternative to the assentor route is available. For this reason, I welcome the return of the deposit system.

During the next election, I will hand my nomination as an Independent candidate to a returning officer, but I will be cited on the ballot paper as “Breen, James, NP”. That could mean “No Pain”. My constitutional right will be violated. My profession of small farmer will be put on the ballot paper, but why must the presiding officer change “Independent” to “NP”? Will the Minister address this matter in his response?

I am happy to be an Independent Deputy with no affiliation to any political party. I have represented the people of County Clare fairly and honestly since my election and I hope I have been a thorn in the Government’s side, highlighting issues it has failed to deliver on since entering office. Ennis General Hospital is one of the county’s greatest scandals. Before the previous general election, the then Minister for Health and Children, Deputy Martin, told us the project was so advanced that it would be placed in the *European Journal* for tender.

Mr. Durkan: Hear, hear.

Mr. J. Breen: Tonight in Shannon a large meeting will be held on the matter of the pupil-teacher ratio. At another meeting a year and a half ago a representative of the Government said everything was rosy in the garden and that no child who needed it would be left without special needs education or one-to-one tuition, but nothing has happened.

I have no problem with the requirement for 30 assentors. While I could get 100 to endorse me, I welcome the decision to make getting one’s name on the ballot paper easier. For too long the large parties made the rules and dictated terms. They are trying to make the work of Independents difficult, but the Independents have represented their constituencies and the people fairly, honestly and without fear or favour since entering the House. I hope that after the election count has concluded — the Government may be holding back on calling the general election because it is afraid it will lose heavily — I will be back in the House to continue the work I have carried out for the past five years. The people of County

Clare see the benefits of having an Independent Deputy——

Mr. Durkan: The Government is doomed.

Mr. Roche: The Deputy is calling on the Government.

Mr. J. Breen: ——to act as a major parties’ watchdog and ensure fair play and County Clare gets its equal slice of the national cake.

Mr. Durkan: A change in government would ensure that.

Mr. Roche: The Deputy called on the Government to do so.

Mr. Healy: I welcome the opportunity to speak on the Bill because I am not happy with it. It arises from the November 2006 Supreme Court judgment which struck down the necessity for an Independent candidate to present 30 assentors to his or her nomination at a central location. That system replaced the deposit system which was a deliberate attempt by the Government to make it more difficult for Independent candidates to register and be nominated. While the Supreme Court judgment struck down the deposit system, it has effectively been reintroduced through this Bill. To what extent will that provision stand the legal test of time?

Presented with a problem, most Independent candidates used the assent process as a positive way through which to develop their campaigns and support bases and to put it up to the political parties, but anyone included in the register of electors should be entitled to present himself or herself to the electorate at election time. There is no legal or practical obstacle to this being the case and we should introduce such legislation today. We are discussing democracy and the right of the people to vote for whomsoever they please and support anyone’s policies. The Minister stated such a position would create a large number of candidates and make a mockery of democracy, but the reality would be far from it. The electorate should make the decision, not the Minister, the Department or the Government of the day.

On making a mockery of democracy, what has been the Government’s record in recent years? There was the issue of electronic voting, the debacle that was the register of electors, a deliberate redrawing of the boundaries of many constituencies as three-seaters in a bid to make it more difficult for Independents to be elected and a situation where the word “Independent” would not be allowed to be used on ballot papers. What is paying €60 million of taxpayer’s money for e-voting machines which will never be used and are lying idle in warehouses across the country, and the cost of their maintenance and storage if not a mockery of democracy?

On a number of occasions I have raised the issue of the register and the manner in which the

Minister and his Department disenfranchised thousands of people, as we will discover on the day of the forthcoming election. People whose names have been on the register for years will approach Deputies because they are no longer on it. The Minister has turned everything upside-down. Until this year, someone's name remained on the register unless his or her local authority knew that he or she was dead or had moved to another constituency.

Mr. Roche: For which reason 500,000 people were incorrectly included in the register.

Mr. Healy: Many who did not return their form owing to reasons of sickness or illiteracy will find that their names are no longer on the register and that they cannot vote.

The matter of the supplementary register was raised with the Minister. It is difficult to have one's name included in the supplementary register, as this can only be done by having one's application certified at a Garda station. In many rural areas there is no Garda station, while in urban areas gardaí do not know the people in question. Why would a local peace commissioner or solicitor not suffice? That is something the Minister should consider. Perhaps it could be included as an amendment to this Bill.

Another matter that has come to my attention over the years, particularly regarding local elections, is where people have registered in a particular area and then find they are not accepted at the centre to which they signed up. It may be that the name on the register is Patrick Healy while that on the driving licence or passport is Patsy Healy and there is a question over whether it is the same individual. I ask that this be looked at if the proposal on centres is to go ahead so that genuine people are not turned away.

The next Dáil will be elected on the basis of a mockery of democracy. Many constituencies, because of the preliminary census, will not be properly represented after the election. As the Minister knows, there is very little difference between preliminary and the final census findings. I believe the preliminary census figures could and should be used to determine the number of seats in constituencies. Many constituencies will be seriously under-represented because the boundaries have not been redrawn on the basis of data arising from the preliminary census. It would not be the first time that constituencies were redrawn on the basis of a preliminary census.

Mr. Roche: It certainly would.

Mr. Healy: It would not.

Mr. Roche: It would.

Mr. McHugh: I compliment the three people who took the court action to have this legislation amended. Mr. King, Mr. Cooney and Mr. Riordan deserve our thanks. If matters were left

to the Government, there is no way it would have introduced any type of legislation which would have made life easier for Independent candidates.

The Bill is welcome and it will, to a degree, eliminate the cumbersome procedure involved in Independent candidates having themselves nominated. I live 20 miles from Galway in which the headquarters of the county council is located and where I have to present myself with my team to get my nomination papers in order. The whole procedure involves hiring a bus, travelling the 20 miles, getting the 30 people to take a day off work, lining up like a herd of cattle in the local authority offices and waiting for other candidates to go through the system and vacate the premises before one can be attended to. It is absolutely ridiculous and the Minister who introduced such a provision should have been locked up on the grounds that he or she did not deserve to be part of the political system.

Mr. Durkan: It will happen in due course.

Mr. Roche: All I can say is thank God somebody has read the Bill.

Mr. McHugh: One has to ask why it was introduced in this manner. The only conclusion one can reach is that in the mindset of the people who introduced this legislation, Independent candidates were head-bangers who had to be controlled in some way and not let loose. They had to be contained and life made so difficult for them that they would not last the pace and give up, leaving the pitch to the political parties. There can be no other rationale for introducing such legislation.

The situation that has prevailed for a considerable time means that Independent Deputies and councillors are here to stay. The reason is that the public, having elected Independent Deputies and councillors, now see their worth.

Mr. Durkan: It is part of the plan.

Mr. McHugh: They will continue to elect such candidates in the future. Take the west, for example. There is an Independent Deputy in Clare, Galway East, Mayo and Sligo, as well as in Cavan-Monaghan. In the past, these areas displayed bedrock support for the Minister's party and it is encouraging to see that people are now looking outside the circle, taking notice of what politicians are doing and not doing, and acting accordingly. I am glad the west is awake and people are taking action.

The matter of so-called "non-party" candidates, as described on the ballot paper, was raised earlier in the debate. The word "Independent" cannot be used on ballot papers. This is a relic of the past. "Non-party" is a negative expression at the best of times. Such a label conjures up a non-entity. I ask the Minister to go the extra few inches and bring in a change that will allow the use of the word "Independent" on ballot papers.

[Mr. McHugh.]

The media must also be held accountable for the manner in which they describe and report on the activities of Independent Deputies. Pollsters, who carry out opinion polls, use the term “Others”, as if these are people with whom nobody should have any association. In other words, such people should be cast back to the end of the pile. This is a terrible word to use to describe any category of persons.

I do not have much more to say on this legislation because it is relatively simple. I agree with my colleague, Deputy Healy, that it does not go far enough. Surely anyone who wishes to put his or her name forward for election should be entitled to do so without any impediments. Ultimately, the people decide and Government or political parties should not put anything in the way of them having a free choice. However, the only way they can have a free choice is that anyone who wishes should be allowed to put his or her name forward.

Mr. Durkan: I am glad of the opportunity to say a couple of words on this legislation, most of which the Minister sitting opposite is anticipating with a certain amount of relish, glee and welcome. However, I do not take the line that many other speakers have taken on this issue.

I will start with the Minister’s explanation, which is correct, as to how the legislation came about and the decision taken by the courts. We very much appreciate the courts, which have a difficult job to do. The last time they visited the national Legislature as regards how to get elected and all the trapping associated with it, was in the Kelly case, which took place just before the last general election. This had a very serious impact, to my mind, on the outcome of the election. To make matters even worse, the court’s decision did not issue until after the electorate’s decision. One had Hobson’s choice and could take it or leave it, but it was applicable. I appreciate the need to have the purest and simplest form of democracy. However, I am not sure that everybody should have the right to get elected. There are serious reasons some people who were elected in this country in the not too distant past should not have been elected. I do not care how many people supported them or assented to their election — I still believe it was wrong that they were elected. It is wrong to make a decision that allows people with criminal records, for example, to be elected. The election of such people does nothing for society or for local and national politics. The Minister has failed to take such serious aberrations into account, which is why we are facing many of our current problems.

I listened carefully to the speeches made by some of my Independent colleagues. I understand why people support Independents. Many people do not know that the Government thinks it necessary to ensure there will be an ample supply of Independent Members in the future. Supporting the election of Independent candidates is part

and parcel of the Government’s agenda. The more a Government splinters the Opposition, the better its chances of being re-elected. That is a well-known, tried and trusted philosophy which did not come to light today or yesterday. Every time they get an opportunity to do so, the Minister and his colleagues further embellish the prospects of more Independents getting elected to the House. They do not often announce that Independent Deputies are better paid than other Members of the House — that they are paid nearly twice the salary of ordinary Deputies in Fianna Fáil, Fine Gael, the Labour Party and all the other parties. It might be no harm to admit now and again the undeniable fact that the Independents who are elected to this House get payments into their hands which are virtually double the payments received by party-supporting Deputies. The Minister, Deputy Roche, knows that is the case. While I have no problem with the existence of that system, we should ask what is the real reason for it. Is it in place because the Government thinks it is most important to ensure that the Opposition is as splintered as possible? Does the Government want as many Independents as possible to be elected so it has a better chance of getting some additional Deputies to support it? The Minister knows well what I am talking about.

I was honoured to be present in the Chamber for the thought-provoking speech made by Deputy Gay Mitchell, who is a Member of this House and a Member of the European Parliament. He mentioned many of the things we take for granted which we need to bear in mind if we are to ensure that democracy is not pushed aside during the introduction of a new way of calculating what the people are thinking. God knows we have enough examples of problems which have arisen in such circumstances. Electronic voting, for example, was supposed to be the ultimate way of getting as many people as possible to vote. There has been a reduction in the turn-out at many elections since the Government took the ceremony out of polling day some years ago. People used to congregate outside polling stations to enjoy the fun that was taking place and to participate in the day’s activities. They wanted to ensure they were part and parcel of the electoral process, even if that involved insulting their neighbours, etc. The then Government took what it thought was a slick and intellectual decision, in the interests of being honest and modern, etc., to ban such activities. We are familiar with the rubbish of this nature that comes from the other side of the House from time to time. The Government thought it should ban it because it was smelly, unhygienic, unholy and unattractive. The argument that it interfered with democracy was rubbish. The result of the Government’s decision to abolish the spectacle associated with polling day was a decrease in the number of people participating in elections.

In a moment of inspiration, the former Minister for the Environment, Heritage and Local

Government, Deputy Noel Dempsey, whom I oppose in his current role, decided to introduce electronic voting. The Government almost suggested that it was making it possible for it all to happen as soon as one thought about one's vote. It introduced electronic voting in two or three constituencies throughout the country and tried to convince people that it would be the technology of the future. Similar claims have been made in respect of broadband. It is amazing that the Government chose to adopt a type of technology that always fails at some stage. It suggested it had ways and means of dealing with such failures. It wants us to believe it can solve every problem, including the gridlock on the M50. In this instance, its solution was to undertake a substantial public relations campaign to ensure people knew how to use the electronic voting machines. The Minister told the public that he was absolutely certain that the machine worked effectively to record the opinions, views and votes of voters. That was rubbish because such a claim could not and cannot be made. Those who were elected using electronic voting do not have a scintilla of evidence to prove they were adequately elected. They do not have a record of what happened. If they wanted to prove how they were elected, they would have to go to court, which is codology.

I am interested to note that this legislation has been brought to the House in advance of the general election. It is another example of the red herrings, or decoys, which are used as a tactic coming up to elections. I do not doubt that it is a great honour to be elected as a public representative at any level. Similarly, it is a privilege to do one's duty honestly and in accordance with the wishes of the people, as far as possible. This House and the country as a whole have fallen victim to perception rather than substance in recent times, unfortunately. The order of the day is no longer delivering things, living up to one's promises and meeting the people's expectations, as expressed at election time by those seeking election. The order of the day now is engaging in public relations exercises, promoting one's gimmicks by wrapping them up in as slick a manner as possible and diverting the attention of the electorate from the real issues. It is sad that the Deputies on the other side of the House stand indicted for their misuse of public funds over the last ten years. The Government has spent more money on pursuing its own air bubbles — that is the only way to describe what the money has been spent on — than any other Government since the foundation of the State. I have always had great admiration for the Minister for the Environment, Heritage and Local Government. I used to think he was a sincere guy who would give an honest answer to a parliamentary question. Asking such questions is my favourite pastime.

Mr. Roche: It is an expensive pastime.

Mr. Durkan: I am afraid that in recent times he has started to behave in the same slick, smart alec way as his colleague, the Tánaiste and Minister for Justice, Equality and Law Reform, who regularly answers such questions by referring to a question he answered six months previously. I remind Ministers that the answering of parliamentary questions should be taken seriously. Many officials in each Department — including executive officers, assistant secretaries, secretaries and, in many cases, the Secretary General — are supposed to vet the answers that are prepared. The Minister ultimately puts his or her initials on the response. It is not good enough to give the House a glib response like "I refer the Deputy to question so and so of September, October or March of last year, or last month". In all circumstances, questions are asked to get the up-to-date, current position. Ministers might not want to mention the negotiations they might have had with their cronies in the meantime, but they should remember that they are duty bound to give the information demanded of them. I will pursue this matter again. If the Minister, Deputy Roche, thinks for one moment that I have finished with it, I assure him that I have not. Ministers of all parties should remember that parliamentary questions are the best protection they will ever have, in or out of office. The time ultimately comes when all Ministers have to leave office. When questions which were not answered are examined in retrospect by others, a conclusion may be reached that will be regretted by the former Minister who refused to address the issue.

I have no problem with ensuring that as many people as possible can stand for election, although I would like to comment on the ongoing debate about the age at which one should be allowed to vote. Some people think the current voting age of 18 should be retained, although others think it should be reduced to 17, 16 or 15. Why not bring it down to ten? I do not agree with such suggestions. The voting into office of a Government is a serious issue that should be taken seriously. Some young people are parents at the age of 16 or 17, but that does not necessarily mean that everything else follows.

I have come across many cases in recent years of mothers of children having serious concerns about the associations of their sons or daughters with older people who could be sexual predators. The parents are not given adequate protection from the State and neither do the children who are not sufficiently capable of dealing with the threat which such associations presents to them. Parental guidance is required in certain cases up to the age of 18 years, depending on the views of the parents and which must be taken into account. If something happens which is not right, this should not mean that we should legislate to ensure that it is always right. The Minister should bear this in mind because other discussions will be held in the future where there will be conflict

[Mr. Durkan.]

between the parents of children and others who may decide arbitrarily that a certain path should be followed. In my experience in the past 12 or 14 months in particular, parents of children have had serious difficulties in finding out who can protect their child who may have wandered off the track and who may well come back into line again. It does not mean that if this happens the State should stand over what has happened and declare it to be legal. I would be loath to reduce the age. We should ensure that everybody recognises the seriousness of the business of electing governments.

My colleague, Deputy Gay Mitchell, has referred to European legislation. We have things to learn from Europe but they should also learn from us. Our system of democracy is at least as good as anybody else's. We were longer waiting for it than most other nations so we should cherish it. However, we should honour it by making sure we do not bring it into disrepute. I am amazed at the degree to which some cynics will snigger at the quality of people who become involved in politics — these are usually people not of their own ilk. They complain that snags in the system of democracy allow this to happen. Democracy means that if a candidate can garner sufficient support and if he or she is not a criminal, then everything else should be within reason and a person should have the opportunity to participate in that exercise.

I was asked to witness a signature on a local authority housing application form, a form with which the Minister will be very familiar. It is a 29-page document and is the ultimate answer of the bureaucrat to the housing crisis; if the document is long enough and difficult enough then nobody will want to fill it in and they will shudder when they see it. It is similar to the agricultural document which has 700 notations required before it is returned. The local authority form may be signed by a peace commissioner.

I discovered that I was not permitted to witness another document as a peace commissioner was not of a sufficiently high standing and that it could only be witnessed by a bank manager, a solicitor, a clergyman or clergywoman, a teacher, a doctor, a nurse or some other such person of high standing. I was amazed and offended because I do not regard myself as of lower standing than any other human being nor should anybody else in this House. Nobody should presume that they deserve a higher standing by virtue of somebody else's identification of their position which confers on them some extraordinary higher level of intelligence or standing than the rest of us.

Some politicians may have been led astray and some may have wandered off the path. This might have been because the profession used to be very poorly paid, even though I do not wish to make excuses. There is no profession, group or association in our society that should look down on

politicians and regard them as an inferior group of people.

The legislation on independent assents is an improvement as it was unworkable in the past. I am not impressed with the urgency or manner with which it was introduced into the House. The Minister will know I am deeply suspicious of the antics from that side of the House especially coming near an election. He knows well my reasons for that deep suspicion. Every measure from that side of the House with regard to electioneering is to do with gaining an overall majority. They are all various versions of diversions and red herrings, electronic voting being one example and the Kelly case being another. I remind the House of the case of the post office stamping all my correspondence with the slogan, "Vote for Fianna Fáil" at the time of the last general election, until Deputy Broughan had the temerity to take the case to court and put a stop to it. This is an adulteration of the democratic process, all for the golden calf of achieving the overall majority.

Much discussion has taken place on the subject of expenditure at election time. We presumed the new regulations on maximum expenditure at election time would change everything but there was no intention of anything changing. All the Government has done is spend on massive splurges beforehand. Significant amounts of money are being expended all over the country. The public is becoming fed up with the barrage of literature coming through letter boxes. The effect is the opposite to what was intended and the public is turned off. I cannot understand why the Government has been fiddling around with the election system and with procedures that worked well. I refer to the voters' register. The Government never wanted the voters' register to be accurate. It did not wish An Post to compile it because it might have been done effectively as An Post could visit every door in the country every day of the week.

Time does not permit me to say more. However, before long, there will be an opportunity to have a full debate on these issues at length, not in a truncated fashion, as is the case at present.

Minister for the Environment, Heritage and Local Government (Mr. Roche): I can never recall an occasion when either his wind or his loquaciousness failed the Deputy opposite.

Mr. Durkan: It is getting worse.

Mr. Roche: Today's contribution was a good example of how bad it can get.

Mr. Durkan: For bombast, the Minister holds the record.

Mr. Roche: I listened to the Deputy for 20 minutes without interrupting him once.

Mr. Durkan: I have been listening to the Minister for 20 years.

Mr. Roche: I expect the Deputy to show some courtesy on this occasion. I will deal with the last speech first. Deputy Durkan, with other speakers, made the point about the huge spend before the elections, and about the postering taking place at present. As I drive around the country, I see an astonishing amount of very large posters which are predominantly Fine Gael posters.

Mr. Durkan: That is the Minister's problem.

Mr. Roche: In fact, there have been two or three separate, major campaigns of postering. I have no problem with it.

Mr. Durkan: The Minister should come to my constituency.

Mr. Roche: However, as one Deputy noted earlier, I wonder where the money comes from. I want to commend——

Mr. Durkan: The Minister need not wonder in our case.

Mr. Roche: That is it. The old Blueshirt comes to the fore. Shout the other fellow down. Do not listen.

Mr. Durkan: The Minister should not go there.

Mr. Roche: Do not allow a response. Be ignorant, be thick. Keep the head down and shout. I will deal with some of the points raised.

Mr. Durkan: The Minister should deal with them.

Mr. Roche: I commend Deputy Gay Mitchell on a thoughtful and incisive speech — it was one of the better speeches in this debate. He made the strong point that it is time for us to consider the creation of a kinder Ireland. In complete contradiction to the last speaker, he made the point about it being important in all political debate and discourse that we listen to each other. I commend him on that. He also made the point that Ireland should look forward. I agree. The time has come for Ireland to look forward, not backwards. One of the astonishing points to note is that most of the speeches looked backwards when they could have looked forward and discussed matters we could and should be changing.

Deputy Gay Mitchell was also right in another way. Ireland has changed dramatically. When I first entered the House 20 years ago, it was at a time when a Fine Gael-Labour coalition was just being turned out of office. At that time, the number of people in work was half what it is now, we had a huge tax burden, the national debt had doubled in three years and every farthing collected in tax simply went to pay for the debt. The other part of that coalition Government's legacy is an interesting one. Some 250,000 people were out of work — unemployment was at 16% — and 71,000 people were working in the building and

construction industry compared to 250,000 today. Deputy Gay Mitchell is correct that we have made progress. We will continue to do so.

I wish to consider the Bill, although many of the contributions were not on the Bill. Deputy McCormack was characteristically negative and, as usual, he made points of very dubious relevance. There have been many elections since 1992. I do not recall a single Deputy from that side of the House having the prescience he had today — 20/20 vision is always a good thing. The reality is that the Bill arises not because of a deficiency but because the Supreme Court made a decision. We live in a country where, thank God, we have a Supreme Court and a Constitution and, from time to time, legislation is tested.

With regard to the register, Fine Gael and the Labour Party simply did not listen. Deputies McCormack and Gilmore made the point about the register being linked to PPS numbers. Deputy Gilmore talked about slow learners. He should also talk about slow listeners. As I have stated since time immemorial, there are in excess of 5 million PPS numbers. Anybody who thinks one can create a viable voting register from 5.6 million PPS numbers is not in touch with reality. Another point that shows the lack of reality in this debate is that there are children who have PPS numbers despite not being 18 years or older. Non-nationals who have been in the country and gone home for a period have PPS numbers but are not entitled to vote in all elections. Moreover, PPS numbers are not always related to one's voting location or the place where one is entitled to vote. It is idiotic for Members to come to the House and repeat the same views over and over.

Deputy Gilmore made a specific point with regard to the register of electors in Dún Laoghaire. It is worth reminding ourselves that the problems in Dún Laoghaire arose because, arrogantly, the chairman and council of Dún Laoghaire-Rathdown County Council refused to be bound by the advice that every other council in the country took. It took a long time for them to admit they got it wrong, but wrong they got it. I recall that particular gentleman arrogantly stating: "We have 99% accuracy in Dún Laoghaire." Anybody who thinks there is 99% accuracy in any voting register is not in touch with the real world.

Deputy Gilmore and a number of other Deputies made reference to spend, which brings the same gentleman in Dún Laoghaire to mind. He spent an astronomical amount of money being elected to a local council on the last occasion and now seems to be trying to spend his way into the Dáil, although that is a debate for a different day.

A point raised by several Deputies, particularly Fine Gael Deputies, was the issue of electronic voting. When they have nothing else to say, they go back to that. I do not want to cause any Fine Gael Deputy discomfiture, but I remind them that their former leader, Mr. John Bruton, introduced what I thought was a superb leaflet on the issue of electronic voting. He extolled the virtues of the electronic system, and said it was as easy

[Mr. Roche.]

as 1, 2, 3. This was on the website of Fine Gael until recently, but when I drew attention to it last year, it disappeared.

Mr. McCormack: Where is he now?

Mr. Roche: Mr. Bruton is doing a very good job in Washington. The Deputy was happy to walk behind him——

Mr. McCormack: It will not worry him anymore.

Mr. Roche: As the Deputy is from Galway, he may remember that his current leader, when talking to students in Galway, extolled the virtues not just of voting electronically but of voting on the Internet. People are entitled to change their minds but they are not entitled to play the hypocrite.

While much of the debate was not on the Bill, a couple of points on the Bill were raised. Deputy McCormack raised a serious point with regard to the centre and the purpose of the penalties. The penalty will apply when a centre has given a false statement, and will apply under the existing law on false statements. A situation could arise where somebody could malignly attempt to disenfranchise an Independent candidate by giving assents in a number of different areas, thereby conspiring to defeat the democratic purpose. The point is not to punish the Independent candidate, who would be innocent in this matter, but to deal with the centre which behaves malignly.

Several points were raised with regard to the deposit, which I believe is reasonable at €500. A number of non-party Deputies referred to the use of the word “Independent”. Deputy James Breen, who was almost on the point of taking off with indignation, argued that his constitutional rights were being infringed. I am not sure about Deputy Breen’s capacity to make judgments on constitutional rights but I am convinced the Supreme Court has some competence in this area. The Supreme Court has been specific and clear in this regard. I refer Deputy Breen and anyone else who has doubts on this matter to pages 34 and 35 of the Supreme Court’s adjudication. It states at page 34:

Candidates for registered political parties will invariably have the name of their party after their names. The description for other candidates as “non-party” candidates is a correct one and could not be said to be misleading.

The adjudication continues on page 35:

The ballot paper is not intended to be one which goes beyond enabling the candidates to be identified by voters and contain a political message. Every candidate, including independent or non-party candidates have the freedom during the course of the election campaign to convey to the electorate who they are and what they stand for. There is no reason to conclude

that the description “non-party” on the ballot paper is misleading. Neither is there any evidence suggesting that this might be so.

That is the view of the Supreme Court. If we are democrats, we accept the Constitution and that is the view to which we sign up. We cannot have a situation where we accept the adjudications of the court when they suit us and do not accept them when they do not.

Deputy Finian McGrath, at length and in a dispassionate way, gave what he regarded as an objective assessment of the role of Independents. Anybody who is elected is entitled to the respect of the House. The fact that a person has one appellation rather than another does not suggest that person is superior to every other Member of the House. The view of the law and, thankfully, that of the people who drafted the Constitution is that all who walk into this House are equal. Deputy Durkan made the point that, in terms of remuneration, Independent Members do rather better than those with party affiliations.

In response to Deputies Finian McGrath and James Breen and others in that part of the House, while I respect them fully, I notice that all those who talked about non-delivery called on the Government to deliver. It is a marvellous position to be in to carry the Independent banner and then call on the Government to do the thing they told the electorate they would do.

Mr. McCormack: Ministers are calling on the Government to deliver.

Mr. McHugh: It is the function of the Government to deliver.

Mr. McCormack: The Minister of State at the Department of Justice, Equality and Law Reform, Deputy Fahey, is constantly calling on the Government to deliver, as do all Fianna Fáil backbenchers.

Mr. Roche: There is double think in that. Fine Gael branches will never listen.

Mr. McCormack: Ministers are calling on the Government to deliver.

Mr. Roche: Will the Leas-Cheann Comhairle ask the Deputy to respect the rules of the House?

Mr. McHugh: The Minister is provoking Deputy McCormack.

An Leas-Cheann Comhairle: Order, please.

Mr. Roche: I have sat in the House for three hours and respectfully listened to the Deputy.

Mr. McCormack: The Minister is talking rubbish.

Mr. Roche: Deputy Finian McGrath said Independents were prepared to take the difficult decisions. I cannot remember a single occasion

in this House on which an Independent Deputy pushed through taxation measures, as the rest of us, including Deputy McCormack, must do from time to time to pay for public services.

Mr. McHugh: Does the Minister recall Deputies Healy-Rae, Fox and Blaney?

Mr. Roche: I will return to less controversial and sensitive matters. Deputy Gormley referred to the amount of money spent recently on election posters. The main Opposition party has done the same, as it is entitled to do. It is not breaking any law or trespassing on anybody's rights in so doing. The Deputy asked where the money would come from and suggested a *post hoc* arrangement, whereby such expenditure between elections would be considered improper. This touches on another issue, namely, election spending and how it is contributed to. There is room for debate on that matter. A number of Members take the view that taxpayers should pay, while others say they should not.

The legislation before us is well balanced and deserved a more focused debate than it received in the House today. It will not do violence to those who want to pursue elections on a non-party basis, as one or two non-party or Independent candidates recognised.

Mr. McHugh: We are Independents.

Mr. Roche: The Supreme Court takes a view on the matter, on which I will not trespass. It does not matter what people call themselves but the quality of what they do and how they deliver should be the issues for adjudication.

Mr. McHugh: Therefore, it would not matter if the Minister was designated a Fine Gael candidate in the general election.

Mr. Roche: It would be inaccurate and the point demonstrates how ludicrous and silly the debate has become. This legislation supports those who want to put themselves forward for election on a non-party basis.

Mr. McCormack: The Government is correcting mistakes it made a year ago.

Mr. Roche: It makes it easier for people to deal with the matters raised and does not impose any additional penalty. In response to the last, characteristically negative, comment from Deputy McCormack, there have been many elections since 1992 and he has been in the House for much of that time.

Mr. McCormack: I have been in the House throughout that period.

Mr. Roche: Not once did the Deputy show the prescience shown by the three individuals who decided to take the issue to court. This is good legislation. The question was asked as to why we

were introducing it now. The answer is that the Supreme Court has given its adjudication on a particular issue, which means we have to deal with it before the general election.

Mr. McCormack: The Minister is cherry picking. Why does he not answer the hard questions? It is awful to have to listen to such rubbish from a smart man.

Question put and agreed to.

Electoral (Amendment) Bill 2007: Referral to Select Committee.

Minister for the Environment, Heritage and Local Government (Mr. Roche): 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.

Sitting suspended at 3.25 p.m. and resumed at 3.30 p.m.

Message from Select Committee.

An Leas-Cheann Comhairle: The Select Committee on Justice, Equality, Defence and Women's Rights has completed its consideration of the Defence (Amendment) (No. 2) Bill 2006 and has made amendments thereto.

Ceisteanna — Questions.

Priority Questions.

Direct Payment Schemes.

1. **Mr. Naughten** asked the Minister for Agriculture and Food the steps she will take to ensure farmers have the maximum available information on the implementation of cross-compliance measures; and if she will make a statement on the matter. [9211/07]

Minister for Agriculture and Food (Mary Coughlan): The introduction of the single payment scheme, involving the move to a decoupled system in Ireland, and the linkage to cross-compliance requirements set down in EU legislation and dealing with the environment, public, animal and plant health and animal welfare was a major challenge both for farmers and my Department. The need to provide detailed information for farmers and to engage in consultation with the farm bodies on the wide-ranging changes inherent in the single payment scheme was recognised at an early stage. A number of information guides and consultation papers on various issues were prepared and distributed to farmers in the

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last three years. These were augmented by a series of countrywide information meetings for farmers that were delivered by my Department and Teagasc during the latter half of 2004 and again in 2005. My Department also hosted seminars on the single payment scheme at events such as the national ploughing championships at which there were large farming audiences.

Specifically on cross-compliance, my Department published two separate booklets in 2005 and 2006 which were sent to every farmer in the country. These dealt with the 18 statutory management requirements, SMRs, on good agricultural and environmental conditions under cross-compliance. A separate information booklet dealing with the nitrates element of cross-compliance issued to all farmers during November 2006. This was followed by a further series of countrywide information seminars for farmers.

The regulations governing the single payment scheme provide for a farm advisory system that can advise farmers on the various cross-compliance requirements to be available in member states. Ireland already has in place a well developed farm advisory service through Teagasc and private consultancies. These channels can be of major help to farmers in ensuring understanding and observance of the cross-compliance rules. My Department is currently arranging information meetings for Teagasc and private agricultural consultants, with particular emphasis on cross-compliance with a view to updating them on the various SMRs on good agricultural and environmental conditions.

I am very conscious of the concerns of farmers regarding cross-compliance and the risk of incurring financial penalties in their direct payments. This is an issue not only for Irish farmers and my Department, it is also high on the agenda of farmers and administrations in several member states. I have raised my concerns — particularly those relating to the inspection arrangements and the need for advance notice — with Commissioner Fischer Boel on a number of occasions both in person and in formal communication. I have also discussed the problems with Minister Seehofer, the German President of the Agriculture Council, and I am most heartened by his commitment to deal with the issues which are high on the agenda of the Presidency. I took the opportunity when in Paris last weekend to attend the International Agriculture Show to meet my German and French counterparts and impress on them the need to lessen the burden of bureaucracy on farmers in the simplification process now under way.

The Commission is at an advanced stage in finalising a review document on cross-compliance. I expect this to be cleared through the Commission before the end of March and it will then go to the Agriculture Council for discussion in April. With the commitment of the Presidency to progressing the dossier speedily, I hope that

changes can be agreed in time to apply to the 2007 inspection arrangements.

In conjunction with this, my Department is carrying out a full review of the inspection arrangements and checklists for the single payment scheme with a view to simplification of the arrangements, including paperwork, where possible, while ensuring compliance with the regulatory requirements. The inspection checklists are documents for completion by my Department's inspectors and not by farmers. The review of inspection report forms, together with the outcome of the Commission's review of the cross-compliance arrangements generally, will be fully discussed with the farming organisations before the single payments inspections for 2007 get under way.

Mr. Naughten: What is the position regarding the introduction of 14-day notices to farmers regarding inspections? As the Minister is aware, the vast majority of problems that have arisen in respect of cross-compliance inspections relate to the paperwork involved, identification, lost tags etc. The latter will not have any real impact in the context of 14-day notices. Will the Minister ensure the introduction of such notices comes to pass?

The Minister is planning to establish the farm advisory system through private consultancies and Teagasc. As she is aware, this system will not cover all farmers, particularly those who are restricted under the regulations relating to cross-compliance. Why is it that farmers are only now obtaining further briefings in respect of this matter? Should such briefings have been provided at an earlier stage? Is it not the case that the new system was supposed to have been up and running from 1 January 2007? Is it not hypocritical of the Minister to be anxious to implement rules and regulations that directly impact on farmers while dragging her heels in respect of providing them with information?

Mary Coughlan: I completely refute the Deputy's assertion. It is obvious he was not listening to——

Mr. Naughten: I listened intently.

Mary Coughlan: The Deputy did not do so. I informed him that people received information in 2004 to 2006, inclusive. Teagasc, with which 99.9% of farmers are in contact, and the private consultants are providing the advisory service. It is hypocritical of the Deputy to suggest that we have not contacted, consulted or informed farmers. As stated earlier, I hope that, on foot of the consultations taking place, changes to the cross-compliance regime will be introduced this year. There is no doubt that further information will be made available to farmers.

It is important to place on record what is happening with regard to inspections. In 2004, there were 18,000 on-farm inspections. In 2006, the

number fell to 7,500. This represents a reduction of 58%. In 2004, 6,493 farmers were penalised for breaches of the rules on identification and registration of bovine animals. In 2006, 1,163 farmers were so penalised. The latter represents a reduction of 82%. There has, as promised, been a massive reduction in the number of inspections carried out under this regime. The most striking statistic is that one third of the farms inspected in 2004 had problems with identification and registration and a similar number of farms visited in 2006 had the same problem. The real difficulties relate to identification and they have been with us for a considerable period. In my opinion, our energies would be best spent dealing with the issue of identification as opposed to engaging in pontification. That is where I see the solution to dealing with this issue.

On the issue of the 14 days' notice, as I have indicated it is my intention to spearhead the provision of advance notice. I agree that there is no need in a decoupled period for there to be no notification. That is part of my agenda and that of the Presidency. As I indicated, this matter is now with the Commission. I have had, and am gaining, much support for what we want to achieve.

Acting Chairman (Mr. Kirk): For the information of Deputy Naughten, Standing Orders provides six minutes for a Priority Question. There are four more questions to be dealt with. I will allow a brief supplementary.

Mr. Naughten: The difficulty was with the Minister's initial reply, not with the supplementaries.

I accept the point the Minister made about identification. In that regard, she might have a word with the Taoiseach because he seems to have a problem with it.

I have two questions for the Minister. First, given that she gave a commitment that the Department checklist would be issued to farmers, when will it be issued to them? Second, the definition of soiled water dating from July 2004 was subsequently changed in December last. When were the agricultural advisers around the country informed in detail of the impact of the change?

Mary Coughlan: Deputy Naughten's little quip is not acceptable and I will tell him why. Perhaps he should have read the contents of the article to see where there is real support for farming on the ground, rather than make snide remarks across the House.

Mr. Crawford: The farmers know that.

Mr. Naughten: The farmers know the reality.

Acting Chairman: Minister, I am anxious to move to Question No. 2.

Mary Coughlan: This might be our last time for parliamentary questions. It is a good time to provide a round-up and show our position on agriculture, food and forestry. We are on this side at present—

Acting Chairman: We do not want to abuse Standing Orders.

Mary Coughlan: —and, hopefully, we will continue to be.

Mr. Naughten: It was the Minister, not me, who brought up the issue of identification.

Mary Coughlan: On the issue of inspections, I have indicated that we are involved in a period of consultation with the farming organisations. I have appointed Dr. Cawley to oversee that. It is working well in preparation for the 2007 inspections. Once that has been completed and the outcomes of the European discussions are available, then we will revise the document and can proceed from there.

It is my intention to pursue vigorously the issue of simplification. I have written and spoken to many on this issue. We held a discussion here with the representatives at secretary level as recently as this week. We will be pursuing that further. It is my intention to ensure that the outcome of the European discussions will be reflected in the new document. There is no point in producing a document now and having to revise it in a couple of weeks.

Mr. Naughten: I take it they have never been informed on the soiled water issue.

Mary Coughlan: All I would say about soiled water is that this was raised in the House before Christmas. People are acutely aware of the definitions. It has been made available within the statutory instrument and at the information meetings. Therefore, there is no difficulty on what are the definitions of soiled water or slurry.

Mr. Naughten: They have not been informed.

Mary Coughlan: They have been informed. What Deputy Naughten is trying to say to me is that—

Acting Chairman: Minister, could I discourage you from engaging with the Deputy across the floor?

Mary Coughlan: —people in Teagasc and in the private sector do not read the farming news in the newspapers.

Mr. Naughten: It is the Minister's responsibility to inform, not anyone else's.

Mary Coughlan: That has been made available in a press release in December last.

Mr. Naughten: There is no point in keeping some of it behind closed doors.

Acting Chairman: We are being unfair to Deputy Upton.

Mary Coughlan: Deputy Naughten is factually incorrect. A press release was made available in which people were informed of exactly what has happened.

Mr. Naughten: A press release.

Mary Coughlan: It then went to Teagasc and the relevant authorities. The decision has been made.

Mr. Naughten: By law, since 1 January last they are supposed to have all of the information and the Minister has not provided it to them.

Mary Coughlan: It is all there. Perhaps Deputy Naughten does not want to know about it.

Acting Chairman: Could we proceed to Question No. 2? Deputy Naughten, please. We are being unfair to Deputy Upton.

Food Labelling.

2. **Dr. Upton** asked the Minister for Agriculture and Food if she has held either informal or formal discussions directly with the Food Safety Authority of Ireland or with the Department of Health and Children regarding the implementation of the country of origin labelling of beef at catering level; and if she will make a statement on her views of its implementation to date. [9212/07]

Minister of State at the Department of Agriculture and Food (Mr. B. Smith): 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 lies 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 more than 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, HSE, 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.

Dr. Upton: I thank the Minister of State for the reply. There are 9,000 caterers and that is a fairly substantial number for the FSAI to inspect on what he described as a routine basis. How frequently would they be inspected and how many of those 9,000 would be inspected on an annual basis?

I understand from the reply that checks on compliance with country of origin regulations are incorporated into that routine inspection, but my question really relates to whether persons were found not in compliance with the country of origin labelling at catering level. If persons were found to be in breach of the regulations, has it been necessary to take action against them?

Mr. B. Smith: In response to Deputy Upton's further questions, the Minister, Deputy Coughlan, met the chief executive of the FSAI yesterday and one of the issues that formed their discussion was the implementation of these regulations.

As I may not have made it clear, there are more than 44,000 food businesses in this country of which over 29,000 are in the service sector. I recall reading a reply by the Minister for Health and Children, Deputy Harney, to a question tabled by the Leas-Cheann Comhairle, Deputy Pattison, where she outlined that on an annual basis two thirds of those 29,000 food businesses are inspected, and she advised that the number of inspectors and level of inspectors required to implement these regulations is sufficient. As Deputy Upton will be aware, the enforcement of these regulations is a matter for the FSAI, whose parent Department is the Department of Health and Children.

Dr. Upton: I saw on the website yesterday where seven closure orders were applied against food outlets of one kind or another. I put it to the Minister of State that while it is not his direct responsibility to engage the enforcement people, it is still a significant matter from the point of view of the food, which we either eat or export. What communications would he send to the FSAI and perhaps, more directly, to the Department of Health and Children on the need to increase the number of inspectors?

Mr. B. Smith: In constant negotiations and discussions between the Department of Agriculture and Food and the Department of Health and Children, we would always raise the need for adequate inspections to ensure that these new regulations are implemented properly. Of course the regulations include consumer rights as well and the consumers have been advised of their right to have the country of origin of beef provided to them by a caterer, and that where the information is not made available they should bring this to the attention of the HSE.

Recently, guidance notes on the implementation of the regulations have been developed by the FSAI for use by their environmental health officers and of course those notes are also being made available to the caterers. It is not a matter of one versus the other. It is an evolving process and we want to ensure that the implementation is done properly and adequately by the people in the industry. The less policing needed in the future, the better.

Food Industry.

3. **Mr. Sargent** asked the Minister for Agriculture and Food if her attention has been drawn to the threats to the vegetable industry identified by consultants (details supplied); the way she will respond to these threats. [9281/07]

Mr. B. Smith: I am aware of the difficulties being faced by the vegetable industry and I am also aware, as the consultants outline, that it is an efficient industry, well positioned and operated by professional, expert growers who have been strongly supported by the Government over the past decade or so. The fresh vegetable sector is valued at around €80 million within an overall horticulture industry of €300 million per annum. While there has been a consolidation of grower numbers over the last number of years, production has remained relatively steady. As is common in all sectors of the food industry, the vegetable sector has experienced strong competitive pressures from highly concentrated retail chains and this has resulted in static or falling prices.

I recognise that the horticulture sector has potential for substantial growth and development. As outlined in the Agri-Vision 2015 action plan, my Department has committed itself to providing strategically targeted grant support for horticultural projects in production, processing and marketing to improve the overall development and competitiveness of the sector. Under the new rural development programme 2007-13, substantial funding in the order of €50 million has been earmarked for the sector and I intend to launch the first phase of the scheme as soon as the programme is cleared under EU rules. This scheme follows from the grant support provided in the 2000-06 NDP horticulture scheme, under which grant aid amounting to €20 million was paid to producers in addition to the €11 million provided to the sector under the NDP marketing and processing scheme. Taken together, these two schemes have leveraged an investment of over €90 million in the sector since 2000.

Another key to stabilising producer incomes and arresting the decline in numbers in the vegetable sector is participation in the EU producer organisation scheme. Producer organisations provide their members with opportunities to concentrate marketing, reduce production costs and stabilise prices. In effect, they provide a mechanism for producers to work together to strengthen their position in the marketplace by becoming

part of a larger supply base, thereby strengthening their negotiating power with the multiples. The proposals for the reform of the common organisation of the market for fruit and vegetables, which were presented to the Council on Agriculture and Fisheries on 29 January, identify strengthening the role of producer organisations as the core part of the strategy for improving the competitiveness of the fruit and vegetable sector in the future. In addition to increased funding for some actions, the proposals include measures for crisis management organised through producer organisations and enhanced aid for measures both within and outside the producer organisation framework to promote consumption of fruit and vegetables, particularly by young people.

I should also add that the Irish food dude programme, which receives considerable funding from my Department and is aimed at increasing the consumption of fruit and vegetables by school children, is being adopted by the EU Commission as a model for this promotion measure in the reform proposals.

Since 2000, some 20 Irish producer organisations have benefited from EU funding amounting to €24 million. With proposals now on the table for greater flexibility in the EU rules governing the formation and operation of producer organisations, I hope to see them playing a much greater role in supporting Irish producers of fruit and vegetables. Currently, the number of vegetable growers involved in producer organisations is relatively small but I encourage all growers to consider the potential benefits which membership could bring to their enterprise. The supports offered through the producer organisation scheme and the NDP will minimise the threats to the vegetable sector, allowing it to prosper and develop.

Acting Chairman: I advise Deputy Sargent that we are over time on this question.

Mr. Sargent: I have not even opened my mouth.

Acting Chairman: I am not suggesting the Deputy is at fault.

Mr. Sargent: May I put my question?

Acting Chairman: I am merely trying to dissuade Members from——

Mr. Sargent: Speaking.

Acting Chairman: ——making Second Stage speeches.

Mr. Sargent: What I will say is far from a Second Stage speech. I will, however, put several pointed questions with regard to this very important matter.

Given that 40% of the field vegetables in this country are grown in my constituency, I am keenly aware of the current crisis. However, after

[Mr. Sargent.]

hearing the Minister of State's reply, I do not think he appreciates the issue. What does he mean by "consolidation of grower numbers"? The decrease by 14% in the number of jobs in field vegetables does not sound like consolidation.

It is not a matter of competitiveness, as the Minister of State would allege, but of prices. Does he realise that an increase of 25% is needed in the price of vegetables if the industry is not to collapse within the next three years? That warning was made to me by people involved in the industry. Has he any proposal for the farmers whose costs are increasing and who will go out of business without a 25% increase in prices? The price of field vegetables, and cabbage in particular, is decreasing, but all I hear from the Minister of State is that growers should get their act together. That is not the solution because they already have their act together in terms of efficiency.

Mr. B. Smith: I am aware of the challenges that face the industry. I have had the opportunity to visit Deputy Sargent's constituency of Dublin North on a number of occasions, where I met smaller growers as well as larger processors. It is almost one year since the Deputy accompanied me to an establishment in Ballyboughal which had received an investment of €7 million.

This report draws on a range of internal research by my Department and Teagasc to outline the challenges as well as the investments made by large and small enterprises over the past several years, particularly in respect of north County Dublin. When I presented awards to the horticultural sector 12 months ago, I asked growers to become involved in producer organisations. The mushroom sector, with which Deputy Crawford and the Acting Chairman, Deputy Kirk, are very familiar —

Mr. Crawford: It is dead.

Mr. B. Smith: —has gained significant benefits from forming producer organisations in terms of strengthening the bargaining power of individual suppliers. The rest of the vegetable sector has not availed of the opportunities offered by producer organisations but direct grant assistance is available from the EU and administered by my Department for them to do so.

Deputy Sargent and his Dáil colleagues in Dublin North are aware of the challenges which face individual farmers and enterprises. If they are to operate more effectively in the market, they will have to make better use of producer organisations to combine their strength. Only a small number of farmers are currently involved in the Dublin Meath Growers Society and the other producer organisation in north County Dublin.

The proposals we have put to Europe will allow us to develop an even better system for funding producer organisations under the next NDP. The

process will be simplified and more beneficial to individual growers. As I noted in my earlier reply, we have allocated substantial amounts of funding for on-farm developments in this sector between now and 2013.

I met the people who commissioned this report, the farmers and their representatives, and the Minister and Department officials have maintained contact with them. Before the end of this month, I will convene a major forum at which all stakeholders will be able to debate the difficulties, challenges, weaknesses and opportunities in the industry. This forum will be led by my Department and will represent an important start.

Mr. Sargent: I acknowledge the Minister of State's argument with regard to producer organisations but does he accept that a considerable degree of co-operation already takes place, coordinated by the IFA? Everything possible is being done. Does he agree that Departments, such as the Department of the Environment, Heritage and Local Government, have a role to play in providing alternative outlets to the six main retail firms which are essentially squeezing producers? Farmers markets formed part of the recommendations in the report to which he referred but I do not see them being developed in areas such as north County Dublin, which is ironic given that is home to most of the country's field vegetable production. Will he enlist the help of the Department of the Environment, Heritage and Local Government and local authorities in providing an alternative to the six main retail firms? When he accompanied me to Ballyboughal, we observed the large retailing and packaging side of the industry rather than the growers who are being forced out of business. We need to help these growers.

Mr. B. Smith: Since 2002, mushroom growers have drawn down €22 million under the auspices of their producer organisation whereas fruit and vegetable growers have only drawn down €2 million. I accept there is a need for individual producers to have stronger muscle so that they obtain the return on their produce to which they are entitled and which they need to ensure the fruit and vegetable industry remains strong and viable.

Farmers' markets are important and I have had many exchanges with the Deputy about them. I visited England last September with IFA representatives and farmers from north Dublin. We visited farm shops, in particular, and I would like that concept rolled out in Ireland. We met individuals who have plans to roll-out farm shops in north Dublin and Meath and we passed their planning concerns to the Department of the Environment, Heritage and Local Government in mid 2006.

Mr. Sargent: I look forward to following that up.

Milk Quotas.

