



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 21 February 2008.

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Déardaoin, 21 Feabhra 2008.
Thursday, 21 February 2008.

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

Paidir.
Prayer.

Request to move Adjournment of Dáil under Standing Order 32.

An Ceann Comhairle: Ar an gcéad dul síos, iarratas chun tairiscint a dhéanamh an Dáil a chur ar athló faoi Bhuan-Ordú 32, request to move the adjournment of the Dáil under Standing Order 32.

Deputy Seymour Crawford: I wish to seek the adjournment of the Dáil under Standing Order 32 to raise a matter of local and national importance, namely, the charges being imposed through local authorities as a result of lack of funding from the Department of the Environment, Heritage and Local Government for water and sewerage schemes, among others. In turn, if the Government does not change its attitude towards this issue, the capital charges, especially towards food-related industries, along with increased annual charges will force some of these businesses giving very essential employment out of business and out of this country at a time when the Government is giving major funding to attract outside industry and failing to deliver, especially to the Border region. This House must discuss this policy that clearly discriminates against industries in rural areas, which now come under the new Government guidelines

An Ceann Comhairle: Having considered the matter raised, it is not in order under Standing Order 32.

Order of Business.

The Tánaiste: It is proposed to take No. 9a, motion regarding presentation and circulation of revised Estimates 2008; No. 16, Immigration, Residence and Protection Bill 2008 — Second Stage (resumed); and No. 3, Student Support Bill 2008 — Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that No. 9a shall be decided without debate and any division demanded thereon shall be taken forthwith.

An Ceann Comhairle: Is the proposal for dealing with No. 9a, motion regarding revised Estimates 2008, agreed to? Agreed.

Deputy Richard Bruton: I wish to raise a couple of issues. Very much on people's mind at the moment is that this day week, there could be a 24-hour complete shutdown of our airports. Why do we always have this high wire act with disputes in essential services? It is many years since the Oireachtas made legislative provision for special ways of dealing with disputes in essential services but they have never been acted upon by Government or agreed by the social partners.

An Ceann Comhairle: I hate to interrupt the Deputy but it is also many years since this House laid out rules on how these matters may be raised and this is not one of them.

Deputy Richard Bruton: I agree, but some 90,000 people, including tourists, business people and ordinary members of the public, will be disrupted.

An Ceann Comhairle: I accept that, but I must operate within Standing Orders.

Deputy Richard Bruton: We have made legislative provision that has never been brought into effect under any order or secondary legislation.

I see the Greens have now changed their mind in respect of ABA schools and they now want to ensure parents get what they want in appropriate education for their children. Is the Tánaiste, who has taken a keen interest in the area, supportive of what was proposed by Fine Gael, the expansion of ABA schools as appropriate where required?

I seek the advice of the Ceann Comhairle on a matter that has come to my attention. On 8 February, the Minister for Health and Children found out about the disk stolen from the Irish Blood Transfusion Service. Four days later, in response to a question from Deputy Leo Varadkar, who raised a question specific to this point, she stated she had to consult with the appropriate agencies under her remit to assemble the required details.

This is surely being worse than economical with the truth. There is an obligation that if a Deputy asks a question in the public interest, a reply would be given if the information is available. At the very minimum, the Deputy should be contacted to explain what is happening in respect of the matter. Was that not an unfair treatment of the House?

Deputy Brian Hayes: Hear, hear.

An Ceann Comhairle: It may be a deficiency in our Standing Orders but it is the case nonetheless that there is no provision for Leaders' Questions on Thursday morning. The questions posed by the Deputy, which are valid and no doubt important, unfortunately do not come within the ambit of Standing Orders as laid down by this House, which I am obliged to implement.

As I explained to Deputy Quinn yesterday, the Chair cannot be responsible for what Ministers give in reply to a Deputy's questions, nor can the Chair have any input whatever, even if the Minister declines to answer the question.

Deputy Ruairí Quinn: Could we revisit that?

An Ceann Comhairle: I regret that although the questions raised by the Deputy are important, they are not in order. I hope I have dealt with the Deputy's queries sufficiently.

Deputy Seán Barrett: Who is responsible?

An Ceann Comhairle: I must call on Deputy Gilmore. I am in a difficulty.

Deputy Richard Bruton: I have been in this House for 25 years and I have seen the general tolerance of the Chair on a Thursday to have some issues of importance answered——

Deputy Brian Hayes: Hear, hear.