4. **Mr. Crawford** asked the Minister for Agriculture and Food her views on whether the milk quota exchange system is not providing a fair opportunity for farmers to either buy or sell; her further views on the fact that in small co-operatives or dairies no milk has changed hands and in some of the larger dairies only a small percentage has transferred; and her plans to restructure the system and take account of the anomalies that are preventing both willing buyers and sellers. [9232/07]

Mary Coughlan: The first milk quota trading scheme ran successfully in January and resulted in 120 million litres of quota being offered for sale, with 73 million litres traded. The second stage of the scheme has a closing date for applications of 9 March 2007 and the exchange will be run in April. The trading scheme, which has replaced the restructuring scheme for the 2007-08 quota year, allows milk producers the opportunity to bid for the volume of quota required to meet the development needs of their farm enterprise at a price that will generate a commercial rate of return. In essence farmers may decide on the amount of quota they wish to buy or sell and the price at which they are willing to trade quota. Some 70% of the total amount of quota offered for sale will be transacted on the market exchange and will be sold at the market clearing price. I am satisfied that the new milk quota trading system will create a more open market system of transferring milk quota and 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.

The milk quota regime in Ireland is operated at milk purchaser-co-operative level in accordance with the regulations set by my Department. Under the old restructuring scheme, a primary condition of the scheme was that quota sold into the restructuring pool by a co-operative's suppliers was available for purchase by them in the first instance. The new trading scheme is also operating at milk purchaser level and, as under the old scheme, anomalies arise in smaller co-operatives where there is excess supply of quota. However, I have made provision in the new scheme to allow milk purchasers to group together for the purposes of trading quota, without having to form a registered group of purchasers under the milk quota regulations.

Acting Chairman: I encourage the Deputy to keep his questions as brief as possible.

Mr. Crawford: That should apply to both sides of the House.

Last week, in reply to a parliamentary question I tabled, the Minister outlined the amount of milk quota that had changed hands over the past six years. In 2006 the amount traded fell by 15 million from 177 million litres compared with 2005.

There were great expectations that the new quota system would have a dramatic effect last year but farmers did not offer their milk quota for sale because the Minister announced the restructuring scheme on a Friday and then announced her new proposals the following Sunday. Does she agree it is totally unacceptable that no milk changes hands where a supplier brings his milk to a co-operative if it does not have a computer system? Departmental officials advise that by grouping co-operatives, the issue would be resolved. How can she explain then that only 11% of the available quota transferred in Lakeland Dairies' catchment area, which is a large co-operative?

I refer to the serious issue of a technicality. The document on the sale and purchase of quota states a farmer must dispose of all his quota when it is offered for sale, which means a farmer could lose 30% of its value. A farmer who does this will also sell his cows. If his quota does not sell, how can he re-create milk so that he can lease the remaining 70% for the rest of the year? Will the Minister accept this is a mess?

Mary Coughlan: It is not a mess. The differential ranges from 11 cent and 24 cent per litre under the new scheme. One of the criticisms has always been that the Department interferes too much in the commerciality of farming. This proposal will address that issue.

All the farming organisations were party to the review and they were more than happy with the outcome. Now that farmers are aware of the table outlining the differential, they will establish that they fall within the percentile and they will be able to pay for the quota that becomes available. My Department has received 2,000 applications under this scheme and there will be twice or three times as many applications under this scheme than under previous schemes because farmers have more information and a better understanding of the regime. It will be more than beneficial to farmers and I do not accept, therefore, it is a mess. I outlined that farmers had to make a decision on the basis of price, on what is happening in Europe and what the commissioner had to say and on the review that will take place in 2008. This scheme is a good mechanism and the outcomes I expect will be reflected when it closes. It will be beneficial to allow farmers to sell and to allow others access to purchase quota.

Acting Chairman: The Deputy may ask a brief supplementary question. We have one more Priority Question to deal with and time is pressing.

Mr. Crawford: The Chair is holding everything back.

The bottom line is the scheme has changed the system dramatically. The Minister stated the differential ranges between 11 cent and 24 cent. Will she guarantee that milk quota will continue to be treated as it is currently? Does she agree there will be legal difficulties because one farmer will

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be paid 24 cent a litre, depending on where he lives, and another will not? How will that be resolved in the long term?

Mary Coughlan: Ring-fencing will continue as part of Government policy. That has benefited the west and north west and it has permitted farmers to scale up and become competitive. We must move on in this sector because it is hugely important. We need to change and to afford farmers the opportunity to scale up. Perhaps the Deputy wanted to forget about our priority, which is young farmers. They must have priority. We must also examine lost leases, which is also a priority within this pool. The number of applicants under this scheme will increase compared with previous schemes and, on the basis of previous information and assessment discussions that have taken place within farming organisations and co-operatives, people will manage and work within the new system. The percentile between 11 cent and 24 cent will result in people staying in the system.

Farm Inspection Scheme.

5. **Dr. Upton** asked the Minister for Agriculture and Food her views on the farm inspection scheme; if she has satisfied herself that the extensive paperwork associated with it is appropriate; her plans to review the requirements; and if she will make a statement on the matter.
[9213/07]

Minister of State at the Department of Agriculture and Food (Ms M. Wallace): The introduction of the single payment scheme and my Department's commitment to the farm bodies to ensure maximum integration of inspections across schemes and for cross-compliance has resulted in a drop in annual farm inspection levels from 18,000 under the coupled regime to less than 8,000 in 2006. I agree the inspection requirements linked to cross-compliance are complex and I am committed to negotiating significant changes in the context of the simplification exercise which is currently under way in the Commission. It needs to be made clear that the inspection checklist on cross-compliance should be completed by the departmental inspector, not the farmer.

It is important also to bear in mind that the controls under the various direct payment schemes are detailed in EU regulations. Failure to ensure a satisfactory control environment leaves a member state open to serious financial penalty — a fact that cannot be lightly dismissed given the magnitude of annual payments of €1.9 billion to Irish farmers under the single payment scheme, the disadvantaged areas scheme and REPS. Nonetheless, we believe the cross-compliance inspection requirements are overly demanding on farmers. It is our clearly held view that some practical amendments can be secured without, in any way, undermining the objectives of cross-compliance or putting accountability in

the disbursement of EU and national funds at risk.

As we have made clear, the Minister has raised our concerns about the single payment scheme, particularly the inspection arrangements, and the need for advance notice with Commissioner Fischer Boel on a number of occasions. She has also discussed the problems with the German President of the Agriculture Council and we are assured of his commitment in dealing with the issues over the next few months. The Minister discussed her concerns when in Paris last week-end at the international agriculture show with her German and French counterparts and impressed on them the need to lessen the burden of bureaucracy on farmers in the simplification process now under way.

The Commission is at an advanced stage in finalising a review document on cross-compliance. We expect this to be cleared through the Commission before the end of March and it will then go to the Agriculture Council for discussion in April. With the commitment of the Presidency to progressing the dossier speedily, we are hopeful changes can be agreed in time to apply to the 2007 inspection arrangements.

In tandem with this, our Department is carrying out a full review of the inspection arrangements and checklists for the single payment scheme with a view to simplification of the arrangements, including the paperwork, where possible, while at the same time ensuring compliance with the regulatory requirements. The review of the inspection report forms, together with the outcome of the Commission's review of the cross-compliance arrangements generally, will be fully discussed with the farming organisations before the single payment scheme inspections for 2007 get under way. The full details of the Department's 2007 inspection arrangements will also be sent to all farmers in advance of the inspections.

Dr. Upton: My colleague, Deputy Penrose, tabled a question last week in which he stated that the document consists of 66 pages covering 1,450 different questions, sections and permutations and that it requires the inspector's signature in 28 different places. I accept what the Minister of State said that the document is to be completed and signed off by her inspectors but there is much reading to be done by farmers and much homework to be done to address the questions with inspectors. The content of the document should be substantially reduced, so that it is appropriate for farmers.

Ms M. Wallace: As we have said on several occasions, we agree with the sentiments in regard to simplification. We have looked in detail at the 66 page document to which Deputy Penrose referred. It is important to state the only occasion in which all that paperwork would need to be used would be in a case where a farmer had all of the following on his or her farm: wild birds

nesting; a habitat or two; sludge; cattle, sheep, goats and pigs; milking cows; and arable crops. He or she would also have to have an outbreak of foot and mouth; blue tongue; and swine vesicular disease. He or she would be a fairly unusual farmer before all the 66 pages would have to be completed.

Mr. Crawford: He or she has to read the document.

Mary Coughlan: He or she does not have to read a thing. It is about time Deputy Crawford listened to people on this side of the House.

Ms M. Wallace: As the Minister has outlined on several occasions, the inspection forms do not have to be read or completed by the farmer. They are to be completed by the inspector. There is a good reason for a detailed inspection guideline for the inspector, namely, it ensures inspectors from Donegal to Wexford apply the same criteria. If there was a vague, half page guideline, one could have several different applications.

The Minister was very clear earlier when she gave the statistics, which really explain the issue. Some 18,000 farmers were subject to on-farm inspections in 2004. That figure was reduced to 8,000 in 2006. There is a reduction of 82% in the number of farmers being penalised. There is much scaremongering going on and it is not fair to farmers.

I wish to make it clear that the farmer does not have to read or complete the form. The form contains specific guidelines for our inspectors. The inspector is the only person who must read and complete the form, so that there is fairness throughout the country.

We agree there is a need to simplify the form and we are working on that. Much discussion will take place between now and the 2007 single payment inspections. We want to simplify the form and make it clearer for everybody. We will talk to the farm organisations and the documentation will issue to farmers before the inspections commence this year.

Other Questions.

Genetically Modified Organisms.

6. **Mr. McEntee** asked the Minister for Agriculture and Food the plans her Department has to evaluate the economic implications of the use of genetically modified organisms; and if she will make a statement on the matter. [8801/07]

Ms M. Wallace: As the Deputy may be aware, an interdepartmental-inter-agency working group was established within the Department in 2003 to develop proposals for a national strategy and best practices to ensure the co-existence of GM crops with conventional and organic farming. That group presented us with its final report and

recommendations in December 2005 which, *inter alia*, recommended that a combination of mandatory and voluntary measures are best to meet the objective of implementing the co-existence of GM crops alongside non-GM crops in Irish agriculture.

In order to capture the widest range of views on the issue, we arranged to have the report and its recommendations placed on the Department's website and invited observations from the general public. We are currently engaged in the process of considering the submissions received in light of the recommendations made and the ongoing international developments in this area, particularly relating to thresholds for organic produce. Draft legislation is currently being prepared in the Department to give effect to the mandatory measures proposed. We hope to be in a position to bring forward such measures to Government in the near future.

On the issue of economic evaluation, part of the group's work programme was to examine the economic implications of co-existence. Based on work carried out by Teagasc, as part of its ongoing programme of research investigating the potential risks and benefits associated with the growing of GM crops in Ireland, including, *inter alia*, the economic implications, indications were that the cultivation of certain crops with certain modifications may provide a financial incentive to the individual Irish farmer. While strands of this research paralleled completed work in other countries, it did not specifically address the costs associated with the co-existence of GM and non-GM crops.

The general conclusion of Danish and UK research on the economic impact of co-existence on farm profitability was that the costs of complying with the required thresholds for crops of maize, potatoes, cereals, oilseed rape and sugar beet vary from 0% to 9% above the costs of growing conventional crops.

However, we wanted to establish greater clarity in the matter as far as Irish conditions were concerned. Consequently, the Minister requested Teagasc to carry out a study to evaluate the possible national economic implications for the agri-food industry in Ireland from the use of GMOs in crop and livestock production. Teagasc based its study on the following scenarios: the economic implications of only allowing the importation into Ireland of certified GM-free soyabean and maize livestock feed ingredients; and the economic implications of GM-free crop cultivation in Ireland.

Additional information not given on the floor of the House.

In the first scenario, the study showed that substantial additional costs would be placed on the livestock sector, particularly on specialist dairy and beef farmers, if they were to use only certified GM-free soya and maize in feedingstuffs.

In the second scenario, the study examined five hypothetical GM crops which could be grown

[Ms M. Wallace.]

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 regard to identity preservation for conventional growers in a co-existence arrangement.

Mr. Naughten: Is it not the case that the study showed there were significant cost implications in regard to conventional growers? Why was an evaluation of the economic impact on the marketing of Irish food abroad on the basis of being GM-free or of going down the route of importing and using GM crops or import feed not considered? Is this not the fundamental issue that must be answered in respect of GM crops in Ireland from an economic perspective?

Ms M. Wallace: In respect of GM feed, I must clarify that the exclusion from the Irish market of GM maize and soya beans would result in a significant cost to the animal production sector. I understand 95% of our imports of soya and maize are GM feedstuffs.

Mr. Naughten: The figure is 97%.

Ms M. Wallace: Yes. Undoubtedly, the price of feed would increase costs for livestock producers.

As for the issue of a possible ban, we must be careful in this regard because once a GM crop has been approved for growing within the Community, EU law prevents us from banning it. We cannot legislate or prevent the growing of approved GM crops.

Mr. Sargent: Hungary did.

Mary Coughlan: It is in the dock for so doing.

Ms M. Wallace: We are obliged to introduce coexisting arrangements to protect existing non-GM arrangements. The Irish position on GMOs is positive but precautionary.

Mr. Naughten: May I have an answer?

An Ceann Comhairle: The Deputy should allow Deputy Upton to speak.

Dr. Upton: My question is essentially the same as Deputy Naughten's. The study from Teagasc did not consider a scenario in which 100% of crop and livestock producers were not engaged in GMO production.

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

Dr. Upton: Why was this not considered as a positive advantage for Ireland as a marketing

tool? Were we in a position to state that if crops were produced without reference to GMO, there would be opportunities and improved market conditions.

An Ceann Comhairle: Deputy Sargent may ask a brief question, to be followed by the Minister of State's final reply.

Mr. Sargent: Does the Minister of State accept that a mandate was given to the Government for Ireland to be GM-free in the 1997 election manifesto on which it stood before the people? Is there any basis for this now? Does the Government respect the local authorities which have decided democratically that their areas should be GM-free? Does it respect the Hungarian decision that I mentioned? It is a GM-free decision that the Council of Ministers decided to uphold. Moreover, Austria, Italy and Greece——

An Ceann Comhairle: Brevity, please.

Mr. Sargent: ——all have regions that have been declared to be GM-free. Will the Minister of State explain how such countries are able to have a GM-free standing, while the Government does not appear to be able to pursue such an option in Ireland?

Ms M. Wallace: To be clear, the Commission has taken a stance against this. It is contrary to EU law. We must be mindful that we operate within such law in this regard. As to whether we could decide to take the voluntary route, perhaps we could.

Mr. Sargent: We should.

Ms M. Wallace: However, this would necessitate everyone moving forward voluntarily rather than the imposition of a ban. We cannot impose a ban because we operate under EU law. Moreover, regardless of whether one wants to, one must bear in mind the increased costs to the Irish animal production sector that would arise following the imposition of a ban on the importation of GM foods. In addition to the expense of such a measure, difficulties would arise in accessing non-GM crops. It has become increasingly difficult to source non-GM maize and, in particular, non-GM soya. The proportion of these crops grown from GM varieties will continue to increase. Non-GM maize and soya will become more expensive.

Mr. Sargent: GM will become more expensive.

Mr. Naughten: I received no answer.

Milk Quota.

7. **Mr. G. Murphy** asked the Minister for Agriculture and Food the steps she is taking to increase the amount of milk quota available in the second phase of the milk trading scheme; and

if she will make a statement on the matter.
[8804/07]

Mary Coughlan: The first milk quota trading scheme ran successfully in January and resulted in 120 million litres of quota being offered for sale, with 73 million litres traded. The second stage of the scheme has a closing date of 9 March and the exchange will be run in April.

The trading scheme which has replaced the restructuring scheme from the 2007 to 2008 quota year allows milk producers the opportunity to bid for the volume of quota required to meet the development needs of their farm enterprise at a price that will generate a commercial rate of return.

Mr. Naughten: May Members take the reply as read?

Mary Coughlan: That is fine, as Members already know the answer.

Mr. Naughten: Yes. They will take it as read.

I thank the Minister for her brief reply. Will it not be difficult to retain ring-fencing when farmers in some locations only receive 11c a litre, while elsewhere farmers receive 24c a litre for the sale of milk quota? Farmers in the northern part of the country enjoy a highly positive inbuilt position. Is it possible that it will be dismantled because of this discrepancy?

There is much uncertainty about the trading of milk quota in respect of its value and whether farmers will be able access it. Is it not the case that this is leading to a significant degree of confusion and concern within the industry, especially given the massive investment farmers must now make in respect of the nitrates directive?

Has the Minister met the milk quota rights group? She stated she would do so. She may use this opportunity to respond to one item it raised. I refer to its suggestion pertaining to the clawback, namely, that it could be reconsidered in hardship cases arising from circumstances similar to *force majeure*. Is this a runner?

Mary Coughlan: Before this, the price of milk was 12c a litre. I am trying to introduce market orientation to the trading of milk. I consider that ring-fencing is still a good policy initiative. I have reviewed the milk quota system in its entirety and believe ring-fencing should remain. However, I have often stated publically that in preparing for the 2008 review of quotas people's opinions must be heard. What is the best option for Ireland Incorporated and what should be considered? Is it time to get rid of quotas in Ireland and the European Union? If we so decide, how should it be done? Alternatively, should it not be done?

There are many issues that will require time to be discussed and reflected on to ascertain the best option for Ireland in the coming years in preparation for what will happen in 2014. The Commission's view is known in this regard and we

must now decide where we want to be. Ireland has always been highly pragmatic in the manner in which we have dealt with trade and quotas. While we are at a price of 12c a litre, many of my colleagues are at a price of €2.50, which simply is not economically viable, competitively difficult and causing enormous problems.

The new scheme which will be closed tomorrow will be highly beneficial. It has attracted great interest and the review by all the farming organisations has been positive. Equally, I hope and expect it will be highly positive on this occasion. As for the previous scheme that operated in the winter, I decided to run two schemes within this quota year because this constitutes a new regime, a new option and a new opportunity.

Quota is available in the part of the world from which the Deputy and I come; that was not necessarily always the problem. The problem has always been availability in the south. Consequently, with the availability of quota and tabulation, I expect people will make some very good decisions on this occasion.

Mr. Crawford: What will I tell my fellow farmers in County Monaghan who opted out of milk and sold their cows on the understanding they would be able to sell their quotas this year? So far they have not been able to do so. Will the Minister sort it out once and for all so a farmer has a right to sell and buy? In my case, a small co-op has sellers and buyers and with common sense it could be sorted. A six page document relevant to the scheme ties them into a situation where if they do not obtain a sale, they automatically lose 30%. If their cows are sold, they cannot lease next year because they have no milk.

An Ceann Comhairle: The Deputy must ask a question.

Mr. Crawford: Will the Minister ensure these situations can be addressed?

I do not disagree with the Minister's wish to retain ring fencing, but I am worried it will not be possible in a legal situation. A long number of years have passed since a major quota left the north of the Minister's county of Donegal and went to the very south under a technicality. I am sure people are dreaming of technicalities at present.

Mary Coughlan: I reassure the Deputy that ring fencing will remain. Those who sell expect a relatively good price and those who purchase do not want to spend an independent fortune on quota to expand. This is where the balance and permutations lie. If people wish to sell or buy quota at too little or high a price, they will be out of the system. Now they have the information available to them and regardless of what they do, they can be within the percentile of between 11 cent and 24 cent and 20% up and above and be within the system.

[Mary Coughlan.]

People should not sell for an exorbitant amount of money and realise that those who wish to purchase will not do so for exorbitant amounts of money on the basis of the policy framework in place. On this occasion, I am happy with what the outcomes will be.

Fur Farming.

8. **Ms O'Sullivan** asked the Minister for Agriculture and Food when she expects to provide this Deputy with a report on the on-farm slaughter at fur farms; and if she will make a statement on the question of banning fur farming here. [9103/07]

Mary Coughlan: I assume the report referred to by the Deputy is that which my Department undertook to provide in response to issues raised at the Farm Animal Welfare Advisory Council, FAWAC. FAWAC includes representatives from farm organisations, animal welfare groups, the veterinary profession, animal transporters and others with an interest in animal welfare. The council provides a forum in which interests with diverse views have the opportunity to meet, discuss each other's positions and reach consensus on animal welfare issues which can inform public policy.

I am pleased to inform the Deputy that veterinary officials from my Department assessed the on-farm slaughter of mink during the recent slaughter season. The resultant report is not yet complete. It is my expectation that this report will be made available to FAWAC by the end of April and I will make it available to the Deputy when it is made available to me.

Fur farming is a legitimate farming activity in this country. Under the Musk Rats Act 1933 (Application to Mink) Order 1965, the keeping of mink is prohibited except under licence obtained from my Department. Licences are issued under this legislation only if the applicant, following an inspection, is found to be compliant with a number of key conditions.

Licensed fur farms are also inspected to assess compliance with the Council of Europe recommendations concerning fur animals and Council Directive 98/58/EC concerning the protection of animals kept for farming purposes. These farms may only utilise slaughter methods permitted under the Sixth Schedule of the European Communities (Protection of Animals at Time of Slaughter) Regulations 1995.

The Deputy should note the Irish fur industry is fully aware of animal welfare requirements and it has displayed a willingness to comply with the requirements of the Department. Given that the licensed fur farms operating in this country meet current national and EU requirements, no reason exists to ban what is, after all, a legitimate farming activity which is permitted in the greater majority of EU member states. It is my belief that a ban on fur farming would mean that Ireland's market share would be taken up by another fur

producing country. Therefore, a ban would not serve any practical purpose.

Dr. Upton: I thank the Minister and look forward to receiving that report from the veterinary experts working on it. Very little reason exists to justify fur farming in this country. Economically, it is of extremely small significance. It raises animal welfare issues and if we examine it we see it is only a fashion statement in terms of the provision of animal fur rather than of any significant financial value.

Mary Coughlan: I do not see the necessity for a ban. We have a market share and it would only lead to a direct replacement of that market share. The Deputy knows my views on animal welfare. I am strict and stringent on such issues. I was assured welfare legislation is adhered to, inspections take place and licensing is in place. It accounts for only a small number of farms. On the basis that people work within the welfare requirements which evolved during the past number of years, I am more than happy with how things stand. Naturally, we will take into consideration the outcome of the work done by the veterinarians and the Deputy can rest assured FAWAC will be in touch with me.

Dr. Upton: Fur farming is already banned in the UK, Austria and Luxembourg and precedents exist within the European Union. It appears other countries do not have a significant uptake. Consequently, I put it to the Minister that banning it in Ireland will not have a knock-on effect whereby other countries take it up by virtue of our non-production of mink fur.

Mr. Naughten: Deputy Upton is correct. However, it is important that if a ban is introduced it is on a phased basis because of the impact of the release of captive animals. Difficulties arose in the past when those animals got out for one reason or another. The UK had a number of reports in this regard. What steps are being taken to ensure this does not happen and wildfowl or other flora and fauna are not damaged?

Mary Coughlan: Many of my European colleagues who are vociferous on matters such as live exports have a great deal of fur farming in their countries. Sometimes we should ask the right question to see what comparative analysis exists. On the basis of the statutory requirements set down and any reviews which must take place, it is not my intention to ban fur farming. Other member states can make up their own minds on what they want to do. As it stands, no necessity exists to ban fur farming here.

Regarding animals which get out, issues arose in my part of the world particularly regarding that fences were of the highest standard. Equally, it is important to state criminal activity can occur where people interfere with fences just for the fun

of it. Standards are set on fencing and access to these types of farms. I am not aware of concerns in the past year or two of animals escaping from particular farms. Where particular issues arose, they were addressed.

Food Safety Standards.

9. **Mr. Durkan** asked the Minister for Agriculture and Food if she is satisfied that all beef, lamb or pig meat imported into Ireland is compliant with the standards of hygiene, husbandry and traceability applicable here; and if she will make a statement on the matter. [9133/07]

Mr. B. Smith: Meat imported from an EU source must come from an approved establishment and be accompanied to its destination with a commercial document or a health certificate signed by an official veterinarian of the competent authority of the member state of origin. In the case of importation from third countries, meat or meat products must originate in a country approved by the EU for trade in such products, have been produced in an approved establishment and be accompanied by a health certificate in accordance with the provisions of Community legislation and must be presented for inspection at an EU approved border inspection post.

Checks are carried out by the EU food and veterinary office to ensure that EU requirements are complied with and I am satisfied the Department of Agriculture and Food and other State agencies have a system in place to ensure that all food imported into this country complies with national and EU regulations. The Minister has been in regular contact with Commissioner Kyprianou on the issue of meat imports and he has assured her the Commission will not hesitate to take the appropriate protection measures if a product imported from a third country or produced in the domestic market represents a risk to the health of EC consumers or livestock. At a visit to the Oireachtas in September 2006, a representative of the Commission gave the same assurance to the Joint Oireachtas Committee on Agriculture and Food.

In the matter of beef imports from Brazil, which have been subject to much public comment, the EU food and veterinary office has over the past four years carried out inspections in that country and published its findings with regard to its evaluation of certain matters. These include the animal health and public health control systems and traceability and certification procedures in place, in particular relating to foot and mouth disease; and control of residues and contaminants in live animals and animal products, including controls on veterinary medical products.

These reports have commented on the structure, organisation and tasks of the Brazilian competent authorities to guarantee that food exported from that country is safe. The food and veterinary office has listed recommendations to these authorities to address deficiencies found in

the course of the audits. The Commission has also undertaken follow-up visits and, in regard to beef, these show that the Brazilian authorities are continuing to make improvements.

Additional information not given on the floor of the House.

Alongside safeguard measures introduced by the Commission to control imports because of the outbreak of foot and mouth in certain regions, actions have been taken against Brazil because of poor performance on residue levels in eggs and egg products, milk and milk products, pig meat, ovine and caprine meat and honey.

The Commission has confirmed to my Department that corrective action plans to implement the various recommendations have been received. Following its assessment, the Commission has deemed the residue measures relating to beef, horse meat and aquaculture to be acceptable and that there is no risk from legally imported beef from Brazil. It has been confirmed that a further FVO inspection on residues in Brazil is being planned for the first quarter of 2007 to verify the implementation of the corrective measures. The FVO have also scheduled another animal and public health mission to Brazil for the early part of next year.

I have taken every opportunity to remind the Commission of the importance of having the same standards, particularly relating to all exporting countries, including Brazil, and my Department will continue to closely monitor the position.

Mr. Naughten: I have two points.

An Ceann Comhairle: I ask the Deputy to be brief because his colleagues are offering.

Mr. Naughten: In light of the concerns raised regarding third country imports, does this not leave Ireland and any other member states reprocessing and repackaging product as coming from their own country in a vulnerable position regarding potential disease outbreaks?

An amount of this third country product goes into the catering trade. In light of the poor compliance currently evident, with less than a quarter having labelling in place, will the Minister of State ensure that environmental health officers will be given sufficient resources? Will the Department of Health and Children ensure that training and resources are provided to environmental health officers to enforce the regulations signed by the Minister? Law without enforcement is pointless.

Mr. B. Smith: We discussed Deputy Naughten's latter point in detail earlier in reply to Deputy Upton's question. The Minister for Health and Children outlined to the House in a reply to Deputies Naughten and Pattison that she was satisfied adequate resources are being provided to ensure environmental health officers can carry

[Mr. B. Smith.]

out the necessary inspection process. As we noted earlier, two thirds of the 29,000 catering establishments in this country are visited and inspected on an annual basis.

Mr. Naughten: Labelling is not checked.

Mr. B. Smith: We want to ensure enforcement of regulations that were supported by all sides in this House, and into which there was much work put by the Department of Agriculture and Food, the Department of Health and Children and the Food Safety Authority of Ireland. We want to see the best positive results from those regulations. We will ensure they will be complied with when implemented.

In my initial reply I stated there is detailed European Union legislation laying down conditions for the import of food from third countries. I mentioned earlier approved establishments, health certificates and border inspection posts, all of which are in place to ensure food imported from outside the European Union meets the standard set by the food and veterinary office.

Mr. Naughten: Is the Minister happy with the standards?

Mary Coughlan: Yes.

Mr. B. Smith: The European Union has developed its own systems of traceability and animal welfare. The International Office for Animal Diseases sets the veterinary standards for international trade, usually the standards adopted by the World Trade Organisation.

The Minister, Deputy Coughlan, at every forum available to her, has outlined clearly and in particular in the context of the WTO talks that we have additional costs in production because of the very high standards we set. She has indicated we should not be disadvantaged in international trade by having in place a very strong regulatory framework which ensures the food produced in this country is of the utmost and highest standard, of which we can be very proud.

An Ceann Comhairle: That concludes Question Time.

Mr. Naughten: There is a minute left.

Mr. Crawford: We were late starting.

Written Answers follow Adjournment Debate.

Message from Select Committee.

An Ceann Comhairle: The Select Committee on Justice, Equality, Defence and Women's Rights has completed its consideration of the Defence (Amendment) (No. 2) Bill 2006 and has made amendments thereto.

Adjournment Debate Matters.

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Healy — the need for the location of an emergency ambulance service in the town of Carrick-on-Suir; and (2) Deputy Costello — the need for the Minister for Justice to introduce legislation to ban trafficking in people.

The matters raised by Deputies Healy and Costello have been selected for discussion.

Adjournment Debate.

Ambulance Service.

Mr. Healy: I thank the Ceann Comhairle for this opportunity to raise this issue once again. I am calling for the putting in place of an emergency ambulance service for Carrick-on-Suir. I have lost count of the number of times I have raised this issue during the course of this Dáil with the current Minister and predecessors. I appeal to the Minister to at last approve what would be a life-saving service for the people of Carrick-on-Suir and surrounding areas.

This issues unifies all the people of the town, its public representatives and political parties. Everybody in the area has supported the call for a service for quite a number of years. Even at this late hour, the Minister and the HSE could approve the location of an emergency ambulance service to cover the town.

Carrick-on-Suir has approximately 5,000 people, with quite a hinterland into north Waterford, north-east Tipperary and parts of Kilkenny. It is very poorly served, if at all, by the emergency ambulance service. Neither the service operating from Waterford nor that operating from South Tipperary General Hospital in Clonmel can meet acceptable response times in the Carrick-on-Suir area. That puts lives at risk, particularly in cases of road traffic accidents and heart attacks, and has done so for a number of years.

I hope the Minister of State will not tell me there will be another survey or review, or that this issue is subject to extensive discussions, etc. We have heard all that before. All local people, including politicians of all parties and the Minister of State's colleagues, and Health Service Executive officials accept the need for this emergency ambulance service for Carrick-on-Suir. It should be delivered.

We all acknowledge and compliment those involved in the community defibrillator programme in Carrick-on-Suir and throughout the country, as well as first responders. We thank these people for their invaluable work and hope more will come on board to train for these programmes. The Minister of State should not indicate that these programmes are a substitute for a

proper emergency ambulance service for Carrick-on-Suir, however. They were never meant to be such and do not substitute for a properly staffed and resourced service with emergency medical technicians and paramedic staff. That is the service we are looking for in the town.

St. Brigid's Hospital is excellent and there is a health centre in the town with extensive grounds. The location of the hospital and health centre would be ideal for the emergency ambulance station. I ask the Minister of State to approve this life-saving service for the people of Carrick-on-Suir at the 11th hour, as we have been united on the matter for many years.

Minister of State at the Department of Agriculture and Food (Mr. B. Smith): I am taking this Adjournment debate on behalf of my colleague, the Minister for Health and Children, Deputy Harney. I will ensure that Deputy Healy's comments are brought to the Minister's attention.

Under the Health Act 2004, the Health Service Executive has responsibility for the provision of ambulance services. The HSE has advised that services for the Carrick-on-Suir area are provided from the ambulance base in Waterford with a back-up service provided from the ambulance base in Clonmel. Funding of €650,000 was provided in the HSE Capital Plan 2006 for the upgrade of the ambulance base in Waterford.

As part of the revised organisational framework developed under the HSE, a national ambulance service was established to replace the eight ambulance services that operated under the former health board structure. A key task being undertaken by the HSE's national ambulance office is to review the adequacy of the ambulance service in the context of responses to emergency calls. This process has already commenced and will involve a study of the entire country in the form of a spatial analysis that will be conducted in separate stages in different regions. It is anticipated the study in respect of the south-east area will be completed in the latter half of this year. When the outcome of the study is available, it will be used by the HSE to identify the optimum location for ambulance bases and deployment arrangements to meet the identified demands and minimise response times for emergency calls.

The HSE is reviewing ambulance demands, activity and response times with a view to providing the best service for the people of south County Tipperary and Carrick-on-Suir. Decisions on the future location of ambulance bases for the region will also be informed by the re-organisation of acute hospital services in south Tipperary.

People Trafficking Legislation.

Mr. Costello: Thursday, 8 March is International Women's Day, the day that women all over the world seek equality and full human rights. It is an appropriate day to seek the introduction of legislation that would ban trafficking in people, as women and children are the princi-

pal people who are trafficked, women for sexual exploitation and children for child labour.

It is a shame that Ireland remains the only country in the European Union that has not introduced anti-trafficking legislation. Someone in the House asks about the legislation every month of every year, but we are told the Bill is imminent, is being drafted and will shortly be published. The legislation is the criminal justice (trafficking in persons and sexual offences) Bill. As it has not yet been published, it is unlikely that it can reach the Statute Book this side of an election.

We have not signed up to all the international conventions and treaties seeking to combat trafficking. For example, the Tánaiste stated last month in the Dáil that the Government was only considering signing the Council of Europe's Convention on Action against Trafficking in Human Beings. Likewise, we have not acted on the European Union framework decision on combating trafficking in human beings or the United Nations protocol to prevent trafficking and to punish those involved in it. The issue of victims of trafficking will not be addressed until the Tánaiste's long-promised immigration, residence and protection Bill has been published. That Bill is unlikely to see the light of day before the election.

In the meantime and because of our lax laws, Ireland has become a hub for the trafficking of human beings. Non-governmental organisations and religious groups such as Ruhama have monitored an alarming increase in women and girls being trafficked for exploitation in the sex industry in Ireland. Ireland is being used as a distribution centre for the trafficking industry.

This year marks the 200th anniversary of the abolition of slavery throughout the British Empire. Trafficking in humans is the modern slavery. Men, women and children become objects of exploitation and are deprived of their humanity and freedom. Ireland prides itself on giving support to oppressed and exploited people everywhere, but it is a sad situation that we cannot put in place legislative safeguards to prevent the oppression and exploitation of people who are trafficked into and through our country by traffickers, the modern equivalent of the slave traders of centuries past.

The Government puts emergency legislation through the Dáil every week. Why can it not treat human trafficking as an emergency issue? Every party would support that legislation and would expedite it through the Oireachtas in a matter of days. This is the opportune day to make that commitment.

Mr. B. Smith: I thank Deputy Costello for raising this important issue as it gives me an opportunity to speak on the Tánaiste's plans in this regard. Before doing so and to allay concerns that the current criminal law governing trafficking and sexual offences may be inadequate, I will outline

[Mr. B. Smith.]

some of the more important legislative provisions that can be used to protect victims of trafficking.

There can be no doubt that trafficking in human beings is a form of modern slavery. It is a growing international crime that has become a major business for organised crime groups and networks. I want to make it clear that action is being taken to combat this crime and that it is being taken seriously by the Department of Justice, Equality and Law Reform and An Garda Síochána.

A standing committee on human trafficking has been established in the Department comprising representatives of it and the Garda. It published its first report last May. The report set out the position in Ireland and the State's response to the issue of trafficking, including immigration controls, law enforcement activity, protection of victims and legislation.

Currently, the Child Trafficking and Pornography Act 1998 criminalises the trafficking of children into, through or out of Ireland for the purpose of their sexual exploitation. The offence is punishable by a sentence of up to life imprisonment. The Illegal Immigrants (Trafficking) Act 2000 created a new criminal offence of trafficking in illegal immigrants and provided a framework by which those engaging in the trafficking of illegal immigrants could be dealt with under the law. The penalty for the offence of trafficking in illegal immigrants on conviction is a maximum of ten years imprisonment with the further possibility of forfeiture of vehicles used for trafficking. Persons involved in people trafficking will invariably commit other offences, often the most serious sexual offences such as rape, and can be charged with those offences.

The 2000 Act does not distinguish between people smuggling and people trafficking, but there is a significant difference between them. For example, a person being smuggled cooperates with the trafficker generally whereas in trafficking in adults, there is an element of force,

fraud or coercion. Trafficked persons are victims while smuggled persons are complicit in the smuggling crime. Trafficked persons will often be enslaved, subjected to limited movement or isolation or have documents confiscated.

For that reason, the Tánaiste has prepared legislation that will create specific offences of trafficking for exploitative purposes. It will provide a clear legislative distinction between trafficking and smuggling with higher penalties for persons convicted of trafficking. Last July, the Tánaiste obtained Government approval for the drafting of his proposals and these are now being drafted in the Office of the Parliamentary Counsel. The general scheme of the Bill, called the criminal law (trafficking in persons and sexual offences) Bill, as approved by Government, is on the Department's website and I will not go into too much detail on its contents. It creates new offences of trafficking in persons into, through or out of Ireland for the purposes of sexual or labour exploitation or the removal of organs. All these terms are defined in the Bill. It also criminalises the sale of children, including on the Internet, for the same purposes. The provisions of the Bill fully comply with the requirements of all international instruments on trafficking. As this is a criminal law Bill, it only deals with the criminal law aspects of trafficking. On the protection of victims, it is intended, as part of the new immigration policy framework, to provide a clear policy statement setting out how trafficking cases can be managed once it is established trafficking has taken place. I emphasise, however, that the lack of a specific legislative provision on the victims of trafficking has in no way reduced Ireland's commitment to dealing sympathetically with cases as they arise.

I again thank the Deputy for raising this very important issue.

The Dáil adjourned at 5.05 p.m. until 2.30 p.m. on Tuesday, 20 March 2007.

5 o'clock

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].

Questions Nos. 1 to 9, inclusive, answered orally.

Organic Farming.

10. **Mr. Gormley** asked the Minister for Agriculture and Food the achievements in establishing a large and thriving organic sector since June 2002; and if she will make a statement on the matter. [9145/07]

Minister for Agriculture and Food (Mary Coughlan): I am strongly committed to the development of the organic sector in Ireland. While the total area under organic production is still small by European standards, 2006 was the second year in succession in which the Irish sector showed significant and encouraging growth. Nationally, the total area in conversion or with full organic status rose by 15% in 2005 and by a further 14% in 2006. Currently there are just over 1,270 organic operators and some 40,000 hectares of land under organic production methods. The market is also growing strongly, with the organic retail sector in Ireland estimated to be worth €66 million, compared to €38 million in 2003.

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 €43 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.

Special investment aid was also available for organic farmers and processors under the Scheme of Grant Aid for the Development of the Organic Sector, which supported investment both on-farm

and off-farm. For on-farm investments, grant aid was given for 40% of the cost up to a maximum grant of over €50,000. For off-farm investments, the maximum grant was over €500,000. From 2002 to the end of 2006, my Department had paid a total €1.75m to applicants under this Scheme. While the Scheme closed at the end of December 2006, I propose to introduce a similar Scheme for the 2007–2013 period.

Substantial progress has also been made on the implementation of the recommendations in the Organic Development Committee report, published in 2002.

Genetically Modified Organisms.

11. **Mr. Gogarty** asked the Minister for Agriculture and Food if she will bring forward proposed measures for coexistence of genetically modified and non-GM crops before 18 May 2007; and if she will make a statement on the matter. [9142/07]

Minister for Agriculture and Food (Mary Coughlan): As the Deputy may be aware an interdepartmental/ interagency Working Group was established within my Department in 2003 to develop proposals for a national strategy and best practices to ensure the co-existence of GM crops with conventional and organic farming. That Group presented me with their Final Report and Recommendations in December 2005 which, inter alia, recommended that a combination of mandatory and voluntary measures are best to meet the objective of implementing the coexistence of GM crops alongside non-GM crops in Irish agriculture. In developing its recommendations the Working Group considered all the relevant issues including overall government policy on genetically modified organisms; the principles set down in Commission Recommendation 2003/556/EC; scientific issues; current developments in GM crop technology; Irish crop pro-

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duction systems and farm infrastructure; and liability issues. The views of the major stakeholders were solicited and discussions were held with colleagues from Northern Ireland in order to harmonise, as far as possible, coexistence measures in both jurisdictions.

In order to capture the widest range of views on the issue raised I then arranged to have the Report placed on my Department's website and invited observations from the general public. I am currently engaged in the process of considering the submissions received in the light of the recommendations made and the ongoing international developments in this area, particularly relating to thresholds for organic produce.

Draft legislation is currently being prepared in my Department to give effect to the mandatory measures proposed such as the requirement to get approval before cultivation commences, confirmation that the GM crop grower has undertaken the required education and training on the cultivation of GM crops; demonstration that agreement has been reached with neighbouring farmers in respect of cropping arrangements that involve the neighbours' lands being used for separation distance, and the establishment of sanction and powers for authorized officers. Once sufficient progress has been made in evaluating these areas I will endeavour to bring forward coexistence regulations as soon as possible.

Food Labelling.

12. **Dr. Upton** asked the Minister for Agriculture and Food her views on the recent survey by a company (details supplied) of 17,000 consumers that found that 80% of respondents found traffic light labelling more comprehensible than guideline daily amount labelling; if her attention has been drawn to the fact that neither the recent Review of Food Labelling Legislation nor the EU's Nutrition Labelling Review of Technical Issues considered the relative merits of traffic light labelling and GDA labelling; her views in view of the fact that there is no evidence that research has been conducted into this issue using funding by her Department on providing such funding and coordinating with the Department of Health and Children to commission such a study; if not, the reason for same; the other labelling research undertaken by Government Departments and agencies which she referred to in Parliamentary Question No. 352 of 20 February 2007 that has any bearing on the question of the relative merits of traffic light and GDA labelling; and if she will make a statement on the argument that introducing traffic light labelling here would negatively affect the production of Irish cheeses which are high in fat. [9073/07]

Minister for Agriculture and Food (Mary Coughlan): In her reply to Parliamentary Question No. 352 of 20 February 2007 the Minister for

Health & Children stated that the European Commission is currently reviewing food labelling legislation. Ireland's submission to the Commission on this subject was co-ordinated by that Department and included comments on the use of symbols and signposting on food labels.

Central to the concept of food labelling is that the consumer should not be misled. In addition, consumers should be provided with sufficient clear information to allow them to make food consumption choices which best suit their circumstances and preferences: an appropriate labelling system is a key element to enable these informed choices to be made.

The intention of the 'traffic light' nutrition labelling system is to provide a clear and simple means to allow consumers to select healthier foods to support a healthier diet. However, at present, there are some concerns that such signposting information, which is essentially summary information, may be used selectively and the information provided may not reflect the full nutritional value of the product. An excellent example is given in the Deputy's question where labelling products such as cheese with a fat indicator could certainly mislead the consumer as to the nutritional value of the product.

There would also appear to be a profusion of front of pack labelling schemes in addition to the UK Food Safety Agency (FSA) 'traffic light' system. The principal basis of alternative schemes is the use of Guideline Daily Amounts (GDAs). However, there are many different presentations of the GDA approach on products available on the Irish market — some with traffic light colour coding and others where colour is not relevant in interpreting the GDA information provided. Consequently there is a concern that rather than providing clarity to consumers, current front of pack labelling may actually be adding to consumer confusion.

Like the Minister for Health & Children, I have no proposals at present to commission research. I do not rule out the possibility that it may be worthwhile to consider such research at some later stage. I also agree with her view that clarity in food labelling needs to be achieved through the development of a consumer-friendly, EU wide approach to nutrition labelling. The Department of Health & Children and the Food Safety Authority of Ireland are focusing efforts on the nutrition labelling reform process currently underway in the European Union, where front of pack labelling will be examined.

I have also raised the matter of accurate food labelling in the Council of Ministers as well as in bilateral contact with Commissioners Fischer Boel and Kyprianou.

National Bovine Herd.

13. **Mr. Durkan** asked the Minister for Agriculture and Food the strength of the bovine herd; the extent to which the numbers have increased

or decreased in the past 10 years on a yearly basis; if the current number is adequate to meet the requirements of the beef and dairy industry without curtailment of either; if herd reduction is deemed to be a wise tactic in the context of the World Trade Organisation; and if she will make a statement on the matter. [9134/07]

Minister for Agriculture and Food (Mary Coughlan): Over the last ten years, the National Bovine Herd has gone from 6.6m animals in 1996 down to 6.2m animals in 2005 having peaked at 6.9m in 1998. The number of dairy cows has decreased from 1.2m to 1.1m, but beef cows during the corresponding period have remained relatively stable at 1.1m.

Beef Sector

Consistent with the Agri-Vision 2015 Action Plan and to support the beef sector in responding to the very real challenges it faces on an on-going basis I announced, late last year, two new initiatives that will assist the beef sector in cementing the achievements already made and to better equip it to face the ongoing challenges of a competitive marketplace. These complement and underpin the existing Quality Assurance Schemes.

Proposals for the introduction of an Animal Welfare, Recording and Breeding Scheme for Suckler Herds were submitted to the European Commission in December 2006. The scheme, which is subject to EU approval, is designed to encourage suckler farmers to record data for animal welfare and breed improvement purposes in order to assist both quality and productivity. A budget of €250 million is being provided over the duration of the scheme.

A Capital Investment Support Scheme for the beef and sheepmeat primary processing sectors was also announced in November 2006. The rationale for this scheme is to assist the industry in facing the challenges of the future, through increasing competitiveness and efficiency. Some €50 million has been committed for this package, and it is envisaged that this will generate further investment, bringing the value of the overall plan to some €120 million. The aid scheme, funded by the Department, will be managed by Enterprise Ireland, the state agency responsible for implementing such state aid packages.

I believe these measures, combined with our high levels of food safety standards, will support the industry in positioning itself to face the challenges of the marketplace.

Dairy Sector

Ireland's milk production is limited by the milk quota regime, which was introduced in the early 1980s. During the past 10 years, milk production has remained stable at the national reference level. Improved breeding and husbandry have resulted in increased milk yields in Irish dairy cows and consequently the number of animals in

the dairy herd has reduced while the volume of milk produced has remained constant at national level.

Despite the challenges brought about by the implementation of the 2003 Luxembourg Agreement to reform the CAP, the Irish Dairy Sector performed well in 2006 with exports of €2.08bn. Having regard to the new CAP framework where market forces have a huge influence on the price paid for milk and milk products I launched a €300 million capital investment package, including €100 million of Government grant assistance, in September 2006. One of the key aims of this package is to allow Irish dairy processors generate greater efficiencies to better support the price paid to producers. The fund has been over-subscribed with projects from all the major dairy companies. The commercial and technical evaluation of applications has begun and I hope to announce the grant awards in May of this year.

WTO

The most recent reform of the Common Agricultural Policy introduced the concept of decoupling and means that the majority of subsidies are now paid independently of production. This gives EU and Irish farmers freedom to farm and to produce what the market wants. In that context, future variations in the numbers in the national bovine herd will be informed by individual producer decisions arising from market demands and there is no direct connection between this and developments in the WTO negotiations. However, what is important is to ensure that farmers are allowed a reasonable degree of policy stability so that they can develop their operations and plan for the future in a rational manner. In that connection, in the ongoing WTO negotiations, I am determined to ensure that the internal support system of direct payments applied under the reformed CAP is continued and that EU production is adequately protected from low-priced imports.

Common Agricultural Policy.

14. **Mr. Connaughton** asked the Minister for Agriculture and Food her views on EU plans to increase the rate of modulation to 15%; and if she will make a statement on the matter. [8959/07]

Minister for Agriculture and Food (Mary Coughlan): There are no proposals at present to increase the rate of modulation to 15%. Commissioner Fischer Boel has signalled the possibility that an increase in the current rate of modulation may be proposed in the context of the forthcoming "Health Check" of the Common Agricultural Policy. I am not aware that a decision has been taken in this regard. The Commission's proposals are not expected to be brought forward until well into 2008.

Food Labelling.

15. **Dr. Upton** asked the Minister for Agriculture and Food the obstacles preventing the implementation of the Food Labelling Group's recommendation in relation to its definition; and if she will make a statement on the matter. [9088/07]

Minister for Agriculture and Food (Mary Coughlan): The Food Labelling Group was established in July 2002 to examine issues surrounding food labelling in the context of consumer expectations about the food they buy. The Group which was widely representative of the major stakeholders in the food chain, consumer interests, industry, Government Departments and Agencies — presented its report to the Department in December 2002.

As regards the recommendations of the Group the position is that all recommendations except two have been fully addressed. The outstanding issues relate to labelling of origin at certain outlets and the definition of substantial transformation. As regards the former all beef sold or served in the retail or catering sector is now required by law to carry an indication of country of origin.

The primary legislation enacted by the Oireachtas last 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 different systems of traceability are in operation coupled with some import/export complexities, it is not as straightforward as it is for beef. The European Commission, the Deputy will be aware, has opposed Member States introducing legislation in this area that is in excess of common EU requirements. Nonetheless, my Department has been involved in 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 intended 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 have been in regular contact with the European Commissioner for Health and Consumer Protection on this subject and I also raised this issue in the Agriculture Council and will continue to take every opportunity to press for progress on this matter. I also 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.