Deputy Richard Bruton: ——by a Minister or by the Taoiseach, as used to be the case.

An Ceann Comhairle: I wish to be tolerant but the Deputy should understand my difficulty.

Deputy Charles Flanagan: A muzzle.

Deputy Richard Bruton: I understand the difficulty but a dispute will affect 90,000 people next Thursday. People are now making plans and people would like to know the Government's thinking on this issue.

Deputy Brian Hayes: Hear, hear.

Deputy Charles Flanagan: The Ceann Comhairle is muzzling the House.

An Ceann Comhairle: Perhaps the Tánaiste, if he can, will briefly deal with the dispute issue. It is out of order.

The Tánaiste: It is clear there is an onus on the Irish Aviation Authority and IMPACT to be creative on the issue and avoid an unnecessary dispute involving the travelling public or business next week. There is agreement on both sides that further personnel should be supplied in the future, but there is an exceptionally long time involved in the training of those personnel. On the basis that there is agreement in principle on how to move forward, we are really dealing with how the interim period will be managed. I hope that best industrial relations practice will emerge on both sides in a way that will ensure that the public is not disproportionately inconvenienced because there is agreement in principle about how this matter should progress.

Deputy Eamon Gilmore: There is social partnership, the Labour Court, the Labour Relations Commission, the national implementation body, industrial relations mediators and consultants. With that extensive industrial relations machinery in the State I do not understand how we end up with a threatened strike that will close down our airports next week. Will the Tánaiste and the relevant Minister do what is necessary to bring the parties before a third party to sort out the problem?

When I asked the Tánaiste last week when Second Stage of the Ethics in Public Office (Amendment) Bill will come from his Department to the House he said he was holding off on that because he wanted to incorporate amendments arising from recommendations made last July in the report of the Standards in Public Office Commission. Since then, my attention has been drawn to a reply he gave to Deputy Burton on 30 January last in which he rejected these recommendations and indicated that he would bring forward on Committee Stage only technical amendments arising from that report. Will he clarify whether he is accepting the recommendations of the Standards in Public Office Commission and will he bring forward amend-

[Deputy Eamon Gilmore.]

ments to give effect to them? If not, why is Second Stage being held up for matters that can be dealt with on Committee Stage?

The Tánaiste: I said I would incorporate some, not all, of the recommendations.

Deputy Eamon Gilmore: Why does the Tánaiste not accept them all?

The Tánaiste: I am not minded to accept them all and I will explain that when they come before the House. The proposed Committee Stage amendments have been drafted and, subject to the consideration of some minor points, should be finalised in the next few days. We met Parliamentary Counsel about the amendments last Friday and were given a draft to examine. The Bill as it stands amends only the Ethics in Public Office Act 1995. The amendments have been drafted into a fairly short section amending that Act. We have raised a few minor questions and suggestions about them, but subject to counsel's consideration of these we reckon the amendments should be finalised very shortly.

Deputy Eamon Gilmore: Is that the position of the Government? I understand from the Tánaiste's reply to me and Deputy Burton that the principal recommendations of the Standards in Public Office Commission of last July include that the commission would be empowered to initiate its own inquiries rather than having to wait for a complaint to be made before carrying out an investigation. Is that the position of the Government? Has it agreed to turn down the principal recommendations of the commission?

An Ceann Comhairle: We cannot discuss the content of the legislation.

The Tánaiste: I do not believe such a power should be given to the commission.

Deputy Joan Burton: That is the Tánaiste's view.

Deputy Eamon Gilmore: I am asking about the position of the Government.

The Tánaiste: I am speaking on behalf of the Government.

Deputy Eamon Gilmore: Has the Government agreed this?

The Tánaiste: I have good reason for that view.

Deputy Emmet Stagg: Is that the view of the Green Party?

The Tánaiste: Where it is sought to impugn or examine the reputations of Members of this House, that should be done on the basis of an allegation. Members should not be subject to the initiation of inquiries without a complaint being made. Why should that be the case? It is about time we stood up for ourselves over here.

Deputy Eamon Gilmore: I am quite clear on what the Tánaiste believes.

An Ceann Comhairle: We cannot go into the detail of the legislation now, as Deputy Gilmore well knows.

Deputy Noel Dempsey: We will discuss it on Committee Stage.

Deputy Eamon Gilmore: I only want to know has the Government agreed that.

The Tánaiste: I have made my position clear.

Deputy Brendan Howlin: A yes or no answer will do.

Deputy Jan O'Sullivan: *L'état c'est moi.*

An Ceann Comhairle: Deputies should allow the Tánaiste to answer.

The Tánaiste: There is not much point in answering anyone. I have made the position clear. I will bring forward the amendments on behalf of the Government and I have told the Deputy the Government's position on that matter. There are good reasons that I believe it should not be accepted.

Deputy Ruairí Quinn: The Minister for Communications, Energy and Natural Resources, Deputy Eamon Ryan, is very silent. What is his view?

Deputy Caoimhghín Ó Caoláin: This week the department of child and adolescent psychiatry in the Health Service Executive north-east area wrote to all general practitioners covering the Cavan-Monaghan area, my constituency, advising that they will accept only urgent or emergency referrals as of Monday of this week. This is not pending but is in effect.

We have all lauded the Government's position on A Vision for Change and the implementation of developments within the mental health services. This action, however, is a result of under-resourcing. It is a serious situation for many young people.

An Ceann Comhairle: That is not in order.

Deputy Caoimhghín Ó Caoláin: I am bringing it to the point where it will be. This morning we were briefed on eating disorders. There are many issues that seriously affect young people and adolescents. Will the Tánaiste indicate that the Government will increase its support for the mental health services to put money into the delivery on the commitments made——

An Ceann Comhairle: That is completely out of order.

Deputy Caoimhghín Ó Caoláin: ---and the Mental Health (Amendment) Bill which is on the Government's table of promised legislation. Will he indicate the minor amendments this represents in terms of the Mental Health Act and when it will be brought forward. These are major and serious concerns.

The Tánaiste: We do not have a date for the Mental Health Bill. In the past 20 years there has been a sea-change in the development of services for people with mental health problems and the Deputy's constituency is a shining example of an almost exclusively community-based mental health service provision, which is highly regarded.

Deputy Seymour Crawford: There is none.

An Ceann Comhairle: The Tánaiste should confine himself to the Mental Health (Amendment) Bill.

The Tánaiste: I welcome the move away from institutionalisation. The Deputy comes from a part of the country where probably the best service is available.

Deputy Caoimhghín Ó Caoláin: The services have been suspended as of Monday for adolescents and children.

The Tánaiste: I cannot say when the Mental Health Bill will be brought before the House. I wish to return to an issue Deputy Gilmore raised, for the sake of completeness.

Deputy Caoimhghín Ó Caoláin: The Tánaiste should address this issue please.

The Tánaiste: I will consult the committee chairmen about the Standards in Public Office Commission's proposal that they be designated as office holders for the purposes of the Ethics in Public Office (Amendment) Act. I will consult them on their views on that.

Deputy Caoimhghín Ó Caoláin: Will the Tánaiste not address this issue? He cannot kick it to touch.

Deputy Bernard J. Durkan: I am sure the Ceann Comhairle, like me and everybody else, has been impressed at the recent concerns expressed by Fianna Fáil backbenchers about the ongoing impasse with pharmacists. I am equally impressed by the Green Party's concerns about, and recent conversion to, the ABA system of education in respect of autism.

An Ceann Comhairle: How impressed the Deputy and I are is irrelevant now.

Deputy Bernard J. Durkan: There is relevant legislation and I am coming to it, but I have to develop my theme. The relevant legislation is the pharmacy (No. 2) Bill.

In light of recent events and in the absence of a Pauline conversion Bill, can the Tánaiste give an undertaking to the House to introduce this legislation to the House as a matter of urgency? In addition, for the assistance of the Green Party, the education patronage Bill also should be introduced. That would give everyone in the House an opportunity, Green Party Members included, to vote according to their convictions.

Deputy Brian Hayes: Hear, hear.

Deputy Bernard J. Durkan: I refer to a serious matter raised on Joe Duffy's "Liveline" programme yesterday.

Deputy Conor Lenihan: Was this parliamentary research?

Deputy Bernard J. Durkan: There was an ongoing dialogue in respect of a young girl who gave evidence——

An Ceann Comhairle: Mr. Duffy can take care of himself.

Deputy Bernard J. Durkan: ——in a criminal case and who was being intimidated. She is under threat and is under Garda protection.

Deputy Brian Hayes: This is an important issue.