Last year the Health and Consumer Protection Directorate of the European Commission undertook a consultative process on a wide range of issues in this area, under a document entitled 'Labelling: Competitiveness, Consumer Information and Better Regulation for the EU'. I arranged for my Department to make a submission on food labelling and country of origin labelling of meat through the Department of Health and Children, who co-ordinated the Irish contribution to this process. This confirmed my strong preference for origin labelling of meat and meat products and the desirability of there being common EU wide legislation to support a labelling regime. I also ensured that the second outstanding issue i.e. the definition of substantial transformation was raised in the submission by the Commission. The concept of substantial transformation is the basis used throughout the EU and elsewhere to define the origin of goods as being from the country where the last substantial economic change was made to them. In my view it should not be used to disguise the origin of certain products or to mislead the consumer as to the origin of raw materials.

Organic Farming.

16. **Mr. Wall** asked the Minister for Agriculture and Food her plans to encourage supermarkets to provide opportunities for organic producers to sell their produce; and if she will make a statement on the matter. [9080/07]

Minister for Agriculture and Food (Mary Coughlan): Last year I approved substantial funding of €1.5m for a three-year Organic Marketing Plan, which was produced by Bord Bia in consultation with the Organic Market Development Group, a sub-group of the National Steering Group for the Organic Sector. The objective of the Marketing Plan is to develop the organic sector in Ireland both for existing suppliers and for new entrants. Central to the Plan is the involvement of retail multiples and of the independent and direct channels. This dual-strategy approach was recommended in research carried out by Bord Bia on the organic market.

Bord Bia have already met the retail multiples and have found them very keen to increase their supplies and range of organic products. They have agreed to support the initiatives in the Plan over the three-year period. This will include involvement in promotional activities such as National Organic Week through press advertising, highlighting organic products in-store, organising events and distribution of recipe and information leaflets. To address the difficulties that some retailers have in making contact with domestic producers and suppliers, Bord Bia will produce an Organic Linkage Guide later this year. This Guide will be useful for providing

retailers with up to date information on sources of organic products in Ireland.

Farm Retirement Scheme.

17. **Mr. Naughten** asked the Minister for Agriculture and Food her response to the EU petitions committee report on the EU early retirement scheme; the steps she is taking to address the issues raised; and if she will make a statement on the matter. [8532/07]

Minister for Agriculture and Food (Mary Coughlan): A group representing retired farmers lodged a petition with the European Parliament Committee on Petitions in May 2003, alleging that Ireland had not implemented correctly the Council Regulations governing the 1994 and 2000 Schemes of Early Retirement from Farming. The Committee requested information from the European Commission. In reply, the Commission made it clear that in its considered opinion there was no question of any infringement having been committed by Ireland in the implementation of the Schemes.

The Chairman of the European Parliament Committee on Petitions, subsequently acknowledging the view that the Commission had taken, raised these issues with me.

A reply to the Chairman of the Petitions Committee is being prepared and will issue shortly. Most of the issues raised in his letter were also dealt with in the Report of the Joint Oireachtas Committee on Agriculture and Food. Certain of the Joint 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 increased the off-farm income limit for transferees in the Scheme from €25,400 to €40,000 and abolished the income limit for transferors with effect from 1 September 2006. Other recommendations in the Committee's report will be considered in the context of the proposal for a new Early Retirement Scheme, which has been included in the draft Rural Development Programme for the period 2007–2013.

The Committee paid particular attention to two issues: the rate of pension, and the implications of decoupling for retired farmers who had leased out land and quota to transferees before or during the Single Payment Scheme reference period.

As regards decoupling, 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 reverts 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 in the Early Retirement Scheme who farmed during part or all of the reference period and who held 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.

Following clarification from the European Commission, I announced increases in the rate of pension under both Schemes in November last. These increases, which are financed entirely from the National Exchequer, will cost some €33 million extra over the remaining period of the two Schemes, and some 5,000 retired farmers will benefit from them.

Alternative Farm Enterprises.

18. **Mr. Neville** asked the Minister for Agriculture and Food her plans to review the Forestry Act 1946 in view of the impediment it creates for landowners who grow short rotation coppice, and who wish to return such lands to agricultural production; and if she will make a statement on the matter. [8796/07]

Minister for Agriculture and Food (Mary Coughlan): I assume that the Deputy is referring to the establishment and management of willow trees on a short rotation cycle. Nothing in the Forestry Act 1946 creates any impediment for landowners who wish to grow such a short rotation crop and who subsequently wish to return such lands to agricultural production.

My Department has introduced a new Bioenergy Scheme to provide establishment grants to farmers for up to 50% of the costs associated with establishing willow. The aid is payable on set-aside land and on areas, which have been subject to an application for the EU Premium of €45 per hectare under the EU Energy Crops Scheme. The Bioenergy Scheme provides a maximum establishment grant of up to €1,450 per hectare. I have extended the deadline for receipt of applications for pre-planting approval to 30 March 2007 to provide every interested farmer with the opportunity to submit an application. Application will be processed for approvals on receipt.

My Department has also introduced a new national payment of €80 per hectare to top-up the existing EU premium of €45 per hectare available

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under the EU Energy Crops Scheme. This increases the overall premium to €125 per hectare. It is intended that the €80 payment will apply for three years and will be subject to a maximum ceiling per producer over the three years. The current maximum area per producer is 37.5 hectares. Willow is eligible for the premium of €125 per hectare, subject to an application under the EU Energy Crops Scheme.

Farm Records.

19. **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. [8825/07]

Minister for Agriculture and Food (Mary Coughlan): The European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006 contain a number of requirements in relation to record keeping. Much of this information, such as stock numbers and farmed area, is already maintained by farmers on their herd registers or contained in their declarations for the Single Payment Scheme.

To assist farmers in complying with their obligations on record keeping, my Department will, where possible, make use of its data holdings to send organic nitrogen and phosphorus statements to farmers in respect of each calendar year. Statements in respect of 2006 are being prepared at present, and will issue as early as possible.

My Department has already produced an Explanatory Handbook for farmers setting out in clear terms their obligations under the Regulations. The handbook contains explanations of and suggested formats for the records required, and helpsheets that farmers can use as examples. This handbook, together with a copy of the Regulations, was sent to all farmers in October 2006.

While my Department is committed to minimising the practical burden of compliance with the Regulations, responsibility for compliance rests ultimately with the occupier of a holding. Farmers should therefore ensure that they have read and understood their obligations under the Regulations and they should, if necessary, obtain professional advice from their agricultural advisers. My Department is currently arranging specific cross-compliance-related training for Teagasc and private planners, in accordance with the provision, in the Regulations governing the Single Payment Scheme, that member States shall set up a system of advising farmers on land and farm management to be known as the “farm advisory system”. This system will cover the Statutory Management Requirements, including the Nitrates Directive, together with Good Agricultural and Environmental Condition associated with cross-compliance.

European Council Meetings.

20. **Mr. Boyle** asked the Minister for Agriculture and Food if she will report on preparations for the Agriculture and Fisheries Council meeting of 18 to 19 March 2007; the draft agenda for that meeting; the positions that Ireland will be taking at that meeting; and if she will make a statement on the matter. [9146/07]

Minister for Agriculture and Food (Mary Coughlan): The next meeting of the Council of Agriculture and Fisheries Ministers is scheduled to take place on 19 and 20 March. At this stage, the provisional agenda for the meeting indicates that there will be policy debates on Commission proposals to amend the Common Organisation of the market in Cereals and to amalgamate the 21 existing Common Market Organisations into a single CMO. Political agreement will be sought on proposed rules for the implementation of voluntary modulation and the Council is expected to adopt conclusions on employment in rural areas: closing the jobs gap. The Council will also have an exchange of views on experiences with the implementation of controls in the food chain.

Under other business, the Commission will present information on the thematic strategy for soil protection and updates of the current position regarding the WTO negotiations, Avian Influenza and the veterinary negotiations between the EC and the Russian Federation. There will also be oral reports from the Presidency on the Nuremberg conference on renewable resources and on the conference on “prevention for Health — Nutrition and Physical Activity — A Key to Healthy Living”.

Preparations for the Council are continuing at Council Working Groups, COREPER and the Special Committee on Agriculture and the nature of the discussions in the Council may change depending on the outcome of the negotiations at official level.

At this stage I have some concerns about the proposal to amend the Common Market Organisation for Cereals. The Commission proposal is to abolish intervention for maize with effect from 2007. I believe that this represents a major policy change to the CAP. Together with several of my Ministerial colleagues, I believe that the Council should consider carefully alternative means of improving the situation in the cereals market before abolishing such a market management mechanism.

I have no difficulty with the proposed implementing rules on voluntary modulation which was agreed by the European Council in December 2005 in the context of the decision on the EU Financial Perspective for the period 2007-2013. It is not my intention to avail of voluntary modulation in Ireland.

I can support the draft Council conclusions on employment in rural areas and I am looking forward to the exchange of views on the experiences

of the Commission and Member States on implementation of controls in the food chain. Under Other Business, I will be reiterating my views regarding the WTO negotiations. In summary, while I favour a successful conclusion to the negotiations, the outcome must be balanced both within agriculture and between all different sectors. I will strongly oppose any outcome that sacrifices EU and Irish agriculture for the sake of an agreement or that necessitates a further reform of the Common Agricultural Policy.

Rural Environment Protection Scheme.

21. **Mr. Kenny** asked the Minister for Agriculture and Food when the REP scheme 4 is to be open to applicants; and if she will make a statement on the matter. [8812/07]

Minister for Agriculture and Food (Mary Coughlan): REPS 4 will form part of the new Rural Development Programme for the period from 2007 to 2013. The Programme was sent to the European Commission in late December 2006 and has to go through a formal approval process. I cannot be definite as to how long this process will take but I continue to pursue early approval. My officials are in ongoing contact about it with their counterparts in the Commission services.

Food Labelling.

22. **Mr. Howlin** asked the Minister for Agriculture and Food if she has held either informal or formal discussions directly with the Food Safety Authority of Ireland or with the Department of Health and Children or the Department of the Environment, Heritage and Local Government regarding environmental labelling of Irish food; her views of the UK Government's recent report in collaboration with Manchester University Business School on the environmental impacts of food production and consumption; her views on whether her Department should contribute to the commissioning of a project to map the environmental impacts of the top 150 food products sold in supermarkets here; if not, the reason for same; and if she will make a statement on the matter of environmental food labelling. [9099/07]

Minister for Agriculture and Food (Mary Coughlan): The Minister for Health & Children has responsibility for the European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations 2002 (S.I. No. 483 of 2002 — as amended) which is the main legislation in Ireland dealing with the general labelling of pre-packaged foodstuffs. It also requires information on food labels to be given clearly, accurately and in a language understood by the consumer. There are many other separate labelling provisions in national and European legislation, such as provisions relating to nutrition, natural mineral waters, novel foods, food additives, food

supplements, sweeteners and declarations on price indication, weights and measures and merchandise markings.

My Department is responsible for more detailed legislation on the labelling of specific food products including beef, poultrymeat, milk and milk products, spirit drinks and wines. The labelling of fish and fish products comes within the remit of the Department of Communications, Marine and Natural Resources.

The European Commission is reviewing its labelling legislation having taken account of stakeholder opinions canvassed over recent years. At the request of the Department of Health and Children, the Food Safety Authority of Ireland (FSAI) undertook a public consultation exercise on the European Commission consultation document — “Labelling: competitiveness, consumer information and better regulation for the EU”. A large number of comments were received and these have assisted in developing this Irish response to the questions raised. This submission is also cognisant of the relevant findings and recommendations of a survey commissioned by the FSAI in April/May 2002, the aim of which was to provide a better understanding of consumer attitudes, knowledge and awareness with regard to food safety and standards within Ireland. In addition this response takes account of the report of the expert Food Labelling Group established in July 2002 by the Minister for Agriculture and Food, which examined issues surrounding food labelling in the context of consumer expectations.

Like the Minister for Health and Children I have no proposals at present to commission research along the lines suggested. I do not rule out that it might be worthwhile to consider such research at some later stage. I also agree with her view that our approach to all aspects of food labelling reforms needs to be achieved through the development of a consumer-friendly EU wide policy on food labelling. The Department of Health and Children and the Food Safety Authority of Ireland are focusing efforts on the labelling reform process currently underway in the European Union.

I have also raised the matter of accurate food labelling in the Council of Ministers as well as in bilateral contact with Commissioners Fischer Boel and Kyprianou. I will continue to take every opportunity to raise these important matters at Community level.

Poultry Industry.

23. **Mr. Hogan** asked the Minister for Agriculture and Food the plans she has to support the poultry industry due to the lack of adequate processing facilities; and if she will make a statement on the matter. [8838/07]

Minister for Agriculture and Food (Mary Coughlan): There are adequate poultry pro-

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cessing facilities in this country having regard to such criteria as the overall volume of poultry being produced here. Poultry processing plants must strive to compete efficiently with operators in other countries and volume throughput is essential to this efficiency. Our poultry slaughter plants are small by comparison with the main players in other countries and increasing the number of processing plants would not serve the interests of the Irish poultry industry. The need to seek economies through rationalisation and reduction in the number of poultry plants was identified in the Agri Food 2010 report.

Poultry processors have faced major challenges over the last couple of years. A number of the remaining plants have increased their throughput to make up in part for the void created by plant closures. I am aware that many suppliers to now-closed plants have entered into contracts with new processing outlets. Others are converting their production facilities from conventional to free range systems in line with the good demand for free range poultry meat and my Department is assisting them in this transition.

Direct Payment Schemes.

24. **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. [8817/07]

Minister for Agriculture and Food (Mary Coughlan): My Department, 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 environment, 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 are 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.

Inspections under the 2007 scheme have not yet commenced. In 2006, 7,514 farmers 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. It should be noted that while 1,414 farmers were subject to cross-compliance penalties under the 2006 Single Payment Scheme, a further 804 farmers, while technically in breach of the requirements, did not suffer any penalty because of the tolerance regime applied by my Department. Indeed breaches of cross-compliance in 2006 resulted in some €722,296.31 being withheld from farmers by way of penalties representing 0.06% of Ireland's National ceiling of €1.3billion. The vast bulk of penalties applied (1,239 farmers) were for breaches of the rules relating to the identification and registration of bovine animals i.e. tagging and registration of births, movements and deaths representing 78.72% of all breaches found. The requirements for the timely tagging and registration of cattle and for the notification of movements and deaths have been in place in Ireland for over 10 years.

My Department is in regular contact with the European Commission with a view to simplification of Single Payment Scheme requirements with particular reference to the arrangements for cross-compliance inspections. I have also raised the matter on a number of occasions with Commissioner Fischer Boel. The European Commission is currently undertaking a full review of the cross-compliance regime and the results of that review will be presented to the Council of Ministers during April. I have personally met with my German and French counterparts with a view to emphasising the importance of achieving progress on the simplification issue during the German presidency. In tandem with this my Department is carrying out a full review of the inspection arrangements for the Single Payment Scheme with a view to simplification of the arrangements (including paperwork) where possible while, at the same time, ensuring compliance with the regulatory requirements. The review of the forms together with the outcome of the Commission's review of the cross-compliance arrangements generally, will be fully discussed with the farming organisations before the inspections for 2007 get underway.

In so far as the Department's inspection checklist on cross compliance is concerned, this is an internal checklist used for the 2006 inspections which was made available to the farming organisations and the farmers being inspected. The various forms used during cross-compliance inspections are also available on my Department's website www.agriculture.gov.ie. These forms are currently being reviewed as part of the full review my Department is carrying out on the inspection arrangements for the Single Payment Scheme for 2007.

The policy towards on-farm inspection 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 European 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 some 92% of the 7,514 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 all cases where certain elements of cross-compliance are involved 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 one 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. 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 underway.

Food Labelling.

25. **Mr. Deasy** asked the Minister for Agriculture and Food the discussions she has had with the Food Safety Authority of Ireland on the enforcement of the food labelling laws in view of their report to her Department of breaches in the law under her jurisdiction following an investigation of 90 food businesses completed in 2004; and if she will make a statement on the matter. [8839/07]

Minister for Agriculture and Food (Mary Coughlan): My Department has regular ongoing contact with the Food Safety Authority of Ireland on a whole range of matters including labelling.

The Food Safety Authority's Chief Audit Manager and three Audit Managers conducted the audit of the 90 food premises in question. Following this audit, the FSAI provided each of the official agencies with a copy of the report on those premises under their supervision, which were inspected. The Authority has confirmed that follow up action was taken by way of additional

visits and inspections and that the matters, which required attention, have now been rectified.

Farm Retirement Scheme.

26. **Mr. Timmins** asked the Minister for Agriculture and Food if she will implement the recommendations of the Joint Committee on Agriculture and Food's report on the farm retirement scheme; and if she will make a statement on the matter. [8831/07]

Minister for Agriculture and Food (Mary Coughlan): 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 my response, certain of the Committee's recommendations were precluded by the EU Regulations under which the Scheme and its predecessor were operated. The Scheme closed to new entrants on 31 December 2006.

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 increased the off-farm income limit for transferees in the Scheme from €25,400 to €40,000 and abolished the income limit for transferors with effect from 1 September 2006.

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 in the Early Retirement Scheme who farmed during part or all of the reference period and who held 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 particularly on was the levels of payment under

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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 2000–2006 Scheme. The Commission later indicated, however, that it would not object to increases for existing participants in both schemes if they were funded entirely from the National Exchequer as a State Aid. I therefore announced substantial increases in the maximum pension rates payable under both Schemes, which took effect from 1 November 2006. I increased the maximum pension rate payable under the 1994–99 Scheme from €12,075 to €14,075 per annum and the maximum pension rate payable under the 2000–2006 Scheme from €13,515 to €15,000 per annum. 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.

27. **Mr. Stagg** asked the Minister for Agriculture and Food her views of the proposed EU soil protection directive; the input she has made into its formulation; the way its transposition and implementation are expected to affect farmers here; and if she will make a statement on the matter. [9098/07]

Minister for Agriculture and Food (Mary Coughlan): The proposal by the Commission for a Framework Directive is intended to establish a common strategy across all Member States for the protection and sustainable use of soil. Its aims include the integration of soil concerns into other policies, preservation of soil functions within the context of sustainable use, prevention of threats to soil and mitigation of their effects, and restoration of degraded soils. While some of the measures relate to agriculture, the proposals would also extend to other sectors and as such a number of Irish Government Departments will be involved.

The national position on this proposal will be finalised in conjunction with the Minister for the Environment, Heritage and Local Government, but I have already expressed my own views on the subject in relation to the agriculture sector at the EU Agriculture and Fisheries Council in January.

It is my view that any policies to be adopted in the proposed Soil Framework Directive must be flexible and adaptable given the diverse nature of soils in the Member States. In addition, they should not replicate or cut across existing measures and should avoid imposing an untoward financial burden on Member States. Ireland has also supported the similar concerns expressed by

a number of other Member States in relation to the proposals. I understand that the Commission may present a report on progress to the Agriculture Council in March.

Food Labelling.

28. **Mr. Eamon Ryan** asked the Minister for Agriculture and Food if she will amend legislation to ensure that foodstuffs of foreign origin cannot be labelled produced in Ireland, processed in Ireland or sourced and produced in Ireland; and if she will make a statement on the matter. [9140/07]

Minister for Agriculture and Food (Mary Coughlan): The enforcement of all food labelling regulations is centralised in the Food Safety Authority of Ireland (FSAI). This work is carried out through a number service contracts between the FSAI and other Government Department and Agencies including my own Department. The Department of Health & Children is responsible for general food labelling regulations, the Department of Communications, Marine & Natural Resources has responsibility for the labelling of fish and my Department is responsible for the labelling of specific food products including beef and poultry meat at processing plants.

A central element of food labelling is that the consumer should not be misled. The issue referred to in this question is what is known as substantial transformation. The concept of substantial transformation is the basis used throughout the EU and elsewhere to define the origin of goods as being from the country where the last substantial economic change was made to them. In my view it should not be used to disguise the origin of certain products or to mislead the consumer as to the origin of raw materials.

I have made my concerns in this respect known to the EU Commission both in the context of the review being carried out by them on “Labelling, competitiveness, consumer information, better regulation for the EU” and in the Council of Ministers as well as in bilateral contact with Commissioners Fischer Boel and Kyprianou. I will continue to pursue this matter at EU level.

Veterinary Medicines.

29. **Mr. M. Higgins** asked the Minister for Agriculture and Food if her attention has been drawn to the price differentials between veterinary medicines supplied from veterinary practices and those supplied through pharmacies; and if she will make a statement on the matter. [9077/07]

37. **Mr. O’Shea** asked the Minister for Agriculture and Food her views on the difficulties faced by farmers in obtaining veterinary medicines, in particular in areas where veterinary surgeons are not readily available; the actions she will take to get the veterinary profession to write

prescriptions; and if she will make a statement on the matter. [9076/07]

91. **Ms McManus** asked the Minister for Agriculture and Food if she has satisfied herself that the range of animal treatment products that are currently POM is appropriate; and if she will make a statement on the matter. [9079/07]

92. **Mr. M. Higgins** asked the Minister for Agriculture and Food her views on the risk of a black market in veterinary medicines arising from their increased cost; and if she will make a statement on the matter. [9078/07]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 29, 37, 91 and 92 together.

The legislation governing the approval and distribution of veterinary medicines provides for a range of approved sales outlets for different categories of medicines viz. licensed merchants, pharmacies and veterinary practitioners and these are located throughout the country. As regards availability of veterinary practitioners, the position is that veterinary practices are primarily commercial entities and their locations are driven by commercial realities. However, I have outlined to the House on a number of occasions the measures I have taken in the context of the Veterinary Practice Act 2005 and the Animal Remedies Regulations 2005 which should help to ameliorate difficulties which may arise in particular parts of the country. I also understand that Údarás na Gaeltachta has provided funding to subsidise veterinary practices in some remote area in consultation with local farming communities.

With regard to prices charged by veterinary practitioners, the position is that prices are primarily a commercial matter between the veterinary practitioner and his/her client. Farmers, who are concerned or have information in relation to profiteering by veterinary practices should complain in the first instance to the National Consumer Agency. However, in my view, the best way to keep prices down is to foster competition and I have taken a number of steps in recent years to foster this dynamic in the veterinary medicines area. In particular, it has been a legal requirement under the Animal Remedies Regulations, since 1 January 2006, for veterinary practitioners to issue written prescriptions to their clients. This requirement, combined with the extension in the maximum validity period for a veterinary prescription from one to six months, ensures that farmers have a better choice as to where to purchase their prescription veterinary medicines requirements and, if prices in pharmacies are lower than those charged by veterinary practitioners, farmers should have their prescriptions dispensed at pharmacies. In addition, vets are now required to show the cost of medicines separately from the cost of the professional

service. This provision has introduced greater transparency into the pricing system for veterinary medicines. In particular, it provides farmers with better information on relative prices as between veterinary practices and pharmacies and this facilitates decision making by farmers about where they can get best value when purchasing their medicines. Furthermore, I have extended the range of outlets which may supply some prescription medicines to include the Licensed Merchant category, thus extending the scope for price competition. Finally, arising from the approach my Department pursued in the EU discussions on the 'exemption criteria', important categories, such as wormers and certain vaccines, will continue to be available off prescription.

I believe that the foregoing measures will ensure the continued availability of veterinary medicines at reasonable cost and, in any event, I could not accept that there could be any justification for unscrupulous operators selling medicines illegally, or for farmers sourcing medicines from such persons. Any such activity will be closely monitored and fully investigated by my Department and, where evidence of such activity is found, appropriate action, which may include prosecution, will be taken.

With regard to prescription only medicines, decisions as to which medicines are designated POM, as with all decisions on the route of supply of veterinary medicines, are matters for the Irish Medicines Board, on the basis of that body's scientific evaluation of the risk-benefit profile of each product, having regard to objective criteria laid down in the legislation.

Food Labelling.

30. **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. [8845/07]

60. **Mr. Penrose** asked the Minister for Agriculture and Food the steps she is taking to ensure non-organic food is not mislabelled; the procedures in place that she is responsible for which seek to prevent such mislabelling; and if she will make a statement on the matter. [9100/07]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 30 and 60 together.

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 last 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.

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The introduction of the European Communities (Organic Farming) Regulation 2004 (SI 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.

Agricultural Prices.

31. **Mr. Gilmore** asked the Minister for Agriculture and Food her views on the fact that the reported 5% rise in the prices paid to farmers in 2006 has been all but wiped out by rising energy, fuel and fertilizer costs; and the steps she is taking to address this issue. [9105/07]

Minister for Agriculture and Food (Mary Coughlan): The Central Statistics Office measures the changes in agricultural prices and inputs. The agricultural output price index was 4.9% higher in 2006 than in 2005, while the input price index increased by 4.3% over the same period. This equates to a positive change of +0.6% for farmers. The increase in the annual output price index for 2006 was largely due to increased prices for cattle and pigs as well as cereals and potatoes, while the annual input indices for 2006 showed higher prices for energy, fertilizers, veterinary expenses, seeds and feeding stuffs.

In addition to these market price developments, account must be taken of the importance to Irish farmers of direct payments as an income platform. Decoupled payments, and in particular the Single Payment scheme, remain the primary mechanism of farm income support. In 2006, direct payments to farmers, excluding Forestry Premia totalled over €1,898 million and accounted for 81% of operating surplus. This very substantial figure includes almost €1.3 billion under the Single Payments Scheme, €246 million on the area based compensatory allowance scheme and €328 million on REPS.

Horticulture Sector.

32. **Mr. Gormley** asked the Minister for Agriculture and Food if she will intervene to curtail the ongoing dominance of supermarket chains in the food market, which is driving many vegetable growers here out of business; and if she will make a statement on the matter. [9144/07]

Minister for Agriculture and Food (Mary Coughlan): The vegetable sector is a very important sector of the horticultural industry which is capable of further substantial growth and development. The value of farm gate output of the fresh vegetables sector in 2006 is estimated at €80m of which outdoor field vegetables were valued at approximately €60m. While there has been a consolidation of grower numbers over the

last number of years, production has remained relatively steady. As is common for all sectors of the food industry the vegetable sector has experienced strong competitive pressures from the highly concentrated retail chain which has resulted in static or falling prices. The Deputies will appreciate that in a free market situation the Minister does not have the power to set prices.

However, my Department provides substantial indirect support to the sector through the EU Producer Organisation Scheme and through the National Development Plan. The Producer Organisation Scheme provides a mechanism for producers to work together to strengthen their position in the market place by becoming part of a larger supply base, and thereby putting them in a position to negotiate more effectively with the supermarket multiples. Since 2000 over €24m in EU aid has been paid out to Irish POs of which fruit and vegetable POs have received approximately €2m. The proposals for reform of the Common Organisation of the Market for Fruit and Vegetables, which were presented to the Agriculture Council on 29 January, identify a strengthening of the role for POs as the core part of the strategy for improving the competitiveness of the fruit and vegetable sector in the future. The number of vegetable growers involved in Producer Organisations is relatively small. All growers should be encouraged to consider the potential benefits which membership can bring to their enterprise.

Under the 2000-2006 NDP Scheme of Investment Aid for development of the Commercial Horticulture Sector over €20m has been paid out of which in excess of €3m was provided to vegetable producers. This scheme has enabled vegetable growers to reduce costs and improve the quality of products. Further grant aid of €10.5m has been provided for downstream developments in the edible horticulture industry of which the vegetable sector has been the main beneficiary. Under the new National Development Plan 2007-2013 some €49m is being provided for horticultural producers and I hope to be in a position to announce the commencement of this scheme shortly following its clearance by the European Commission. In accordance with the Agri-Vision 2015 Action Plan this support which will be strategically targeted will improve the overall development and competitiveness of the sector.

Genetically Modified Organisms.

33. **Mr. Cuffe** asked the Minister for Agriculture and Food her views on allowing regions within Ireland to establish bans on genetically modified crops, in view of the fact that Ireland supported Hungary's bid to uphold its ban on GM maize in a recent meeting of EU Environment Ministers; and if she will make a statement on the matter. [9137/07]

260. **Mr. Sargent** asked the Minister for Agriculture and Food her views on allowing regions within Ireland to establish bans on genetically modified crops, in view of the fact that Ireland supported Hungary's bid to uphold its ban on GM maize in a recent meeting of EU Environment Ministers; and if she will make a statement on the matter. [9216/07]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 33 and 260 together.

The rules governing the production and use of GM crops within the Community are set down in EU legislation that has been jointly adopted by the European Parliament and the Council. This legislation is binding on all Member States and does not provide for the declaration of a GM free country or region. 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, where there is a voluntary agreement among all growers in a region not to grow a GM crop or crops. A second option is to seek a derogation from the European Commission that, on the basis of sound scientific evidence, coexistence of GM crops with non GM crops 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.

The provision also exists for a Member State to enact the safeguard clause, that is, where a Member State has detailed grounds on the basis of scientific evidence that a GMO constitutes a risk to human health or the environment, then that Member State may provisionally restrict or prohibit the growing of that GM crop in its territory or in a region within its territory. The Commission must be then immediately informed and will decide within 60 days if the ban is scientifically based and give its decision.

Food Labelling.

34. **Mr. Hogan** asked the Minister for Agriculture and Food the steps she is taking to ensure that country of origin labelling is clear and transparent to the public; and if she will make a statement on the matter. [8832/07]

50. **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. [8833/07]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 34 and 50 together.

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 unpro-

cessed 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 sheep meat 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 last 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 is at present in the process of drafting new regulations to require operators in the retail and catering sectors to provide country of origin information on poultry meat, pigmeat and sheep meat. It is my intention to submit these regulations, when they are finalised, to the European Commission for approval as required by EU law.

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 have been in regular contact with the European Commissioner for Health and Consumer Protection on this subject. I have also raised this issue in the Agriculture Council 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 last 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

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Irish contribution to this process. This confirmed my strong preference for origin labelling of meat and meat products and the desirability of there being common EU-wide legislation to support a labelling regime. In the meantime, my Department will continue its work on the drafting of national measures.

Farm Waste Management.

35. **Mr. G. Murphy** asked the Minister for Agriculture and Food the steps she is taking to address the delay in processing the farm waste management grant scheme; when the 2007 costings will be available; and if she will make a statement on the matter. [8803/07]

Minister for Agriculture and Food (Mary Coughlan): 48,580 applications were received by my Department under the Farm Waste Management Scheme by the closing date of end-December 2006. This figure includes incomplete applications (e.g. missing the required drawings) and those for which planning permission has either not yet been applied for or is still awaited. Farmers and their advisers have until end-March 2007 to submit the required drawings and, where planning permission is required, to confirm that they have applied for planning permission. Of course, approval to proceed with the works concerned cannot issue until written evidence of the issue of such planning permission has been received by my Department.

To date, approx. 10,600 approvals have been issued to farmers to commence work under the Scheme and revised arrangements are being introduced later this week to speed up the approval process under the Scheme. The staffing levels in the local AES offices of my Department are reviewed on an ongoing basis to ensure that the necessary staffing resources are in place to ensure delivery of the Scheme.

The revised Standard Costings for 2007 which are used to calculate grants payable under the Scheme will be issued shortly and will be applied to all approvals issued by my Department to commence work under the Scheme since 1 January 2007.

Food Industry.

36. **Mr. O'Shea** asked the Minister for Agriculture and Food the range of measures An Bord Bia has introduced to assist small food producers to adapt to emerging market opportunities; the budget available to An Bord Bia in 2007 which is allocated specifically to this range of measures; and if she will make a statement on the matter. [9082/07]

Minister for Agriculture and Food (Mary Coughlan): Bord Bia has operated an extensive Small Business Programme since 1996. The range

of measures it has provided includes information services, market research and marketing competency development, promotion of the speciality sector for sales growth and the positioning of Ireland — the Food Island through trade fairs, co-ordination of buyer visits, hosting specialist foods including International Speciality Food Symposia, most recently in Kilmainham in 2006 and the speciality food presence on Ryder Cup menus, co-ordinating operational support of farmers' markets, internet selling and farm shop and box schemes, and the management of retail promotions in Ireland and Britain for speciality and organic foods as well as extensive consumer public relations targeting print and broadcast media in Ireland and Britain.

These services have been underpinned by a marketing finance programme providing direct financial support for the marketing development activities of small firms and medium-sized enterprises in the food, drink, and horticulture sectors. An industry led approach has been adopted through ongoing consultation with the TASTE Council, a representative group of the small and speciality food supply chain in Ireland and Britain.

The sector is growing at 10% per annum fuelled by consumer market drivers of health and well being, quality, provenance, authenticity and taste. While this offers growth potential for products meeting these requirements, commercial challenges however, exist for small food business owner/managers in accessing the opportunities afforded by rapidly changing food markets. Managing and controlling food business growth and development for success is a key challenge requiring access to timely and necessary market knowledge and information and an understanding and management of distribution in line with the small food firm's stage of development and aspiration for growth.

In response to these challenges Bord Bia has now established a Centre of Excellence for Small Food Business, designed to guide Bord Bia services to support the commercial growth potential of this sector. A new suite of services is being introduced for small businesses and 2007 will see the launch of a new resource centre for owner/managers of small food firms allowing them access to knowledge and expertise for market development and growth. Broader national and international marketing support will also be provided for specialist food in recognition of its potential as an added value business opportunity for the rural economy and contribution to the image and positioning of Ireland — the Food Island.

The budget allocated by An Bord Bia to these small business services including the marketing finance programme in 2007 is €1,213,000 compared with €819,000 in 2006.

Question No. 37 answered with Question No. 29.

EU Directives.

38. **Mr. Timmins** 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. [8824/07]

Minister for Agriculture and Food (Mary Coughlan): The European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006 contain a number of requirements in relation to record keeping. Much of this information, such as stock numbers and farmed area, is already maintained by farmers on their herd registers or contained in their declarations for the Single Payment Scheme.

To assist farmers in complying with their obligations on record keeping, my Department will, where possible, make use of its data holdings to send organic nitrogen and phosphorus statements to farmers in respect of each calendar year. Statements in respect of 2006 are being prepared at present, and will issue as early as possible.

My Department has already produced an Explanatory Handbook for farmers setting out in clear terms their obligations under the Regulations. The handbook contains explanations of and suggested formats for the records required, and helpsheets that farmers can use as examples. This handbook, together with a copy of the Regulations, was sent to all farmers in October 2006.

While my Department is committed to minimising the practical burden of compliance with the Regulations, responsibility for compliance rests ultimately with the occupier of a holding. Farmers should therefore ensure that they have read and understood their obligations under the Regulations and they should, if necessary, obtain professional advice from their agricultural advisers. My Department is currently arranging specific cross-compliance-related training for Teagasc and private planners, in accordance with the provision, in the Regulations governing the Single Payment Scheme, that member States shall set up a system of advising farmers on land and farm management to be known as the farm advisory system. This system will cover the Statutory Management Requirements, including the Nitrates Directive, together with Good Agricultural and Environmental Condition associated with cross-compliance.

Farm Inspection Scheme.

39. **Mr. O'Dowd** asked the Minister for Agriculture and Food the steps she is taking to ensure farmers have notice of all on farm inspections; and if she will make a statement on the matter. [8958/07]

57. **Mr. Deenihan** asked the Minister for Agriculture and Food when she will issue farmers with a copy of her Department's inspection checklist

on cross compliance; and if she will make a statement on the matter. [8794/07]

74. **Mr. Crawford** asked the Minister for Agriculture and Food the number of farm inspections that have been carried out to date in 2007 as compared to the same period in 2006; if these inspections will continue over the coming months in the same manner and in the normal way; the steps she has taken at EU level to give reasonable time in order that the farmer or a representative can be available for such inspections in view of the fact that most farmers have been forced into off farm employment or else are the sole operator on the farm; and if she will make a statement on the matter. [8955/07]

100. **Mr. Kenny** asked the Minister for Agriculture and Food the practical steps she is taking to address the burden of cross compliance on farmers; and if she will make a statement on the matter. [8802/07]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 39, 57, 74 and 100 together.

My Department is in regular contact with the European Commission with a view to simplification of Single Payment Scheme requirements with particular reference to the arrangements for cross-compliance inspections. I have also raised the matter on a number of occasions with Commissioner Fischer Boel. In this connection the European Commission is currently undertaking a full review of the cross-compliance regime and the results of that review will be presented to the Council of Ministers during April. I have personally met with my German and French counterparts with a view to emphasising the importance of achieving progress on the simplification issue during the German presidency. In tandem with this my Department is carrying out a full review of the inspection arrangements for the Single Payment Scheme with a view to simplification of the arrangements (including paperwork) where possible while, at the same time, ensuring compliance with the regulatory requirements. The review of the forms together with the outcome of the Commission's review of the cross-compliance arrangements generally, will be fully discussed with the farming organisations before the inspections for 2007 get underway.

Insofar as the Department's inspection checklist on cross compliance is concerned, this is an internal checklist used for the 2006 inspections which was made available to the farming organisations and the farmers being inspected. It is not a document for completion by the farmer, but for the inspector of my own Department. This checklist is being reviewed as part of the full review my Department is carrying out on the inspection arrangements for the Single Payment Scheme.

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Inspections under the 2007 scheme have not yet commenced. In 2006, 7,514 farmers 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. It should be noted that while 1,414 farmers were subject to cross-compliance penalties under the 2006 Single Payment Scheme, a further 804 farmers, while technically in breach of the requirements, did not suffer any penalty because of the tolerance regime applied by my Department. Indeed breaches of cross-compliance in 2006 resulted in some €722,296.31 being withheld from farmers by way of penalties representing 0.06% of Ireland National ceiling of €1.3 billion. The vast bulk of penalties applied (1,239 farmers) were for breaches of the rules relating to the identification and registration of bovine animals i.e. tagging and registration of births, movements and deaths representing 78.72% of all breaches found. The requirements for the timely tagging and registration of cattle and notifying movements and deaths has been in place for over 10 years.

The policy towards on-farm inspection 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 European 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 some 92% of the 7,514 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 all cases where certain elements of cross-compliance are involved 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 one 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 believes 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 proportion of inspections without prior notification and this is what was done in 2006. My Department is seeking authority to allow advance notification in all inspection cases and I will continue to press this point in the CAP simplification process.

Food Industry.

40. **Mr. English** asked the Minister for Agriculture and Food the plans she has for the enhancement of research and development within the agri-food sector; and if she will make a statement on the matter. [8822/07]

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 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 and is identified as a priority in the National Development Plan (NDP) 2007-2013.

As well as providing core funding for research carried out by Teagasc, my Department provides competitive funding of public good food research, from basic to pre-commercial, to the Universities, Institutes of Technology and Teagasc under the Food Institutional Research Measure (FIRM). An important role is also played by Teagasc's commercial subsidiary, Moorepark Technology Ltd, a pilot plant that provides industry and Teagasc with a commercial technology transfer vehicle. The Research Stimulus Fund (RSF) programme provides grant assistance, on a competitive basis, for agri-production research including agri-environment and biodiversity, advances in animal and plant bio-science, animal and plant health, rural economy and other areas of sustainable agriculture not covered in the major research programmes.

The main objectives of FIRM are to provide a base of information and expertise in generic technologies to support innovation and product development in the food industry and assure consumer protection by ensuring that product development is underpinned by attention to food safety and quality issues. Funding for FIRM under the NDP 2007-2013 will amount to some €14 million a year compared with average annual expenditure of €7 million between 2000 and 2006. Funding for RSF under the NDP 2007-2013 will amount to over €7 million on average annually compared with an annual average expenditure of some €1.5 million in the period 2000 to 2006.

Funding to the food industry for in-company research and technology transfer is administered by Enterprise Ireland. 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.

Under the new NDP my Department will continue to operate its competitive research programmes in sustainable agriculture, food and forestry, including development of non-food crops such as bio-fuels. These measures are operated in a coherent way with linked programmes in other Departments. In addition, the Teagasc R&D programme will continue to be a priority for my Department. In this regard I announced last year that some €27 million arising from the sale of Teagasc assets would be retained and re-invested in the Teagasc Research Vision programme to provide centres of excellence that will equip those involved in agriculture and food with the knowledge to improve efficiency, competitiveness and responsiveness to the market.

Farm Waste Management.

41. **Mr. Crawford** asked the Minister for Agriculture and Food the number of farmers who have applied under the new farm waste management scheme; the number of applications that have been sanctioned to date; if she has satisfied herself that there is sufficient personnel available in the Farm Development Office to process the urgent applications where facilities need to be sanctioned and built for pollution control this season; and if she will make a statement on the matter. [8956/07]

Minister for Agriculture and Food (Mary Coughlan): 48,580 applications were received by my Department under the Farm Waste Management Scheme by the closing date of end-December 2006. This figure includes incomplete applications (e.g. missing the required drawings) and those for which planning permission has either not yet been applied for or is still awaited. Farmers and their advisers have until end-March 2007 to submit the required drawings and, where planning permission is required, to confirm that they have applied for planning permission. Of course, approval to proceed with the works concerned cannot issue until written evidence of the issue of such planning permission has been received by my Department.

To date, approx. 10,600 approvals have been issued to farmers to commence work under the Scheme and revised arrangements are being introduced later this week to speed up the approval process under the Scheme. The staffing levels in the local AES offices of my Department are reviewed on an ongoing basis to ensure that

the necessary staffing resources are in place to ensure delivery of the Scheme.

Milk Quota.

42. **Mr. English** asked the Minister for Agriculture and Food her position on the abolition of the milk quota; and if she will make a statement on the matter. [8837/07]

Minister for Agriculture and Food (Mary Coughlan): The current Milk Quota regime was extended to 2014/15 as part of the 2003 Luxembourg Agreement on the reform of the CAP. A review by the EU Commission is scheduled for 2008/09, and any proposals submitted by the Commission will be considered by the Council of Ministers at that time.

Commissioner Fischer Boel has already stated her preference for the abolition of quotas in 2015, and a number of possible options in this regard have been flagged by the Commission. My Department, with the support of Teagasc and the dairy sector, is studying the likely impact of any changes in the quota regime, and in the event that the Commission comes forward with further proposals in this area I will participate fully in the Council to ensure that the best interests of the Irish dairy sector are protected.

Animal Cruelty.

43. **Ms B. Moynihan-Cronin** asked the Minister for Agriculture and Food the procedures which led up to the reported decision to order the slaughter of the pigs which survived the bridge collapse incident in County Kerry earlier in 2007; the reason, when a national newspaper had reportedly found homes for these pigs, they were slaughtered; and if she will make a statement on the animal cruelty aspects of the bridge collapse. [9084/07]

Minister for Agriculture and Food (Mary Coughlan): The position in this case is that the pigs in question were being transported from a farm in Kerry to Northern Ireland for slaughter when a bridge collapsed under the lorry being used for the transportation.

When the lorry was recovered, the situation was assessed by officers from the local DVO. Casualties were unloaded at the farm of origin and the rest of the pigs were deemed to be fit to travel onwards to a lairage where they were unloaded fed and rested. These pigs were subsequently slaughtered and any alternative means of disposal would have been a matter for the owner of the pigs rather than for my Department.

I understand that a complaint has been made to the Gardaí relating to this incident and that this is being pursued.

Food Labelling.

44. **Mr. J. O'Keeffe** asked the Minister for

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Agriculture and Food the plans she has to establish an all island food label; and if she will make a statement on the matter. [8843/07]

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. A Memorandum of Agreement was finalised between Bord Bia and Invest Northern Ireland (INI) in November 2006 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.

Equine Sector.

45. **Mr. Deasy** asked the Minister for Agriculture and Food if she will explain her Department’s failure to implement the regulations covering passports for equines; and if she will make a statement on the matter. [8960/07]

Minister for Agriculture and Food (Mary Coughlan): My Department is actively following up on the requirement that equines be identified in accordance with the provisions of the European Communities (Equine Stud-Book and Competition) Regulations, SI 399 of 2004. The Department has written to the managers of some of the principal marts reminding them of the provisions of the European Communities (Equine Stud-book and Competition) Regulations 2004. A publicity campaign is also being arranged to remind the general public of the regulations relating to the identification of equidae. As a follow-on action Department Officers will also carry out random compliance checks with regard to identification documents at sales, ports and other places where horses are assembled.

My Department has also been actively engaged with the European Commission in discussions on the Commission’s forthcoming proposals regarding the matter of the identification of equidae. My Department has drawn the Commission’s attention to the desirability, from a disease prevention perspective, to make it mandatory to register any premises in which horses are kept.

The Commission has also been informed of my view that the proposal to introduce compulsory microchipping for equines serves no purpose without provision being made for the establish-

ment of a compulsory central database that can link the microchip number to the animal identification.

Sugar Beet Industry.

46. **Ms O. Mitchell** asked the Minister for Agriculture and Food when compensation will be issued to sugar beet producers; and if she will make a statement on the matter. [8820/07]

Minister for Agriculture and Food (Mary Coughlan): The compensation package negotiated in the context of the reform of the EU sugar regime is worth in excess of €310m to Ireland. It comprises three elements.

The first element is the sugar beet compensation which has been incorporated into the Single Payment Scheme with effect from 2006. It will be worth approximately €123 million to Irish beet growers over seven years.

The second element is the EU restructuring aid for the sugar industry, which in Ireland’s case is worth €145m approx. In accordance with the EU Regulations, the Government made certain decisions last July regarding the implementation of the restructuring aid, in particular the percentage to be reserved for beet growers and contractors. These decisions are now the subject of judicial review proceedings instituted by Greencore in the High Court. Under the EU Regulations, the first instalment of aid would fall to be paid in June 2007. In view of the legal proceedings, it would not be appropriate for me to comment further.

The third element of the compensation package is the diversification aid, also provided for in Council Regulation (EC) 320/2006, worth almost €44m in Ireland’s case. A national restructuring programme has been prepared and submitted to the EU Commission, in accordance with the EU Regulations, with a view to drawing down the diversification aid. The Regulations provide that payment of this aid would commence in September 2007.

Direct Payment Schemes.

47. **Mr. McGinley** asked the Minister for Agriculture and Food when she will establish an advisory service for farmers to facilitate the implementation of cross compliance; and if she will make a statement on the matter. [8793/07]

Minister for Agriculture and Food (Mary Coughlan): The Regulations governing the Single Payment Scheme provide that Member States shall set up a system of advising farmers on land and farm management to be known as the farm advisory system. The system is to be operated by one or more designated authorities or by private bodies. The advisory activity must cover at least the Statutory Management Requirements and Good Agricultural and Environmental Condition associated with cross-compliance. The Regu-

lations also provides that farmers may participate in the system on a voluntary basis but that Member States shall give priority to farmers who receive more than €15,000 of direct payments each year.

The position in Ireland is that Teagasc already provides an advisory service for farmers. In addition there are a number of private consultancies and REPS planners who also provide advice to farmers. My Department is currently arranging specific cross-compliance related training for Teagasc and private planners in the context of the farm advisory system requirement.

International Agreements.

48. **Mr. Sherlock** asked the Minister for Agriculture and Food the degree of implementation of the general commitment by the main World Trade Organisation negotiating partners at Davos on 28 January 2007 to a full resumption of WTO negotiations; and if she will make a statement on the matter. [9092/07]

83. **Mr. Noonan** asked the Minister for Agriculture and Food the status of the WTO talks; and if she will make a statement on the matter. [8846/07]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 48 and 83 together.

Following the political commitment made by WTO Ministers from the main negotiating partners at the World Economic Forum in Davos in January, the WTO Director General announced the full resumption of formal negotiations across all negotiating areas of the current WTO round at the meeting of the WTO General Council meeting on 7 February.

These negotiations are on-going at present and take the form of bilateral and plurilateral meetings between the main negotiating partners and multilateral meetings of the full WTO membership in Geneva. The efforts to achieve progress will continue over the coming months.

I remain committed to an ambitious and balanced outcome to the negotiations. As an open economy dependent on trade Ireland has much to gain from the conclusion of a new WTO agreement. However, I remain determined that agriculture must not be sacrificed for the sake of an overall agreement and that, in accordance with the agreed EU negotiating mandate, a new WTO agreement will not necessitate further reform of the CAP. The EU has undertaken CAP reform in preparation for the negotiations and I believe that it has already made a generous offer to reduce trade distorting subsidies and to provide substantial Special and Differential Treatment for developing countries.

I will continue to take every opportunity to emphasise the absolute necessity that the Commission remains within the terms of the negotiat-

ing mandate. I will continue to work closely with like-minded Ministers in other Member States to seek support for my position.

Sheep Industry.

49. **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. [8829/07]

Minister for Agriculture and Food (Mary Coughlan): The Sheep Industry Development Strategy Group issued its report in June 2006. This is a comprehensive study of the sheep industry that sets out a Development Plan for the sector 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 is nearing the completion of its work and I look forward to its final report in the near future.

Question No. 50 answered with Question No. 34.

Milk Quota.

51. **Mr. Hayes** asked the Minister for Agriculture and Food when she will issue a quota to applicants under the new quota exchange system; and if she will make a statement on the matter. [8806/07]

Minister for Agriculture and Food (Mary Coughlan): The first Milk Quota Trading Scheme ran successfully in January and my Department provided the Co-ops with full details of the results of the exchanges run for their areas. The Co-ops themselves have in turn been communicating those results to successful and unsuccessful applicants, as well as engaging in the necessary administrative follow-up.

The second stage of the scheme has a closing date for applications of the 9th March 2007, and the second exchange will be run in April. The same notification procedures will apply to the results of the second stage.

Beef Industry.

52. **Ms McManus** asked the Minister for Agriculture and Food the action she is taking to address the apparently widening gap between the beef price here and that of British beef, which is higher; the reason for this gap; and if she will make a statement on the matter. [9096/07]

Minister for Agriculture and Food (Mary Coughlan): The gap between the British and Irish

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price for beef has, over recent weeks, narrowed since its peak in the first week of December 2006. A number of factors contributed to the differential in prices including lower prime cattle supplies within the UK, lower prices on the continental market and higher supplies here.

To support the beef sector in responding to the very real challenges it faces on an on-going basis I announced, last year, two new initiatives that will assist the beef sector in cementing the achievements already made and to better equip it to face the ongoing challenges of a competitive marketplace. These complement and underpin the existing Quality Assurance Scheme.

Proposals for the introduction of an Animal Welfare, Recording and Breeding Scheme for Suckler Herds were submitted to the European Commission in December 2006. The scheme, which is subject to EU approval, is designed to encourage suckler farmers to achieve higher standards in animal welfare and husbandry and to record data for breed improvement purposes in order to assist both quality and productivity. A budget of €250 million is being provided over the duration of the scheme.

A Capital Investment Support Scheme for the beef and sheepmeat primary processing sectors was announced in November 2006. The rationale for this scheme is to assist the industry in facing the challenges of the future, through increasing competitiveness and efficiency. Some €50 million has been committed for this package, and it is envisaged that this will generate further investment, bringing the value of the overall plan to some €120 million. The aid scheme, funded by the Department, will be managed by Enterprise Ireland, the state agency responsible for implementing such state aid packages.

I believe these measures, combined with our high levels of food safety standards, will support the Irish beef sector in positioning itself to face the challenges of the marketplace.

Alternative Energy Projects.

53. **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. [8830/07]

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 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. In addition my Department supports a number of individual projects and initiatives which focus specifically on wood-energy.

During 2006 COFORD, which is wholly-funded by my Department, held a series of thinning and chipping demonstrations across the country under the banner Forest-Energy 2006, in cooperation with Teagasc, Waterford Institute of Technology, Bord na Móna and the major private forestry companies. Building on the success of this programme, Forest Energy 2007 will address the core issue of securing marketable wood fuel of acceptable moisture content for sale as wood chip and firewood. The new programme will encompass wood chip and firewood harvesting, processing, stacking and storage trials.

In terms of new schemes, details of the Wood Biomass Harvesting Machinery Scheme will be made public very shortly. The purpose of the proposed scheme is to encourage investment in wood biomass processing machinery, such as mobile chippers and forest residue bundlers.

My Department's Bioenergy Scheme offers establishment grants for up to 50% of the costs of planting willow and miscanthus as a renewable source of energy. €8 million has been allocated to this Scheme over the period 2007-2009.

Common Agricultural Policy.

54. **Mr. S. Ryan** asked the Minister for Agriculture and Food if she will report on the status of the CAP simplification process; and if she will make a statement on her position in this process. [9095/07]

Minister for Agriculture and Food (Mary Coughlan): The process of simplification of the CAP has been under way for some years and is on-going. Achievements to date include simplification in the areas of State Aids, the CAP financing system, the removal of obsolete legislation, the CAP reforms of 2003 and 2004 which brought together a large number of direct income supports into the single farm payment and the Rural Development Regulation which streamlined into one fund the programming, funding and financial systems for rural development.

In October 2006, the Commission hosted a conference with stakeholders and Member States

with a view to defining the future simplification agenda. The Conference discussed a draft Action Plan for technical simplification presented by the Commission. Currently the draft plan contains some 20 proposals for legislative simplification, mainly technical in nature.

In December the Commission published its proposal for the creation of a single Common Market Organisation by the rationalisation and amalgamation of the existing 21 CMOs. This proposal which the Commission regards as a key element of its simplification strategy will be discussed in the Council on 19 March.

A Commission report on the application of cross-compliance is due to be published in March and presented to the Council in April. At the January Council, the Commissioner acknowledged that the implementation of cross-compliance was perceived as an additional burden and undertook to streamline and simplify measures where possible. She undertook, in particular, to consider a *de minimis* threshold to exempt minor infringements from financial sanction.

The Commission has also indicated that it will pursue the simplification agenda in the context of the forthcoming reforms of the wine, fruit and vegetables and bananas Common Market Organisations and the 2008 Health Check. The simplification agenda is a key priority for the current German Presidency.

I am fully supportive of the simplification process. My priority is to ensure that simplification relates to practical measures to reduce bureaucracy and to ease the administrative burden on farmers, the public and the Department, notably in the areas of Single Payment System and cross-compliance. I have discussed the matter on numerous occasions with the Commissioner and with the German Presidency. I wrote to Commissioner Fischer Boel and the Presidency in January last outlining my concerns in relation to a number of specific issues. My main concerns relate to the lack of advance notification of inspections under the Single Payment Scheme and the level of sanctions to be applied under cross-compliance, including the extent of tolerance applied where non-compliance is inadvertent or negligible. I also raised these issues in the Council of Ministers in January and urged the Commissioner to present proposals to improve the current situation as quickly as possible. I have also raised these matters with a number of my EU Ministerial colleagues in order to garner support for my position. I intend to pursue these issues actively over the coming months.

Farm Waste Management.

55. **Mr. P. McGrath** 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. [8850/07]

Minister for Agriculture and Food (Mary Coughlan): The technical specification for farm buildings operated by my Department for the purpose of the Farm Waste Management Scheme require the installation of adequate arrangements for the separation of clean and dirty water as part of the conditions of any new investment. This would include rainwater. In addition, I extended the terms of that Scheme in March 2006 to include the provision of grant-aid for the installation of guttering on existing buildings as a further new eligible item.

As far as the new 2007-2013 Rural Development Programme is concerned, I have provided that grant-aid will be available under the new Farm Improvement Scheme for the installation of water retention equipment on farms. This Scheme will be introduced as soon as EU approval is received for the Programme.

Genetically Modified Organisms.

56. **Ms Shortall** asked the Minister for Agriculture and Food the number of samples of US rice tested here since the announcement of the presence of non-authorised LLRICE601 in US rice. [9102/07]

Minister for Agriculture and Food (Mary Coughlan): Notwithstanding the fact that very small amounts of rice bran are used in certain animal feeds, accounting for less than 1% of total feed imports, officials of my Department took samples in two consignments of that product during 2006 in response to the EU Commission Decision setting down measures to detect imports of the unauthorised GM event LL601. These samples were analysed by the State Laboratory and all were found negative for the unauthorised event.

The Department of Health and Children and the FSAI are responsible for testing of GM events in food.

Question No. 57 answered with Question No. 39.

Direct Payment Schemes.

58. **Mr. Kehoe** asked the Minister for Agriculture and Food when she will establish an advisory service for farmers to facilitate the implementation of cross compliance; and if she will make a statement on the matter. [8800/07]

Minister for Agriculture and Food (Mary Coughlan): The Regulations governing the Single Payment Scheme provide that Member States shall set up a system of advising farmers on land and farm management to be known as the farm advisory system. The system is to be operated by one or more designated authorities or by private bodies. The advisory activity must cover at least the Statutory Management Requirements and Good Agricultural and Environmental Condition

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associated with cross-compliance. The Regulations also provides that farmers may participate in the system on a voluntary basis but that Member States shall give priority to farmers who receive more than €15,000 of direct payments each year.

The position in Ireland is that Teagasc already provides an advisory service for farmers. In addition there are a number of private consultancies and REPS planners who also provide advice to farmers. My Department is currently arranging specific cross-compliance-related training for Teagasc and private planners in the context of the farm advisory system requirement.

Meat Plants.

59. **Mr. P. Breen** asked the Minister for Agriculture and Food if she will ensure that provision is made under the new meat plant investment scheme to provide facilities for farmers to clearly view weighing scales in factories; and if she will make a statement on the matter. [8811/07]

Minister for Agriculture and Food (Mary Coughlan): In keeping with commitments given in the Agri-Vision 2015 Action Plan, I announced last November a Capital Investment Scheme, totalling some €50 million, for the beef and sheep-meat processing sectors. This grant assistance, which should trigger investment of some €120 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.

The objective of the scheme is to make financial assistance available towards the cost of the construction and acquisition of buildings, new machinery and equipment and, consequently, assist the industry in improving efficiency and competitiveness and in so doing, not only strengthen primary processing but also underpin agricultural incomes.

As regards the operation of weighing scales I would point out that officials of my Department carry out regular inspections of meat plants to ensure that weighing equipment is operating efficiently and that weighing procedures are being correctly carried out in a consistent manner. In some meat plants, farmers have a clear view of the scales readout, where the plant has installed a special viewing area specifically for this purpose. In some instances, however, it might not be practical for the meat plant to install a viewing area because of building design. In such cases it would be a matter for the plant to decide, taking account of hygiene and health and safety concerns, whether a farmer would be permitted access to the scales area during processing of his or her animals.

Question No. 60 answered with Question No. 30.

Food Labelling.

61. **Mr. Penrose** asked the Minister for Agriculture and Food the number of reports she has received from the Food Safety Authority of Ireland of breaches of food labelling law within her jurisdiction; the action has she taken on foot of these reports; and if she will make a statement on the matter. [9101/07]

Minister for Agriculture and Food (Mary Coughlan): Responsibility for enforcement of labelling and traceability legislation rests with the Food Safety Authority of Ireland through its service contracts with the Department of Agriculture and Food, the Department of Communications, Marine and Natural Resources, the Health Services Executive, the Local Authorities and the Office of the Director of Consumer Affairs.

Following on an investigation conducted in 2004 the FSAI reported to my Department breaches of labelling regulations in certain processing plants that come within the remit of the Department. My Department addressed all the issues raised in the report to the satisfaction of the FSAI.

In addition in accordance with its service contract with the FSAI my Department reports quarterly the results of its ongoing inspections in food all matters covered by the contract including labelling.

Food Industry.

62. **Mr. Bruton** asked the Minister for Agriculture and Food the number of meetings of the Food Agency Co-operation Council in 2004, 2005 and 2006; the number of times that its successor the high level group of CEOs has held meetings; and if she will make a statement on the matter. [8848/07]

Minister for Agriculture and Food (Mary Coughlan): The Food Agency Co-operation Council (FACC) met on 20 occasions between 2000 and 2003 to promote co-operation between the State Agencies involved in the food industry. In subsequent years the food development agencies directly concerned with the National Development Plan 2000-2006 met periodically to assess progress under the Plan. Two meetings were held in 2004 and one each in 2005 and 2006 while my Department was examining future arrangements in the light of changes in the CAP and the 2015 Agri-Vision Report.

Arising from this, the Agri-Vision 2015 Plan of Action, which I launched last year, included the establishment of a high level group of CEOs of food agencies, chaired at Ministerial level. This group has met twice in July 2006 and February 2007. In addition the agencies have been brought together on five separate occasions at regional level since November 2005 to participate in the

AV 2015 Food Fora to encourage the development of regional and local food enterprises.

Under the Agri-Vision 2015 Plan of Action, the Food Agency CEO Group is complemented by Food Industry Groups, also at CEO level, and chaired at Ministerial level. These groupings, working side by side, ensure a co-ordinated approach to addressing the issues arising for the food sector generally and in relation to realising the objectives set out in Agri-Vision 2015.

Food Safety Standards.

63. **Mr. Quinn** asked the Minister for Agriculture and Food the categories of establishments for inspection and sampling purposes; the number of establishments her Department is responsible for inspecting; the number of establishments in each inspection category; the number of inspections of establishments in each of the inspection categories which were carried out during 2005 and 2006; and if she will make a statement on the matter. [9086/07]

Minister for Agriculture and Food (Mary Coughlan): The total number of food premises under the supervision of my Department was 771 in 2005 and 794 in 2006. The total number of inspections carried out in 2005 was 2,759 and 16,663 in 2006. The apparent dramatic increase in inspections is mainly due to changes in the reporting formats over the two years in question. Up to 2005, statistics were compiled on a basis of inspections by regional and national supervisory officers of the Department. Following the adoption of the EU Hygiene Package, the changes in collection and reporting of statistical data were changed to include day to day inspections carried out at meat plants, by Departments inspectors primarily based at the plants.

All DAF approved plants are subject to risk assessment. Each risk criterion is scored and the overall score determines the frequency of inspection to be undertaken at a plant in the course of a particular year.

The main risk criteria used are as follows:

- Compliance history;
- Effectiveness of plant's own checks programme — Hazard analysis and critical control point (HACCP) prerequisites;
- The type of product processed and manufacturing process;
- Plant throughput; and
- General view of the inspecting officer in relation to overall implementation of the plant food safety management system.

At any time during the year the frequency can be amended to reflect changing circumstances in the establishment.

64. **Ms B. Moynihan-Cronin** asked the Minister for Agriculture and Food when her attention was

drawn to the fact that a consignment of 17 tonnes of illegal poultry from China was apparently seized at Belfast port in August 2005; the steps she has taken to ensure that such consignments do not enter the food chain here. [9104/07]

Minister for Agriculture and Food (Mary Coughlan): The Deputy is referring to control operation carried out by the Border Inspection Post Services (BIP) of the Northern Ireland Department of Agriculture and Rural Development (DARD). The incident referred to has been the subject of notification through the Rapid Alert System for Food and Feed (RASFF) and consultation between DARD, the EU Commission, the Northern Ireland Food Safety Agency (FSA), the Food Safety Authority of Ireland (FSAI) and my Department. The consignment in question was seized and destroyed by the Northern Ireland Authorities on 12 September 2005.

Following on from the subsequent investigation of this case all Member States made arrangements to check that certain activities in trade of products of animal origin for human consumption are in compliance with EU law.

While the Peoples Republic of China is an approved country for the purpose of trade in animal products with the EU, the following Safeguard Measures have been applied to protect animal and human health by:

(a) banning the import of certain animal products for human consumption, like meats, because residue controls in that country have been found not to comply with EU requirements,

(b) requiring the submission of analysis results for residues of chloramphenicol and nitrofurans for consignments of certain aquaculture products, animal casings, rabbit meat, honey and royal jelly presented for veterinary check on entry into the EU,

(c) requiring confirmation that consignments fishery products, gelatine and petfoods have also been tested and been found not to contain residues, and

(d) banning the import of poultry, and poultry meat, eggs and egg and poultry meat products because of the risk of the spread of High Pathogen Avian Influenza.

At the point of entry on the territory of the EU, importers of animal products are required to present their consignments and health certificates to an approved Border Inspection Post (BIP) for veterinary inspection. At the BIP documentary, identity and physical checks are undertaken in accordance with EU requirements. Once it has been established that imported animal product has met all the required conditions it is released for free circulation within the Community. Copies of the BIP clearance documentation must accompany the consignment to its first food busi-

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ness operator destination. Imports failing to comply with these veterinary control checks may be detained for further examination. If non-compliance is established they are seized for destruction at cost to the importer.

BIPs also carry out control checks on manifests at airports and ports in co-operation with the Customs Services and undertake a physical check on selected consignments for the presence of animal products. The criteria for applying such can be on the basis of random selection, country of origin, follow-up to a previous illegal import or as a result of investigations being undertaken by other Government services.

Dairy Sector.

65. **Mr. Naughten** asked the Minister for Agriculture and Food her views on the National Milk Rights Group submission on a dairy welfare scheme; and if she will make a statement on the matter. [8531/07]

Minister for Agriculture and Food (Mary Coughlan): My officials met with representatives of the National Milk Rights Group recently to discuss their submission under the EU Rural Development Programme for support towards a voluntary improvement scheme for dairy herds. I am having the proposal examined, together with other submissions that have been made in respect of the dairy herd.

Milk Quota.

66. **Mr. Hayes** asked the Minister for Agriculture and Food when she will commence a review of the new quota exchange system; and if she will make a statement on the matter. [8805/07]

Minister for Agriculture and Food (Mary Coughlan): The first Milk Quota Trading Scheme ran successfully in January and resulted in 120 million litres of quota being offered for sale, with 73 million litres traded. My Department conducted a review of the first stage in early February, which included consultations with the main farming organisations and ICOS. Following this, the second stage of the 2007/08 scheme was announced with a closing date for applications of the 9th March, and the 2nd exchange will be run in April.

A comprehensive review of the Trading Scheme will take place after the second stage of the 2007/08 scheme has been completed.

Genetically Modified Organisms.

67. **Mr. Sargent** asked the Minister for Agriculture and Food her views on whether Austria's ban on genetically modified crops, upheld at the December 2006 European Council, leaves the way open for Ireland and regions within Ireland

to establish similar restrictions; her further views on whether such restrictions would be consistent with EU law; and if she will make a statement on the matter. [9135/07]

Minister for Agriculture and Food (Mary Coughlan): I do not accept that the outcome of the vote in the Environment Council on the EU Commission proposal requesting the Austrian authorities to lift their ban on the cultivation of two authorised GM maize crops alters the current EU legislative position on the arbitrary banning of the cultivation of authorised GM crops in Member States.

The rules governing the production and use of GM crops within the Community are set down in EU legislation that has been jointly adopted by the European Parliament and the Council. This legislation is binding on all Member States and does not provide for the declaration of a GM free country or region or the banning of authorised GM crops. 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, where there is a voluntary agreement among all growers in a region not to grow a GM crop or crops. A second option is to seek a derogation from the European Commission that, on the basis of sound scientific evidence, coexistence of GM crops with non GM crops 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.

The provision also exists for a Member State to enact the safeguard clause, i.e. where a Member State has detailed grounds on the basis of scientific evidence to show that a GMO constitutes a risk to human health or the environment, then that Member State may provisionally restrict or prohibit the growing of that GM crop in its territory or in a region within its territory. The Commission must be then immediately informed and will decide within 60 days if the ban is scientifically based and give its decision.

Any proposals to introduce bans on genetically modified crops would have to be consistent with the legislative position.

Animal Welfare.

68. **Mr. J. O'Keeffe** asked the Minister for Agriculture and Food the number of animal welfare officers in the country; the funding provided by her Department to the ISPCA; and if she will make a statement on the matter. [8842/07]

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 2006 (SI

705 of 2006). 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, which 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 developed an Early Warning/ Intervention System 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 directly involved in the provision of animal care and welfare services, to assist in their ongoing work. To date, a total of €7.2m has been paid to such bodies, some €1.24m of which was paid to organisations in December last to assist them during 2007. A provision of €1.3m for this purpose is included in my Department's Estimates for 2007. ISPCA has benefited from these payments.

The headquarters of the Association has received a total of €414,880 to date. That figure does not include significant 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.

Farm Retirement Scheme.

69. **Mr. McCormack** asked the Minister for Agriculture and Food if she will backdate the top up payment under the farm retirement scheme; and if she will make a statement on the matter. [8809/07]

Minister for Agriculture and Food (Mary Coughlan): I decided to increase the maximum pension payable under the 1994–99 Scheme of

Early Retirement from Farming from €12,075 to €14,075 per annum and the maximum pension payable under the 2000-2006 Scheme from €13,515 to €15,000 per annum with effect from 1 November 2006.

These increases, which will be funded entirely from the Exchequer, formed part of the undertakings in the social partnership agreement, Towards 2016. They will benefit some 5,000 retired farmers and add some €33 million to the cost of the Schemes over the time they have left to run.

Departmental Investigations.

70. **Mr. Howlin** asked the Minister for Agriculture and Food the number of complaints her Department has received arising from the activities of the Special Investigations Unit of her Department during each of the past five years; the outcome of each complaint; and if she will make a statement on the matter. [9075/07]

Minister for Agriculture and Food (Mary Coughlan): Following are details of written complaints received over the past 5 years by my Department arising from inspections carried by the Special Investigation Unit:

Year	Number
2002	None
2003	1
2004	2
2005	None
2006	None

Each of the complaints was investigated and did not give rise to the need for any action. Since February 2004, the SIU has operated under a written Code of Practice which covers aspects such as conduct of investigations, communications and includes a documented procedure to deal with any complaints which are made.

The investigative procedures of the Unit comply with the standard requirements in regard to the taking and presentation of evidence and the rights of the person under investigation. As such, they reflect the procedures followed in criminal investigations by other agencies. On occasions, investigations by the Unit involve use of search warrants, with all the rules of evidence being strictly complied with. The fact that the work of the Unit has formed the basis for almost all of the successful Court prosecutions taken by my Department is clear evidence of the legality of the actions taken, the integrity of the officials involved and the manner in which they perform their duties.

Genetically Modified Organisms.

71. **Mr. Sargent** asked the Minister for Agriculture and Food if bans on genetically modified crops must be provided for under EU law if they

[Mr. Sargent.]

are to be put into effect on a regional or national basis; if she will support such bans as have been adopted by local public representatives; and if she will make a statement on the matter. [9136/07]

Minister for Agriculture and Food (Mary Coughlan): The rules governing the production and use of GM crops within the Community are set down in EU legislation that has been jointly adopted by the European Parliament and the Council. This legislation is binding on all Member States and does not provide for the arbitrary placing of bans on the cultivation of authorised GM crops on a regional or national basis. 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, where there is a voluntary agreement among all growers in a region not to grow a GM crop or crops. A second option is to seek a derogation from the European Commission that, on the basis of sound scientific evidence, coexistence of GM crops with non GM crops 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.

The provision also exists for a Member State to enact the safeguard clause, i.e. where a Member State has detailed grounds on the basis of scientific evidence that a GMO constitutes a risk to human health or the environment, then that Member State may provisionally restrict or prohibit the growing of that GM crop in its territory or in a region within its territory. The Commission must be then immediately informed and will decide within 60 days if the ban is scientifically based and give its decision.

I will support any application that is made in accordance with the above legislative position.

Food Industry.

72. **Mr. Boyle** asked the Minister for Agriculture and Food the estimate of the increase of food prices between March 2006 and March 2007; if she has quantified the reason for these increases; the action she will take to temper these increases; and if she will make a statement on the matter. [9143/07]

Minister for Agriculture and Food (Mary Coughlan): The most recent annual data available from the Central Statistics Office relates to 2006 when food and non-alcoholic beverages prices, as measured by the food price index, increased by 1.4% on average. This is a lower level of increase than the overall annual rate of inflation, as measured by the consumer price index, which averaged 4.0% during the year. In the period since mid 2002, the food price index has recorded a consistently lower level of increase than the overall consumer price index.

Within the food price index for 2006, large increases were evident for beef (+9.7%) and fresh vegetables (+11.1%). Decreases were recorded in categories such as biscuits (-3.0%), bread and cereals (-0.2%) and butter (-2.6%).

Changes in food prices are primarily a function of market forces at international, EU and national levels.

Organic Farming.

73. **Ms O'Sullivan** asked the Minister for Agriculture and Food her views on the apparent success of bringing over two specialist agronomists from the UK on a pilot basis in 2006 to share their experience in relation to organic agriculture with farmers here, on making such expertise available year round to farmers who seek such expertise; if not, the reason for same; and if she will make a statement on the matter. [9089/07]

Minister for Agriculture and Food (Mary Coughlan): The National Steering Group for the Organic Sector, which was established to aid the development of the organic sector in Ireland, approved a proposal to bring in organic agronomic expertise from abroad on a trial basis in 2006. The Steering Group took the view that the tillage and horticulture areas within the organic sector could benefit most from such an input of expertise. Lack of technical expertise has been recognised as a barrier to progress in both the organic tillage and organic horticulture areas. Accordingly my Department, in conjunction with Teagasc, arranged to bring in two specialist agronomists from the UK.

The two specialists shared their experience, through a series of farm visits and workshops, with Teagasc advisers and agricultural consultants as well as with organic tillage farmers and vegetable growers. The initial feedback from this pilot programme has been very positive. I am confident that growers, advisers and consultants have a higher level of expertise as a result. I understand that the National Steering Group for the Organic Sector is considering the possibility of further initiatives of the same kind.

Question No. 74 answered with Question No. 39.

Afforestation Programme.

75. **Mr. Rabbitte** asked the Minister for Agriculture and Food the number, size, sale prices and locations of separate sites owned or managed by Coillte in each county (details supplied) which have been sold or leased during each of the past five years. [9085/07]

Minister for Agriculture and Food (Mary Coughlan): The information requested in relation to sales and leases is as outlined below. The sale prices are not provided as this is commercially sensitive information.

2002			County	Location	Size (hectares)
County	Location	Size (hectares)			
				Ballynafagh	1.06
Carlow	Drumfeha	12.50	Laois	Moore abbey	36.90
Cavan	Cullentragh	5.08	Leitrim	Carn	1.30
	Keenagh	0.40		Derrynahimrick	0.63
	Castlesaunderson	0.30		Tullynamoyle	0.26
	Gowlan	14.60		Druminargid	0.40
	Snugborough	89.00	Limerick	Ballyglass	5.90
	Aughrim	2.00		Glenastar	0.41
	Drumgill	2.71		Belvior	3.56
Clare	Lack west	2.70		Formoyle beg	19.20
	Cloonloun more	16.20	Longford	Cornafushin	0.40
	Glenstar	0.46	Louth	Concra	94.67
	Ballymalone	0.60	Mayo	Creegaree	0.67
	Dromoland	9.00		Toomore	0.91
	Lisroe	1.08		Creggagh	2.80
Cork	Driminidy	0.05	Monaghan	Lannatt	1.13
	Tinnabinnia	8.10		Rossmore	0.80
	Glinny	1.20	Roscommon	Rockingham	8.18
	Garretstown	0.13		Reagh	1.66
	Garrigduff	0.40	Tipperary	Timoney hills	3.80
	Bawnishal	0.19		Clonmore	5.80
	Ballygiblin	0.33		Rearcross	1.00
	Glashaboy nth	0.40	Waterford	Modeligo	1.42
	Island	4.50		Ballygarran	0.92
	Rathluirc	3.30		Colliganwood	0.15
	Killinga	5.60	Wexford	Gorteen lower	0.44
	Lacken	0.40		Camolin pk	0.49
	Skanaganore	0.20		Camolin pk	1.16
Donegal	Mullans	0.44		Ballyraine	8.38
	Glasaghbeg	0.34		Camolin pk	0.49
	Tullynagreand	1.24		Linnanagh	0.80
	Listellian	0.45		Rathkyle	4.60
	Magheradrummand	0.42	Total		83.00
	Ballykernan	0.38			
	Tullynagreana	0.36			
	Carrickmagrath	1.80			
	Knader	0.60			
Dublin	Slievethoul	4.30			
Galway	Cloonlyon	0.12			
	Tourmakeady	4.56	Carlow	Ballintemple	0.41
	Cloonabinnia	7.05	Cavan	Burren	1.14
	Clogh	0.24		Brackley	6.30
	Glencraff	1.26		Culliagh	0.56
	Woodford	6.00		Killyvanny	2.79
	Sonnagh old	47.70		Drumersee	0.70
	Portumna	1.45		Corneen	2.38
	Ballinahinch	41.70		Corneen	4.37
Kerry	Tursillagh	36.60	Clare	Reanagishagh	0.50
Kildare	Derrymullen	2.90		Moyriesk	6.30
	Russellstown	4.60		Ballygriffy	3.50
	Derryoughter	3.90	Cork	Aghatubridmore	7.40
	Windgates	2.18		Shanavoher	0.05

[Mary Coughlan.]

County	Location	Size (hectares)	County	Location	Size (hectares)
Donegal	Taurbeg	52.00	Cork	Ballynagechy	0.80
	Coolboy little	0.45		Castlefreke	3.60
	Meenacally	2.10		Annaghmore	0.40
	Kilrean lower	0.44		Glinny	2.60
	Magherareagh	5.77		Fermoy	8.10
Dublin	Mullans	0.57	Donegal	Coolboy little	0.40
	Slievethoul	1.11		Coolboy little	0.43
Galway	Woodstock	2.28	Mullans	Meenahorna	76.33
	Kilcornan	0.85		Lough Eske	0.95
Kerry	Cullenagh	0.93	Lough Eske	Lough Eske	1.11
	Cronins pk	24.20		Lough Eske	1.65
Kildare	Ballynafagh	1.94	Teevickmoy	Teevickmoy	0.80
	Ballynafagh	5.12		Churchland	2.71
	Garrisker	2.83		Galway	Aghrane
Clonmoyle	0.30	Creglucas	0.05		
Laois	Portnahinch	0.96	Kerry	Ahaneboy	1.42
	Portnahinch	1.29		Dooneen	1.30
Leitrim	Kinlough	0.05	Kildare	Derrymullen	3.40
Longford	Rinn valley	4.05		Timahoe	6.11
Louth	Townley hall	0.80	Blackwood	Blackwood	1.87
Mayo	Kilogarriff	0.56		Mayfield	3.40
	Ashford	0.26	Mayfield	3.80	
	Gortaroe	1.34	Glenbawn Wood	19.09	
Monaghan	Rossmore	6.47	Laois	Timogue	0.80
Offaly	Derrymore	4.20	Leitrim	Derrinurn	1.89
Roscommon	Loughlinn	8.86		Kinlough	2.59
	Annagh	8.40	Drumawheel	1.44	
Tipperary	Barnabaun	0.52	Longford	Newcastle	1.78
	Newtown	8.50		Carrowlinan	0.54
Waterford	Killoskehan	0.55	Creeve	Creeve	0.40
	Kilnagrehan mdl	0.86		Mayo	Turlough
Westmeath	Joanstown	0.70	Gortaroe		1.08
	Emper	0.34	Bellagelly south	159.70	
Wexford	Horetown	37.70	Offaly	Edenderry	0.12
	Camolin park	0.40	Roscommon	Kilronan Abbey	0.47
	Eleven acres	0.10	Sligo	Cullaghmore	1.35
Total		49.00	Tipperary	Gortnagowna	1.87
			Waterford	Ballygarran	1.31
2004				Readoty	0.40
Carlow	Ballintemple	0.49	Westmeath	Parknoe	0.36
	Aghnacally	0.40		Clonhugh	1.35
Cavan	Kilcogy	16.00	Wexford	Camolin	0.14
	Lismore demense	3.20		Tombrick Wood	0.40
Clare	Maghera	0.02	Tomcoyle upper	6.20	
	Lismore	0.15	Macoyale upper	4.72	
	Kilcloher	0.48	Camolin pk	0.40	
	Formoyle beg	19.20	Barnland	3.19	
Total			Ballinastraw	Ballinastraw	0.06
				Battlestown	4.96
			Kilgibbon	5.90	
			Total		59.00

2005			County	Location	Size (hectares)
County	Location	Size (hectares)			
			Roscommon	Aghrane	0.30
				Castletenison dem	2.90
Carlow	Ballintemple	0.49		Shanballybaun	0.77
Cavan	Lismore Demense	3.20		Castletennision dem	1.21
	Kilcogly	16.00	Sligo	Hazel Wood	0.08
	Edennagully	0.40		Ballysodare	2.05
	Cloverhill	11.10		Formoyle	0.29
	Aghakinnagh	0.33		Rinn	0.80
Clare	Kilmoon east	0.08		Drumskibbole	0.64
	Drimmeennagun	0.30	Tipperary	Foilmahonmore	2.24
	Scalp	0.17		Knocknabansha	1.00
Cork	Bottlehill	138.20	Waterford	Parkmoe	0.36
	Dromanallig	0.15		Ballygarran	4.16
	Taurbeg	50.00	Westmeath	Ballynafid	0.39
	Rathluirc nursery	3.30	Wexford	Annagh lower	4.30
	Briska upper	0.40		Beaufield	0.76
	Kilbarry	0.13		Camolin park	0.20
Donegal	Teevickmoy	0.80		Mullanour	3.17
	Churchland	2.71		Ballinastraw	0.06
	Lough eske	1.65		Holmestown	62.10
	Carnamogagh lwr	3.44		Ballythomas	0.09
	Teevickmoy	1.20		Kilgibbon	4.70
	Carnamogagh lwr	0.04		Forth	2.48
	Carnamogagh lwr	3.44	Total		73.00
Galway	Cappaghcon west	0.37			
	Ballygloonen	9.60			
	Killarainy	2.27			
	Dunsanle	7.70			
Kerry	Muingnaminnane	20.00			
	Coomagearlahy	276.00			
	Capparoe	0.12			
Kildare	Derrymullen	3.40	Cavan	Cabra	0.45
	Timahoe	6.11		Omard	0.80
	Ballynafagh	2.30		Drumcor	0.08
	Ballynafagh	8.07		Rahardrum	0.06
	Oldgrange	0.03		Cabra	0.40
Kilkenny	Foxcover	0.80	Clare	Killyneary	2.00
	Pollagh	2.00		Finanagh	0.13
Laois	Knockacollier	17.10		Monanoe	0.90
Leitrim	Drumawheel glebe	1.44	Cork	Ballycolman	1.00
	Milltown	6.39		Strawhall	0.28
	Beagh	0.19		Ballygiblin	0.19
	Kinlough	0.41		Russell hill	0.04
Limerick	Garryduff	2.72		Rosstellan	2.00
Longford	Newcastle	2.30		Taurmore	0.34
Louth	Sheepgrange	3.23		Aultagh	0.05
Mayo	Raheens	2.65		Newcastle	12.60
Monaghan	Gortakeeghan	0.10		Bengour east	1.40
	Barratitoppy	0.40		Loughleigh	0.60
	Attiduff	0.40	Donegal	Lughveen	0.40
Offaly	Carrick	2.00	Dublin	Shankill	0.10
	Killurin	6.90	Galway	Newcastle	5.78
				Castletaylor nth	2.38
				Newvillage	4.00

[Mary Coughlan.]

Lease of Mast sites 2002-2006

County	Location	Size (hectares)
Kildare	Mayfield	10.30
	Coolree	0.02
	Hortland	5.60
Kilkenny	Ardra	3.11
	Kingsmountain	0.80
	Loan	0.50
Laois	Durrow	0.81
	Pass	6.55
	Garryhinch dem	1.62
	Clonageera	0.09
Leitrim	Ballylusk	2.12
	Rinn	13.2
	Beagh	0.13
	Cornagillagh	1.30
Limerick	Kinlough	9.75
	Ballynacregga nth	9.20
Longford	Lissard	4.05
Louth	Feede	28.85
Mayo	Glenmullynaha	1.59
	Tourmakeady east	0.62
	Tomboholla	3.63
Monaghan	Mullaghmatt	0.26
	Concra	15.1
	Leonsgarve	2.79
Offaly	Doon demense	1.28
Roscommon	Raheen	18.40
	Corramore	30.10
Sligo	Mullaghneaneane	1.20
	Rue	1.50
	Ballydawley	3.00
Tipperary	Cordangan	0.40
	Foilmahonmore	0.062
	Shanballyedmond	19.30
Waterford	BooLatin	10.60
	Ballygarran	2.39
	Knockalisheen	0.40
	Ballymacarbry	1.01
	Ballyphilip east	13.03
	Ballygarran	12.74
Wexford	Ballylemon	0.40
	Shelmaliere Com	2.00
	Croghan middle	3.29
	Forth Commons	0.89
	Forth Commons	1.50
Total	Barnadown lwr	14.36
	Camolin park	0.80
	Ballynestragh	0.05
		70.00

County	Number of Leased Sites	Total area (ha) leased
Cavan	3	0.12
Clare	2	0.08
Cork	10	0.4
Donegal	10	0.4
Dublin	2	0.08
Galway	15	0.6
Kerry	8	0.32
Kildare	1	0.04
Kilkenny	3	0.12
Laois	1	0.04
Leitrim	2	0.08
Limerick	2	0.08
Louth	1	0.04
Mayo	9	0.36
Meath	3	0.12
Monaghan	2	0.08
Roscommon	3	0.12
Sligo	5	0.2
Tipperary	3	0.12
Waterford	4	0.16
Westmeath	4	0.16
Wexford	4	0.16
Wicklow	2	0.08
Total	99	3.96

Other leases: County Roscommon: 40 hectares to Moylurg Rockingham — this is a joint venture between Coillte and Roscommon County Council to develop Lough Key Forest Park. Approximately 1,200 hectares at various locations throughout the country, to IForUT (Irish Forest Unit Trust), a pension fund.

Grant Payments.

76. **Mr. P. Breen** asked the Minister for Agriculture and Food if she will ensure that farmers can receive their REP scheme payment and compensatory allowance on lands used to grow renewable crops; and if she will make a statement on the matter. [8795/07]

Minister for Agriculture and Food (Mary Coughlan): REPS farmers availing of the €45 per ha premium under the EU Energy Crops Scheme will have their REPS payment adjusted to avoid double payment on the area planted to comply with EU regulatory requirements. They will, however, qualify for the 50% establishment grant and the €80 per ha national top up payment.

As payment under the Area-Based Disadvantaged Areas Compensatory Allowances Scheme is based on eligible forage areas i.e. lands used for grazing of cattle, sheep, horses, goats or deer,

it will not be possible to pay this allowance on lands where bio energy crops are produced.

Poultry Industry.

77. **Ms O. Mitchell** asked the Minister for Agriculture and Food if she will provide support to the former poultry suppliers of Castlemahon; and if she will make a statement on the matter. [8836/07]

Minister for Agriculture and Food (Mary Coughlan): I am aware of the serious concerns of these poultry producers from my meeting with them last November.

There is no scope under EU Common Market Regulations to give financial support or aid to these producers. Several conventional broiler producers who were under contract to Castlemahon have taken the opportunity since its closure to adapt their premises to free-range poultry production units. My Department is in the process of inspecting many of these units with a view to facilitating this transition and registering them as free-range producers. I understand that there are more producers showing interest in this area as well. In addition to this some broiler producers who were under contract to Castlemahon Foods are now supplying other major poultry slaughter plants.

The Government and the Industrial Development Agencies recognise the need to create employment opportunities in Co Limerick that will provide sustainable jobs whether in the food area or otherwise and recent announcements indicate success in this regard. A recent example of the attraction of Limerick as a location for new business was the decision by Northern Trust Corporation to create 300 high quality jobs in the financial services sector. Another example is Vistakon which recently announced its intention to expand its Limerick operation and create 120 jobs in high-end manufacturing.

Milk Testing.

78. **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. [8828/07]

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 instruments used in measuring somatic cell levels in milk delivered to processors.

The Department also 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. As part 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 partners, shall ensure transparency in the milk analysis regime.

Grant Payments.

79. **Ms Enright** asked the Minister for Agriculture and Food her plans to increase the rate of support provided to farmers under the energy crop scheme; and if she will make a statement on the matter. [8797/07]

Minister for Agriculture and Food (Mary Coughlan): As announced in Budget 2007, €14 million will be provided over the period 2007-2009 to incentivise farmers to grow energy crops.

Under the EU Energy Crops Scheme, aid of €45 per hectare is available for areas sown under energy crops provided they are intended primarily for use in the production of biofuels and electric and thermal energy produced from biomass. I intend to introduce an additional national payment of €80 per hectare in 2007 as a further incentive for farmers to grow energy crops. The €80 payment will be paid as a top-up to the EU premium of €45 per hectare, bringing the overall payment to €125 per hectare. It is intended that the €80 additional payment will apply for three years and will be subject to a maximum ceiling per producer over the three years. The current maximum area per producer is 37.5 hectares. My Department is pursuing EU approval to increase this hectareage ceiling. €6 million has been allocated to this measure over the period 2007-2009.

Set aside land can also 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.

I have also announced a new Bioenergy Scheme to encourage farmers to plant willow and miscanthus for use as a renewable source of energy. The Scheme will provide establishment grants to farmers for up to 50% of the costs associated with establishing miscanthus and willow on set-aside land and on areas, which have been subject to an application for the EU premium of €45 per hectare. The maximum grant aid payable is €1,450 per hectare. €8 million is being allocated to this Scheme over the period 2007-2009.

On the demand side, the recently announced Mineral Oil Tax Relief Scheme valued at €205m will provide an additional stimulus for the production of energy crops. When fully operational in 2008, it will deliver some 163 million litres of biofuels per year and provide farmers with a stable market to supply feedstock for production of biofuels.

[Mary Coughlan.]

I am confident that these measures will increase the production of energy crops in Ireland and encourage farmers to consider energy crops as an alternative land use options.

80. **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. [8814/07]

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.

Sugar Beet Industry.

81. **Mr. Stanton** asked the Minister for Agriculture and Food if she will use her golden share in Greencore; the circumstances under which she would use such powers; and if she will make a statement on the matter. [8816/07]

Minister for Agriculture and Food (Mary Coughlan): As Minister I hold a Special Share in Greencore plc. That share has the same monetary value as any other share in the company but has conditions attached which prevent the company from engaging in a number of activities without the prior written consent of the Minister. In summary, the Special Share prevents the disposal of the controlling interest in Irish Sugar Ltd, or the sale, transfer or disposal of more than 20% of specified assets, including lands and properties, of Irish Sugar Ltd in Carlow and in Mallow used in the production of sugar. It also prevents a single shareholder or group of shareholders from gaining control of Greencore plc. The Special Share does not empower me to get involved in oper-

ational matters or normal business decisions made by the company. I have had no basis for invoking the provisions attached to that Special Share to date.

Direct Payment Schemes.

82. **Mr. Rabbitte** asked the Minister for Agriculture and Food the parties or categories of individuals entitled to receive EU modulation funds; the amount of the modulation funds that have been made available to date to such parties or categories of individuals; and if she will make a statement on the matter. [9081/07]

Minister for Agriculture and Food (Mary Coughlan): In accordance with the decision of the Council of Agriculture Ministers and the Mid Term Review of the CAP modulated funds are provided by reducing single farm payments to farmers by 3% in 2005, 4% in 2006 and 5% from 2007 onwards. The sums involved are available to use for certain rural development measures commencing in 2006. For 2006, the potential use was limited to existing measures in the CAP Rural Development Plan — REPS, compensatory allowances, early retirement and forestry — and some new possibilities introduced by the CAP mid-term review — meeting standards, animal welfare, food quality and advisory services. Following widespread consultation, I decided that the €18.6m available to Ireland in 2006 should be used as an additional once-off payment under the compensatory allowances scheme, with some 100,000 farmers in the disadvantaged areas benefiting.

For 2007 onwards, the modulated funds — some €225.5m. — will form an integral part of the overall funding available for the 2007-2013 rural development strategy. A strategy and programme prepared by my Department address three priorities — competitiveness, the environment and the wider rural economy — and are currently with the EU Commission awaiting approval.

Question No. 83 answered with Question No. 48.

Food Safety.

84. **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 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 2006; and if she will make a statement on the matter. [8815/07]

Minister for Agriculture and Food (Mary Coughlan): The regulatory framework governing plant protection products in Ireland which is 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 normally take place at wholesale/distribution level. However where there is evidence of possible misuse of plant protection products generated through the residue monitoring programme at wholesale/distribution level or from any other source, specific inspections at end-user level take place.

The pesticide residue monitoring programme conducted by my Department on behalf of the Food Safety Authority of Ireland (FSAI), is agreed on an annual basis with the FSAI. This programme is risk-based and 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. The number of samples of mushrooms taken and analysed in 2005 and 2006 was 10 and 13 respectively. All were found to be free of illegal residues.

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.

School Milk Scheme.

85. **Mr. Callely** asked the Minister for Agriculture and Food the moneys available in 2007 to Dublin City Council for the school milk scheme; the funding available in each of the years 2003 to 2006; the number of schools that participate in the milk and cheese scheme; and if she will make a statement on the matter. [8543/07]

Minister for Agriculture and Food (Mary Coughlan): The objective of the EU School Milk Scheme, which is funded, by the EU and the national exchequer is to encourage and promote the consumption of milk amongst school children of secondary, primary and nursery school age. In Ireland, approximately 1,390 schools participate in the scheme, and approximately 81,033 pupils.

Dublin City Council provides free school meals to schools designated with disadvantaged status and funding for this scheme is a matter for Dublin City Council and not my Department. In total, 357 schools in Dublin participate in the school milk scheme and 123 are within the Dublin City Council School Meals Scheme.

My Department acts as a paying agency for participants who submit claims under the School Milk Scheme. In the case of Dublin City Council, the service provider receives payments for the milk element of the school meal and Dublin City Council receive payment for the cheese element. Funding paid to Dublin City Council for cheese supplied averaged €5,500 per school year over the period 2003-2006.

Last year I re-launched the School Milk Scheme and funded €150,000 for the purchase of

1,000 fridges throughout the country. There has been significant new interest in the scheme and I am convinced that the increasing variety of milk products now being offered will attract a greater level of participation, and in the process will contribute in a positive way to a healthier school going population.

National Genotyping Programme.

86. **Ms Burton** asked the Minister for Agriculture and Food her views on introducing legislation here to deal with the issues it raises while she awaits the EU Commissioner for Health and Consumer Protection to deal with the issue of the importation of embryos from cloned animals; and if she will make a statement on the matter. [9090/07]

Minister for Agriculture and Food (Mary Coughlan): I have recently written to the EU Commissioner for Health and Consumer Protection regarding the matter of cloned animals and embryos from these animals.

Pending full consideration of the matter at EU level it would not be appropriate at this stage to take the suggested unilateral action of introducing national legislation.

Direct Payment Schemes.

87. **Mr. Perry** asked the Minister for Agriculture and Food if she will introduce a specific single farm payment reserve fund to allocate a top payment to those who fared poorly under the national reserve allocation due to the DED averaging system; and if she will make a statement on the matter. [8807/07]

Minister for Agriculture and Food (Mary Coughlan): The position is that the Single Payment Scheme is applicable to farmers who farmed during the three-year reference period 2000-2002, who drew down livestock or Arable Aid premia in at least one of those years and who continued to farm in 2005. The Single Payment Scheme entitlements established for individual farmers, therefore, are a true reflection of their farming activity and premia draw-down during the reference period. Special provisions were made for farmers (including young farmers) who entered farming for the first time in either 2001 or 2002. Their Single Payment was determined based on the average of the years 2001 and 2002 or on the basis of premia paid in 2002 as appropriate.

The EU regulations also provided for the setting up of a National Reserve. In Ireland's case, the Reserve was created by reducing each farmer's individual Single Payment by an amount of up to 1.82%. The purpose of the National Reserve is to try and minimise the impact on farmers who, for a variety of reasons, may find themselves disadvantaged in the transition to the new decoupled support regime as a result of

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changes in their businesses during or since the reference period. There were mandatory and non-mandatory categories of farmers catered for when working allocations under the 2005 National Reserve. The mandatory categories included those who inherited land that was leased out during the reference period, those who made investments in production capacity or purchased or leased land on a long-term basis or who converted from dairying to a sector for which a direct payment would have been payable during the reference period. The non-mandatory categories were those dealing with new entrants and certain hill sheep farmers who were prevented from increasing production during the reference period pending the publication of commonage framework plans. Separate application arrangements were in place for this latter group.

In allocating entitlements to successful applicants in the mandatory categories the Member State must apply objective criteria and ensure equal treatment between farmers. In allocating entitlements to successful applicants in the non-mandatory categories the Member State must ensure that the allocation does not have the effect of increasing the value of any existing entitlements above the regional average value of entitlements. Similarly, the value of any new entitlements allocated to non-mandatory categories must not exceed the regional average. The Member State was allowed to determine what constituted the regional average.

I established a Single Payment Advisory Committee comprising representatives of the farming organisations, Teagasc and officials from my Department to assist me in considering the objective criteria that should be used in making allocations from the reserve to the mandatory categories and also the most appropriate way to determine the regional average value of entitlements in the case of the non-mandatory categories. Having considered the Committee's views, I decided that the regional average value of entitlements would be the average value of entitlements in the District Electoral Division (DED) associated with the applicant's herdnumber. This was considered to be a reasonable interpretation reflecting, as it did, the average value of payment entitlements and therefore the average farming activity in the DED concerned during the reference period.

The total amount of money available for distribution under Ireland's 2005 National Reserve was some €22.7m of which some €18m has already been allocated. Any remaining balance will be carried forward to the 2006 and subsequent years' Reserve. In this connection the Member State is only obliged to have one mandatory category from 2006 onwards for farmers who inherited land that was leased out during the reference period. However, I have arranged that

new entrants to farming would again be catered for under the 2006 National Reserve.

I am sure the Deputy will appreciate that the National Reserve is a scarce resource created by reducing the entitlements of existing farmers and will only be replenished by a claw-back on sales of entitlements and the relinquishing of any entitlements that remain unused. My Department must, therefore, be prudent in determining how the funds in the reserve are administered. I have no plans therefore to create a new reserve as suggested by the Deputy.

Beef Imports.

88. **Mr. Eamon Ryan** asked the Minister for Agriculture and Food the volume of beef that was imported in the years 2002 to 2006, respectively; and if she will make a statement on the matter. [9139/07]

Minister for Agriculture and Food (Mary Coughlan): Imports of Beef:

1. In certain cases the record of import may include the re-import of Irish products that were originally the subject of an export from this country.
2. While every effort is made to ensure accuracy, these returns may stand to be adjusted marginally as data are rechecked by the CSO.
3. Information for imports from EU does not differentiate between products originating in other EU countries and those originating in 3rd countries that may already be in free circulation within the Community.
4. 3rd country imports may also include meat entering the EU through an Irish Border Inspection Post that is ultimately destined for another Member State.

Year	EU	3rd Country	Total
	tonnes	tonnes	tonnes
2002	8,048	4,998	13,046
2003	8,612	5,522	14,134
2004	16,254	6,672	22,926
2005	23,577	7,160	30,737
2006 to October 2006	17,784	6,208	23,991

Source: Central Statistics Office (CSO).

Ireland is a key player on the export markets. Production at export plants last year rose by almost 5% to some 550,000 tonnes, the highest level since 2003, with cattle slaughter amounting to 1.7 million head, also the largest figure for a number of years. 2006 was a year characterised by further growth and advancement, particularly on export markets. Beef exports rose by some 6% and exceeded 5000,000 for the first time since 1999.

Farm Retirement Scheme.

89. **Mr. Sherlock** asked the Minister for Agriculture and Food her views on the EU committee report on the EU early retirement for farmers scheme; the action she will take arising from the report; and if she will make a statement on the matter. [9074/07]

Minister for Agriculture and Food (Mary Coughlan): A group representing retired farmers lodged a petition with the European Parliament Committee on Petitions in May 2003, alleging that Ireland had not implemented correctly the Council Regulations governing the 1994 and 2000 Schemes of Early Retirement from Farming. The Committee requested information from the European Commission. In reply, the Commission made it clear that in its considered opinion there was no question of any infringement having been committed by Ireland in the implementation of the Schemes.

The Chairman of the European Parliament Committee on Petitions, while acknowledging the view that the Commission had taken raised these issues with me subsequently.

A reply to the Chairman of the Petitions Committee is being prepared and will issue shortly. Most of the issues raised in his letter were also dealt with in the Report of the Joint Oireachtas Committee on Agriculture and Food. Certain of the Joint Committee's recommendations are precluded by the EU Regulations under which the current Scheme and its predecessor are operated. I saw merit in other aspects of the Committee's report and some recommendations have been either fully or partially implemented and others will be considered in the context of the proposal for a new Early Retirement Scheme, which has been included in the draft Rural Development Plan for the period 2007–2013. Following clarification from the European Commission, I have also increased the rate of pension under both the 1994 and 2000 Schemes. These increases, which are financed entirely from the National Exchequer, will cost some €33 million extra over the remaining period of the two Schemes, and some 5,000 retired farmers will benefit from them.

Common Agricultural Policy.

90. **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. [8823/07]

Minister for Agriculture and Food (Mary Coughlan): I am fully committed to reducing unnecessary bureaucracy in the administration of the CAP and one of my main priorities is to pursue simplification of procedures at farm level. The adoption by Ireland of full decoupling under the Single Payment Scheme, thereby replacing six

EU subsidy schemes each with complex application, qualification and implementation procedures, demonstrates in a very tangible manner the extent of my commitment. I have also, on a continuous basis, applied the benefits of IT, wherever possible, in the interests of quality customer service.

I fully support the EU Commission's ongoing efforts to reduce the regulatory burden of administration on producers, food processors and national administrations and I am contributing actively to this process. I have raised this issue on numerous occasions with the Commissioner and, indeed, with the German Presidency which is giving the highest priority to the process of simplification and the reduction of the bureaucratic burden of the CAP. I wrote to Commissioner Fischer Boel and the Presidency in January last outlining my concerns in relation to a number of specific issues. My main concerns relate to the lack of advance notification of inspections under the Single Payment Scheme and the level of sanctions to be applied under cross-compliance, including the extent of tolerance applied where non-compliance is inadvertent or negligible. I outlined my position in the Council of Ministers in January and urged the Commissioner to present proposals to improve the current situation as quickly as possible. I have also raised these matters with a number of EU Ministerial colleagues in order to garner support for my position.

I believe that other aspects of the Single Farm Payment System should also be simplified. Specifically, I am seeking additional flexibility in the management of the National Reserve and in the leasing arrangements for payment entitlements. I have also sought rationalisation in the payment dates, additional flexibility in application of the 'ten-month rule' and simplification of the current 'modulated funds' deduction procedure.

I intend to pursue these issues actively over the coming months, in particular in the context of a report by the Commission on the implementation of cross-compliance which is expected to be published at the end of March and presented to the Council in April.

Questions Nos. 91 and 92 answered with Question No. 29.

Farm Retirement Scheme.

93. **Dr. Twomey** asked the Minister for Agriculture and Food the reason she did not backdate the top up payment under the farm retirement scheme; and if she will make a statement on the matter. [8810/07]

Minister for Agriculture and Food (Mary Coughlan): I decided to increase the maximum pension payable under the 1994–99 Scheme of Early Retirement from Farming from €12,075 to €14,075 per annum and the maximum pension

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payable under the 2000-2006 Scheme from €13,515 to €15,000 per annum with effect from 1 November 2006.

These increases, which will be funded entirely from the Exchequer, formed part of the undertakings in the social partnership agreement, Towards 2016. They will benefit some 5,000 retired farmers and add some €33 million to the cost of the Schemes over the time they have left to run.

Animal Welfare.

94. **Mr. Gilmore** asked the Minister for Agriculture and Food if, in view of the fact that she is prepared to administer ex-gratia payments to a number of organisations directly involved in the delivery of non-farm animal care and welfare services, she will accept, albeit non-statutory, responsibility for steering Ireland towards ratification of the European Convention for the Protection of Pet Animals; and if she will make a statement on the matter. [9091/07]

Minister for Agriculture and Food (Mary Coughlan): My Department has 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 2006 (SI No 705 of 2006). It does not have statutory responsibility for the care and welfare of other animals such as domestic pets or exotic animals.

I understand that the matter relating to ratification of Council of Europe Conventions and the responsibilities of Departments in that regard are still under consideration. Consequently it would not be appropriate that I would assume responsibility for these aspects.

Since 1995, my Department has made ex-gratia payments to a number of organisations directly involved in the delivery of animal care and welfare services. Until 2004, these payments were made from residual funds available in the Department's Vote at the end of the year. From 2004, specific provisions for this purpose have been included in and published as part of the Department's estimates. However, these payments continue to be ex-gratia and the granting of an amount in any year does not imply an entitlement to further amounts in subsequent years.

Direct Payment Schemes.

95. **Ms Shortall** asked the Minister for Agriculture and Food if voluntary modulation funds will become available to farmers here; the other forms of modulation in this context and those that benefit farmers here; the extent of same; and if she will make a statement on the matter. [9087/07]

Minister for Agriculture and Food (Mary Coughlan): The Single Payment Scheme was introduced in Ireland with effect from 1 January 2005, following the decision to opt for full decoupling. The Regulations governing the implementation of the Single Payment Scheme provide for the application of compulsory Modulation at a rate of 3% in 2005, 4% in 2006 and 5% in each of the years 2008 to 2012, inclusive. Those applicants with entitlement to payment of less than €5,000, in any given year, are entitled to a refund of their Modulation payments.

The amounts deducted in each Member State form a common Community pool, which is then available for re-distribution to Member States as additional Community support for rural development measures. Each Member State receives a minimum of 80% of the total amount that the Modulation has generated in that Member State.

As part of the agreement on the EU Financial Perspective 2007-2013, the European Council decided in December 2005 on the introduction of voluntary modulation of up to 20% of direct payments and market supports in order to allow Member States to increase funding for rural development measures. I am satisfied that substantial funding has already been provided from the EU rural development budget, Exchequer funding and compulsory modulation for Ireland's draft Rural Development Programme 2007-2013 which was submitted to the Commission for approval in December. It is not my intention, therefore, to further reduce direct payments to farmers through voluntary modulation in order to provide additional funding for the programme.

Dairy Industry.

96. **Mr. Neville** asked the Minister for Agriculture and Food the discussions she has had at EU level to protect dairy supports; and if she will make a statement on the matter. [8844/07]

104. **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. [8835/07]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 96 and 104 together.

Despite the greater challenges brought about by the implementation of the 2003 Luxembourg Agreement to reform the Common Agricultural Policy (CAP) the Irish Dairy Sector performed well in 2006 with exports of €2.08bn

Dairy farmers incomes are made up of the market price paid for milk and direct income support from the EU. The average price paid to producers in 2006 was 26.4 cent per litre. Added to this is the dairy premium, a direct payment amounting to 3.6 cent per litre equivalent to €180 million in 2006. In total this gives an average return of 30 cent per litre. This average return for

2006 was comparable or better than the return to producers in the previous three years.

At EU level, I have consistently challenged the pace and rate of reduction in support implemented by the Commission. In the wider context of W.T.O. I have strongly defended the CAP as a whole and have advocated a EU position that fully takes account of the needs of Irish agriculture including the dairy sector in the areas of internal support, export support and market access. At every opportunity I have impressed on Commissioner Fischer Boel and colleagues from other Member States the importance of a competitive combination of market supports to provide the platform for a sustainable and vibrant EU dairy sector.

At national level I have implemented new initiatives to stimulate investment at processor level and to assist active committed producers develop greater efficiencies and generate economies of scale.

I introduced a new Milk Quota Trading System which provides a more open market system of transferring quota. The system 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 have also established a €300 million investment package for the dairy sector. The investment fund includes €100 million of Government grant assistance. One of the key aims of this package is to allow Irish dairy processors generate greater efficiencies to better support the dairy farmers incomes.

Compensation Schemes.

97. **Mr. S. Ryan** asked the Minister for Agriculture and Food her view of proposals to provide redress to an organic farmer who suffers verifiable economic loss as a result of a mixture of genetically modified crops and non-GM crops contained in the proposed new EU regulation on organic production; and if she will make a statement on the matter of the way Ireland's organic production industry would survive should such a proposal not be included in the final regulation if GMO production here grows. [9094/07]

Minister for Agriculture and Food (Mary Coughlan): In the absence of the insurance industry being willing to offer insurance cover to growers of GM crops the Interdepartmental Working Group, which was established by 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, identified compensation for possible economic losses that might be incurred by non-GM and organic crop growers as an area that needed to be considered. 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 have recommended the establishment of a redress fund to compensate conventional and organic crop growers for any verifiable economic loss identified.

I am currently engaged in the process of considering this recommendation in conjunction with all other recommendations presented by the Working Group. This consideration will take cognisance of the observations received during the public consultation process and the ongoing international developments in this area, particularly relating to organic labelling thresholds. I hope to be in a position to bring proposed measures to Government, including those relating to compensation for economic loss arising from admixture, in due course.

Animal Diseases.

98. **Mr. Wall** asked the Minister for Agriculture and Food the selection criteria used by her Department in deciding the premises that would be subject to restrictions on the movement of horses, in the aftermath of the current outbreak of equine infectious anaemia; and if she will make a statement on the progress of the investigation into what precipitated the outbreak. [9083/07]

Minister for Agriculture and Food (Mary Coughlan): From the time that the first case of Equine Infectious Anaemia was confirmed last June, my Department's approach to the containment, management and eradication of the disease has consistently been based on risk. All decisions, whether related to the restriction of premises, restriction of individual horses or the surveillance of certain equine populations, were aimed at containing and eradicating the disease as quickly and as efficiently as possible. The periods for which restrictions applied and the surveillance regime to which horses were subjected during their period of restriction was also risk-based.

It is now 87 days since the most recent case of EIA was confirmed and, assuming no further developments, the remaining few restrictions should be lifted very shortly, subject to all outstanding tests being negative for the virus. I am satisfied that the disease control measures put in place by my Department were central to the manner in which this outbreak has been contained and such good progress made towards its eradication. In all situations of this nature, my Department has a responsibility to take such actions as are appropriate to contain and eradicate disease while, at the same time, minimising the disruption and inconvenience that such measures can cause.

The Department's investigation into the introduction of the virus is a thorough and comprehensive one and is continuing. Because of the nature of and stage at which the investigation is, it would be imprudent of me to comment further, other than to say that my Department remains deter-

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mined to bring the investigation to a satisfactory conclusion.

Animal Health Regime.

99. **Mr. Coveney** 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. [8840/07]

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.

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 including T.B, Brucellosis, FMD, BSE, Avian Influenza and cross-border fraud. These groups continue to report progress in exchange of information and in implementation of initiatives aimed at policy

convergence and the development of a common unified strategy for the island as a whole.

The Department of Agriculture and Rural Development (DARD) is represented on the Farm Animal Welfare Advisory Council and 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. 100 answered with Question No. 39.

Land Mobility.

101. **Mr. Allen** asked the Minister for Agriculture and Food the plans she has to increase land mobility; and if she will make a statement on the matter. [8841/07]

Minister for Agriculture and Food (Mary Coughlan): Low levels of land mobility can be an obstacle for those who wish to enter farming or expand the size of their holding. More recently, leasing has become an increasingly popular means of securing land as the volume of land sold on the open market declines and land prices rise. A number of schemes and reliefs have been introduced in recent years to bring about improvements in land mobility that will, in turn, improve productivity and efficiency.

At present there are a number of 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 €12,000 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.

The Finance Bill includes a number of provisions to further encourage land mobility and farm con-

solidation. The measures include a third rental income exemption threshold of €20,000 for leases of 10 years or over; stamp duty relief for farm consolidation where only one farmer is consolidating his holding; and a provision whereby farmers who are leasing out land can still, subject to certain conditions, qualify for Capital Gains Tax retirement relief.

In addition, increased support for land mobility is to be provided through a range of enhanced measures included in the draft Rural Development Plan 2007-2013. The Installation Grant Aid for young farmers is to be increased by 55% to €15,000 and a maximum early retirement pension of €15,000 per annum is to be provided for farmers who dispose of their land by gift, sale or lease.

All these measures help to improve land mobility through early farm transfer or by encouraging greater levels of leasing, land swaps or farm consolidation.

EU Directives.

102. **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. [8826/07]

Minister for Agriculture and Food (Mary Coughlan): The European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006 were made by the Minister for the Environment, Heritage and Local Government in July 2006.

In order to inform and assist farmers with the Regulations, my own Department produced an Explanatory Handbook for farmers setting out in clear terms their obligations under the Regulations. This Handbook, together with a copy of the Regulations, was sent to all farmers in October 2006. In addition, my Department made use of its data holdings to send organic nitrogen and phosphorus statements to farmers in respect of the 2005 calendar year. Statements in respect of 2006 are being prepared at present, and will issue as early as possible.

A series of open information meetings took place between 20 November and 4 December 2006, conducted by my Department in conjunction with Teagasc. The dates and venues of these meetings were widely publicised by way of advertisements in the farming press.

While my Department is committed to minimising the practical burden of compliance with the Regulations, responsibility for compliance rests ultimately with the occupier of a holding. Farmers should therefore ensure that they have read and understood their obligations under the Regulations and they should, if necessary, obtain professional advice from their agricultural advisers. My Department is currently arranging specific cross-compliance-related training for Teagasc and private planners, in accordance with the provision, in the Regulations governing the

Single Payment Scheme, that member States shall set up a system of advising farmers on land and farm management to be known as the “farm advisory system”. This system will cover the Statutory Management Requirements, including the Nitrates Directive, together with Good Agricultural and Environmental Condition associated with cross-compliance.

Farm Retirement Scheme.

103. **Mr. Stanton** asked the Minister for Agriculture and Food if she will backdate the top up payment under the ERS; and if she will make a statement on the matter. [8813/07]

Minister for Agriculture and Food (Mary Coughlan): I decided to increase the maximum pension payable under the 1994–99 Scheme of Early Retirement from Farming from €12,075 to €14,075 per annum and the maximum pension payable under the 2000-2006 Scheme from €13,515 to €15,000 per annum with effect from 1 November 2006.

These increases, which will be funded entirely from the Exchequer formed part of the undertakings in the social partnership agreement, Towards 2016. They will benefit some 5,000 retired farmers and add some €33 million to the cost of the Schemes over the time they have left to run.

Question 104 answered with Question No. 96.

EU Directives.

105. **Mr. P. McGrath** asked the Minister for Agriculture and Food the procedure involved for farmers to avail of the 250 kilogram derogation under the nitrates directive; and if she will make a statement on the matter. [8827/07]

Minister for Agriculture and Food (Mary Coughlan): Although Ireland’s application for a derogation has been approved by the EU Nitrates Committee, the European Commission has not yet issued its formal decision. Until it does so, the Minister for the Environment, Heritage and Local Government cannot make the necessary amendments to the Regulations. However, my officials are actively making preparations to implement the derogation. Full information, including the detailed conditions and application procedures, will be published by my Department once the Regulations have been amended.

Departmental Reports.

106. **Ms Burton** asked the Minister for Agriculture and Food when the annual progress report on the implementation of Agri Vision 2015 Action Plan will be made available; and if she will make a statement on the matter. [9093/07]

Minister for Agriculture and Food (Mary Coughlan): The first annual progress report on the implementation of the Agri Vision 2015 Action Plan will be made available at the Agri Vision stakeholders' forum, which is scheduled to take place on 23 March 2007. This report will provide detailed information on progress under each of the action points contained in the Plan.

Genetically Modified Organisms.

107. **Mr. McCormack** 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. [8849/07]

Minister for Agriculture and Food (Mary Coughlan): The deliberate release of genetically modified crops into the environment is legislated for under EU Directive 2001/18/EC which provides, inter alia, for controls governing the assessment and authorisation procedures for GM crop cultivation. The EPA is the competent authority for the implementation of this Directive in Ireland.

This Directive is part of a suite of GM legislation, adopted by the Council of Ministers and the European Parliament, and which is binding on all Member States that is aimed at achieving the highest possible degree of human health and environmental protection for the citizens of the EU.

Ireland's general position in developing and implementing this legislation is informed by the Government's acceptance of the recommendation set out in the Report of the Inter-Departmental Group on Modern Biotechnology (October 2000) that Ireland's stand at EU level and in international fora should be one of being positive but precautionary — a position which acknowledges the benefits of genetic engineering, while maintaining a fundamental commitment to safety and environmental sustainability based on scientific risk assessment and management.

I am satisfied these authorisation procedures, coupled with effective coexistence measures which I plan to introduce in due course, will adequately protect the environment and human health from any adverse effects.

Sheep Industry.

108. **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. [8819/07]

Minister for Agriculture and Food (Mary Coughlan): 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 sector 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 recommendations address issues such as ewe welfare and quality assurance. The Implementation Group is nearing the completion of its work and I look forward to its final report in the near future.

Bovine Disease Controls.

109. **Mr. Stagg** asked the Minister for Agriculture and Food when the comprehensive review of the reactor compensation scheme will be completed; when, after it has been completed, she will introduce appropriate changes to the scheme; and if she will make a statement on the matter. [9097/07]

Minister for Agriculture and Food (Mary Coughlan): My Department's programmes for the eradication of TB and Brucellosis provide for a comprehensive range of measures, including the mandatory annual testing of 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 depopulation of infected herds where appropriate and the payment of compensation to farmers whose herds are affected by disease.

With regard to compensation, the On-Farm Market Valuation scheme was introduced in 2002 and, while I am satisfied that, in accordance with the scheme's objective, full market value is paid generally for animals removed as reactors, my Department is currently reviewing the operation of the scheme, taking account of submissions made by farming representatives in relation to certain aspects of the scheme. Submissions have also been received regarding certain disease control measures. I am not in a position at present to state when the review will be completed or what changes may be implemented as discussions with the farming representatives are ongoing.

In addition, my Department is carrying out a Value for Money and Policy review of the TB Eradication programme. This review is expected to be completed by the end of the year, after which the report will be published and submitted to the Select Committee of the Oireachtas.

Sheep Industry.

110. **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. [8818/07]

Minister for Agriculture and Food (Mary Coughlan): The Sheep Industry Development Strategy Group issued its report in June 2006. This is a comprehensive study of the sheep industry that sets out a Development Plan for the sector 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 is nearing the completion of its work and I look forward to its final report in the near future.

Agri-food Sector.

111. **Mr. Quinn** asked the Minister for Agriculture and Food the steps she is taking to ensure the sustainability of agribusiness enterprise; the loans, grants and other assistance available from her Department and its agencies to companies in the agribusiness sector; and if she will make a statement on the matter. [8354/07]

Minister for Agriculture and Food (Mary Coughlan): The Agri-Vision 2015 Report sets out a vision identifying the delivery of safe, high-quality, nutritious food, produced in a sustainable manner, to well-informed consumers in high value markets as the optimum road for the future of the Irish food industry. The 160 actions in the Agri-Vision Action Plan, which I launched last year, form a coherent strategy for implementation, which is reinforced by the 2016 Partnership Agreement and the National Development Plan (NDP) 2007-2013.

The agriculture and food elements alone of the NDP will account for total public expenditure of €8.7 billion and together they constitute an integrated package that addresses the overall developmental needs of the sector and specific requirements in the areas of competitiveness, consumer-focus and innovation.

The sector will also benefit from the huge investment in transport and other infrastructure in the NDP, which is key to sustained competitiveness and to growing sales and exports. Agribusiness enterprise will also have full access to the generic industry supports in the NDP for research, technology, knowledge building, skills and people and will benefit from the increase in NDP funding for food research. My Department will double funding of public good food research and expand funding of research back through the food and production chain.

In addition, some €289 million is provided in the specifically in the Plan for the food industry for capital investment and marketing. A capital investment envelope of up to €200 million will underpin huge investment in key areas of the food industry. This includes a core €100 million

fund to support investment of €300 million in the dairy sector for which evaluation of proposals is underway; an investment fund of up to €50 million, which will shortly be launched for the beef sector, and funding of projects in other Annex I sectors which have been approved. Some €90 million will be provided for marketing including funding for An Bord Bia for generic promotion, market supports in line with EU rules, promotion of quality and quality assurance.

The fact that food and drink exports exceeded €8 billion for the first time in 2006 despite competitive challenges augurs well for its resilience and continued importance to the economy. I am committed to the detailed strategies and mechanisms established under Agri-Vision 2015 plan and the National Development Plan to enable agribusiness enterprise continue to develop to its full potential.

Passports for Investment Scheme.

112. **Mr. McGuinness** asked the Tánaiste and Minister for Justice, Equality and Law Reform if, in relation to the number of passports issued under the passports for investment scheme, his Department has monitored the passport holders or investors to determine if they acted or are acting within the guidelines of the scheme; if the terms of investments made relative to the scheme have been complied with; if his Department continues to monitor the guidelines to ensure compliance; if difficulty has emerged relative to the scheme or investments; if his Department has a role in resolving such issues where they relate to a breach in the guidelines; and if he will make a statement on the matter. [9315/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The introduction of a scheme of investment based naturalisation had been advocated by Ministers for Industry and Commerce throughout the 1980s but opposed by successive Ministers for Justice on policy grounds.

In April 1989, the then Minister for Justice decided to seek Government approval in relation to a particular proposal which involved a large number of individual citizenship applications. The Government decided that the applications should be approved and, furthermore, so should future applications from anybody who was prepared to invest in the State.

Around this time a Statement of Intent was made available to persons who enquired about naturalisation linked to investment. This Statement indicated that the Minister would accept as fulfilling the requirements of “Irish Associations” in section 16(a) of the Irish Nationality and Citizenship Act, 1956, and would waive the residence condition at section 15(c) of the Act, applications in respect of which

(a) the applicant acquired a residence in the State, had been resident in the State for two

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years and had spent a reasonable amount of time here over the two years,

(b) the Minister was satisfied, on the advice of a Minister of the Government, that the applicant had established a manufacturing or international services or other acceptable wealth and job creating project here that was viable and involved a substantial investment by the applicant, and

(c) all other requirements of the Act had been complied with.

In the period 1989 to 1994, 66 investors (plus 39 spouses and children) were naturalised. The Report of the Review Group of the Investment based naturalisation scheme, which I published in August 2002, reports “that there was a significant number of cases in which the requirements of the Statement of Intent either were not adhered to or where evidence that they were adhered to is absent from the Department’s files.”

Arising out of a view that there should be a more formal and transparent approach to investment based naturalisation, new guidelines were introduced in 1994, which took the form of Terms of Reference of an Advisory Group to the Minister. The Group was to examine each application for naturalisation based on investment, with the assistance of evaluation/advice from relevant agencies where necessary and, in making their recommendations to the Minister, would apply the following criteria:

(a) Substantial residence must be purchased and retained in ownership for a period of at least 5 years with an undertaking to reside in the State for a minimum of 60 days in the 2 years following naturalisation.

(b) The level of investment must involve a net contribution of at least £1 million per applicant.

(c) Where the investment is in the form of a loan it shall be for a duration of at least 7 years at an interest rate not greater than 1 per cent below the representative Government bond yield on the secondary market, or not greater than 1 per cent below DIBOR, whichever is lower. The loan shall be made by the applicant direct to the firm concerned, without involvement by any intermediary. The loan arrangement shall be transparent and open to scrutiny and shall be such as to prevent the loan being factored or sold on. The loan shall not be secured by the assets of the company in which the investment is to be made.

(d) As ordinarily naturalisation would be for life, the duration of the investment should be for a significant period; at the very least 5 years.

(e) the number of jobs created or maintained must be readily quantifiable and arise from the investment only.

(f) Audited and certified confirmation of the investment to be available to the Group from an established auditing firm of accountants to the effect that the investment has taken place in accordance with the rules of the scheme for naturalisation.

(g) The investment will be monitored by Forfás to ensure that the conditions of the investment are being maintained and, in the event that they are not, will inform the Group who, in turn, will inform the Minister for Justice with a view to revocation of citizenship.

(h) Police certificate of character must be provided by authorities in country of origin (and, if required, from the Police in any country where the applicant has resided or carried on business or maintained substantial investments) together with express permission to the authorities in Ireland to enquire behind it.

(i) Annual certification by an established auditing firm of accountants to Forfás that the investment is being maintained for the appropriate period.

If approved by the Minister, written assurances in respect of the various requirements of the terms of reference were obtained from the applicant prior to the issue of a certificate of naturalisation. 41 investors and 37 minor children of investors were naturalised since the introduction of the Terms of Reference. The Review Group reported that there appeared to be a greater degree of compliance with the Terms of Reference.

It has been the practice of successive Ministers for Justice not to publish details of individual naturalisation cases other than those which are required by law, that is, the publication in *Iris Oifigiúil* of the name and address of the applicant, the date naturalised and whether he or she was an adult or minor. Applicants linked to investments — and for that matter all applicants — have an expectation that there will be no additional form of publicity about their applications other than that which is prescribed by law.

I am on the record in this House some years ago in relation to the naturalisation in 1990 of eleven persons under the Scheme. Question No. 5 of 17 October 2002 sets out the background to this matter. I subsequently informed the House in response to Question No. 193 on 13 May 2003 that I had received legal advice to the effect that grounds did not then exist for the revocation at that time of the naturalisation certificates in question. The Deputy can be assured that if the circumstances of any particular case are brought to my attention, I will have no hesitation in using my statutory powers of revocation to the fullest extent possible.

The investment based naturalisation scheme was abolished in April 1998 and, as the Deputy will be aware, I introduced provisions in the Irish Nationality and Citizenship Act, 2004 to ensure that this scheme will not be re-instituted and to rule out any future such scheme.

Graffiti Offences.

113. **Mr. Gregory** asked the Tánaiste and Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 618 of 21 March 2006, the number of graffiti related charges brought in Dublin City in 2006; the progress made with the anti-graffiti campaign; if the action programme referred to has taken place with Dublin City Council; and if he will make a statement on the matter. [9209/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): Following the submission to me in 2004 of a report and recommendations by an expert group on crime statistics, I decided that the compilation and publication of crime statistics should be taken over by the Central Statistics Office, as the national statistical agency, from the Garda Síochána. The Garda Síochána Act, 2005 consequently makes provision for this and the CSO has established a dedicated unit for this purpose. Following the setting up of the necessary technical systems and auditing of the data from which the statistics are compiled, I am pleased to note that the CSO is now compiling and publishing criminal statistics and has published provisional headline crime statistics for the third and fourth quarters of 2006. In addition, it has compiled and published a series of quarterly and annual statistics for the period starting with the first quarter of 2003. I understand that the CSO are examining how the crime statistics published might be expanded and made more comprehensive.

I have requested the CSO to provide the information sought by the Deputy directly to him.

My Department, in conjunction with the Department of Environment, Heritage and Local Government and the Department of Community, Rural and Gaeltacht Affairs, embarked on a pilot project which commenced in August, 2006, to specifically deal with the removal of incidents of graffiti. This initiative involves the removal of graffiti from sites within the pilot areas of Dublin City, Galway City and Bray, Co. Wicklow. Particular emphasis was placed from the outset on RAPID areas and the project has also been extended to other sites within the pilot project boundaries.

Sites chosen continue to be identified through the work of RAPID area coordinators, the local authorities concerned and the Garda Síochána. As soon as sites are reported to my Department, immediate arrangements are made to have them

cleaned. The identification of graffiti sites in each of the pilot areas is an ongoing process. Over 1,300 sites affected by graffiti throughout the pilot areas have been identified to date and are either completed, in the process of being cleaned or due to be cleaned shortly.

The pilot project is overseen by a steering group comprising representatives from the three Departments, and an independent evaluation of the programme has been commissioned in order to determine the programme's effectiveness. Should the programme prove successful in eliminating or significantly reducing the incidence of graffiti, consideration will be given to extending it to other areas.

The Deputy may wish to note that this project is separate from graffiti abatement programmes carried out by the local authorities themselves on an ongoing basis.

Garda Strength.

114. **Dr. Twomey** asked the Tánaiste and Minister for Justice, Equality and Law Reform the Garda strength and resources allotted to Castlebridge in County Wexford in 1997; the way this compares to the situation in 2007; and if he will make a statement on the matter. [9219/07]

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 following the attestation of 299 new members on Thursday, 16 November, 2006. 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 combined strength (all ranks), of both attested Gardaí and recruits in training as at the 31 December 2006 was 14,068. Furthermore, I should say that in December, 2006, as part of a package of anti-crime measures, the Government approved the continuation of the existing Garda recruitment programme to achieve a total Garda strength of 15,000. The accelerated intake of approximately 1100 new recruits per annum into the Garda College will continue until this target is met. The Garda Budget now stands at €1.4 billion, an 11% increase on 2006 and a 96% increase since 1997 in real terms.

I have also been informed by the Garda authorities that the personnel strength of Castlebridge Garda Station on 31 December, 1997 and on 31 January, 2007 was 1 (all ranks). Castlebridge Garda Station forms part of the Wexford District. The personnel strength of the Wexford District on 31 December, 1997 and on 31 January, 2007 was 76 and 103 (all ranks) respectively. This rep-

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resents an increase of 27 (or 35.5%) in the number of personnel allocated since that date. Vehicles and IT resources allocated to Wexford town are utilised in policing the sub district of Castlebridge.

Resources are further augmented by a number of Garda National Units such as the Garda National Drugs Unit, the Garda National Immigration Bureau (GNIB), other specialised units and the Criminal Assets Bureau (CAB), all of which have had increased resources.

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 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.

Garda Training.

115. **Mr. Kehoe** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of hours training Gardaí receive in order to complete the advanced driving course. [9226/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The Advanced Driving Course is of three weeks duration and can only be conducted on completion of the Standard Car Course which is two weeks in duration.

Eighty-three hours of instruction are provided in the Advanced Driving Course.

Residency Permits.

116. **Mr. O'Shea** asked the Tánaiste and Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 97 of 1 March 2007, if he will accept some method of identification other than a passport, as the person (details supplied) can not obtain a passport; and if he will make a statement on the matter. [9248/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): A fundamental requirement of the IBC/05 Scheme was the submission by the applicant of a valid passport/national identity document.

In the absence of the provision of such identification the person in question was granted permission to remain in the State for a period of one year. This was granted as an exceptional measure to afford the person the opportunity to obtain the appropriate identity documentation.

If the person in question remains unable to supply this documentation a statement as to why this is the case should be submitted to my Department for consideration. The statement should be supported by written confirmation of the position from the national authorities of the person in question.

Criminal Prosecutions.

117. **Mr. F. McGrath** asked the Tánaiste and Minister for Justice, Equality and Law Reform the reason no prosecution was brought in a case (details supplied); and the measures being put in place to ensure that the same people do not assault others again. [9260/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I have asked the Garda Commissioner for a report on the matter referred to and will revert to the Deputy once the information is to hand.

Residency Permits.

118. **Mr. Ring** asked the Tánaiste and Minister for Justice, Equality and Law Reform when long term residency will be granted to a person (details supplied) in County Mayo. [9261/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): As outlined in Parliamentary Question put down for answer on the 31st January 2007 (PQ No. 418) 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.

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.

An application for long term residence from the person referred to by the Deputy was received on 16th June 2006. I understand that applications received in early June 2006 are currently being dealt with. As soon as a decision is made on the case, the person concerned will be notified.

Visa Applications.

119. **Mr. Perry** asked the Tánaiste and Minister for Justice, Equality and Law Reform the reason, in view of the fact that Taiwan is a maturing democracy and a developing economy in modern terms that Ireland is the only European country with a referral process for student visas and that only seven student visas are granted for Taiwanese students to travel here where the one area

of difficulty in student visas is that they have to be referred back to Dublin for a decision which takes more than eight weeks whereas over 60,000 students enter England on student visas; the further reason there is no Irish personnel in the visa section in Taipei; and if he will make a statement on the matter. [9264/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): All student visa applications (with the exception of those lodged in Beijing, Moscow and New Delhi) are determined by the Visa Office in Dublin. The turn around time for study visa decisions is currently between five and seven days and while there can be a delay in applications reaching Dublin I am satisfied that the service provided to the education sector has improved considerably and continues to do so.

The placement of staff in Missions abroad is a matter for my colleague the Minister for Foreign Affairs. At this time I see no reason to change current practice in relation to study visa applications from Taiwan. I am satisfied that the visa office in Dublin provides, and will continue to provide, a quality service to students seeking to study in Ireland from all parts of the world.

Refugee Status.

120. **Mr. McGuinness** asked the Tánaiste and Minister for Justice, Equality and Law Reform

the status of an application to remain in the State for a person (details supplied) in County Kilkenny; the timeframe for a decision in the case; and if he will make a statement on the matter. [9266/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy will be aware, applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Application Commissioner and the Refugee Appeals Tribunal which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted.

While it is not the practice to comment in detail on individual asylum applications, I am advised that the finalisation of the case referred to by the Deputy must await the outcome of Judicial Review proceedings.

Appointments to State Boards.

121. **Mr. Boyle** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of public appointments made under the aegis of his Department in the first six months of 2002. [9294/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The information requested by the Deputy is set out in the following tabular statement:

Name of Public Body	Number of Appointments
Censorship of Publications Appeal Board	1
Tribunal of Inquiry into Complaints Concerning some Gardaí of the Donegal Division *	1
The National Disability Authority	1
Judicial Appointments Advisory Board	3
Committee on Court Practice and Procedure	1
Refugee Appeals Tribunal	9
Independent Monitoring Committee for the Refugee Legal Service	3
Cork Prison Visiting Committee	1
Fort Mitchel Place of Detention Visiting Committee	1
Castlerea Prison Visiting Committee	1
Mountjoy Prison Visiting Committee	1
Portlaoise Prison Visiting Committee	1
St. Patrick's Institution Visiting Committee	1
Wheatfield Prison Visiting Committee	1
Prisons Authority Interim Board	1
Criminal Injuries Compensation Tribunal	1
Land Registry/Registry of Deeds Interim Board	7

* Appointed by the Government.

I wish to further inform the Deputy that sixty eight appointments to the position of Peace Commissioner were also made during the period in question.

122. **Mr. Boyle** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number

of public appointments he made in the past two months. [9308/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The information requested by the Deputy is set out in the following tabular statement:

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Name of Public Body	Number of Appointments
Property Registration Authority	1
Private Security Authority	1
Criminal Law Codification Advisory Committee	10
Refugee Appeals Tribunal	14
National Disability Authority	1
Castlerea Prison Visiting Committee	1
Cloverhill Prison Visiting Committee	6
Cork Prison Visiting Committee	2
Mountjoy Prison Visiting Committee	1
Portlaoise Prison Visiting Committee	3
Shelton Abbey Place of Detention Visiting Committee	1
St. Patrick's Institution Visiting Committee	1
Training Unit Place of Detention Visiting Committee	1
Wheatfield Prison Visiting Committee	2

I wish to further inform the Deputy that I also made eight appointments to the position of Peace Commissioner during the period in question.

Citizenship Applications.

123. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the status in the application for family reunification in the case of persons (details supplied) in Dublin 24; and if he will make a statement on the matter. [9327/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The first person in question arrived in the State on 8 November 1999 and claimed asylum. The second named person arrived in the State on 15 March 1999 and also claimed asylum. Both persons withdrew their application on 8 March 2001 and applied for permission to remain based solely on their parentage of an Irish born child. They were granted residency in the State on this basis on 25 April 2001. However, from the information provided, no trace can be found of a current application for family reunification.

On the 18 July 2003 the Government announced its policy in relation to leave to remain for parents of Irish born children. A feature of that policy was that there would be no presumption in favour of allowing parents granted permission to remain in the State on the basis of parentage of an Irish born child to be joined in the State by other family members including other children.

124. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform when he expects conclusion of an application for naturalisation in the case of a person (details supplied) in Dublin 1; and if he will make a statement on the matter. [9328/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Parliamentary Question Number 105 on Thursday 22 February 2007. The position remains as stated.

125. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in relation to an application for naturalisation and family reunification in the case of a person (details supplied) in County Galway; and if he will make a statement on the matter. [9366/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned became an Irish Citizen when he was granted a Certificate of Naturalisation on 15 February 2007.

With regard to the Family Reunification I refer the Deputy to my previous answer to Question No. 357 of the 27th September 2006.

I am informed by the Immigration Division of my Department that the Refugee Applications Commissioner has forwarded a report to my Department.

This application is in the final stages of processing by my Department and a decision will issue in due course.

Residency Permits.

126. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in respect of residency in the case of a person (details supplied) in County Wexford; and if he will make a statement on the matter. [9367/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to Parliamentary Question No. 334 of Wednesday, 27th September, 2006 and the writ-

ten reply to that Question. The position is unchanged.

Citizenship Applications.

127. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in respect of residency and naturalisation in the case of persons (details supplied) in County Dublin; and if he will make a statement on the matter. [9368/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): Applications for certificates of naturalisation from the persons referred to in the Deputy's question were received in the Citizenship Section of my Department on 23 February 2006.

The average processing time for applications for naturalisation for adults is approximately 30 months at the present time. However, I understand that the persons concerned are refugees. In accordance with the Government's obligations under the United Nations Convention relating to the Status of Refugees of 28 July 1951, every effort is made to ensure that applications from persons with refugee status are dealt with as quickly as possible, having regard to the general volume of applications on hand.

I will inform the Deputy and the persons concerned when I have reached a decision on the applications.

128. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in regard to an application for naturalisation in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [9369/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for a certificate of naturalisation from the person referred to in the Deputy's question was received in the Citizenship Section of my Department in March 2005.

The processing of this application is near completion and officials in the Citizenship Section of my Department will be writing to the person in question in the very near future.

I will be in touch with both the Deputy and the applicant when the case is finalised.

Residency Permits.

129. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the current or expected residency status in the case of a person (details supplied) in County Clare; and if he will make a statement on the matter. [9370/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The position is that the person concerned arrived in the State on

26 March, 2004 and claimed asylum on 30 March 2004. His application and subsequent appeal was refused and he was notified of my decision to refuse him refugee status by letter of 16 November, 2004 in which he was informed of the three options open to him at that point, i.e., to leave the State before his case was considered for deportation; consent to the making of a deportation order in respect of him; make written representations, within 15 working days, to the Minister for Justice, Equality and Law Reform setting out reasons as to why he should not be deported, i.e. why he should be allowed to remain temporarily in the State.

His case was examined under Section 3 of the Immigration Act 1999 and Section 5 of the Refugee Act 1996 (Prohibition of Refoulement), including consideration of all representations received on his behalf. On 11 May, 2005 a deportation order was made in respect of this person. The order was served on him by registered post requesting him to present himself to the Garda National Immigration Bureau on Thursday, 16 June, 2005. He is due to present again on 29 March, 2007 at Ennis Garda Station.

The enforcement of the deportation order is a matter for the Garda National Immigration Bureau.

130. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in regard to residency in the case of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [9371/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to Parliamentary Question No. 149 of Thursday, 14th December, 2006 and the written reply to that Question. The position is unchanged.

131. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will examine the application for residency in the case of a person (details supplied) in Dublin 8 on hardship and humanitarian grounds; and if he will make a statement on the matter. [9372/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to Parliamentary Questions Nos. 173 of Wednesday, 6th December, 2006 and 158 of Thursday, 11th May, 2006 and the written replies to those Questions. The position is unchanged.

Visa Applications.

132. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the procedures to be allowed in the case of a person (details supplied) in County Kildare to enable their spouse join them here; and if he will make a statement on the matter. [9373/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The application referred to by the Deputy was received in the Visa Office, Dublin on 15th December, 2006. The decision of the Visa Officer to refuse the application was taken on 5th January, 2007.

The Visa Officer who examined the application was not satisfied, on the basis of the evidence provided, of a relationship being in existence prior to the marriage.

An appeal against the refusal decision was received on 22nd January, 2007. Following a re-examination of the application, the decision to refuse was upheld on 30th January, 2006 as the applicant had not adequately addressed the reason for the refusal. As each applicant is entitled to one appeal only, no further review in this matter can be granted; however it is open to the applicant to make a fresh application.

Garda Equipment.

133. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of breathalysers and intoxilyzers available to An Garda Síochána in each Garda division. [9374/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that there are 64 evidential breath testing instruments (intoxilyzers) in use in Garda stations and 439 instruments in use for road-side screening (alcometers) which are allocated on a Divisional basis as shown in the following table.

Division	Alcometers	Intoxilyzers
Carlow / Kildare	19	3
Cavan / Monaghan	19	3
Clare	9	4
Cork City	24	1
Cork North	19	2
Cork West	10	4
Donegal	21	4
Galway West	26	4
Kerry	15	3
Laois / Offaly	17	3
Limerick	17	3
Longford / Westmeath	17	3
Louth / Meath	21	4
Mayo	20	3
Roscommon / Galway East	7	2
Sligo / Leitrim	19	2
Tipperary	21	3
Waterford / Kilkenny	22	3
Wexford / Wicklow	15	3
DMR North Central	11	1
DMR South Central	13	1

Division	Alcometers	Intoxilyzers
DMR North	17	1
DMR South	13	1
DMR East	19	2
DMR West	3	1
DMR Traffic Corp	24	
GNTB	1	
Total	439	64

Visa Applications.

134. **Mr. Ring** asked the Tánaiste and Minister for Justice, Equality and Law Reform when a holiday visa will be approved to allow a person (details supplied) to stay in County Mayo. [9637/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The application referred to by the Deputy was received in the Irish Consulate in Damascus and sent to the Irish Embassy in Cairo for processing. The decision of the Visa Officer to refuse this application was taken on 5th March, 2007.

The application was refused because the Visa Officer was not satisfied, on the basis of the documentation supplied, that the applicant had demonstrated a sufficient obligation to return home following the visit. In addition no financial information had been provided by the applicant or the reference in Ireland showing funds to support the applicant for the duration of their visit.

It is open to the applicant to appeal this decision; however, to date, no appeal has been received. All appeals must be submitted within two months of the initial refusal decision.

National Monuments.

135. **Mr. Durkan** asked the Minister for Finance the current or intended proposals to preserve, restore and maintain the obelisk known as Conolly's Folly, Maynooth, County Kildare; the full extent of any intended expenditure in 2007 and in future years; and if he will make a statement on the matter. [9196/07]

Minister of State at the Department of Finance (Mr. Parlon): A contract was placed on 1 March, 2007 for a measured survey and record of Conolly's Folly. The completion of this survey will inform the level of conservation work required at the site, and will facilitate the preparation of the necessary documentation for this work. It will only be possible to estimate the level of expenditure required to conserve the site once the aforementioned survey is complete. I expect that work on the survey will commence in the very near future.

Tax Code.

136. **Mr. Kehoe** asked the Minister for Finance the tax credit system that a person who is separated from their spouse belongs to; and the expenses a separated person who pays maintenance for their children and looks after their children two to three days a week is entitled to claim for tax purposes. [9203/07]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that, as regards separated spouses, the above question gives rise to a number of issues that may be enumerated as being:

1. the tax treatment of maintenance in respect of children;
2. the tax relief in respect of child care;
3. the tax treatment of maintenance to a spouse;
4. the tax credits to which separated spouses may be entitled.

As regards items 3 & 4, it is probably best to outline these in the context of situations where maintenance is payable under a voluntary arrangement and where the maintenance is payable under a legally binding arrangement.

1. The tax treatment of maintenance in respect of children

Maintenance in respect of a child is ignored for tax purposes irrespective of whether such maintenance is paid under a voluntary or legally binding maintenance arrangement.

2. The tax relief in respect of child care

There is no tax relief in respect of child care irrespective of whether parents of the children in child care are married, separated, widowed or unmarried.

3. Non-legally binding (voluntary) maintenance arrangements

3.1 Tax treatment of maintenance payments

Where a legally binding maintenance arrangement is not in place (i.e. voluntary maintenance payments are made) the spouse who makes the payments is not entitled to a tax deduction for them. Additionally, the spouse who receives the payments is not taxed on them.

3.2 Tax credits

Both spouses are taxed on their own income as single persons. Each spouse is entitled to the single person's tax credit and, if in employment, the PAYE tax credit.

However, if the voluntary payments are sufficient to wholly or mainly maintain the spouse, the payer will be entitled to claim the married persons tax credit. The spouse receiving the payments can also claim single person's tax credit against his/her income (if any).

In addition, the one-parent family tax credit may be claimed by a single parent whether widowed, single, deserted, separated or divorced, who is not co-habiting and who has a dependent child resident with him or her for the whole or part of the relevant tax year.

4. Legally binding maintenance arrangement

4.1 Tax treatment of maintenance payments

Where a legally binding maintenance arrangement is in place, the spouse who makes the payments is entitled to a tax deduction for them. Additionally, the spouse who receives the payments is taxed on them.

4.2 Tax credits

Both spouses are taxed on their own income as single persons. Each spouse is entitled to the single person's tax credit and, if in employment, the PAYE tax credit.

In addition, the one-parent family tax credit may be claimed by a single parent whether widowed, single, deserted, separated or divorced, who is not co-habiting and who has a dependent child resident with him/her for the whole or part of the relevant tax year.

Alternatively, a separated couple who have in place a legally binding maintenance arrangement (i.e. the maintenance payments are legally enforceable) can elect to be treated as a married couple for income tax purposes if they are both resident in the State.

A divorced couple also have the option of being treated as a married couple for income tax purposes if they are both resident in the State and neither spouse has re-married. However, where a civil annulment is obtained there can be no election to be taxed as a married couple.

Where a separated couple wish to be treated as a married couple for tax purposes, they must submit a joint election in writing before the end of the tax year (the election must be signed by both spouses). If such an election is made, maintenance payments are ignored for tax purposes, that is, the spouse making the payments does not get a tax deduction for them and the spouse who receives the payments is not taxable on them.

Where both spouses have income, separate assessment will apply. Tax credits and standard rate cut-off point will be apportioned between the spouses, subject to a review at the end of the year. This ensures that any unused tax credits or relevant rate bands may be given to the other spouse.

Where only one spouse has income the full tax credits, reliefs and tax rate bands will be given to that spouse.

More detailed information is contained in the Revenue Commissioners' explanatory leaflet IT 3 — What to do about tax when you separate which is available on the Revenue website www.revenue.ie.

137. **Mr. G. Murphy** asked the Minister for Finance if a tax clearance certificate will be issued to a person (details supplied) in County Cork. [9228/07]

Minister for Finance (Mr. Cowen): I have been informed by the Revenue Commissioners that an application for a tax clearance certificate has not been received from the person concerned. As soon as an application is received, it will be examined with a view to issuing the required certificate.

138. **Mr. Kehoe** asked the Minister for Finance the criteria for persons wishing to claim rent tax credit from rents obtained from members of their family or extended family; and if he will make a statement on the matter. [9234/07]

Minister for Finance (Mr. Cowen): I assume that the Deputy is referring to the tax exemption on rental income available to a person who meets the conditions of the “Rent-a-Room” scheme. This scheme exempts from income tax income received from the letting of rooms in a person’s sole or main residence provided the income does not exceed €7,620 in a year.

I announced in Budget 2007 that with effect from 1 January 2007, I intended to close off use of this scheme in cases where the rent received was from connected persons. Accordingly, the Finance Bill 2007 provides that rent-a-room relief will not apply where the rental income in question is received by a person from his or her adult child. However, the relief continues to be available where rent is received from any other member of the person’s immediate or extended family whether or not those persons are claiming an allowance for rent which they pay.

Decentralisation Programme.

139. **Mr. Naughten** asked the Minister for Finance the status of the decentralisation of the Department of Education and Science to Mullingar; when construction of the new offices will commence; when this building will be occupied; if temporary offices will be sourced in the interim; and if he will make a statement on the matter. [9253/07]

Minister of State at the Department of Finance (Mr. Parlon): An advertisement was placed by the Office of Public Works (OPW) in the national newspapers and in the Official Journal of the European Union seeking Expressions of Interest from experienced developers/contractors who wished to be considered in connection with the provision of office accommodation for the Department of Education & Science in Mullingar. This is part of a major PPP project which also involves the provision of office accommodation for the Department of Enterprise, Trade & Employment in Carlow and the Depart-

ment of Agriculture and Food in Portlaoise. The project will be procured on a Design/Build/Finance/Maintain basis and a single contract will be placed covering the three buildings. Financial advice is being provided to the OPW by the National Development Finance Agency.

Evaluation of the Expressions of Interest received is nearing completion and the OPW expects to be in a position to invite tenders in the very near future. When selected, it will be a matter for the preferred tenderer to secure a satisfactory planning permission in respect of each of the locations. On receipt of satisfactory planning permissions, the preferred tenderer will be instructed to prepare working drawings, specifications and Bills of Quantities with a view to a contract being placed and construction work commencing on the three sites. Construction is expected to be completed in 2009.

At present, there are no plans to provide temporary advance accommodation for the Department of Education & Science in Mullingar.

140. **Mr. Naughten** asked the Minister for Finance the status of the decentralisation of the land registry to Roscommon; when construction of the new offices will commence; when this building will be occupied; if temporary offices will be sourced in the interim; and if he will make a statement on the matter. [9254/07]

Minister of State at the Department of Finance (Mr. Parlon): Expressions of Interest have been received by the Office of Public Works (OPW) from contractors who wish to be considered in connection with the provision of new permanent office accommodation for the Land Registry in Roscommon. These are being evaluated at present with a view to drawing up a short-list of suitable candidates from whom tenders will be invited on a design/build basis.

Tender documentation is also being finalised and tenders will be invited in the near future. Following receipt and assessment of the tenders, a Preferred Tenderer will be selected who will be instructed to apply for planning permission. On completion of the planning process, the OPW will request the Preferred Tenderer to submit working drawings and a Bill of Quantities with a view to a contract being placed and work commencing on site at the earliest possible date.

Temporary space has been sourced for the Land Registry in Roscommon with 33 staff currently in position. It is envisaged that this number will increase to 90 by the end of April 2007.

Appointments to State Boards.

141. **Mr. Boyle** asked the Minister for Finance the number of public appointments made under the aegis of his Department in the first six months of 2002. [9292/07]

142. **Mr. Boyle** asked the Minister for Finance the number of public appointments he made in the past two months. [9305/07]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 141 and 142 together.

I take it that the appointments that the Deputy is interested in are appointments made to bodies under the aegis of my Department. The following table gives details of appointments made for the first six months of 2002 and for the period 1 January 2007 to 28 February 2007.

Name of Body	No. of Appointments made in the first 6 months of 2002	Number of appointments made in January and February 2007
State Claims Agency Policy Advisory Committee	7	No appointments made
National Pensions Reserve Fund Commission	No appointments made	1
National Treasury Management Agency Advisory Committee	2	No appointments made
Board of the National Development Finance Agency	No appointments made	1
Interim Board of the Irish Financial Services Regulatory Authority	8	No appointments made
Irish Financial Services Appeals Tribunal	No appointments made	7
Financial Services Consultative Industry Panel	No appointments made	1 reappointment
Central Bank of Ireland (which became the Central Bank & Financial Services Authority of Ireland in May 2003)	2	No appointments made
Interim Board of the Civil Service Childcare Agency	5	No appointments made
Valuation Tribunal	4	No appointments made
Ordnance Survey Ireland	10	No appointments made
Civil Service Disciplinary Code Appeal Board	1	No appointments made
Adjudicator under the C&A scheme for the Permanent Defence Forces	1	No appointments made
Disabled Drivers Medical Board of Appeal	3*	1*

*All appointments were made on the nomination of the Minister for Health and Children under the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994.

Decentralisation Programme.

143. **Mr. Cregan** asked the Minister for Finance when the planning process will be complete in relation to the new building in Newcastle West where Revenue employees will be based, following decentralisation; the length of time it will take to appoint a contractor to commence work on the building; the length of time construction will take; and if he will provide an approximate date for the opening of this building. [9320/07]

Minister of State at the Department of Finance (Mr. Parlon): A site for the new decentralised offices in Newcastle West was purchased from Limerick County Council in 2005. In common with other projects in the Decentralisation Programme, following receipt and evaluation of Expressions of Interest, tenders for the proposed building were invited by the OPW from a number of contractors on a design/build basis and a preferred tenderer was identified.

A planning application was lodged by the preferred tenderer with Limerick County Council in October 2006. In December 2006, additional information was requested by the Council in relation to the foul sewer, the site boundaries and the front elevation of the proposed building. Also requested by the Council was a comprehensive historical study and comprehensive record drawings and a photographic study relating to certain existing buildings that were on the site at the time

of purchase from the Council. In the interests of moving the project forward, the OPW assisted the preferred tenderer in providing the additional information which has been submitted to the Council. A decision on the planning application is due by the end March 2007 and will be open to appeal to An Bord Pleanála.

On receipt of a satisfactory planning permission, the OPW will endeavour to have the working drawings and other necessary documents completed by the preferred tenderer with a view to a contract being placed and work commencing on site at the earliest possible date. The tender documentation provides for a construction period of 14 months from the date of placing a contract. On completion of construction, the building will be handed over for occupation by staff of the Revenue Commissioners.

Flood Relief.

144. **Mr. Deenihan** asked the Minister for Finance if the Commissioners of Public Works have carried out a review of the effectiveness of the pump in alleviating flooding of land in the River Cashen area of north Kerry; if they will provide additional pumps to alleviate further flooding; and if he will make a statement on the matter. [9321/07]

Minister of State at the Department of Finance (Mr. Parlon): As I stated in reply to the Deputy's Question of 7th February, 2007 (Ref. No. 129) the

[Mr. Parlon.]

Commissioners of Public Works are satisfied that the pump installed on a trial basis is effective. However, the report that recommended pumping indicated that this could cause a lowering of the land level over time due to the peaty nature of the soil. Such shrinkage would diminish the viability of pumping as a long term solution. During 2007 the Commissioners will review all aspects of the trial to determine whether installing further pumps would be appropriate.

Tax Code.

145. **Mr. N. O’Keeffe** asked the Minister for Finance if a person (details supplied) in County Cork can claim a tax refund in respect of medical expenses incurred by their partner and their child. [9322/07]

Minister for Finance (Mr. Cowen): I have been informed by the Revenue Commissioners that for claims for the tax year 2006 and previous tax years back to 2003 a person can only claim tax relief for medical expenses incurred on their own behalf, on behalf of their child or children or on behalf of their spouse. They cannot claim medical expenses relief on behalf of a partner. However, the Deputy may wish to note that, as a result of measures I introduced in this year’s Finance Bill, the requirement that there be a defined relationship between the taxpayer and the person who is the subject of the tax claim is being abolished. In addition, the de minimis condition is being removed. Both of these measures are in respect of claims for the 2007 tax year and subsequent years and will be given effect subject to enactment of the Finance Bill by the Oireachtas.

If either the person in question or their partner wishes to make a claim for tax relief for medical expenses they should forward a completed form Med 1 to: Revenue Commissioners, South West Region, PAYE Mail Centre, PO Box 63, Ennis, Co Clare. Alternatively they may claim a refund on line at www.revenue.ie.

146. **Mr. N. O’Keeffe** asked the Minister for Finance if a person (details supplied) in County Cork can claim a tax credit in respect of costs incurred in purchasing and carrying out special adaptation of their shoes for medical purposes. [9323/07]

Minister for Finance (Mr. Cowen): I have been informed by the Revenue Commissioners that Section 469 of the Taxes Consolidated Act, 1997 provides for relief from income tax on “health expenses”. “Health expenses” is defined as expenses in respect of the provision of health care and includes the cost of “the supply, maintenance or repair of any medical, surgical, dental or nursing appliance used on the advice of a practitioner”. In this case, while the purchase cost of the shoes would not meet the specified criteria,

the additional cost of having a shoe specially adapted for use does qualify for relief from income tax. Relief cannot be claimed for any expenditure that has been or will be reimbursed by a medical insurer or where a compensation payment is, or will be, made in respect of the expenditure.

For claims for the tax year 2006 and previous tax years back to 2003, the first €125 of any medical expenses incurred in the tax year is borne by the taxpayer and in the case of an individual claiming relief in respect of two or more persons, the taxpayer must bear the first €250 himself or herself. However, the Deputy may wish to note that, as a result of an amendment which I introduced at the Report Stage of the Finance Bill 2007, the de minimis condition is being removed in respect of claims for the 2007 tax year and subsequent years, subject to enactment of the Finance Bill by the Oireachtas.

147. **Mr. Penrose** asked the Minister for Finance if a person (details supplied) in County Westmeath is due any repayment or refund of tax on the basis of their P60 for 2006; and if he will make a statement on the matter. [9324/07]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the Inspector of Taxes for Westmeath Offaly is unable to determine if any tax refund is due to the named individual (and/or her spouse) until such time as forms P60 are submitted. However, from the information available, it would appear that correct tax credits were granted to both the named individual (and her spouse) for the 2006 tax year.

148. **Mr. Durkan** asked the Minister for Finance when certificate of tax free credits or entitlements are refund of emergency income tax paid will issue in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [9362/07]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that a duplicate certificate of tax credits and standard rate cut off point for 2007 issued to the taxpayer on 5 March 2007. The taxpayer has agreed to forward her Form P60 for 2006 and on receipt of same any overpayment of emergency tax deducted will be refunded to her without delay.

Departmental Units.

149. **Mr. Bruton** asked the Minister for Finance when the central evaluation unit was set up within his Department; and if he will outline its exact role and terms of reference and its programme of work for the next twelve months. [9387/07]

Minister for Finance (Mr. Cowen): I initiated the Central Expenditure Evaluation Unit

(CEEU) in my Department in June 2006 with the appointment of a Head of Unit and assignment of appropriately qualified staff. The Unit's initial phase of operations included development of a work programme and running a recruitment process for appropriately skilled expenditure evaluators. Two evaluators have now been appointed from this competition. In addition, my Department currently has four participants in the Masters Programme in Policy Analysis delivered by the Institute of Public Administration (IPA) in association with the Faculty of Commerce, UCD. Upon completion of the programme, they will be assigned as expenditure evaluators to the Central Expenditure Evaluation Unit, two in mid 2007 and two in mid 2008.

The Unit is charged with promoting best practice in the evaluation and implementation of programme and project expenditure across all Government Departments and Public Sector Agencies. It has a particular focus on checking that Department of Finance frameworks in relation to the appraisal and management of programmes and projects are being implemented, and in overseeing ongoing Programme Evaluation under the Value for Money and Policy Review initiative and the National Development Plan. I would stress that responsibility for achieving VFM for programmes and projects rests in the first instance with the relevant Departments and Implementing Agencies. The role of the CEEU is to assist these bodies by promoting best practice in the evaluation and implementation of programme and project expenditure.

The Unit's programme of work for the next twelve months will focus on checking compliance with the capital expenditure VFM frameworks, including undertaking its own programme of spot checks of individual capital projects; overseeing ongoing programme evaluation under the Value for Money and Policy Review initiative and development and implementation of a scheme of programme evaluation under the new National Development Plan (2007-2013). Overall it is my objective that the CEEU will play an important role in inculcating better VFM practice throughout the system.

Public Private Partnerships.

150. **Mr. Bruton** asked the Minister for Finance the PPP spend under the National Development Plan 2000 to 2006; and the percentage this represented under the roads, water, public transport and waste management programmes. [9389/07]

Minister for Finance (Mr. Cowen): 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 Plan is delivered through seven Operational Programmes (OPs), the Economic and Social Infrastructure OP, the Employment and Human

Resources OP, the Productive Sector OP, the Southern and Eastern (S&E) Regional OP, Borders, Midland and Western (BMW) Regional OP, the PEACE OP and the Technical Assistance OP. Each of these OPs 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. My Department does not maintain data on the status of individual projects under the NDP/CSF as this is a matter for individual Departments and Agencies who are responsible for project funding and, where appropriate, project implementation.

The most recent information on expenditure relates to the period January 2000 to end June 2006. This was reported to the NDP/CSF Monitoring Committee in December 2006.

Under the National Roads Priority of the Economic and Social Infrastructure OP, PPP funding reported from January 2000 to end-June 2006 was €462 million (7% of the total expenditure of €7 billion). This relates to the level of private investment in PPP projects and is the only such funding reported under the NDP/CSF. No PPP funding was reported to end-June 2006 under the Public Transport or Environmental Infrastructure Priorities of the Economic and Social Infrastructure OP or the Waste Management Measures of the Regional OPs.

It should be noted that Public-Private Partnerships are a means of procurement for projects of the right scale, risk and operational profile. Under the arrangements for monitoring expenditure on the NDP/CSF, data is collected on the sources of funding (including EU, national Exchequer, local authorities, and PPP/private) rather than on the means of procurement. However, PPP procurement has been used in the form of Design/Build/Operate (DBO) contracts for water services contracts and in the form of an operational contract for the LUAS project.

Departmental Funding.

151. **Mr. Wall** asked the Minister for Health and Children the position of applications with her Department in regard to funding for a women's refuge centre (details supplied) in County Kildare; and if she will make a statement on the matter. [9188/07]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the funding, 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.

Question No. 152 withdrawn.

Hepatitis C Incidence.

153. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children the number of people presenting for cocaine addiction who have contracted Hepatitis C; if it is possible to contract Hepatitis C from sharing the straw used to sniff cocaine; and if she will make a statement on the matter. [9207/07]

Minister for Health and Children (Ms Harney): The 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 have this matter investigated and to have a reply issued directly to the Deputy.

Community Employment Schemes.

154. **Mr. Naughten** asked the Minister for Health and Children further to Parliamentary Question No. 746 of 27 September 2006 and in view of the response from the Health Service Executive, if she will furnish a further reply to the question raised; and if she will make a statement on the matter. [9208/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Community Employment Schemes come under the remit of my colleague the Minister for Enterprise, Trade and Employment. However, the issues raised in the Parliamentary question referred to by the Deputy, have been the topic of discussions between officials from my Department and the HSE. The HSE have indicated that they would work in tandem with the Department of Enterprise, Trade and Employment to assist in the mainstreaming of CE Schemes where possible.

Post Mortems.

155. **Dr. Twomey** asked the Minister for Health and Children the timescale it takes on average for results of post mortems to be given to bereaved families; and if she will make a statement on the matter. [9220/07]

Minister for Health and Children (Ms Harney): There are two categories of post mortem performed in this country. The first is a post mortem carried out under the Coroner's Act, 1962 and the second, a post mortem carried out at the request of an attending doctor and with the consent of the next of kin of the deceased.

I have no function in relation to post mortems carried out under the Coroner's Act, 1962. In relation to the second category of post mortem, my Department has requested the Parliamentary

Affairs Division of the Health Service Executive to arrange to have the specific question investigated and to have a reply issued directly to the Deputy.

156. **Dr. Twomey** asked the Minister for Health and Children if action is being taken to improve the system of feedback to families on the progress involved in the post mortem procedure; and if she will make a statement on the matter. [9221/07]

Minister for Health and Children (Ms Harney):

A national protocol and guidelines on the provision of a quality response to families in relation to hospital post-mortems were produced by the National Working Group on Organ Retention in 2002 and adopted by the Chief Executive Officers in 2003. In addition, the Madden report into paediatric post-mortem practice and procedures, which contained 50 recommendations, including recommendations on the provision of information to families, was published on 18 January 2006. Considerable progress has been made by the Health Service Executive in implementing both the national guidelines and the recommendations of the Madden Report in hospitals across the country and the Department will continue to liaise with the Executive to evaluate progress in this regard.

Departmental Funding.

157. **Mr. Carey** asked the Minister for Health and Children her views on making funding available to a project (details supplied) in Dublin 11 in order that a fourth project can be established with State funding which will in turn enable a national voluntary organisation to fund a further project; and if she will make a statement on the matter. [9227/07]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): The funding of these projects is not a matter for my Department. I understand that existing State funding is provided through the Department of Education and Science. Accordingly, I have referred the matter to my colleague the Minister for Education and Science for her consideration.

Hospital Services.

158. **Mr. Timmins** asked the Minister for Health and Children the policy or situation with respect to a general medical practitioner in west Wicklow who requests a Health Service Executive ambulance to bring a patient to Tallaght General Hospital as opposed to Naas Hospital due to the fact that they believe the treatment required by the patient is only available at Tallaght Hospital; and if she will make a statement on the matter. [9230/07]

Minister for Health and Children (Ms Harney): Operational responsibility for the management

and delivery of health and personal social services is a matter for the Health Service Executive 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 / 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.

Ambulance Services.

159. **Mr. Timmins** asked the Minister for Health and Children the general policy with respect to a general medical practitioner requesting or using a Civil Defence ambulance to bring a patient to hospital; and if she will make a statement on the matter. [9231/07]

Minister for Health and Children (Ms Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive 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 / 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.

Health Service Staff.

160. **Mr. Sargent** asked the Minister for Health and Children the number of basic grade speech and language therapists to be hired by the Health Service Executive in 2007; her views on whether this is adequate; and if she will make a statement on the matter. [9239/07]

163. **Mr. Ring** asked the Minister for Health and Children the number of posts that will be created in 2007 within the Health Service Executive and hospitals for speech and language therapy graduates. [9256/07]

Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 160 and 163 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 healthcare 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 healthcare needs of the population into the future.

A particular priority for my Department and the Department of Education and Science in recent years has been the expansion of the supply of therapy graduates, including speech and language therapists. In response to concerns regarding labour shortages, my Department commissioned a report from Dr. Peter Bacon and Associates on current and future supply and demand conditions to 2015 in the labour market for speech and language therapists, occupational therapists and physiotherapists (Bacon Report).

The report was published in 2001 and arising from its recommendations additional courses in speech and language therapy providing 75 places were established in three universities. UCC, NUIG and UL each established courses in speech and language therapy with 25 places on each of the 3 courses. The first cohort of graduates from the UL masters level course in speech and language therapy graduated in 2005 and the first cohort from the bachelor degree programmes in UCC and NUIG will graduate this year. This investment represents an increase in training capacity of 300% in speech and language therapy. The total number of speech and language therapy training places now stands at 100, the level at which the Bacon Report recommended as being sufficient to meet current and future demand to 2015 for speech and language therapists.

An issue has recently come to my attention whereby physiotherapy graduates have had some difficulties in finding employment. I want to ensure that the combination of factors which have led to this situation are addressed urgently and do not impact on the other therapy professions. My Department is addressing this situation in a proactive manner and is working closely with the HSE to tackle the various factors which are contributing to this situation. A working group made up of the Department, the HSE and the profession themselves, including nominees from the unions, is continuing to work to tackle this situation in preparation for the 2007 graduates.

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 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.

Health Services.

161. **Mr. Ring** asked the Minister for Health and Children the reason a person (details supplied) in County Mayo has not been brought

[Mr. Ring.]

for physiotherapy; and when they can expect to be brought for physiotherapy. [9244/07]

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. 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.

162. **Mr. P. Breen** asked the Minister for Health and Children when a home-care package application will be processed for a person (details supplied) in County Clare; and if she will make a statement on the matter. [9246/07]

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. 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.

Question No. 163 answered with Question No. 160.

Question No. 164 withdrawn.

Hospital Services.

165. **Mr. O'Dowd** asked the Minister for Health and Children when joint replacement surgery will commence at the orthopaedic unit of Our Lady's Hospital, Navan; the reason a person (details supplied) living in County Louth was not notified of cancelled surgery; and if she will make a statement on the matter. [9259/07]

Minister for Health and Children (Ms Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive 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.

Appointments to State Boards.

166. **Mr. Boyle** asked the Minister for Health and Children the number of public appointments she made in the past two months. [9307/07]

Minister for Health and Children (Ms Harney): Since the beginning of January 2007, I have appointed a total of 18 persons to the boards / committees of bodies under the aegis of my Department as follows:

- Irish Blood Transfusion Service (1)
- National Cancer Screening Service Board (12)
- Scientific Committee of the Food Safety Authority of Ireland (1)
- Food Safety Authority of Ireland (1)
- Advisory Committee for Veterinary Medicines — Irish Medicines Board (1)
- Hepatitis C and HIV Compensation Tribunal (2)

Health Service Allowances.

167. **Mr. Allen** asked the Minister for Health and Children the reason a person (details supplied) in County Cork was told that they would not be granted a mobility allowance on the grounds of age and that they should be between the ages of 18 and 66 to be eligible for same; and the further reason it has taken so long to allocate them an electric wheelchair despite the fact that they had a leg amputated in May 2005. [9313/07]

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.

Departmental Funding.

168. **Mr. McGuinness** asked the Minister for Health and Children if revenue funding of the L'arche project, Callan, County Kilkenny, will be increased in 2007 in line with the recommendations of a report (details supplied); the level of revenue funding granted in each of the past five years; if a meeting will be arranged between representatives of L'arche and the decision maker in the Health Service Executive regarding funding issues; the names and contact numbers for the persons relative to this process; and if she will make a statement on the matter. [9314/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Nursing Home Subventions.

169. **Mr. N. O'Keefe** asked the Minister for Health and Children if she will investigate an application by a person (details supplied) in County Cork to the Southern Health Service Executive for enhanced nursing home subvention. [9325/07]

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. 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.

170. **Mr. N. O'Keefe** asked the Minister for Health and Children if she will investigate an application by a person (details supplied) in County Cork for nursing home subvention. [9326/07]

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. 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 Repayment Scheme.

171. **Mr. Durkan** asked the Minister for Health and Children the extent to which she has responded to applications for refund under the national repayment scheme in respect of charges imposed on those in nursing homes; and if she will make a statement on the matter. [9364/07]

Minister for Health and Children (Ms Harney): The health repayment scheme is administered by the Health Service Executive (HSE) in conjunction with the appointed Scheme Administrator KPMG/McCann Fitzgerald.

The HSE has informed the Department that over 25,000 forms have been submitted to the Scheme Administrator applying for repayments and these applications are being processed at present. The timeframe for repayment is predicated primarily on whether the applicant is alive as living people who were wrongly charged will be prioritised to receive repayments. It is estimated that there are now in the region of 14,000 people within this category, approximately 10,000 of whom have already applied. Provision has been made for applications to be received up to 1 January 2008.

The HSE has advised that offers of repayment commenced in November 2006 and that the first payments issued in December 2006 with further payments continuing on an ongoing basis. The HSE had indicated that almost €20 million has been repaid to date and that the average repayment is approximately €21,000.

A dedicated website, an information phone line and an e-mail facility have been established by the Scheme Administrator to assist the public in accessing claim forms and general information on the scheme. The information line operates between the hours of 9.00am and 6.00pm from Monday to Friday. To date approximately 33,000 call centre queries have been dealt with.

Nursing Home Subventions.

172. **Mr. Durkan** asked the Minister for Health and Children if a fully subvented and dedicated nursing home bed or the financial equivalent will be provided in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [9365/07]

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. 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 Accommodation.

173. **Mr. Bruton** asked the Minister for Health and Children the increase in hospital beds in primary care centres and in community nursing facilities by end 2006 under the Health Strategy 2001. [9386/07]

Minister for Health and Children (Ms Harney): In 2001, the year of the publication of Health Strategy, the average number of in-patient beds and day places available in the 53 public acute hospitals was 12,145. At the end of 2005, this figure had increased by 1,199 to a total of 13,344,

[Ms Harney.]

involving an additional 719 in-patient beds and 480 day places. This expansion of capacity represents an increase of 300 beds and places on average per year.

During 2006 the Health Service Executive undertook an extensive survey of capacity across all acute hospitals, including in-patient beds, day beds and other treatment placements, on a speciality by speciality basis. I understand that the HSE intends to publish the results of the survey in March 2007 and to make copies available to members of the Oireachtas.

The long stay activity report of 2001 indicated that, in 2001, there were 9,218 beds in public nursing homes, of which 8,671 were long-stay, and 12,731 voluntary and private nursing home beds, of which 12,483 were long-stay. In 2007, there is a total of 9,488 beds in public nursing homes including Welfare Homes of which about 8,250 are long-stay beds. In addition, there are an estimated 16,000 voluntary and private long stay beds. The reduction in public long stay beds is accountable by improvements made to some public homes to improve the environment so as to meet with increased standards and client centred care responses.

In 2006, the HSE contracted a total of 1,050 extra beds in the private nursing home sector. A total of €28m is being allocated to cover the full year cost in 2007 of these beds. In addition, the HSE hopes to contract a further 350 beds in 2007 at a cost of €12m.

As part of the overall investment package for the development of services for older people, the DOHC and the HSE have prioritised the delivery of additional public continuing care beds through the development of community nursing units in large urban centres in both Dublin and Cork together with the expansion and the development of additional facilities across all regions. The HSE proposes to expand public capacity by 446 beds in 2007 and by 414 in 2008. This expansion will take account of the regional variations identified in the HSE/Prospectus report. The running costs in full year of this additional public capacity will be €42m.

The Primary Care Strategy (2001) aims to develop services in the community to give people direct access to integrated multi-disciplinary teams of general practitioners, nurses, home helps, physiotherapists, occupational therapists and others. The Government has committed under the Towards 2016 agreement to the establishment of 300 Primary Care Teams by 2008; 400 by 2009; and 500 by 2011. A review of these targets will be undertaken in 2008.

The provision of the appropriate infrastructure for the effective functioning of Primary Care Teams is being considered by the HSE, having regard to a number of factors. These include the type and configuration of the services involved, the mixed public/private nature of our health

system, the suitability of existing infrastructure and the achievement of the best value for money.

Health Services.

174. **Mr. Ring** asked the Minister for Health and Children if there is physiotherapy available in a nursing home (details supplied) in County Mayo for the community to avail of. [9638/07]

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. 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.

Renewable Energy Grants.

175. **Mr. English** asked the Minister for Communications, Marine and Natural Resources if a grant exists for the installation of solar windows in houses. [9242/07]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):

In March 2006, I launched the Greener Homes Scheme, which is providing support to homeowners to invest in a range of renewable energy heating technologies including solar technology, wood biomass boilers and stoves, and heat pumps. Funding of €47m has been provided for the scheme.

Grant aid of €1,100 to €6,500 is being provided under the scheme, depending on the individual technology used. The grant for solar panels is €300 per m².

The scheme is being rolled out on behalf of my Department by Sustainable Energy Ireland (SEI) and all applications are being processed through SEI. Details of the scheme and application forms are available on the SEI website (www.sei.ie/greenerhomes), and a dedicated low-call phone line is also open (Phone: 1850 734 734).

Biofuels Sector.

176. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the volume of pure plant oil or ethanol expected to be produced here in 2007 which qualifies for maximum excise relief; the extent to which producers in excess of the number provided for have applied to participate; his plans to extend the scheme to meet the requirements of all producers and potential producers in 2007; and if he will make a statement on the matter. [9363/07]

179. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which adequate biofuels are being produced here to facilitate a 2.5% or 5% blend with petrol or diesel. [9380/07]

180. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the volume of petrol, diesel or bio-fuel replacements currently in use; his intention for the development of the biofuel industry. [9382/07]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 176, 179 and 180 together.

The Government is firmly committed to the development of an Irish biofuels market and to the increased development of bio-energy generally in Ireland. A range of initiatives are in place to support the development of a biofuels sector in Ireland. The Minister for Finance has made it clear that any extension in the amount of relief which formed part of the Budget 2006 announcement is not envisaged at this stage citing non-fiscal measures that can be used to promote Biofuels. In this regard on 12th February I signalled my intention to introduce a Biofuels Obligation by 2009, which will require all fuel suppliers to ensure that biofuels represent a certain percentage of their annual fuel sales.

In announcing the obligation, I have also committed to achieving 5.75% market penetration of biofuels by 2009, in advance of the date proposed for such a target in the EU Biofuels Directive. I have also committed to achieving 10% market penetration of biofuels in Ireland by 2010.

The introduction of the Biofuels Obligation will build on the success of the two biofuels excise relief schemes which were rolled out in 2005 and 2006. The 2005 pilot scheme has resulted in eight projects being awarded excise relief for a two year period including four pure plant oil, three biodiesel or other biofuel and one bioethanol proposal.

Under the pilot scheme, which commenced in 2005, there has been 2.128m litres of biofuel produced to the end of December 2006. Overall under the pilot scheme excise relief to the value of €1.562m has been given to the end of 2006 under the pure plant oil, biodiesel and bioethanol categories.

The second Biofuels Mineral Oil Tax Relief Scheme, valued at over €200m, was launched in July last year and will enable us to reach the initial target of 2% market penetration of biofuels by 2008. There were sixteen successful projects under the second scheme including three pure plant oil, four biodiesel, four bioethanol and five in the captive fleets category.

In the three months since the results of the scheme were launched, over 300,000 litres of biofuels have been placed on the market. Blends of up to 5% ethanol and biofuels complying with the

diesel standard EN590 are already being sold at regular petrol and diesel pumps, as a result of this scheme. This is in addition to the biofuels placed on the market under the pilot scheme. The scheme will enable us to reach the initial target of 2.2% market penetration of biofuels by 2008. When fully operational the relief is expected to support the use and production of some 163 million litres of biofuels each year. The scheme provides for production of 112m litres of biofuels in 2007, including 40m litres of bioethanol and 3m litres of pure plant oil. This is in addition to the pilot scheme, which provides for the production of 10.5m litres of bioethanol and pure plant oil in 2007.

The Biofuels Mineral Oil Tax Relief Schemes were rolled out as competitive calls for proposals. They involved an open and transparent process in which the scoring mechanism was published as part of the application form and accompanying documentation. The schemes were the subject of State Aids applications which were approved by DG Competition. Under State Aids Rules the process must be open and fair and subject to single market rules. 34 applications were received in respect of the 2005 pilot scheme and 102 applications were received under Scheme II.

On 4th March I published the Bioenergy Action Plan which sets out a series of cross-Governmental and inter-agency actions to support the deployment of bioenergy in Ireland. In formulating the plan, it was agreed that while excise relief is an effective short-term measure to stimulate the biofuels market, other policy initiatives, such as a renewables obligation, would be beneficial in the longer-term. The obligation will also give all market players the necessary long-term certainty to make appropriate investment decisions.

Telecommunications Services.

177. **Mr. Fleming** asked the Minister for Communications, Marine and Natural Resources his plans to provide broadband in areas of County Laois where it is currently unavailable. [9223/07]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised market, regulated by the independent Commission for Communications Regulation, ComReg.

It continues to be a priority of the Government that there will be broadband coverage across the entire country. However, despite Government and private investment in broadband I am aware that there are still some parts of the country, including areas in County Laois where the private sector is unable to justify the commercial provision of broadband connectivity. It is planned to address the question of availability of broadband

[Mr. N. Dempsey.]

to unserved areas via a new scheme which, when it is fully rolled out, will ensure that all reasonable requests for broadband from houses and premises in these unserved areas are met. A Steering Group comprising officials from my Department and ComReg is currently considering all elements of the proposed scheme and work on the design of an appropriate tender is underway. Indicative maps are being prepared to help inform the tendering process.

My Department's website www.broadband.gov.ie gives full details of broadband availability in all areas, including Asymmetric Digital Subscriber Line (ADSL), cable, fibre, satellite and fixed wireless. The website also lists prices of the various service levels on offer and contact details for each service provider.

Appointments to State Boards.

178. **Mr. Boyle** asked the Minister for Communications, Marine and Natural Resources the number of public appointments he made in the past two months. [9299/07]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have made seven public appointments in the past two months.

On 1st January 2007, two were made to Bord na Mona and four to the Electricity Supply Board (ESB). In addition, one further appointment as Chair of the Sea Fisheries Protection Authority was made on 22nd February 2007.

Questions Nos. 179 and 180 answered with Question No. 176.

Departmental Correspondence.

181. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources when correspondence will issue to a local authority (details supplied) in County Donegal; and if he will make a statement on the matter. [9391/07]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The Department is in communication with the Chief State Solicitor's Office concerning the preparation of an appropriate lease in respect of the proposed works. Priority is being given to this matter, and when a draft lease has been prepared, it will be forwarded to Donegal County Council for acceptance.

182. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources when correspondence will issue to a local authority (details supplied) in County Donegal; and if he will make a statement on the matter. [9392/07]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The harbour at Greencastle is owned by Donegal County Council and responsibility for its maintenance and development rests with the local authority in the first instance.

The first phase of the development at Greencastle involves the construction of a rock breakwater. Initially this involves the carrying out of mitigation works on a number of local properties (as required by An Bord Pleanála) prior to commencement of the project. The initial phase also involves some enabling works including some infilling on the foreshore to construct a haul road to the breakwater, boundary wall construction, coastal footpath formation and associated works. Once these works have been completed the breakwater itself can be constructed.

While this project was approved for funding under the Fishery Harbour Development Programme in 2006 on the usual basis of a 75% grant aid from the Department and a 25% contribution from the local authority, it did not proceed as Donegal County Council advised the Department that it was not in a position to co-fund the project at the normal rate.

Discussions have been ongoing between the Minister for Community, Rural and Gaeltacht Affairs, Donegal County Council and I with a view to progressing the project on an agreed basis. These discussions have been concluded and I will be making an offer of grant-aid to Donegal County Council shortly.

Appointments to State Boards.

183. **Mr. Boyle** asked the Minister for Foreign Affairs the number of public appointments made under the aegis of his Department in the first six months of 2002. [9293/07]

Minister for Finance (Mr. Cowen): I wish to advise the Deputy that no public appointments were made under the aegis of the Department of Foreign Affairs during the period in question.

184. **Mr. Boyle** asked the Minister for Foreign Affairs the number of public appointments he made in the past two months. [9306/07]

Minister for Foreign Affairs (Mr. D. Ahern): I wish to advise the Deputy that I have made no such appointments during the period in question.

185. **Mr. Boyle** asked the Minister for Arts, Sport and Tourism the number of public appointments made under the aegis of her Department in the first six months of 2002. [9287/07]

186. **Mr. Boyle** asked the Minister for Arts, Sport and Tourism the number of public appointments he made in the past two months. [9298/07]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 185 and 186 together.

As the Deputy is aware my Department was not established until mid June 2002. The follow-

ing table sets out the appointments I have made to State bodies under the aegis of my Department since the beginning of this year.

Name of Body/State Board	Appointments since 01/01/07	
National Sports Campus Development Authority (NSCDA)	Mr. Dan Flinter (Chair), Newly appointed Ms Mary Davis*, Newly appointed Ms Lucy Gaffney*, Newly appointed Mr. Con Haugh*, Newly appointed Mr. Sean Benton*, Newly appointed Mr. William Attley*, Newly appointed Mr. Tom Kiernan*, Newly appointed Mr. John Treacy*, Newly appointed Mr. Seán Donnelly*, Newly appointed Mr. Pat Hickey, Newly appointed Ms Caroline Murphy, Newly appointed Ms Miriam O'Callaghan, Newly appointed Mr. Christy O'Connell, Newly appointed	All newly appointed
Horse Racing Ireland	Mr. Michael Murphy Mr. Michael Doyle Mr. James Nicholson	All newly appointed
Bord na gCon	Mr Tony McKenna Mr. Frank O'Connell	Both re-appointed
Foynes Flying Boat Museum	Mr Peadar Caffrey	Newly appointed

*Members of the former Campus and Stadium Ireland Development (CSID) Board. NSCDA, which is a statutory body, succeeded CSID in function and responsibility with effect from 1 January 2007.

EU Directives.

187. **Mr. Quinn** asked the Minister for Enterprise, Trade and Employment if he has received correspondence from the European Commission dated 15 January 2007 regarding the Working Time Directive; if he responded by the deadline of 1 March 2007; the main points of his response; his views on whether Ireland is in compliance with the European Court of Justice judgements on on-call time, in particular the SiMAP and Jaeger cases, reference C303/98 and C151/02 respectively, as well as the Pfeiffer C-397/01 and Dellas C-14/04 cases; the steps he will take to ensure full compliance with the on-call provisions of the Working Time Directive and the relevant ECJ judgements; and if he will make a statement on the matter. [9243/07]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): I have received a letter from the European Commission on the transposition into Irish law of the Working Time Directive with a request that observations be provided no later than two months from the date of receipt of the letter. I understand that broadly similar letters have issued to twenty-two other Member States. A

response is currently being prepared and will issue within the timeframe of the request by the Commission i.e. by 17th March 2007.

Ireland endeavours to meet in full its obligations under European law and will continue to do so. On the basis of observations provided by Ireland, the Commission in its role as guardians of the Treaty will now be in a position to draw its own conclusions on the extent to which Irish legislation transposes the requirements of the Directive, having regard to rulings from the European Court of Justice.

Industrial Development.

188. **Mr. Perry** asked the Minister for Enterprise, Trade and Employment the number, with regard to the Institute for Trade and Investment of Ireland which was established in 1990 and whose function was to process visas for the Department of Justice, Equality and Law Reform, promote Ireland as a location for Taiwanese companies to do business in Europe, assist EI start up companies to find opportunities in Taiwan, promote Ireland's higher education and place FÁS graduates to companies in Taiwan, of these roles that have been carried out; his views on whether many opportunities have

[Mr. Perry.]

been lost; the plans in place to redress this matter; and if he will make a statement on the matter. [9262/07]

189. **Mr. Perry** asked the Minister for Enterprise, Trade and Employment the links established and the future plans to further develop opportunities in view of the fact that the current market for Taiwanese companies focus on two main sectors, digital media and software companies and international financial services projects; if his attention has been drawn to the fact that over 60,000 Taiwanese students enter England on student visas, whereas only seven student visas are granted for Ireland; his plans to redress same; and if he will make a statement on the matter. [9263/07]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern): I propose to take Questions Nos. 188 and 189 together.

In common with most Member States of the United Nations, Ireland recognises the Government of the People's Republic of China as the sole legitimate government of China. Taiwan's official status is that of a province of China.

The Institute for Trade and Investment of Ireland (ITII) was established in 1989 and it undertakes a range of activities related to the work of some Agencies. ITII promotes Ireland as a location for Taiwan investment. Enterprise Ireland (EI) avails of the services of ITII when necessary, in carrying out its role in promoting the development of Irish exports. This is in addition to the work of the EI office in Hong Kong which also manages activities for the Taiwan market.

In relation to the Deputy's enquiry regarding the ICT sectors, a number of EI clients from the IT and software sectors are very active in the Taiwan market, as Taiwan is a powerhouse in the Electronics sector generally. The world's largest contract semiconductor fabrication facilities are based in Taiwan and a number of Enterprise Ireland's client companies get their Integrated Circuits manufactured there. Ireland's merchandise trade with Taiwan is significant, in 2005 we exported goods to the value of €329m and our imports from Taiwan totalled €920m. In addition, services exports to Taiwan in 2005 totalled €518m and services imports were valued at €31m that year.

ITII also facilitates the work of Enterprise Ireland in recruitment for Irish Higher Education Institutions. The promotion of education is a relatively new activity in Taiwan and, as such, the scale of promotion is low at present but Enterprise Ireland will continue to promote Ireland there, as a location for educational services.

The Institute also handles Visa applications. All applications for student visas are determined by the Visa Office of the Department of Justice, Equality and Law Reform in Dublin. On receipt of such study visa applications, the turnaround time in the Dublin Visa Office is currently 5-7 days. This Department are not aware of the exact number of Educational Visas issued, as this is the responsibility of that Department.

FAS also uses the IITI office to promote its Overseas Graduate Programme. In recent years, the numbers of Irish graduates placed in Taiwan companies has been 4 in 2005, 1 in 2004 and 5 in 2003. I understand that FAS have recently reviewed this programme and plan to significantly increase the number of graduates placed in the Far East, over the next three years.

Appointments to State Boards.

190. **Mr. Boyle** asked the Minister for Enterprise, Trade and Employment the number of public appointments made under the aegis of his Department in the first six months of 2002. [9290/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): National Competitiveness Council: 6 Appointments were made to the NCC in the first 6 months of 2002.

The Competition Authority: 1 Appointment was made to the Competition Authority on 20th May 2002.

Industrial Development Agency Ireland: 2 Appointments were made to the Board of IDA Ireland in January 2002.

Enterprise Ireland: 1 Appointment was made to the Board of Enterprise Ireland on 8 May 2002.

Crafts Council of Ireland: 2 Appointments were made to the Board of the Crafts Council of Ireland in January 2002.

Shannon Free Airport Development Co. Ltd.: 3 Appointments were made to the Board of Shannon Development on May 22, May 24 and June 5, 2002.

Forfás: 2 Appointments were made to the Board of Forfas on February 7, 2002.

National Standards Authority of Ireland: 4 Appointments were made to the Board of the National standards Authority of Ireland in April 2002.

Employment Appeals Tribunal: 6 Appointments were made to the Board of the Employment Appeals Tribunal in the first six months of 2002.

191. **Mr. Boyle** asked the Minister for Enterprise, Trade and Employment the number

of public appointments he made in the past two months. [9303/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): Science Foundation Ireland: 1 Appointment made to the Board of Science Foundation Ireland in the last 2 months.

Company Law Review Group: 1 Appointment made to the Board of the CLRG in January 2007.

IDA Ireland: 2 Appointments were made to the IDA Ireland Board on 22 January 2007.

Crafts Council of Ireland: 1 Appointment was made to Board of the Crafts Council of Ireland on 27 Feb 2007.

Forfás: 2 Appointments were made to the Board of Forfás on 1 January 2007.

Employment Appeals Tribunal: 115 Appointments were made to the EAT on 30th January 2007. This comprised of 79 reappointments and 36 new appointments.

The Labour Relations Commission: 2 Appointments were made to the LRC in February 2007.

Expert Group on Future Skills Needs: 1 Appointment was made to the Expert Group on Future Skills Needs on 1 January 2007.

Community Employment Schemes.

192. **Mr. Cregan** asked the Minister for Enterprise, Trade and Employment the progress being made in relation to mainstreaming community employment schemes for those participants working with disabled people as personal assistants; and if he will make a statement on the matter. [9318/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): Community Employment (CE) is an active labour market programme designed to provide eligible long term unemployed people and other disadvantaged groups — such as Persons with a Disability, with an opportunity to engage in training and work experience within their communities on a temporary basis. There are approximately 3,000 CE participants inclusive of CE supervisors actively participating in health related services on this programme. An important element of these CE places is the learning that takes place and the qualifications that are gained by FÁS participants through these projects.

The CE programme with its focus on the needs of disadvantaged persons forms a major part of the FÁS response to tackling social exclusion, particularly with reference to Persons with a Disability.

The provision of labour market services to Persons with a Disability is a key priority of the FÁS Statement of Strategy, 2006-2009. In order to facilitate the continuity of provision of health related services to local communities FÁS has

ring-fenced and continues to maintain the number of places that provide such services.

Redundancy Payments.

193. **Mr. Durkan** asked the Minister for Enterprise, Trade and Employment the reason a person (details supplied) in County Dublin who received voluntary redundancy from Semperite Ireland in 1978 and 1979 did not receive the State or statutory level of payment in view of the fact that all other employees received their full payment at that time and on foot of the fact that they made an application for same at that time; and if he will make a statement on the matter. [9319/07]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): As indicated in a previous reply to Dail Question No. 1137 dated 31st January 2007 there is no record of a redundancy claim having been received in this Department in the respect of the person concerned.

On making the person concerned redundant, it is up to the employer to pay the statutory payment in the first instance.

If an employee is dissatisfied with the decision of the employer it is open to him to appeal the decision to the Employment Appeals Tribunal. However such an appeal must be made within 12 months of the date of termination of employment. In exceptional cases, the Employment Appeals Tribunal may allow a further delay of 12 months.

Grocery Industry.

194. **Mr. Ring** asked the Minister for Enterprise, Trade and Employment his views on whether there is a cartel in operation within the grocery trade, resulting in small suppliers being forced out of operation, when shops that are tied into a franchise are told not to purchase from small local producers; and if he will investigate this matter. [9394/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Competition Authority is the independent statutory body responsible for enforcing competition law in the State. I would urge anyone who is aware of, or who has suspicions regarding anti-competitive practices in the grocery sector, or indeed any other sector, to report all details to the Authority who will investigate the matter. On 20 March 2006 when the Competition (Amendment) Act 2006, which repealed the Groceries Order, came into force, I asked the Competition Authority to review and monitor the structure and operation of the grocery trade for the foreseeable future to see how it responds to the new legislative environment. The Chairperson of the Competition Authority appeared before the Joint Oireachtas Committee

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on Enterprise and Small Business on 21 February last and informed the Committee that the Competition Authority had commenced its Grocery Monitor Project and that the project would: Describe in some detail the structure of the retail and wholesale segments of the grocery sector; Report on business practices in the sector, especially pricing behaviour; and Consider barriers to entry and expansion with a particular focus on the planning system. Following analysis of the information compiled as a result of this project, a Report will be drafted and published by the Competition Authority. I understand that the Authority expects to publish a first report toward the end of the third quarter of 2007. Further reports will be published annually for as long as it is considered necessary or appropriate to do so. It remains the case that the Competition Authority has not received any complaints about the groceries sector since the commencement of the Competition (Amendment) Act 2006. I have however brought the substance of the Deputy's question to the attention of the Chairman of the Authority and asked that the issue be borne in mind as part of the monitoring project. If the Deputy has any further information in regard to this issue, I would suggest that he also pass this on to the Authority.

Social Welfare Benefits.

195. **Mr. G. Mitchell** asked the Minister for Social and Family Affairs if he will review the case of persons (details supplied) in Dublin 10 for rent supplement; and if he will make a statement on the matter. [9198/07]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme, which includes rent supplement, is administered on behalf of my Department by the Health Service Executive. It provides for the payment of a weekly or monthly supplement in respect of rent to eligible persons in the State whose means are insufficient to meet their accommodation needs. The Health Service Executive has advised that it has terminated payment of a rent supplement in this case as the person in question advised the Executive that he would be commencing full-time employment in February 2007. The Executive has further advised that the person concerned should contact the community welfare officer dealing with the case so that any possible continued entitlement to rent supplement can be determined. The community welfare officer will also advise him about any other payments he may be entitled to, such as family income supplement.

Departmental Expenditure.

196. **Mr. Ring** asked the Minister for Social and Family Affairs if there is a financial implication to

the changeover of the community welfare officers from the Health Service Executive to his Department; the offices these people will be using; if his Department will be renting out those offices from the HSE; when the transfer is complete, the location the CWOs will be working from; and if he will make a statement on the matter. [9276/07]

Minister for Social and Family Affairs (Mr. Brennan): In February 2006 as part of its reform of the Health Sector, the Government decided to transfer certain functions together with staff and other associated resources from the Health Service Executive to my Department. The functions to be transferred include the supplementary welfare allowance (SWA) scheme as well as certain other functions. The SWA scheme is currently administered by some 700 Community Welfare Officers (CWOs) and 59 superintendents and supporting clerical and other staff within the Community Welfare Service of the HSE. They will remain community based and will continue to provide key information, advice, advocacy and referral links between agencies following the transfer. The SWA scheme is already 100% funded by my Department and this includes overheads such as accommodation costs. The scheme is currently administered from over 1,000 locations throughout the country. In some cases, the service is provided from premises owned by the HSE. In other cases, the service is provided from premises leased by the HSE in respect of which my Department pays the rent in full or in part. In a small number of cases, the service is provided from Departmental premises. These arrangements will continue in place following the transfer. In November 2006, my Department published a report of a Review of the Supplementary Welfare Allowance Scheme. The report points to the need for a more streamlined approach to the delivery of income support through the Social Welfare system actively supported by case management. In that regard, the report provides a valuable working template to support the transfer programme. My Department's commitments in Towards 2016, the National Development Plan and the National Anti-Poverty strategy provide further under-pinning for this enhanced approach. The future development of the service following the transfer should see more co-location in Departmental premises. This would be more convenient for customers of the community welfare officer, most of whom are also the Department's customers. Co-location would also bring cost efficiencies. No net increase in Exchequer expenditure is envisaged arising from the transfer functions.

Appointments to State Boards.

197. **Mr. Boyle** asked the Minister for Social and Family Affairs the number of public appoint-

ments made under the aegis of his Department in the first six months of 2002. [9295/07]

Minister for Social and Family Affairs (Mr. Brennan): The statutory agencies operating under the aegis of my Department, in the first six months of 2002, under the then Minister Mary Coughlan T.D., were the Pensions Board, the Combat Poverty Agency, Comhairle, the Social Welfare Tribunal, the Commissioners of Charitable Donations and Bequests for Ireland and the Dormant Accounts Fund Disbursements Board. During that time appointments were made as set out below to the Pensions Board, established in December 1990 under the Pensions Act, 1990 and to the Dormant Accounts Fund Disbursements Board, established on 5 June 2002 under the Dormant Accounts Act, 2001.

Pensions Board

Name	Date Appointed
Michael O'Halloran	01/06/02
Carmel Foley	01/06/02

The Dormant Accounts Fund Disbursements Board

Name	Date Appointed
Conleth Bradley	05/06/02
Deirdre Carroll	05/06/02
Una Henry	05/06/02
Áine Hyland	05/06/02
Donal Ó Síocháin	05/06/02
Gerry Ryan	05/06/02
Seamus Thompson	05/06/02
Enda Twomey	05/06/02
Frank Ward	05/06/02

198. **Mr. Boyle** asked the Minister for Social and Family Affairs the number of public appointments he made in the past two months. [9309/07]

Minister for Social and Family Affairs (Mr. Brennan): The five statutory agencies operating under the aegis of my Department are the Pensions Board, the Combat Poverty Agency, the Citizens Information Board (formerly Comhairle), the Family Support Agency and the Social Welfare Tribunal. In addition the Pensions Ombudsman comes under the remit of my Department.

Appointments were made to the Combat Poverty Agency in the past two months, as set out below:

Combat Poverty Agency

Name	Date Appointed
Peter McKeivitt	26/02/07
Brian Duncan (Reappointed) (Chairperson)	08/03/07

Departmental Staff.

199. **Mr. Stanton** asked the Minister for Social and Family Affairs further to Parliamentary Question No. 213 of 28 February 2007, the number of staff in the Office of Social Inclusion; the grade levels of same; and if he will make a statement on the matter. [9312/07]

Minister for Social and Family Affairs (Mr. Brennan): The Office for Social Inclusion (OSI), located in my Department, has overall responsibility for the development, monitoring and reporting on the implementation of Ireland's National Action Plan for Social Inclusion 2007-2016. The Office, which comprises ten members of staff, co-ordinates the process across Departments, Agencies, Regional and Local Government, and implements key support functions. The grade levels of the staff include a Director, 1 Principal Officer, 2 Assistant Principals, 3 Higher Executive Officers, 2 Administration Officers and 1 Clerical Officer. The key challenge for the Office is to ensure that the social inclusion agenda is being implemented and further developed at national, regional and local levels of government in consultation with the relevant stakeholders. Further information about the Office and its work can be viewed on its website — www.socialinclusion.ie.

Social Welfare Benefits.

200. **Mr. Penrose** asked the Minister for Social and Family Affairs the reason spouses, partners or companions are not eligible to accompany free travel pass holders in Northern Ireland under the all Ireland free travel scheme which has been recently announced; and if he will make a statement on the matter. [9331/07]

Minister for Social and Family Affairs (Mr. Brennan): I have recently announced the implementation of the all-Ireland free travel scheme commencing from 2 April which will enable pensioners resident here and in Northern Ireland to travel free of charge on all eligible transport services on the island. This new scheme will extend the existing cross-border free travel arrangements by allowing pensioners resident here travel free of charge on all bus and rail services in Northern Ireland. Likewise, pensioners in Northern Ireland will travel free of charge on transport services in this State. More than 600,000 customers are in receipt of free

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travel, of which 430,000 are aged over 66 years. The balance of 170,000 free travel recipients are under the age of 66 and so do not qualify for the new scheme. The All-Ireland Free Travel Scheme is based on the existence of criteria of entitlements to free travel North and South for pensioners over the age of 66 and applies only in this category. The extension of the scheme to an all-Ireland free service for over 66's represents a significant expansion in travel opportunities. I will continue to examine any opportunities to further improve and expand on what will, from 2 April, be a very comprehensive free travel scheme. Any additional developments would have to be worked out in conjunction with the authorities in Northern Ireland. The existing cross-border travel scheme, introduced in July 1995, continues to apply to all free travel pass holders, to enable them to make journeys to a point in the Republic of Ireland to a destination in Northern Ireland.

201. **Mr. Durkan** asked the Minister for Social and Family Affairs the extent to which current Irish recipients of a social welfare payment can qualify for adult dependent allowance in respect of a foreign national spouse living outside this State due to failure to meet immigration requirements; and if he will make a statement on the matter. [9375/07]

Minister for Social and Family Affairs (Mr. Brennan): A qualified adult allowance is payable in addition to the personal rate of social insurance benefit or social assistance where a spouse or cohabiting partner is living with and is dependent on the beneficiary. There are limited circumstances where a person may receive a qualified adult allowance for a spouse where they are not living together — for example where the couple have separated and the spouse continues to be wholly or mainly maintained by the beneficiary, is not cohabiting with another person, does not have income in excess of the specified limit, and the support provided by the beneficiary is at least equal to the relevant rate of allowance. There is a general rule under the social welfare legislation that payment of a weekly social welfare payment is not made while the recipient or his/her qualified adult is absent from the State. However, payment may be allowed in certain specified circumstances and subject to certain conditions. For example, certain social insurance pensions such as State pension (contributory), State pension (transition); and invalidity pension which may include a qualified adult allowance can be payable abroad. Certain short-term social insurance benefits may also be payable abroad for brief periods, for example: illness benefit when the recipient has travelled abroad for the purpose of having treatment, or jobseeker's benefit or allowance for an annual holiday of up to two weeks. Thirdly, social insurance benefits which are

awarded under EU Regulation 1408/71 may be payable to EEA nationals while resident in another Member State of the European Union. In each of these circumstances, payments abroad may include payment of the qualified adult allowance where the relevant conditions are shown to be satisfied.

Consultancy Contracts.

202. **Mr. Allen** asked the Minister for Transport the consultants that have been appointed over the past three years to report on the break up of Aer Rianta; the position regarding the development of Shannon Airport and Cork Airport, particularly the development of the new terminal at Cork Airport and the issue of the debt burden. [9250/07]

Minister for Transport (Mr. Cullen): In 2003 my Department engaged the services of Price-WaterhouseCoopers (PWC) in association with Matheson Ormsby Prentice and Steer Davies Gleave to advise on the restructuring of the State Airports and on the drafting of the State Airports Act 2004. After the enactment of the legislation PWC were also engaged to advise me and the Minister for Finance on the implementation of the State Airports Act, and particularly on the development of Business Plans by the three Airports. The current position with regard to the development of Shannon Airport is that if it is to develop as a successful and sustainable business, it is clear that one of major issues that must be addressed in its business plan is the airport's uncompetitive cost base. When that obstacle is overcome the Airport will have a real opportunity to develop new markets and to attract the airline customers that it needs for its commercial future. In this context, I am glad to see that the Labour Relations Commission has once again engaged with all parties to seek to resolve the outstanding issues following the recent rejection of a comprehensive package designed to deal with the costs issues at Shannon put forward by the Dublin Airport Authority.

The Cork Airport Development Project, which was completed last year, is comprised not only of a new terminal, but also a fire station, car parks, a combined utility building and new roads and pathways and associated works at a total cost of €184 million. As I have said before, the funding of these developments will have to take account, not only of what is commercially and financially feasible for Cork Airport, but also what is commercially and financially feasible for Dublin Airport. If the Cork Airport Authority is to achieve autonomy in the foreseeable future, it will have to accept responsibility for a reasonable portion of the outstanding debt of €200 million, in return for the substantial assets to be transferred to it on separation. In deciding what level of debt is to be borne by Cork, it will have to be manifest to all concerned that it is a manageable debt burden

that would not put at risk the airport's commercial future. The future plans for both Shannon and Cork as independent airports must have regard to the capacity of each airport to contribute to its own capital investment programme.

Parking Regulations.

203. **Ms Shortall** asked the Minister for Transport further to Parliamentary Question No. 191 of 1 March 2007, if parking regulations apply to parking on footpaths which are situated on a road which is in the charge of a local authority but where the footpaths themselves are not in the charge of the local authority. [9277/07]

Minister for Transport (Mr. Cullen): The remit of the Minister for Transport and of the road traffic and parking regulations made under the Road Traffic Acts 1961-2006 to prohibit the parking of vehicles on footpaths only apply to footpaths on public roads. Areas adjacent to public roads or footpaths that are in private ownership such as, for example, a forecourt area in front of a shop, are not subject to road traffic law as regards parking and the owners or occupiers of such property can reserve parking in that private area for their own purposes. The road traffic and parking regulations (article 13(2) of S.I. No. 182 of 1997) permit a vehicle to be driven along or across a footway (i.e. a public road footpath) for the purpose of access to or egress from a place adjacent to the footway and this would include a private forecourt area in the example that I referred to.

State Airports.

204. **Ms O. Mitchell** asked the Minister for Transport if his attention has been drawn to the extent of the distributable reserves held by the Dublin Airport Authority; and if he will make a statement on the matter. [9278/07]

205. **Ms O. Mitchell** asked the Minister for Transport the basis on which the decision to allocate a proportion of Cork Airport's debt to the airport was reached; the financial information on which he relied upon in making this decision; if he will publish this financial information; and if he will make a statement on the matter. [9279/07]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 204 and 205 together.

I understand that the Dublin Airport Authority (DAA) has engaged the services of a consultancy firm to work with the management of the Cork Airport Authority in drawing up a business plan that would allow for the separation of Cork Airport from the DAA under the State Airports Act 2004. As part of that work the firm was also asked by the DAA to recommend an appropriate financing proposal for DAA, which would facili-

tate the statutory objective of airport separation in a timely manner, consistent with the requirements of the State Airports Act 2004 and the Companies Act. I understand that the outcome of this analysis was that Cork Airport could sustain a substantial portion of the overall debt while remaining a very viable enterprise. I am not in a position to publish the financial information as the report was commissioned by the DAA and not the Department of Transport. There is now a significant opportunity for Cork airport to achieve the autonomy that the region needs and desires. I believe that autonomy can proceed quickly provided the Cork airport board can agree a realistic business plan that includes an appropriate financial mechanism for the transfer of substantial assets to the Cork Airport Authority on vesting. The level of the distributable reserves of the Dublin Airport Authority is the responsibility, in the first instance, of the Board and Management of the company and details of the reserves are published annually in its audited accounts.

Open Skies Agreement.

206. **Mr. P. Breen** asked the Minister for Transport further to Parliamentary Question No. 422 of 27 February 2007, the transitional arrangements he envisages for Shannon in the event of an Open Skies agreement being reached between the EU and US on 30 April 2007; the capital investment he envisages for the region under his Department's tourism and economic development plan; and if he will make a statement on the matter. [9280/07]

Minister for Transport (Mr. Cullen): In November 2005, EU and US negotiators concluded work on the text of a first phase EU-US Open Skies agreement that included a transitional arrangement for Ireland, relating to the phasing out of the 'Shannon Stop'. During the transition period, the ratio of Dublin/Shannon flights would move from 1:1 to 3:1 so that for every one flight to or from Shannon, a carrier can provide three flights to or from Dublin. The draft agreement was unanimously endorsed at the December 2005 Transport Council subject to sufficient progress by the US side on opening up ownership and control of US airlines to EU investors.

Following difficulties on the US side, negotiations at EU-US level resumed in January 2007, with both sides reaffirming their commitment to the goal of concluding an EU-US agreement that would open access to markets and maximise benefits on both sides of the Atlantic. A draft Open Skies agreement between the EU and US was recently finalised and the text will be presented to Transport Ministers for decision at the next Council Meeting on 22 March 2007.

The transitional arrangements for Ireland incorporated in the proposed EU US Aviation

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Agreement in November 2005, related to the period from October 2006 to April 2008. It has recently been agreed with the US and the European Commission that these transitional arrangements will stand as originally agreed and that full liberalisation will take effect from April 2008.

As I indicated in my previous reply, my Department is currently finalising an Economic and Tourism Development Plan for Shannon, with a view to assisting Shannon Airport, and the wider region, to adapt to the proposed new arrangements. In preparing the Plan, my Department has consulted with the Department of Arts, Sports and Tourism, the Department of Enterprise Trade and Employment, the Department of Finance and the Department of Communications and Natural Resources. A liaison group, established by the Mid West Regional Authority, has separately prepared a report on the future development of the Shannon region as an input to the Plan.

It remains my intention to bring the Economic and Tourism Development Plan to fruition in the context of the formal agreement of the EU/US Open Skies proposals.

Appointments to State Boards.

207. **Mr. Boyle** asked the Minister for Transport the criteria and selection processes used for the appointment of the new chairman of the Railway Procurement Agency; the job specification attached to the new appointment, with particular reference to the chairmanship of the new Dublin Transportation Authority; the statutory powers invested in the new position; the persons involved in the recruitment process; and the mechanism for independent oversight of the process that was put in place. [9285/07]

Minister for Transport (Mr. Cullen): In accordance with section 20(6) of the Transport (Railway Infrastructure) Act 2001, each member of the Railway Procurement Agency (RPA), including the Chairman, shall be a person who the Minister for Transport deems has wide experience and competence in relation to one or more of the areas listed in that section.

Mr. Tom Mulcahy, whom I appointed as Chairman of the RPA on 7 February last, has more than 30 years experience in the financial services industry and he brings unparalleled business and management expertise to his new role in the Agency.

Appointments to the Board of the RPA are made under the relevant provisions of the 2001 Act, in particular sections 20, 21 and 23.

I will be publishing the Dublin Transport Authority Bill during the current Dáil session. The Bill will provide for the establishment of the Authority on a statutory basis including the appointment of a chairman and board.

I decided that it was appropriate at this juncture to appoint Mr. Tom Mulcahy as Chairman designate to commence the preparatory work for the establishment of the Dublin Transport Authority in advance of the enactment of the legislation. Pending enactment of the Bill no statutory powers are vested in this position.

208. **Mr. Boyle** asked the Minister for Transport the number of public appointments made under the aegis of his Department in the first six months of 2002. [9296/07]

209. **Mr. Boyle** asked the Minister for Transport the number of public appointments he made in the past two months. [9310/07]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 208 and 209 together.

The following table sets out the position concerning public appointments made during the first 6 months of 2002 and the past 2 months.

State Body	Public Appointments During the First 6 Months of 2002 (9296/07)	Public Appointments During the First 2 Months of 2007 (9310/07)
National Roads Authority	6	3
Córas Iompair Éireann	1	0
Aer Rianta	3	Not Applicable
Dublin Airport Authority	Not Applicable	0
Cork Airport Authority	Not Applicable	5
Shannon Airport Authority	Not Applicable	5
Advisory Council to the Commission for Taxi Regulation	Not Applicable	0
National Safety Council	9	Not Applicable
Road Safety Authority	Not Applicable	0
Medical Bureau of Road Safety	0	1
Railway Procurement Agency	6	4
Dublin Transportation Office	0	0
Irish Aviation Authority	3	0
Marine Casualty Investigation Board	2	0

State Body	Public Appointments During the First 6 Months of 2002 (9296/07)	Public Appointments During the First 2 Months of 2007 (9310/07)
Dundalk Port Company	10	1
Drogheda Port Company	4	0
Dublin Port Company	6	0
Dún Laoghaire Harbour Company	8	0
Galway Harbour Company	7	0
New Ross Port Company	8	0
Port of Cork Company	7	0
Port of Waterford Company	0	0
Wicklow Port Company	9	0
Shannon Foynes Port Company	9	0

Rail Services.

210. **Mr. Stanton** asked the Minister for Transport further to Parliamentary Question No. 255 of 21 February 2007, if he has made a decision on the railway order application; if he has not signed the railway order; the reason for not having done so; when he expects to sign the order; and if he will make a statement on the matter. [9311/07]

Minister for Transport (Mr. Cullen): The position remains as set out in my reply to Parliamentary Question No. 255 of 21 February 2007. I will make a decision on the Railway Order in the near future.

Road Network.

211. **Mr. Bruton** asked the Minister for Transport the spending under the roads programme of the National Development Plan 2000-2006; and the percentage of projects completed as measured in kilometres or other appropriate measures of physical completion on motorway projects on national primary road projects and on national secondary road projects as reportable to the monitoring committees. [9342/07]

Minister for Transport (Mr. Cullen): The Government's objectives for national roads under the National Development Plan 2000 to 2006 were as follows:

- Completion of the Major Interurban Routes (MIUs) to the Border (M1), Galway (N4/6), Limerick (N7), Cork (N8) and Waterford (N9).
- The upgrade of the M50.
- The completion of the Dublin Port Tunnel.
- Improvement works on sections of other primary and secondary national routes.

By the end of 2006 all of the road schemes on the MIU's were through statutory approval procedures. 70% of the routes were completed or in construction and all are due for completion in 2010. The Dublin Port Tunnel was opened to traffic in December 2006.

The nature of the M50 upgrade as originally envisaged in the NDP has changed radically. The upgrade will now be carried out in three phases, two of which are already underway. Full completion is expected in 2010.

Transport 21 has set down new revised targets for the National Roads Programme. I understand from the NRA that they are on schedule to meet these new targets.

Should the Deputy require additional more detailed information, I would draw his attention to the bi-annual reports drawn up by my Department and presented to the Economic and Social Infrastructure Operational Programme Monitoring Group. All of these reports (since 2000) are available in the Oireachtas library and on my Department's website (www.transport.ie). The latest report covers the period January to June 2006. The report covering the period from June to December 2006 will be available in April 2007 and its findings will be published shortly thereafter.

Port Sector.

212. **Mr. Bruton** asked the Minister for Transport the date when it was decided to review port capacity and develop a strategy for the future; and when it is expected that this will be published. [9383/07]

214. **Mr. Bruton** asked the Minister for Transport the additional capacity which has been added to Ireland's seven national ports in the past six years; and his estimate of available spare capacity in each of the ports at present. [9385/07]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 212 and 214 together.

The Ports Policy Statement, which I launched in January 2005, aims to better equip the port sector and its stakeholders to meet national and regional capacity and service needs.

One of the key challenges that lie ahead is the provision of adequate in-time port capacity, particularly for unitised trade (LoLo and RoRo). The Policy Statement sets out a framework to

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ensure that capacity needs are identified, planned and progressed in a coordinated manner.

As part of this process, in September 2005 my Department appointed a firm of consultants expert in this field, Fisher Associates, to help determine whether the anticipated capacity requirement to 2014 and beyond can be efficiently and adequately met through the successful advancement and implementation by the port sector of some combination of the various proposals currently under development in the sector.

Detailed submissions outlining proposals for new capacity for unitised trade were received from the following ports and evaluated by Fisher Associates: Cork, Greenore, Dublin, Drogheda, Rosslare, Shannon Foynes and Waterford.

The final report of Fisher Associates was completed in June 2006 and its conclusions were noted by the Government in July 2006. The broad conclusions of the report were published in an Information Paper, which is available on my Department's website at www.transport.ie.

With regard to spare capacity the report concludes that there is currently significant available capacity for LoLo traffic at Irish ports. Current available capacity for RoRo traffic also exists, although less so than in the case of LoLo. The ports operate in a competitive market, and therefore detailed information on the spare capacity at each port would be regarded as commercially sensitive information.

With regard to additional capacity that has been added to over the past six years, I can inform the Deputy that in total 10 port infrastructure projects have received funding to date under the Seaports Measure of the previous NDP 2000-2006. To date approximately €14.5 million of grant aid has been paid to these projects, following a competitive call for proposals. Further funding is still available in 2007 for eligible expenditure related to the approved projects.

In addition to these grant-aided projects, each of the ten port companies have also made significant investments from their own resources to develop their ports and increase capacity. These investments have facilitated a growth in tonnage throughput in the State's ports of 32% between 2000 and 2005 (CSO figures).

Public Transport.

213. **Mr. Bruton** asked the Minister for Transport the number of buses in the Dublin Bus fleet; the passenger capacity and passengers carried each year from 1999 to 2006; the number of Dart carriages; the passenger capacity of the rolling stock and the passengers carried in each year from 1999 to 2006; the number of Dublin suburban rail carriages; the passenger capacity and the passengers carried in each year from 1999 to 2006; and the share of Dublin commuter traffic

held by cars, public transport and other means in each year from 1999 to 2006. [9384/07]

Minister for Transport (Mr. Cullen): The information requested is currently being compiled by my Department in conjunction with Dublin Bus, Irish Rail and the Dublin Transport Office and will be forwarded to the Deputy.

Question No. 214 answered with Question No. 212.

215. **Mr. Bruton** asked the Minister for Transport the number of Luas carriages on each of the Luas lines; the passenger capacity of same; and the passenger carryings in each year since they opened. [9388/07]

Minister for Transport (Mr. Cullen): The information requested by the Deputy is as follows:

	Red Line	Green Line
No. of trams	26 (30 Metre)	14 (40 Metre)
Capacity of tram	235 people	310 people
Passenger Nos.		
2004	2.2 million	4.4 million
2005	11 million	11.2 million
2006	13.7 million	12.1 million

Appointments to State Boards.

216. **Mr. Boyle** asked the Minister for Community, Rural and Gaeltacht Affairs the number of public appointments made under the aegis of his Department in the first six months of 2002. [9288/07]

217. **Mr. Boyle** asked the Minister for Community, Rural and Gaeltacht Affairs the number of public appointments he made in the past two months. [9300/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I propose to take Questions Nos. 216 and 217 together.

The Department of Community, Rural and Gaeltacht Affairs was established on the 6th June 2002, and I can confirm that no public appointments were made by my Department in the period 6th June to 30th June 2002.

In the period 1st January 2007 to date, in accordance with the Dormant Accounts Acts, 2001 to 2005, two public appointments have been made to the Dormant Accounts Board, both effective from the 22nd February 2007.

Food Safety Standards.

218. **Dr. Upton** asked the Minister for Agriculture and Food if she or her officials have held either informal or formal discussions directly with the Food Safety Authority of Ireland or with her

colleague the Minister for Health and Children regarding the phenomenon of food fraud; if her attention has been drawn to the work being carried out by the UK Food Standards Agency in the area of food fraud; the action her Department is taking to contribute to the eradication of this threat to the integrity of Ireland's food industry implementation to date; the number of DNA tests to detect food fraud on food sold here been carried out either at her Department's behest or by other Departments; and if she will make a statement on the matter. [9214/07]

Minister for Agriculture and Food (Mary Coughlan): My Department enforces food legislation on behalf of the Food Safety Authority of Ireland (FSAI) by way of a service contract agreed between the Department and the Authority. In accordance with the service contract officials from my Department meet on a regular basis with the FSAI to discuss food safety and the enforcement of related regulations. During these discussions all aspects of food safety are raised, including where necessary the question of food fraud, to ensure that consumer health interests are protected through official controls undertaken by DAF personnel.

The concept of food fraud encompasses a wide variety of possible activities the intent of which is to mislead the consumer as to the nature, origin or quality of a food product. The Food Safety Authority, my Department and the other official agencies engaged in food law enforcement will ensure that there will be appropriate enforcement action taken where any such activities are suspected. Such action will include prosecution of offenders where necessary.

The Food Safety Authority of Ireland has undertaken a range of activities in the area of food fraud in recent years. In addition to establishing a cross Agency working group which considered the issues relating to illegal imports of products of animal origin and providing training on import controls to HSE inspectors, two investigations which highlight this work are:

1. Investigation of the composition and labelling of chicken breast fillets from the Netherlands imported into Ireland — February 2003
2. Analytical and traceability survey to determine the authenticity of honey labelled as Irish on the Irish market — May 2006

In all cases of food fraud, the Food Safety Authority of Ireland and the relevant Official agencies consider prosecution wherever deliberate fraud is found.

The Food Safety Authority of Ireland is currently completing work on an audit to determine compliance with labelling and traceability legislation. As part of this project 12 official samples were taken by FSAI personnel. These samples have been sent for DNA testing. The results of these tests are not yet available.

In April 2006, the UK Food Standards Agency Food Fraud Task Force (FFTF) consisting of 14 members (was convened and the Food Safety Authority of Ireland was also asked to participate.

Meetings of the FFTF are attended by FSAI staff, as was a recent seminar on Food Authenticity held at Food Standard Agency Headquarters in London. The seminar looked at recently developed methods that could be used to support food authenticity and enforcement with the aim of ensuring consumers receive accurate information about food products they purchase.

Farm Waste Management.

219. **Mr. Crawford** asked the Minister for Agriculture and Food the number of farmers who have applied under the new farm waste management scheme; the number of applications sanctioned to date; if she has satisfied herself that there is sufficient personnel available in the farm development offices to process the urgent applications where facilities need to be sanctioned and built for pollution control this season; and if she will make a statement on the matter. [9233/07]

Minister for Agriculture and Food (Mary Coughlan): 48,580 applications were received by my Department under the Farm Waste Management Scheme by the closing date of end-December 2006. This figure includes incomplete applications (e.g. missing the required drawings) and those for which planning permission has either not yet been applied for or is still awaited. Farmers and their advisers have until end-March 2007 to submit the required drawings and, where planning permission is required, to confirm that they have applied for planning permission. Of course, approval to proceed with the works concerned cannot issue until written evidence of the issue of such planning permission has been received by my Department.

To date, approximately 10,600 approvals have been issued to farmers to commence work under the Scheme and revised arrangements are being introduced later this week to speed up the approval process under the Scheme. The staffing levels in the local AES offices of my Department are reviewed on an ongoing basis to ensure that the necessary staffing resources are in place to ensure delivery of the Scheme.

Horticulture Sector.

220. **Mr. Sargent** asked the Minister for Agriculture and Food the way she will respond to the Irish Farmers Association's claim that the vegetable growing industry will be gone within three years if the present situation with regard to the dominance of supermarket multiples persists. [9282/07]

Minister for Agriculture and Food (Mary Coughlan): The vegetable sector is a very important sector of the horticultural industry which is capable of further substantial growth and development. The value of farm gate output of the fresh vegetables sector in 2006 is estimated at €80m of which outdoor field vegetables were valued at approximately €60m. While there has been a consolidation of grower numbers over the last number of years, production has remained relatively steady. As is common for all sectors of the food industry the vegetable sector has experienced strong competitive pressures from the highly concentrated retail chain which has resulted in static or falling prices. The Deputies will appreciate that in a free market situation the Minister does not have the power to set prices.

However, my Department provides substantial indirect support to the sector through the EU Producer Organisation Scheme and through the National Development Plan.

The Producer Organisation Scheme provides a mechanism for producers to work together to strengthen their position in the market place by becoming part of a larger supply base, and thereby putting them in a position to negotiate more effectively with the supermarket multiples. Since 2000 over €24m in EU aid has been paid out to Irish POs of which fruit and vegetable POs have received approximately €2m. The proposals for reform of the Common Organisation of the Market for Fruit and Vegetables, which were presented to the Agriculture Council on 29 January, identify a strengthening of the role for POs as the core part of the strategy for improving the competitiveness of the fruit and vegetable sector in the future. The number of vegetable growers involved in Producer Organisations is relatively small. All growers should be encouraged to consider the potential benefits which membership can bring to their enterprise.

Under the 2000-2006 NDP Scheme of Investment Aid for development of the Commercial Horticulture Sector over €20m has been paid out of which in excess of €3m was provided to vegetable producers. This scheme has enabled vegetable growers to reduce costs and improve the quality of products. Further grant aid of €10.5m has been provided for downstream developments in the edible horticulture industry of which the vegetable sector has been the main beneficiary. Under the new National Development Plan 2007-2013 some €49m is being provided for horticultural producers and I hope to be in a position to announce the commencement of this scheme shortly following its clearance by the European Commission. In accordance with the Agri-Vision 2015 Action Plan this support which will be strategically targeted will improve the overall development and competitiveness of the sector.

Afforestation Programme.

221. **Mr. Cuffe** asked the Minister for Agri-

culture and Food the reason there is no requirement to use any native species of tree in the national afforestation programme, Growing for the Future; and if she will make a statement on the matter. [7476/07]

Minister for Agriculture and Food (Mary Coughlan): The Planting policy on species selection seeks to increase the diversity of species planted in Irish forests.

For landowners planting under the national afforestation programme, the choice of species is a matter for the individual who is planting, subject to site suitability and its inclusion in the Forest Service's Approved Species List. This list includes several native species.

Direct Payment Schemes.

222. **Mr. Naughten** asked the Minister for Agriculture and Food when she will issue farmers with a copy of her Department's inspection checklist on cross compliance; and if she will make a statement on the matter. [8798/07]

Minister for Agriculture and Food (Mary Coughlan): Insofar as the Department's inspection checklist on cross compliance is concerned this is an internal checklist used for the 2006 inspections which was made available to the farming organisations and the farmers being inspected. It is not a document for completion by the farmer. This checklist is being reviewed as part of the full review my Department is carrying out on the inspection arrangements for the Single Payment Scheme with a view to simplification of the arrangements (including paperwork) where possible while, at the same time, ensuring compliance with the regulatory requirements. The review of the inspection report forms together with the outcome of the Commission's review of the cross-compliance arrangements generally, will be fully discussed with the farming organisations before the inspections for 2007 get underway.

223. **Mr. Naughten** asked the Minister for Agriculture and Food if she will ensure that farmers can receive their REP scheme payment and compensatory allowance on lands used to grow renewable crops; and if she will make a statement on the matter. [8799/07]

Minister for Agriculture and Food (Mary Coughlan): REPS farmers availing of the €45 per ha premium under the EU Energy Crops Scheme will have their REPS payment adjusted to avoid double payment on the area planted to comply with EU regulatory requirements. They will, however, qualify for the 50% establishment grant and the €80 per ha national top up payment.

As payment under the Area-Based Disadvantaged Areas Compensatory Allowances Scheme is based on eligible forage areas i.e. lands used for grazing of cattle, sheep, horses, goats or deer,

it will not be possible to pay this allowance on lands where bio energy crops are produced.

Genetically Modified Organisms.

224. **Mr. Naughten** asked the Minister for Agriculture and Food the plans her Department has to evaluate the economic implications of the use of genetically modified organisms; and if she will make a statement on the matter. [8847/07]

Minister for Agriculture and Food (Mary Coughlan): I wish to inform the Deputy that Teagasc, at my request, carried out a study in 2006 involving the 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 soya bean 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.

I have no plans at present to commission any further evaluations on the economic implications of the use of genetically modified organisms.

Direct Payment Schemes.

225. **Mr. Naughten** asked the Minister for Agriculture and Food if she will introduce a specific single farm payment reserve fund to allocate a top payment to those who fared poorly under the national reserve allocation due to the DED averaging system; and if she will make a statement on the matter. [8808/07]

Minister for Agriculture and Food (Mary Coughlan): The position is that the Single Payment Scheme is applicable to farmers who farmed during the three-year reference period 2000-2002, who drew down livestock or Arable Aid premia in at least one of those years and who continued to farm in 2005. The Single Payment Scheme

entitlements established for individual farmers, therefore, are a true reflection of their farming activity and premia draw-down during the reference period. Special provisions were made for farmers (including young farmers) who entered farming for the first time in either 2001 or 2002. Their Single Payment was determined based on the average of the years 2001 and 2002 or on the basis of premia paid in 2002 as appropriate.

The EU regulations also provided for the setting up of a National Reserve. In Ireland's case, the Reserve was created by reducing each farmer's individual Single Payment by an amount of up to 1.82%. The purpose of the National Reserve is to try and minimise the impact on farmers who, for a variety of reasons, may find themselves disadvantaged in the transition to the new decoupled support regime as a result of changes in their businesses during or since the reference period. There were mandatory and non-mandatory categories of farmers catered for when working allocations under the 2005 National Reserve. The mandatory categories included those who inherited land that was leased out during the reference period, those who made investments in production capacity or purchased or leased land on a long-term basis or who converted from dairying to a sector for which a direct payment would have been payable during the reference period. The non-mandatory categories were those dealing with new entrants and certain hill sheep farmers who were prevented from increasing production during the reference period pending the publication of commonage framework plans. Separate application arrangements were in place for this latter group.

In allocating entitlements to successful applicants in the mandatory categories the Member State must apply objective criteria and ensure equal treatment between farmers. In allocating entitlements to successful applicants in the non-mandatory categories the Member State must ensure that the allocation does not have the effect of increasing the value of any existing entitlements above the regional average value of entitlements. Similarly, the value of any new entitlements allocated to non-mandatory categories must not exceed the regional average. The Member State was allowed to determine what constituted the regional average.

I established a Single Payment Advisory Committee comprising representatives of the farming organisations, Teagasc and officials from my Department to assist me in considering the objective criteria that should be used in making allocations from the reserve to the mandatory categories and also the most appropriate way to determine the regional average value of entitlements in the case of the non-mandatory categories. Having considered the Committee's views, I decided that the regional average value of entitlements would be the average value of entitlements in the District Electoral Division (DED) associ-

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ated with the applicant's herd number. This was considered to be a reasonable interpretation reflecting, as it did, the average value of payment entitlements and therefore the average farming activity in the DED concerned during the reference period.

The total amount of money available for distribution under Ireland's 2005 National Reserve was some €22.7m of which some €18m has already been allocated. Any remaining balance will be carried forward to the 2006 and subsequent years' Reserve. In this connection the Member State is only obliged to have one mandatory category from 2006 onwards for farmers who inherited land that was leased out during the reference period. However, I have arranged that new entrants to farming would again be catered for under the 2006 National Reserve.

I'm sure the Deputy will appreciate that the National Reserve is a scarce resource created by reducing the entitlements of existing farmers and will only be replenished by a claw-back on sales of entitlements and the relinquishing of any entitlements that remain unused. My Department must, therefore, be prudent in determining how the funds in the reserve are administered. I have no plans therefore to create a new reserve as suggested by the Deputy.

Disadvantaged Areas Scheme.

226. **Mr. Callely** asked the Minister for Agriculture and Food the level of funding available in 2007 under the area aid compensation allowance scheme; the level of payments made under the scheme in 2005 and 2006; and if she will make a statement on the matter. [9191/07]

Minister for Agriculture and Food (Mary Coughlan): My Department has allocated €257 million for the 2007 Area-Based Disadvantaged Areas Compensatory Allowance Scheme. This amount includes provision for an across-the-board payment increase of 8% over and above the 2006 basic grant rates. At present, approval is awaited from the EU Commission for the 2007 Scheme, which forms part of the Rural Development Programme Plan 2007 to 2013.

Under the 2006 Scheme my Department has to date paid €252.16 million to 101,244 farmers. This includes €18.46 million of Modulation Funds, which was used to pay a top-up of approximately 7.9% on the basic grant rates. Modulation is the process whereby each farmer's Single Payment entitlement is reduced by a set percentage — 3% in 2005, with up to 80% of the resulting amount being retained in Ireland for spending on Rural Development measures.

Under the 2005 Scheme my Department has to date paid €235.85 million to 101,996 farmers.

Horticulture Sector.

227. **Mr. Callely** asked the Minister for Agriculture and Food the level of supports for the development and promotion of horticultural production to growers; if she will provide a breakdown of such supports; the regions involved in 2006; and if she will make a statement on the matter. [9192/07]

Minister for Agriculture and Food (Mary Coughlan): My Department has contributed to the development of the horticulture industry particularly through its grant aid schemes under the National Development Plan. These schemes have been a catalyst for investment and growth and have assisted producers to upgrade or develop new production facilities and have also enabled commercial enterprises to improve marketing and processing facilities.

The Scheme to assist capital investment on farms under the National Development Plan 2000-2006 aimed to promote the specialisation and diversification of on-farm activities, improvement in the quality of products and to facilitate environmentally friendly practices and improved working conditions on farms. My Department has paid grant aid amounting to some €20 million to producers under the NDP Scheme of Investment Aid for the Development of Commercial Horticulture. In addition under the NDP Capital Investment Scheme for the Marketing and Processing of Agricultural Products a total of €18.7 million has been awarded to operators in the fruit, vegetable and potato sectors. Taken together, these two schemes have leveraged an investment of over €110 million in these sectors so far in the new millennium. Both schemes were available to applicants in the BMW (Border, Midlands and West) and SE (South and East) regions.

Under the new National Development Plan 2007-2013, further substantial funding, circa €50 million, has been earmarked for producers. I intend to announce the first phase of this scheme for 2007 as soon as the programme is cleared under the EU rules.

In addition fruit and vegetable producers benefit from EU aid under the Producer Organisation (PO) scheme. POs provide their members the opportunity to concentrate marketing, reduce production costs and stabilize prices. The proposals for reform of the Common Organisation of the market for fruit and vegetables, which were presented to the Agriculture Council on 29 January, identify a strengthening of the role for POs as the core part of the strategy for improving the competitiveness of the fruit and vegetable sector in the future. The proposals include measures for crisis management organized through POs and enhanced aid for measures both within and outside the PO framework to promote consumption of fruit and vegetables particularly by young people.

Since 2000, twenty Irish POs have benefited from EU funding amounting to €24 million. With proposals now on the table for greater flexibility in the EU rules, governing the formation and operation of POs, I hope to see them playing a much greater role in the future in supporting Irish producers of fruit and vegetables.

Food Safety Standards.

228. **Mr. Callely** asked the Minister for Agriculture and Food if all imported food products meet with the best practice in health and hygiene standards particularly poultry; and if she will make a statement on the matter. [9193/07]

244. **Mr. Durkan** asked the Minister for Agriculture and Food if she has satisfied herself that all poultry and poultry products imported are compliant with labelling, traceability, husbandry, production and hygiene standards; and if she will make a statement on the matter. [9346/07]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 228 and 244 together.

All poultry meat and poultry meat products imported into Ireland for human consumption are subject to checks to ensure compliance with both EU and National regulations.

Detailed EU legislation lays down the conditions that Member States must apply to the production of and trade in products of animal origin, including poultry meat and poultry meat products, as well as to imports of these products from third countries.

Under harmonized legislation a series of health and supervisory requirements are applied in the Member States to ensure that animal products are produced to standards that guarantee the safety of food and the protection of human and animal health. The application of these standards in the Member States is monitored by the FVO (Food & Veterinary Office) of the EU.

It is a requirement that animal products imported from third countries meet standards at least equivalent to those required for production in, and trade between, Member States. All such imports must come from third countries or areas of third countries approved for export to the EU.

The FVO carries out inspections to ensure that only establishments that meet hygiene and health standards equivalent to those operating within the EU are approved. Where the FVO considers that public health requirements are not being met, an establishment may be removed from the EU approved list. If outbreaks of animal diseases occur in a third country approval to export to the EU is suspended for the infected regions of the country, or the whole country, as appropriate, until the disease risk has been eliminated.

Import controls form a part of the EU's integrated policy of guaranteeing that the food produced and placed on to the market is safe and

that animal and public health is not put at risk. They are a part of the EU's hygiene package the implementation and monitoring of which is carried out since 1999 by my Department under the Service Contract with the Food Safety Authority of Ireland.

Food Labelling.

229. **Mr. Callely** asked the Minister for Agriculture and Food if her attention has been drawn to concerns or gaps in the labelling framework of food products particularly imported produce; and if she will make a statement on the matter. [9194/07]

Minister for Agriculture and Food (Mary Coughlan): The enforcement of all food labelling regulations is centralised in the Food Safety Authority of Ireland (FSAI). This work is carried out through a number service contracts between the FSAI and other Government Department and Agencies including my own Department. The Department of Health & Children is responsible for general food labelling regulations, the Department of Communications, Marine & Natural Resources has responsibility for the labelling of fish and my Department is responsible for the labelling of specific food products including beef and poultry meat at processing plants.

I assume that the Deputy is referring to the issue of substantial transformation which is defined in Article 24 of Council Regulation (EEC) No 2913/92 establishing the EU Customs Code as "Goods whose production involved more than one country shall be deemed to originate in the country where they underwent their last, substantial, economically justified processing or working in an undertaking equipped for that purpose and resulting in the manufacture of a new product or representing an important stage of manufacture".

A central element of food labelling is that the consumer should not be misled. It is my firm view that the concept of substantial transformation should not be used for the purposes of misleading the consumer as to the origin of raw materials.

I have made my concerns in this respect known to the EU Commission both in the context of the review being carried out by them on "Labelling, competitiveness, consumer information, better regulation for the EU" and in the Council of Ministers as well as in bilateral contact with Commissioners Fischer Boel and Kyprianou. I will continue to pursue this matter at EU level.

Grant Payments.

230. **Mr. McHugh** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Galway was refused the single farm payment in 2005 and 2006; and if she will make a statement on the matter. [9217/07]

Minister for Agriculture and Food (Mary Coughlan): In order to receive payment under the Single Payment Scheme, a person must have Single Payment Entitlements. The person named does not have Single Payment Entitlements. He did not farm during the reference years 2000-2002. He inherited land from his mother in 2001 but did not commence farming in his own right until 2005. He did not inherit any entitlements because the land that he inherited had been rented out to another farmer during the reference years. He did not lease in or buy in any entitlements. As a new entrant to farming in 2005, he could have applied for entitlements to the National Reserve. There is no record of such an application.

231. **Mr. Crawford** asked the Minister for Agriculture and Food when a farmer (details supplied) in County Monaghan will be awarded their REP scheme payment which was due in September 2006 but held up on a technicality; if she has satisfied herself that this is an acceptable way to encourage young farmers; and if she will make a statement on the matter. [9224/07]

Minister for Agriculture and Food (Mary Coughlan): My Department's records have revealed that the farming enterprise of the person named produced considerably in excess of the REPS upper limit of 170 kgs organic nitrogen per hectare in 2005. This is a serious breach of the Scheme conditions. He was informed of this breach by letter on 4 September 2006 and was asked for an explanation. He provided an unsatisfactory explanation on 18 December 2006 and my Department will be writing to him again shortly.

232. **Mr. Crawford** asked the Minister for Agriculture and Food when a farmer (details supplied) in County Cavan will have their inheritance sorted out and money awarded; and if she will make a statement on the matter. [9225/07]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application for an allocation of entitlements from the 2005 Single Payment Scheme National Reserve under Categories A B and D.

Category A caters for farmers who inherited land or received land free of charge or for a nominal sum from a farmer who had retired or died by 16 May, 2005 and who had leased out his/her holding to a third party during the reference period 2000 to 2002. The person named was deemed unsuccessful under this category as the land was not acquired free of charge or for a nominal fee.

Category B caters for farmers who made an investment in production capacity in a farming sector for which a direct payment under Live-stock Premia and/or Arable Aid schemes would have been payable during the reference period 2000-2002. Investments can include purchase or

long term lease of land, purchase of suckler and/or ewe quota or other investments. The person named applied in relation to investment in land and was deemed successful.

A formal letter outlining my Department's decision on the National Reserve has issued to the person named and the relevant payment due has issued.

Category D caters for farmers who inherited or purchased land and who commenced farming after 31 December, 2002 or who commenced farming in 2002 but who received no direct payments in respect of that scheme year. The person named was deemed unsuccessful under this category as leased land was not eligible under this category in 2005.

The person named submitted an appeal against this decision. This appeal was forwarded to the Independent Single Payments Appeals Committee who have completed their review and they have upheld my Department's decision. A letter outlining the decision of the Committee has issued to the person named.

The person named also submitted an application for an allocation of entitlements from the 2006 Single Payment Scheme National Reserve under Category B.

Category B in the 2006 National Reserve caters for farmers who commenced farming after 31 December, 2002 or who commenced farming in 2002 but who received no direct payments in respect of that scheme year.

The position is that processing of the 2006 National Reserve applications will commence shortly and the intention is to make allocations to successful applicants at the earliest opportunity.

A formal letter outlining my Department's decision on the 2006 National Reserve will issue to the person named as soon as his application has been processed.

233. **Mr. Naughten** asked the Minister for Agriculture and Food the reason for the delay in issuing a single farm payment to a person (details supplied) in County Roscommon; and if she will make a statement on the matter. [9229/07]

Minister for Agriculture and Food (Mary Coughlan): The position is that an application for the Transfer of Entitlements under the Single Payment Scheme to the person named was submitted on the 27th April 2006.

During processing of the Transfer application it was necessary for an official of my Department to request specific documentation relating to the application. The requested information was received and the application is now fully processed.

Payment in respect of 12.51 transferred entitlements will issue shortly.

234. **Mr. J. O'Keeffe** asked the Minister for Agriculture and Food the reason there has been

a delay in the REP scheme payment to a person (details supplied) in County Cork. [9249/07]

Minister for Agriculture and Food (Mary Coughlan): There has been no delay in dealing with this application, which was received on 18 January and was processed in accordance with Charter of Rights for Farmers guidelines. Payment issued on 28 February.

Farm Retirement Scheme.

235. **Mr. Perry** asked the Minister for Agriculture and Food the reason hundreds of retired farmers are suffering severe financial hardship due to an unfairly implemented EU pension scheme; the measures in place to redress same; and if she will make a statement on the matter. [9270/07]

Minister for Agriculture and Food (Mary Coughlan): I do not accept that the EU co-funded Schemes of Early Retirement from Farming have been implemented unfairly. As regards the level of pension under the 1994–1999 and 2000–2006 Schemes, the possibility of a co-funded increase was raised with the European Commission on a number of occasions but they ruled it out. In 2006, however, I secured an indication from the Commission that they would not object to the payment of a top-up amount to existing Scheme participants provided it was funded entirely from the National Exchequer. As part of the Towards 2016 agreement negotiated with the farming organizations, the maximum rate of pension payable under the 1994 Scheme was increased from €12,075 to €14,075 and the maximum rate of pension payable under the 2000 Scheme went up from €13,515 to €15,000. These increases which were paid with effect from 1 November, 2006 will cost some €33 million extra over the remaining period of the two Schemes and some 5,000 retired farmers will benefit from them.

As regards the deduction of national retirement pensions from Early Retirement pensions, this is a requirement of the EU Council Regulations under which the 1994 and 2000 Early Retirement Schemes were introduced. In the earlier years of the 1994 Scheme, not all national retirement pensions were offset against the EU-funded pension. Following clarification from the European Commission, a broader definition of national retirement pensions was applied. However those participants who had already joined the Scheme continued to benefit from the previous arrangement.

Regarding 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 reverts 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 in the Early Retirement Scheme who farmed during part or all of the reference period and who held 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.

Live Exports.

236. **Mr. Gregory** asked the Minister for Agriculture and Food the number of cattle and calves exported from the Republic of Ireland to continental Europe in 2006 by direct roll-on, roll-off ferry from Ireland to the Continent, by ferry and road via Britain using the UK land-bridge route and by other means. [9271/07]

237. **Mr. Gregory** asked the Minister for Agriculture and Food the minimum age at which calves can be exported from the Republic of Ireland to continental Europe; the number of calves under six weeks old that were exported from the Republic of Ireland to continental Europe in 2006; and the number of calves under six weeks old that travelled from the Republic of Ireland to the continent in 2006 by ferry and road via Britain using the UK land-bridge route. [9272/07]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 236 and 237 together.

Two Roll on-Roll off vessels are approved for the carriage of livestock including cattle, sheep and pigs. Horses may be transported on these vessels also under certain specified conditions. One of the vessels is authorised to carry 21 approved livestock vehicles and the second vessel is authorised to carry 4 approved livestock vehicles. Both vessels operate on the Rosslare to Cherbourg route. There are no vessels approved at present to transport cattle from here to Great Britain but the UK land-bridge route via Larne is used for some exports to the continent.

The transport of calves on journeys over 8 hours is permitted only in respect of calves that are older than fourteen days.

[Mary Coughlan.]

A total of 251,203 cattle of all ages including calves were exported to all destinations in 2006 of which 222,350 were exported to continental Europe. In 2006 a total of 91,569 calves less than 6 weeks old were exported from Ireland to continental Europe. Details of the routes used for these exports are not readily available.

Appointments to State Boards.

238. **Mr. Boyle** asked the Minister for Agriculture and Food the number of public appointments made under the aegis of her Department in the first six months of 2002. [9286/07]

Minister for Agriculture and Food (Mary Coughlan): Some 13 appointments to public bodies under the aegis of my Department were made in the first six months of 2002.

239. **Mr. Boyle** asked the Minister for Agriculture and Food the number of public appointments she made in the past two months. [9297/07]

Minister for Agriculture and Food (Mary Coughlan): In the last two months, I have made four appointments to public bodies under the aegis of my Department to fill vacancies routinely arising.

Installation Aid Scheme.

240. **Mr. Durkan** asked the Minister for Agriculture and Food the position in relation to an application for installation aid in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [9316/07]

Minister for Agriculture and Food (Mary Coughlan): The person concerned is an applicant for grant-aid under the Installation Aid Scheme. His application for payment (IAS 2) form is currently being examined within my Department and the outcome will be notified shortly.

Farm Waste Management.

241. **Mr. Durkan** asked the Minister for Agriculture and Food the steps she will take to encourage the proliferation of anaerobic digesters to cater for farm waste, improve efficiency, become more eco-friendly and contribute to the energy grid; and if she will make a statement on the matter. [9343/07]

Minister for Agriculture and Food (Mary Coughlan): Under the 2007-2013 Rural Development Programme, it is proposed to grant-aid the construction of on-farm waste processing systems, including anaerobic digestion. The details of the proposed Scheme will be established as soon as

EU approval is received for the overall Programme.

242. **Mr. Durkan** asked the Minister for Agriculture and Food the methodology for the disposal of bonemeal or similar products; and if she will make a statement on the matter. [9344/07]

Minister for Agriculture and Food (Mary Coughlan): The meat sector in Ireland generates approximately 560,000 tonnes of animal by-products annually, which in turn is rendered into 150,000 tonnes of meat and bone meal (MBM) and 90,000 tonnes of tallow.

The EU ban in November 2000 on the feeding of MBM to cattle had the effect of transforming a product with a high commercial value to a product with significant disposal costs. In the aftermath of the ban all MBM produced in Ireland was either stored in Ireland or the UK or exported to other Member States for incineration or co-incineration in cement or electricity plants. During the period following the MBM feed ban, the Exchequer supported the livestock and meat sectors by subsidising the rendering and destruction of the product (costing €146m between 2001 and 2003), as did most other EU countries.

The costs of dealing with MBM have since been passed back to the industry. The cost has been particularly high for the Irish livestock and meat sectors because of the absence of domestic disposal facilities. Other Member States generally had domestic disposal facilities.

The legislative basis for the control and use of animal by-products including MBM is Regulation (EC) No 1774 of 2002. The Regulation classifies animal by-products into three risk categories, ranging from Category 1 (high risk material, totally excluded from the foodchain) to Category 3 (material fit for human consumption, but not intended for that purpose, which poses little or no risk). The Regulation approves a number of disposal methods for animal by-products, depending on their category. These include incineration or co-incineration for all risk categories. Composting/biogas treatment or incorporation in organic fertilisers is permissible for Categories 2 and 3. In addition, Category 3 can be incorporated in technical products or petfood.

The Regulation also provides for the approval of safe alternative disposal methods, including alkaline hydrolysis, biodiesel production and combustion of animal fat in thermal boilers. The Regulation was transposed in Ireland by S.I. 248 of 2003, as amended by S.I. 707 of 2005 and S.I. 612 of 2006.

Recently, a power plant and a cement company have been examining the possibility of using MBM as a fuel in a co-incineration process with fossil fuels. The cement company has concluded a six-month test programme, during which approximately 6,000 tonnes of MBM was burnt. The test results are currently being reviewed with

the EPA and the company is planning to burn up to 50,000 tonnes annually thereafter i.e. about one-third of total Irish annual production levels. The use of MBM in power plants and cement factories would have significant benefits for the industries involved, for the meat industry and for the environment.

Agricultural Exports.

243. **Mr. Durkan** asked the Minister for Agriculture and Food the producing countries now presenting the strongest competition for Irish agricultural exports on European or world markets; and if she will make a statement on the matter. [9345/07]

Minister for Agriculture and Food (Mary Coughlan): Bord Bia estimates that agri-food exports were worth in excess of €8 billion in 2006. This was against a backdrop of increasing competitive pressures and a strengthening euro.

Over 80% of Irish dairy production is exported, with the majority being traded on the EU market. Exports in 2006 exceeded €2 billion with an increase in the volume of primary products sent abroad, as well as strong export growth in infant formula and value added products. The outlook for 2007 foresees renewed pressure on international dairy markets as increased output levels from New Zealand, the US and Argentina impact on the market. While output levels from Australia are significantly limited due to the recurrent drought situation, over a longer time frame they are also projected to expand their market share as production increases.

Irish beef exports were boosted by growth in demand on EU markets and were estimated to have grown by 14% to €1,525 million in 2006. The main competition to Irish beef exports on both EU and Third Country markets comes from the low cost South American producers of Brazil, Argentina and more recently Uruguay. While in 2006 access to European markets was somewhat restricted by the import restrictions imposed on Brazil as a consequence of Foot and Mouth Disease outbreaks and the self imposed temporary suspension of Argentinean exports, the European Commissions projects that beef imports into the EU will resume a continuing pattern of growth and reach 750,000 tonnes by 2013.

Irish sheepmeat exports were estimated to be worth €180 million in 2006, down slightly on 2005, reflecting reduced production. Our lamb competes on EU markets, chiefly in France, with product from the UK and New Zealand and to a lesser extent Spain. Imports into the EU have increased in response to reduced EU production in recent years and are expected to stabilise at around 275,000 tonnes in the coming years.

The continued success of the Irish agri-food sector on domestic and international markets will depend on a number of factors including the need to maintain competitiveness, the ability to deliver

added-value products and the stability of US dollar/Euro exchange rates. Actions to support the competitiveness of the agri-food sector are set out in the Agri Vision 2015 Action Plan and in the National Development Programme.

Question No. 244 answered with Question No. 228.

World Trade Negotiations.

245. **Mr. Durkan** asked the Minister for Agriculture and Food the future for agriculture and the food producing sector in general in the context of the World Trade Organisation; and if she will make a statement on the matter. [9347/07]

Minister for Agriculture and Food (Mary Coughlan): The Government is committed to achieving a balanced outcome between the various elements of the WTO negotiations. Insofar as agriculture and the food-producing sector are concerned, the outcome of the negotiations will determine the levels of protection and support which the EU may provide for the duration of the next agreement. The negotiations represent, therefore, a serious challenge to the future of the Common Agriculture Policy.

My over-riding objective is to ensure that the terms of the final agreement can be accommodated without the need for further reform of the CAP and I am determined that any such agreement must be balanced and must not be concluded at the expense of EU and Irish agriculture.

The Agrivision 2015 Action Plan which I published in March 2006 sets out my vision for a competitive, consumer-focused and knowledge driven agri-food sector which will contribute to a vibrant rural economy, society and environment and which exploits opportunities in non-food areas. In addition to a broad vision statement, the Plan sets out one hundred and sixty six specific actions to be implemented for the development of the sector. It was drawn up in the light of recent CAP reforms and the likelihood of a more liberalised trade policy under a new WTO agreement but also against the background of other changes which will impact on the sector such as lifestyle changes, the emergence of technology and Research and Development as market drivers and structural changes in the farming and the retail sector.

Greenhouse Gas Emissions.

246. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which CO₂ emissions are expected to become part of the negotiations in respect of the food industry in the context of the global economy and the World Trade Organisation; and if she will make a statement on the matter. [9348/07]

247. **Mr. Durkan** asked the Minister for Agriculture and Food the extent importation of food or food products from Asia, Australia or the Americas is deemed to be eco-friendly having particular regard to CO₂ emissions in transportation; and if she will make a statement on the matter. [9349/07]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 246 and 247 together.

Currently there is no mandate within WTO for the negotiation of agreements relating to trade and environment. Indeed, there is major resistance within the membership of the WTO, mainly from developing countries, to consideration of issues relating to trade and environment. Thus, it is unlikely that CO₂ emissions will become part of any negotiations in respect of the food industry in a global or WTO context.

The impact of greenhouse gas emissions from international aviation and maritime transport is not an issue that can be resolved by any individual or bloc of countries, such as the European Union. It must be addressed at international level such as through the Kyoto Protocol. The European Union has already taken the lead in tackling emissions from international aviation and Ireland supports the proposal from the European Commission to address such emissions through the Union's Emissions Trading Scheme.

Dairy Industry.

248. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which Irish dairy exports are expected to continue or expand in the future in view of the reduction in the national herd; and if she will make a statement on the matter. [9350/07]

Minister for Agriculture and Food (Mary Coughlan): Ireland has been successful in building EU and world market trade over a sustained period. This has been supported by consistent efforts to promote and market Ireland's dairy produce in these markets by Irish operators. Over 80% of Irish dairy production is exported to EU and world markets.

Ireland's milk production is limited by the milk quota regime which was introduced in the early 1980s. During this period the structure of dairy farming across the EU and in Ireland has changed. While the number of herds and producers has fallen milk yields per cow and farm sizes have increased. Despite these changes overall national milk production has remained stable at the national reference level of 5.3m tonnes and Ireland's dairy sector has continued to develop significant export growth, with dairy exports which were valued at €730m in 1997 increasing by almost three-fold to €2.08bn last year.

The key challenges in the medium term will be to ensure that family farming and the Irish agri-

food sector is at the heart of an evolving high-value food market which is focussed on quality and innovation. This is at the core of Government strategy, evidenced by the new National Development Plan 2007-2013, AgriVision 2015 and the new Partnership Agreement Towards 2016.

Food Labelling.

249. **Mr. Durkan** asked the Minister for Agriculture and Food if all meat and meat products imported are labelled and compliant with the disease, hygiene and traceability standards applicable here; and if she will make a statement on the matter. [9351/07]

Minister for Agriculture and Food (Mary Coughlan): Meat and meat products imported from an EU source must come from an approved establishment and be accompanied to its destination by a commercial document or a health certificate signed by an official veterinarian of the competent authority of the Member State of origin. In the case of importation from third countries meat and meat products must originate in a country approved by the EU for trade in such products, have been produced in an approved establishment and be accompanied by a health certificate in accordance the provisions of Community legislation and must be presented for inspection at an EU Approved Border Inspection Post.

Checks are carried out by the EU Food and Veterinary Office to ensure that EU requirements are being complied with and I am satisfied that my Department and other State Agencies have a system in place to ensure that all food imported into this country complies with National and EU Regulations.

I have been in regular contact with Commissioner Kyprianou on the issue of meat imports and he has assured me that the Commission will not hesitate to take the appropriate protection measures if a product, imported from a third country or produced in the domestic market represents a risk for the health of EC consumers or livestock. A representative of the Commission gave the same assurance to the Joint Oireachtas Committee in September 2006.

Purchase for Destruction Scheme.

250. **Mr. Durkan** asked the Minister for Agriculture and Food the methodology used to dispose of bonemeal or other products which arose as a result of the beef destruct scheme; and if she will make a statement on the matter. [9352/07]

Minister for Agriculture and Food (Mary Coughlan): The carcasses of all animals slaughtered under the Purchase for Destruction Scheme have been rendered and incinerated. All material generated under the scheme was rendered and destroyed. Meat and bone meal was disposed of

at approved incineration facilities in Germany and the UK in 2001 and 2002. Tallow was also incinerated. All hides from the PFD Scheme were processed at tanneries in Ireland.

Alternative Energy Projects.

251. **Mr. Durkan** asked the Minister for Agriculture and Food the acreage and variety of biofuel crops growing or proposed in 2007; and if she will make a statement on the matter. [9353/07]

Minister for Agriculture and Food (Mary Coughlan): My Department administers the Energy Crop Scheme and the Non-Food Set-aside Scheme, under the auspices of the Single Payment Scheme. The aid 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 a farmer on his/her holding.

The closing date for the 2007 scheme is 4 May 2007, by which time applicants must have declared the areas being applied for under the above Schemes, on their Single Payment Scheme application form, and have submitted the appropriate contract to my Department.

The areas and varieties of crops sown under the relevant schemes in 2006 are:

Winter Wheat: 199.86 hectares; Spring Wheat: 34.92 hectares; Spring Oilseed Rape: 1,812.68 hectares; Winter Oilseed rape: 2,130.51 hectares; Willow: 54.03 hectares; Miscanthus: 120.23 hectares; Oilseed rape (general): 323.27 hectares.

Food Industry.

252. **Mr. Durkan** asked the Minister for Agriculture and Food her vision for the growth of the food production sector in the future; and if she will make a statement on the matter. [9354/07]

Minister for Agriculture and Food (Mary Coughlan): The landscape in which the industry operates is changing rapidly. All elements of the landscape including policy, the regulatory environment, retail and foodservice buying-power/configuration, consumption trends, supply structures, and production/processing technology are changing — with the pace of change increasing.

The Agri-Vision 2015 Report sets out a vision identifying the delivery of safe, high-quality, nutritious food, produced in a sustainable manner, to well-informed consumers in high value markets as the optimum road for the future of the Irish food industry. The 160 actions in the Agri-Vision Action Plan, which I launched last year, form a coherent strategy for implementation, which is reinforced by the 2016 Partnership Agreement and the National Development Plan (NDP) 2007-2013.

The agriculture and food elements alone of the NDP will account for total public expenditure of €8.7 billion and together they constitute an integrated package that addresses the overall developmental needs of the sector and specific requirements in the areas of competitiveness, consumer-focus and innovation.

The sector will also benefit from the huge investment in transport and other infrastructure in the NDP, which is key to sustained competitiveness and to growing sales and exports. Agribusiness enterprise will also have full access to the generic industry supports in the NDP for research, technology, knowledge building, skills and people and will benefit from the increase in NDP funding for food research. My Department will double funding of public good food research and expand funding of research back through the food and production chain.

In addition, some €289 million is provided in the specifically in the Plan for the food industry for capital investment and marketing. A capital investment envelope of up to €200 million will underpin huge investment in key areas of the food industry. This includes a core €100 million fund to support investment of €300 million in the dairy sector for which evaluation of proposals is underway; an investment fund of up to €50 million, which will shortly be launched for the beef sector, and funding of projects in other Annex I sectors which have been approved. Some €90 million will be provided for marketing including funding for An Bord Bia for generic promotion, market supports in line with EU rules, promotion of quality and quality assurance.

The fact that food and drink exports exceeded €8 billion for the first time in 2006 despite competitive challenges augurs well for its resilience and continued importance to the economy. I am committed to the detailed strategies and mechanisms established under Agri-Vision 2015 plan and the National Development Plan to enable agribusiness enterprise continue to develop to its full potential.

Farm Waste Management.

253. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which she proposes to improve, increase or enhance incentives to cater for farm yard waste thereby reducing the threat of pollution; and if she will make a statement on the matter. [9355/07]

Minister for Agriculture and Food (Mary Coughlan): Under the 2007-2013 Rural Development Programme, it is proposed to continue grant-aid for—

- (a) the provision of on-farm slurry storage and related facilities, including slurry spreading equipment;

[Mary Coughlan.]

(b) the construction of on-farm waste processing systems, including anaerobic digestion systems.

The Schemes concerned will be introduced as soon as EU approval is received for the Programme.

Farm Retirement Scheme.

254. **Mr. Durkan** asked the Minister for Agriculture and Food the number of applicants who have opted for the farm retirement scheme in each of the past 10 years to date in 2007; and if she will make a statement on the matter. [9356/07]

Minister for Agriculture and Food (Mary Coughlan): Payments are currently being made under two Schemes of Early Retirement from Farming. Details of the number of participants who began to receive payments under the 1994 Scheme of Early Retirement from Farming, which closed to new applications on 31 December 1999 and the Early Retirement Scheme which was introduced in November 2000 and closed to new applications on 31 December 2006, are set out in a table for each of the years 1996 to 2007.

Year ended	First Scheme (1994-99)	Second Scheme (2000-06)
31 December 1996	1,795	N/A
31 December 1997	1,796	N/A
31 December 1998	1,305	N/A
31 December 1999	1,608	N/A
31 December 2000	N/A	41
31 December 2001	N/A	805
31 December 2002	N/A	809
31 December 2003	N/A	528
31 December 2004	N/A	307
31 December 2005	N/A	296
31 December 2006	N/A	263
02 March 2007	N/A	62*

*Relates to applications received prior to 31 December 2006.

Food Industry.

255. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which beef, lamb, dairy or cereal production has increased or otherwise in each of the past 10 years; and if she will make a statement on the matter. [9357/07]

Minister for Agriculture and Food (Mary Coughlan): Statistics available from the Central Statistics Office show the trend in output value at farm gate prices for cattle, sheep, milk and crops for the period 1996 to 2006. They reflect changes in both output volumes and market prices and do not take into account direct payments.

€m	Cattle	Sheep	Milk	Cereals
1996	1,482.7	241.8	1,536.0	201
1997	1,382.6	230.0	1,414.5	160
1998	1,385.0	214.0	1,431.2	143.1
1999	1,330.7	198.0	1,408.7	164.1
2000	1,382.1	203.4	1,447.1	185.1
2001	1,260.3	284.4	1,566.2	169.8
2002	1,179.0	202.1	1,413.0	141.9
2003	1,244.0	193.2	1,431.8	171.7
2004	1,346.1	200.4	1,417.5	181.4
2005	1,413.2	191.9	1,369.0	125.7
2006	1,479.4	190.4	1,323.0	163.0

Alternative Farm Enterprises.

256. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which deer farming has expanded or contracted in the past five years; and if she will make a statement on the matter. [9358/07]

Minister for Agriculture and Food (Mary Coughlan): Official data on deer farming is available from the Census of Agriculture which is carried out by the Central Statistics Office roughly every ten years. The first and so far only Census of Agriculture that included deer was in June 2000. This stated that there were farmed deer on 266 farms. Teagasc has estimated that the number of farms involved in deer production peaked in the mid 1990s at about 450 and they would estimate that the number currently stands at between 200 and 250.

The structure of deer farming has altered over the last ten years and the number of units has decreased. While there are fewer enterprises now, they are larger, more specialised and moving towards quality assured high value product outlets.

Food Industry.

257. **Mr. Durkan** asked the Minister for Agriculture and Food the markets that she has identified for expansion in respect of Irish food exports; and if she will make a statement on the matter. [9359/07]

Minister for Agriculture and Food (Mary Coughlan): The Agri Vision 2015 Action Plan, has identified emerging market opportunities in Continental EU and Asian markets in particular for our food and drink exports. There is also potential in existing markets that are already well established such as the United Kingdom. Markets are becoming increasingly competitive and fast moving. The Agri Vision 2015 Plan of Action which I launched last year, sets out measures to promote competitiveness, innovation and respon-

siveness to consumer demand, to exploit these markets.

Considerable progress has been achieved with Irish beef in recent years (particularly in Italy and Holland) and Bord Bia is planning to use its Marketplace event later this year to showcase exporters to buyers from the Continent. While the primary objective is to consolidate market penetration within the EU for high quality and value-added products, it is also important to expand industry access to commercially attractive third country markets. In relation to beef, and in line with that policy, there has been a very considerable shift in our trade towards the EU market which now takes 92% of our overall exports, compared with 51% 5 years ago.

Changing market access, combined with rapid economic development is creating significant opportunities in many countries in the Asian region for some of our leading exporters. Bord Bia is planning to establish a full-time presence in Shanghai from which it can assist these exporters on the ground. It has identified particular opportunities in pigmeat, ingredients and alcoholic beverages in the short-term and is working together with my Department on market access for beef.

Dairy and drinks exports are also significant with dairy products being exported to over 100 countries worldwide. The main products are butter, cheese, skimmed milk powder (SMP), whole milk powder (WMP) and casein and products containing dairy ingredients such as baby food, liqueurs, dairy spreads are also exported. I have worked hard to assist in the development of new and existing markets for Irish dairy products through ensuring that all the market aid mechanisms available are deployed in an effective manner so as to enable the dairy sector consolidate and grow its share of international markets.

Direct Payment Schemes.

258. **Mr. Ring** asked the Minister for Agriculture and Food if she will review the cross compliance farm inspection checklist in order that it is more reasonable and takes account of practical farming conditions and eliminates inspection duplication; and if she will make a statement on the matter. [9393/07]

Minister for Agriculture and Food (Mary Coughlan): The position is that under the Charter of Rights for Farmers, my Department is committed to ensuring the maximum level of integration of inspections across all areas including inspections under the Single Farm Payment Scheme, the Disadvantaged Areas Scheme and the Rural Environment Protection Scheme. This integration means that control checks are carried out in relation to eligibility of land declared, identification and registration of animals on the holding, and compliance with the other 18 Statutory Management Requirements (SMRs) under cross-com-

pliance in one farm visit. On this basis, the overall number of annual inspections associated with the Single Farm Payment Scheme is unlikely to exceed 8,000. This is a very significant reduction from the 18,000 inspections annually under the old coupled regime.

My Department is in regular contact with the European Commission with a view to simplification of Single Payment Scheme requirements with particular reference to the arrangements for cross-compliance inspections. In this connection the European Commission is currently undertaking a full review of the cross-compliance regime and the results of that review will be considered by the Council of Ministers during April. I have personally met with my German and French counterparts with a view to emphasising the importance of achieving progress on the simplification issue during the German presidency. In tandem with this my Department is carrying out a full review of the inspection arrangements and checklists for the Single Payment Scheme with a view to simplification of the arrangements (including paperwork) where possible while, at the same time, ensuring compliance with the regulatory requirements. The review of the inspection report forms together with the outcome of the Commission's review of the cross-compliance arrangements generally, will be fully discussed with the farming organisations before the inspections under the 2007 regime get underway.

Insofar as the Department's inspection checklist on cross compliance is concerned this is an internal checklist used by my Department officials for the 2006 inspections which was made available to the farming organisations and the farmers being inspected. It is also available on my Department's website www.agriculture.ie. It was not, or ever intended as a document to be completed by farmers but as an internal record of the check carried out.

Forestry Sector.

259. **Mr. Sargent** asked the Minister for Agriculture and Food if she will amend the remit of Coillte in relation to the provision and management of recreational woodland; and if she will make a statement on the matter. [9215/07]

Minister for Agriculture and Food (Mary Coughlan): The remit of Coillte in relation to the provision and management of recreational woodland areas is currently set out in its Memorandum of Association. Coillte recognises its role in the provision of recreational facilities and has produced a revised and updated policy on recreation, 'Recreation Policy-Healthy Forests, Healthy Nation', which I launched in October 2005. I am keeping this situation under review but I have no plans at present to amend Coilltes remit in this regard.

[Mary Coughlan.]

Question No. 260 answered with Question No. 33.

Direct Payment Schemes.

261. **Mr. Naughten** 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.

[8834/07]

Minister for Agriculture and Food (Mary Coughlan): My Department is in regular contact with the European Commission with a view to simplification of Single Payment Scheme requirements with particular reference to the arrangements for cross-compliance inspections. In this connection the European Commission is currently undertaking a full review of the cross-compliance regime and the results of that review will be considered by the Council of Ministers during April.

In tandem with this my Department is carrying out a full review of the inspection arrangements for the Single Payment Scheme with a view to simplification of the arrangements (including paperwork) where possible while, at the same time, ensuring compliance with the regulatory requirements. The review of the inspection report forms together with the outcome of the Commission's review of the cross-compliance arrangements generally, will be fully discussed with the farming organisations before the inspections for 2007 get underway.

Higher Education Grants.

262. **Mr. McHugh** asked the Minister for Education and Science if adequate support will be provided to trainee teachers to cover the cost of classroom materials during their time on teaching practice. [9190/07]

Minister for Education and Science (Ms Hanafin): Teaching practice is an integral part of the curriculum for the training of both primary and post-primary teachers and, as such, my Department does not provide special financial assistance for students towards costs associated with teaching practice.

The Deputy will be aware that teacher education programmes provided in approved third level institutions are also approved courses for the purposes of the Higher Education Grants Scheme. Under the terms of the Scheme, grant holders who are required to participate in off-campus placement as part of their course of study may have their grant entitlement paid in the normal manner. Accordingly, student teachers who are eligible for grant assistance continue to receive their entitlements while undertaking teaching practice.

My Department funds four maintenance grant schemes for third level and further education students which are administered by the Local Authorities and the Vocational Education Committees. The Higher Education Grant Scheme operates under the Local Authorities (Higher Education Grants) Acts, 1968 to 1992. Generally speaking, students who are entering approved courses for the first time are eligible for maintenance grants where they satisfy the relevant conditions as to age, residence, means and nationality. An approved third level course for the purpose of the HEG and the VEC Scholarship Schemes means a full-time undergraduate course of not less than two years duration and a full-time postgraduate course of not less than one year's duration pursued in an approved institution. The Schemes outline the respective courses which are approved for grant purposes. Any student who is eligible to receive a maintenance grant under these Schemes continues to have the grant paid to them during their teaching practice.

In addition, my Department allocates funding each year to third level institutions under the Student Assistance Fund. This fund is available in order to assist students who may be experiencing difficulties in continuing their studies because of financial hardship. The disbursement of this funding is a matter for individual institutions in line with guidelines issued by my Department.

My Department has no plans to introduce an additional scheme of financial assistance, over and above the current provision, in relation to the training of teachers.

Third Level Fees.

263. **Mr. J. O'Keeffe** asked the Minister for Education and Science the regulations regarding residency here and eligibility for the free fee scheme for third level students. [9199/07]

264. **Mr. J. O'Keeffe** asked the Minister for Education and Science the date in relation to the residency regulations for the free fee schemes from when the residency is calculated. [9200/07]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 263 and 264 together.

Under the terms of my Department's Free Fees Initiative the exchequer meets the tuition fees of full-time eligible students. The main conditions are that students must (a) be first-time undergraduates; (b) hold E.U. nationality; and (c) have been ordinarily resident in an E.U. Member State for at least three of the five years preceding their entry to an approved third level course. Students with official refugee status in Ireland and who have three years residency in Ireland (from official date of lodgement of application for refugee status) may also be considered under the Free Fees Initiative.

Eligibility is determined at date of entry to the course of study. The third level institutions are autonomous bodies and, as such, may determine the level of fees to be charged in any cases where the Free Fees Initiative does not apply.

Disadvantaged Status.

265. **Mr. O'Dowd** asked the Minister for Education and Science her views on the issues raised in relation to a school (details supplied) in County Louth. [9222/07]

Minister for Education and Science (Ms Hanafin): DEIS (Delivering Equality of Opportunity in Schools), the action plan for educational inclusion, provides for a standardised system for identifying levels of disadvantage and a new integrated School Support Programme. DEIS will bring together, and build upon, a number of existing interventions in schools with a concentrated level of disadvantage.

As a result of the identification and review process, a total of 873 schools (670 primary and 203 post primary schools) identified to participate in DEIS will have access to a range of supports including participation in the School Completion Programme (SCP). Under DEIS, 43 new SCP projects are being established and 38 existing projects have had additional schools included to their projects.

In relation to the four primary schools referred to in the correspondence supplied by the Deputy that did not qualify for the new DEIS programme, it is important to note that an independent review process was available to them. Additional schools were added to the programme as a result of making successful review applications. I am satisfied that all schools have been assessed on the basis of the best information available, have been ranked in terms of the right criteria and have been given a fair opportunity to appeal.

Unsuccessful schools were advised at an early stage that they would be allowed to keep the supports that they have under pre-existing schemes for the current school year. Evidence generated from the pilot phases of the School Completion Programme showed that the most effective way of addressing early school leaving and educational disadvantage is through an integrated services approach based on the development of local strategies to ensure maximum participation levels in the education process. In 2002, the programme was significantly expanded based on the project model rather than continuing to fund individual schools.

Therefore, having considered the SCP clustering arrangements in conjunction with the SCP National Co-ordination Team, it was decided in this case that it is more beneficial to link the two post primary schools referred to in the correspondence supplied by the Deputy to an already established project.

The SCP services currently in place will not be diluted. The project is required to submit a revised Retention Plan for the current year to include the two new schools. Additional funding will then be allocated to the project on receipt of this plan. The SCP Co-ordination Team is currently assisting the project in establishing links with the new schools and providing advice in relation to all aspects of the changes required with the inclusion of the two new post primary schools.

Departmental Agencies.

266. **Mr. Kehoe** asked the Minister for Education and Science when the National Council for Curriculum Assessment was set up; and if she will make a statement on the matter. [9235/07]

Minister for Education and Science (Ms Hanafin): The National Council for Curriculum and Assessment (NCCA) was established as a non-statutory body in 1987, and as a statutory body in July 2001 under section 38 of the Education Act 1998. The role of the NCCA is to advise the Minister for Education and Science on matters relating to the curriculum for early childhood education, primary and post-primary schools, and to the assessment procedures employed in schools and examinations on subjects that are part of the curriculum.

Corporal Punishment.

267. **Mr. Kehoe** asked the Minister for Education and Science when corporal punishment was abolished; and if she will make a statement on the matter. [9236/07]

Minister for Education and Science (Ms Hanafin): Until 1982 Rule 130 of the Rules for National Schools permitted and governed the application of corporal punishment at primary level. Department Circulars 9/82 and 5/82 terminated the practice of corporal punishment in schools.

Section 201 of the Children Act 2001 prohibits corporal punishment in the Children Detention Schools. There is also an offence of cruelty under section 246 of the Children Act 2001 “for any person who has the custody, charge or care of a child to wilfully assault, ill-treat, neglect, abandon or expose the child or to cause or procure or allow the child to be assaulted, ill-treated, neglected, abandoned or exposed, in a manner likely to cause unnecessary suffering or injury to the child’s health or seriously to affect his or her wellbeing”.

The foregoing relates to recognised schools within the education system. However, it may be noted that the Department of Health and Children also prohibit the use of corporal punishment in the “special care units” and other residential centres to which the provisions of the Child Care

[Ms Hanafin.]

(Special Care) Regulations 2004 (S.I. No. 550 of 2004) apply. Similarly, the Child Care (Pre-School Services) Regulations 1996 (S.I. No. 398 of 2006) also prohibit the use of corporal punishment against pre-school children.

On a more general level, the Non-Fatal Offences Against the Person Act 1997 is generally taken to have prohibited corporal punishment, and section 12(2) of the Criminal Law Act 1997 prohibited the infliction of corporal punishment in prisons but the Deputy may wish to address these matters to the Minister for Justice, Equality and Law Reform.

State Examinations.

268. **Mr. Kehoe** asked the Minister for Education and Science the year French and German orals were brought in; and if she will make a statement on the matter. [9237/07]

Minister for Education and Science (Ms Hanafin): Oral examinations in French and in German were first introduced for the Leaving Certificate Examination in 1986. The oral examination carries 25% of the overall marks for Higher Level candidates and 20% for Ordinary Level candidates.

Schools Inspectorate.

269. **Mr. Kehoe** asked the Minister for Education and Science the name of the primary schools' inspector based in Enniscorthy, County Wexford in 1954; and if she will make a statement on the matter. [9238/07]

Minister for Education and Science (Ms Hanafin): The information sought by the Deputy is not readily available. However, my officials have instituted a search of the records and will revert directly to the Deputy in due course.

School Closures.

270. **Mr. English** asked the Minister for Education and Science if she will close a school (details supplied) in Dublin 15; and if she will make a statement on the matter. [9241/07]

Minister for Education and Science (Ms Hanafin): The Department is in receipt of proposals from the Board of Management of the school to which the Deputy refers in relation to the future development of the school. In considering these proposals, further information and clarifications have been sought from the school authority. A response is awaited in this regard. Any decision regarding the future development of the school is a matter ultimately for the Patron body and the Board of Management.

Irish Language.

271. **Mr. J. O'Keefe** asked the Minister for

Education and Science the situation regarding entry entitlement to third level Institutions for students granted an exemption from Irish in the leaving certificate. [9252/07]

Minister for Education and Science (Ms Hanafin): Entry requirements for admission to third level courses are generally set down by the relevant higher education institutions. However, my Department specifies the requirements for entry to colleges of education. The entry requirements specify that all candidates, including school leavers, mature students and university graduates must have a minimum of a Grade C3 in Higher Level in Irish in the Leaving Certificate or an approved equivalent. The relevant courses are the Bachelor of Education degree course and the Graduate Diploma in Education (Primary Teaching).

Pupil-Teacher Ratio.

272. **Mr. Perry** asked the Minister for Education and Science the reason, with regard to the class size in primary schools here, there are 34% of primary school children in County Sligo in classes of 29 plus, where the national class size is 24, the second highest in Europe and 68% of all primary school children in County Sligo are in classes of 24 plus; the further reason only 200 posts of the 4000 additional teachers have gone to reduce class size; if she will provide a firm commitment that the average maximum be reduced to 26 of 219 teachers and then a phased annual reduction to at least 24 which the INTO demand; and if she will make a statement on the matter. [9265/07]

Minister for Education and Science (Ms Hanafin): Major improvements have been made in staffing at primary level in recent years. There are now 4,000 more primary teachers than there were in 2002. 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. 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 September this will reduce to 27 children per

classroom teacher. School authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum.

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.

Schools Refurbishment.

273. **Ms Shortall** asked the Minister for Education and Science the timescale for the long promised refurbishment works to schools (details supplied) in Dublin 9; if her attention has been drawn to the serious concern among local residents regarding the anti-social activity which the dilapidated assembly hall is attracting; if in view of ongoing concerns in relation to vandalism to the schools and local residences, she will give approval to the provision of security fencing for the perimeter of the school site and the securing of the assembly hall; and if she will make a statement on the matter. [9268/07]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that the Department has appointed an architect directly to carry out the refurbishment works to which she refers. This will include refurbishment of the hall and the implementation of appropriate security measures. The architect will be in direct contact with the schools concerned to discuss the delivery of the project.

State Examinations.

274. **Mr. Penrose** asked the Minister for Education and Science the reason students who have to repeat the leaving certificate, are being

charged €251 which is approximately 2.6 times the amount which is charged to a student who is sitting the exam for the first time; the reason there is any charge levied upon students, at this critical time for them; and if she will make a statement on the matter. [9273/07]

Minister for Education and Science (Ms Hanafin): Special fees for repeat candidates were introduced in 1987 on the basis that it is not unreasonable to expect those who have already benefitted from the normal course of second level education, and who wish to take an extra year, to make a contribution towards the cost of providing the necessary resources. A course fee is also payable in respect of such candidates. Examination fees generally cover only a fraction of the cost of running the examinations. The costs associated with the certificate examinations have been spiralling in recent years due to the introduction of new methods of assessment in various subjects and to continuing increases in special arrangements for students with special needs. There is an alleviation scheme in place whereby current medical card holders and their dependents are exempt from the payment of fees. This exemption applies to approximately 30% of all examination candidates each year. This alleviation scheme also applies in the case of repeat candidates in respect of both the course fee and the repeat examination fee.

Schools Building Projects.

275. **Mr. S. Ryan** asked the Minister for Education and Science the situation in respect of the proposed new second level school for Donabate, County Dublin; when it is expected that a tendering process will be completed; when it is expected that work will commence; and her plans to meet the requirements for the children seeking post primary education in the interim. [9283/07]

Minister for Education and Science (Ms Hanafin): I have given the go ahead for a new 1,000 pupil post-primary school in Donabate, Co. Dublin. This new school will be delivered along with new schools in Phibblestown, Co Dublin and Laytown, Co. Meath under a design and build contract that is aimed at delivering 3,000 school places for these rapidly developing areas. The inclusion of these three projects in one bundle will further facilitate the achievement of value for money. My Department has appointed Project Managers to oversee the delivery of the projects and they are arranging for the sites to be surveyed. The procurement process is well advanced for a Design Team to do the initial design of these 3 new schools. Thereafter, a Design and Build contractor will be appointed to complete the designs and build the new schools. My Department is working closely with County Dublin Vocational Education Committee on the delivery of the Donabate project. Assuming there are no

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delays during the design and planning permission phases it is envisaged that the school will be completed as close as possible to the 2009-10 school year. In the meantime my Department has requested the VEC to submit its interim accommodation requirements so that the new school can become operational in advance of the completion of the new permanent school building. My Department will ensure that this interim accommodation request will be dealt with speedily and positively in order to ensure that appropriate school provision is in place in this rapidly developing area.

276. **Mr. S. Ryan** asked the Minister for Education and Science if her attention has been drawn to the need for a post primary school in Lusk, County Dublin; and when she expects to sanction the provision of same. [9284/07]

Minister for Education and Science (Ms Hanafin): The Department recently published an Area Development Plan in draft format which sets out the educational infrastructural requirements of the North Dublin, East Meath and South Louth area into the future. In this draft Plan, which is available on the Department's website, *www.education.ie*, the Department recommends the provision of a 1,000 pupil post primary school for the Lusk area. The Commission on School Accommodation has commenced a public consultation process on the draft document. Interested parties can participate in the process by forwarding written submissions or by making oral presentations to the Commission. Arrangements will be made to hear oral presentations locally. The first series is expected to start on Monday 26th March 2007. The consultation process will culminate in a final infrastructural Plan which will become the framework against which capital investment for the area will be made for the foreseeable future.

Appointments to State Boards.

277. **Mr. Boyle** asked the Minister for Education and Science the number of public appointments made under the aegis of her Department in the first six months of 2002. [9289/07]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is being compiled in my Department and will be sent to him as soon as possible.

278. **Mr. Boyle** asked the Minister for Education and Science the number of public appointments she made in the past two months. [9302/07]

Minister for Education and Science (Ms Hanafin): The Department of Education and Science made a total of 42 appointments in

January and February of this year. It appointed ten people to the Strategy Group for ICT in Schools, three people to an Chomhairle um Oideachas Gaeltachta, 18 people to the Higher Education Authority, four people to UCC, one person to Dundalk Institute of Technology, one person to Letterkenny Institute of Technology and one person to Middletown Centre for Autism.

Adult Education.

279. **Mr. Durkan** asked the Minister for Education and Science if provision can or will be made for funding for AONTAS (details supplied) for improved funding, structures and supports for adult learning service; and if she will make a statement on the matter. [9317/07]

Minister of State at the Department of Education and Science (Mr. Haughey): AONTAS is a voluntary national adult education body established in 1969. It represents the interests of individuals, and voluntary and statutory bodies, involved in promoting and developing adult education in Ireland. AONTAS receives most of its funding from my Department. It was first grant aided in 1976 and has received funding annually since. In 2006, funding for AONTAS totalled €860,000. In 2007, my Department has provided funding of €1,152,000 towards the adult education activities of AONTAS. The grant includes €472,000 for the general running costs of the organisation, including staff salaries, and €450,000 for the adult education activities of AONTAS. In addition to normal annual grants, a special grant of €230,000, has been provided this year, for expenditure on a quality framework for community education for women (€110,000) and research (€120,000). The Department has also provided funding for the Adult Learners' Festival, organised by AONTAS, held in January this year and has included funding for the next Adult Learner's Festival in this years funding provision notified recently to AONTAS. The Department is not directly involved in the employment of AONTAS staff. Staff numbers, remuneration and conditions of employment are determined by AONTAS. I will continue to provide funding to support the continuing development of the adult education sector as resources permit.

Water Meters.

280. **Mr. Kehoe** asked the Minister for Education and Science if her attention has been drawn to the fact that both primary schools and post-primary schools are due to have water meters installed by their local authorities; if she has plans to help the schools deal with the extra cost of water metering; her views on allowing the schools to put in rain harvesters to help cut down their cost of using water; and if she will make a statement on the matter. [9337/07]

Minister for Education and Science (Ms Hanafin): Water usage in schools is minimised through automatic shut off taps and dual flush toilets, while local water blending valves are provided to prevent scalding. These design features are included in the Department's Generic Repeat Design schools. Local Authority service and other charges payable to the various Local Authorities do not come within the remit of my Department. It is a matter for the Local Authorities to decide how schools pay such charges. If it is decided that schools are liable for such charges, the cost forms part of the normal running costs of schools and falls to be met from the capitation funding which schools receive from my Department. It would not be feasible for my Department to introduce specific schemes whereby grant assistance is provided to schools in respect of individual charges such as water charges. Primary schools' running costs are met by my Department's scheme of capitation grants, which are intended to contribute towards the general operating costs of national schools. The capitation grant has been increased substantially in recent years. Since 1997 the standard rate of capitation grant has been increased from €57.14 per pupil to €163.58 with effect from 1st January, 2007. This represents an increase of 186% in the standard rate of capitation grant since 1997.

Significant improvements in the levels of direct funding to second level schools have been made in recent years. Since January 2007, the standard per capita grant has been increased by a cumulative €30 per pupil and now stands at €316 per pupil. Secondary schools have also benefited under the school services support fund initiative. Introduced with effect from the 2000/01 school year, the school services support grant has been increased since January 2006 by a cumulative €44 per pupil bringing the annual grant from €145 per pupil to €189 per pupil. These grants are in addition to the funding of up to €40,000 per school that is also provided by my Department to secondary schools towards secretarial and caretaking services. A secondary school with 500 pupils, for example, now receives annual grants of up to €270,000 towards general expenses and support services. This represents an increase of 83% since 2000. 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. All schools are eligible for recurrent per capita grants towards special classes and curricular support grants. These significant increases in the funding of primary and post primary schools are a clear demonstration of my commitment to prioritise available resources to address the needs of schools.

Home Tuition.

281. **Mr. Kehoe** asked the Minister for Education and Science the number of students being taught by home tuition here currently; the corre-

sponding figure for the past five years; the amount home tuition is costing annually; the training those who provide home tuition must have; and the checks her Department carry out in order to ensure that the required number of hours tuition is being provided. [9338/07]

Minister for Education and Science (Ms Hanafin): I wish to advise the Deputy that my Department has sanctioned a home tuition grant to approximately 900 students in the current school year. The corresponding figures for the past five years are not readily available in my Department. However, my officials have recently revised its record keeping arrangements and this information will be maintained going forward. The cost of providing home tuition for all children is currently in excess of €8 million annually. A recent review of a number of applications for home tuition highlighted some cause for concern regarding the qualifications of proposed tuition providers. Following the review of qualifications, which took place in consultation with my Department's Inspectorate, an extended list of qualifications acceptable under the scheme has been published. This list is available on my Department's website. Aside from recognised teaching qualifications such as the Bachelor in Education and approved Montessori training, the list includes certain qualifications in autism and in applied approaches to teaching children with autism, such as ABA, PECS and TEACH. Third level qualifications in relevant areas such as psychology may also be appropriate depending on circumstances. Responsibility for ensuring that a child is receiving an appropriate level of education under the terms of the home tuition scheme rests with the parents/guardian of the particular child. In order for my Department to process a claim for home tuition grant payment, the parent/guardian and the tuition provider must certify the extent of tuition that has been delivered to the child in question.

School Accommodation.

282. **Mr. S. Ryan** asked the Minister for Education and Science if she will provide the information requested by e-mail dated 22 February 2007 in respect of the number of classrooms being provided under the rental of temporary accommodation scheme with regard to the schools listed in the e-mail; and the financial arrangements for the provision of classrooms as requested. [9339/07]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is not readily available and would take an inordinate amount of administrative time to compile.

Appointments to State Boards.

283. **Mr. Boyle** asked the Minister for Defence the number of public appointments he made in the past two months. [9301/07]

Minister for Defence (Mr. O’Dea): I have made no public appointments in the past two months.

Local Authority Funding.

284. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the position of an application by a women’s refuge support group (details supplied) in County Kildare funding under the capital assistance scheme for the provision of a centre; and if he will make a statement on the matter. [9189/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Capital funding is available through my Department’s Capital Assistance Scheme to approved voluntary housing bodies to provide accommodation to meet special housing needs, such as the elderly, homeless or persons with disabilities. My Department’s involvement with the scheme relates primarily to the provision of funds for individual projects. The administration of the scheme, and the certification that particular projects comply with the terms of the scheme, are the responsibility of the appropriate local authority, in this case Kildare County Council.

Funding of up to 95% of the approved cost of the works, subject to unit cost limits, plus the full cost of the site up to a maximum of €50,000 per unit of accommodation, is available under the Capital Assistance Scheme.

Details of the Tearmainn Housing Association’s proposal for four residential units were submitted to my Department by Kildare County Council on 18 September 2006. Following an examination of the proposal, further clarification was sought from the Council and a reply is awaited. I understand the Council will shortly be in a position to provide the information requested and to submit an application for funding for the project.

Departmental Staff.

285. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government the grade and job description and role of the environmental economist employed by his Department and who works as part of the team to provide advice on climate change. [9240/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The approved environmental economist post in my Department is at middle management level with a salary equivalent to an Assistant Principal Officer. The

principal duty of the economist is to provide economic and environmental analysis to support development and implementation of the national climate change agenda.

EU Directives.

286. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Questions Nos. 545, 546, 547 and 548 of 27 February 2007, when the Commission’s impact assessment and cost implications for Ireland will be completed; and if he will make a statement on the matter. [9245/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): It is not anticipated that the European Commission will prepare a separate impact assessment or an assessment of the cost implications of the proposed Framework Directive for Ireland for the protection of soil or any other EU member State. Such an assessment will be done in Ireland in due course according as the consideration of the proposal is advanced and in accordance with the requirements of the Government’s Better Regulation initiative on regulatory impact analysis.

Appointments to State Boards.

287. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government the number of public appointments made under the aegis of his Department in the first six months of 2002. [9291/07]

288. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government the number of public appointments he made in the past two months. [9304/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 287 and 288 together.

I assume that the Questions relate to appointments made to State boards currently under the aegis of my Department.

A number of different statutory processes are involved in appointments to State boards. In some cases statutory selection procedures must be followed or nominations must be sought from independent nominating panels before appointments are made by the Government or by the Minister for the Environment, Heritage and Local Government. In other cases only particular public office holders may be appointed to certain boards. In a number of situations, only some appointments to the body concerned are made by the Minister.

In the context of the above, numbers of appointments to State boards under the aegis of my Department in the first six months of 2002 and in the past two months are set out in the following table:

Name of State board	Appointments to board in the period 1 January 2002 to 30 June 2002	Appointments to board in the period 8 January 2007 to 8 March 2007
Affordable Homes Partnership	0 — The Affordable Homes Partnership was established in August 2005	0
An Bord Pleanála	2	0
An Chomhairle Leabharlanna	0	0
Building Regulations Advisory Body	19	0
Comhar-Sustainable Development Council	25	0
Dublin Docklands Development Authority — Executive Board	8	0
Environmental Protection Agency	1	0
Fire Services Council	20	0
Heritage Council	The Heritage Council was not under the aegis of my Department during this period	0
Housing Finance Agency	7	4
Irish Water Safety (Irish Water Safety Association prior to July 2006)	0	0
Local Government Computer Services Board	0	0
Local Government Management Services Board	0	0
National Building Agency	0	2
Private Residential Tenancies Board	0	0
Radiological Protection Institute of Ireland	The Radiological Protection Institute of Ireland was not under the aegis of my Department during this period	0
Rent Tribunal	0	0

Housing Statistics.

289. **Mr. Bruton** asked the Minister for the Environment, Heritage and Local Government the number of houses built each year since 1997, distinguishing the number of one-off houses, detached, semi-detached, terraced houses, apartments and so on. [9340/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Data on the number of houses built by type of dwelling for each year from 1997 to 2005 are published in the Annual Housing Statistics Bulletins, which are available in the Oireachtas library or on the Department's website at www.environ.ie.

Since 2005, the type of dwelling classification has changed, and my Department is now provided with the number of individual houses, scheme houses (two or more houses), and apartments.

Details in respect of years 2005 and 2006, which have also been published on the website, are provided in the following table.

Year	Individual House	Scheme House	Apartment	Total
2005	20,362	42,160	18,035	80,557
2006	22,806	50,267	19,946	93,019

Planning Issues.

290. **Mr. Bruton** asked the Minister for the Environment, Heritage and Local Government the number of projects commenced and completed under the special development zone powers of planning Acts to date. [9341/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Under Part IX of the Planning and Development Act 2000, the Government may by Order, on foot of a proposal from the Minister for the Environment, Heritage and Local Government, designate a site or sites as a Strategic Development Zone (SDZ) to facilitate development which is considered, in the Government's opinion, to be of economic or social importance to the State. Before proposing the designation of a site or sites to the Government, the Minister must consult with any relevant development agency or planning authority on the proposed designation.

To date, four SDZs have been designated by Government: Adamstown in South Dublin (2001); Clonmagedden in Meath (2001); Hansfield in Fingal (2001); and Balgaddy-Clonburriss in South Dublin (2006).

The Adamstown SDZ in South Dublin, with a total area of 210 hectares, was designated in 2001 and the planning scheme was approved by An Bord Pleanála in 2003. There are a total of 10,150 housing units planned for the site over 13/14

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phases, to be complete by 2013. Phase 1 of the dwellings went on the market in February 2006 and the next phase is being launched in early 2007.

Designated in 2001, the planning scheme for the 88-hectare Hansfield SDZ in Fingal (close to Blanchardstown) was approved by An Bord Pleanála in January 2006. There are a total of 3,000 housing units planned for the site and it is envisaged that these will be delivered in 3 phases. A Steering Group and Implementation Team was established by Fingal County Council in April 2006. Permissions were granted late last year for 459 dwellings on 13 hectares of the site.

The 38-hectare Clonmagedden SDZ in Navan, Co. Meath was designated in 2001 and the planning scheme was approved by An Bord Pleanála in 2003. No phasing or delivery timescales are yet finalised for the 1,400 housing units planned for the site. A Steering Group established by Meath County Council is currently in discussions with the landowners and developers.

The 170-hectare Balgaddy-Clonburris SDZ in South Dublin was designated in July 2006 with capacity for 7,000/8,000 housing units. The planning scheme is currently being drafted.

Local Authority Housing.

291. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the reason the contracts in respect of maintenance of central heating at a premises (details supplied) in County Kildare is not satisfactory, in view of the fact that general provision is made for this and other houses in the vicinity funded by his Department through Kildare County Council; if

he has in mind proposals to ensure that items such as central heating in local authority houses are reliable and meet specific standards and requirements; and if he will make a statement on the matter. [9360/07]

Minister of State at the Department of the Environment, Heritage and Local Government

(Mr. N. Ahern): The management and maintenance of rented dwellings is the responsibility of the local authority concerned. I understand that a voluntary body manages this property on behalf of the housing authority and has received notice of the complaint.

Social and Affordable Housing.

292. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if, in respect of his recent announcement in regard to the purchase of 500 houses in the greater Dublin area and in reply to Parliamentary Question Nos. 169, 574 and 575 of 27 February 2007, the 500 houses in question are extra to or part of the provisions of Part 5 of the Planning and Development Act 2000 or are as a result of a specific intervention on his part which means an extra 500 not previously calculated; and if he will make a statement on the matter. [9361/07]

Minister of State at the Department of the Environment, Heritage and Local Government

(Mr. N. Ahern): As indicated in reply to Questions Nos. 169, 574 and 575 of 27 February 2007, the 500 homes in question are additional to affordable housing being delivered under the range of other affordable housing mechanisms, including the arrangements under Part V of the Planning and Development Acts 2000 to 2006.