Deputy Bernard J. Durkan: A raft of legislation — I do not wish to outline all of it — has been promised by the Department of Justice, Equality and Law Reform, all of which has an impact in one form or other on such activity. Would the Tánaiste agree to select the appropriate item of legislation now promised and introduce it to the House as a matter of urgency to deal with this ongoing issue of the appalling intimidation of witnesses?

Deputy Brian Hayes: Hear, hear.

An Ceann Comhairle: Tánaiste, I suppose it is too much to hope there is a Pauline conversion Bill?

Deputy Richard Bruton: One wishes.

The Tánaiste: In respect of the——

Deputy Bernard J. Durkan: Pauline conversion Bill.

The Tánaiste: ——pharmacy (No. 2) Bill, there is no date for it as yet. As Members are aware, an independent body has been set up to consider these issues under the chairmanship of Seán Dorgan. I hope that in the interim, all sides will ensure there is no disruption of services to those who are entitled to them and that the contracts as presently set out will be honoured until new contracts are agreed. This should happen as quickly as possible and will be carried out under the auspices of an agreed facilitator. It also will be priced by an independent body. People are anxious to deal with the issues and to avoid unnecessary inconvenience to the public. As with an earlier issue, a responsible approach must be taken in order that such matters can be dealt with in a proper and professional fashion.

As for the question on applied behaviour analysis, ABA, which also was raised by Deputy Bruton, the House held a debate on this issue on foot of a Fine Gael Private Members' motion last week, in which everyone had an opportunity to air their views on. It is only fair to say that in the other House, the former general secretary of the INTO has stated as a matter of fact that no Minister has done more for autism than the present Minister in respect of the provision of resources.

Deputy Eamon Gilmore: He was being very loyal.

The Tánaiste: The fact that the former secretary general of the INTO was in a position to make such a comment may bring more balance into the coverage Members have seen on this subject.

Deputy Brian Hayes: Senator O'Toole is angling for something.

An Ceann Comhairle: The Tánaiste, on the legislation.

Deputy Eamon Gilmore: Is Phil Flynn's job vacant?

Deputy Brian Hayes: Senator O'Toole is always angling for something.

The Tánaiste: I invite Deputy Hayes to check the record of the Government he supported from the Seanad when his party was last in office.

Deputy Brian Hayes: I was in the school system and can remember how matters stood.

The Tánaiste: I came in as Minister for Health and saw emergency funding of €1 million for people with disabilities.

An Ceann Comhairle: The Tánaiste should confine himself to the legislation.

Deputy Brian Hayes: The Tánaiste should visit the schools.

The Tánaiste: There is only so much hypocrisy I can take from that side of the House on this issue.

Deputy Brian Hayes: "Lingering animosity".

The Tánaiste: As for the question regarding the intimidation of witnesses, this is a serious and criminal matter. I am glad to note the Garda is providing whatever protections are necessary for

[The Tánaiste.]

those citizens who have shown the courage to take on those in their community who would intimidate or seek to criminalise.

An Ceann Comhairle: Members should stick with the legislation. I call Deputy Costello.

Deputy Joe Costello: During this week's Private Members' debate on temporary agency workers, the Minister for Enterprise, Trade and Employment gave a commitment to update the 1971 legislation on temporary agency workers. Can the Tánaiste tell Members when this commitment will be delivered on? Will it be during this session?

The Tánaiste: As the Deputy is aware, the employment agency regulation Bill, which is to regulate the employment agency sector by the establishment of a statutory code of practice setting out standards in that sector and by the establishment of a monitoring and advisory committee representative of the social partners, the employment agency sector and Departments to oversee adherence to the statutory code of practices, is still in the process of protracted consultation in an effort to find agreement on this matter. However the Government will continue to work to establish how this matter can be brought to a conclusion and to bring it before the House as quickly as possible.

Deputy Joe Costello: This has been going on for six or seven years.

Deputy Joanna Tuffy: In the programme for Government, there is legislation promised on a review of the Environmental Protection Agency. When is this scheduled? In addition, it contains a commitment to ensure that flat rates on waste disposal will be abolished and that there will be mandatory pay by use charges. Presumably such a measure also will require legislation. Many people are charged both a flat rate and a pay by use rate by their local authorities or their private service providers. Were such legislation introduced, would a national waiver system be introduced in respect of waste charges? The Green Party was in favour of such a system when in Opposition.

Deputy Joe Costello: That was on planet Bertie.

An Ceann Comhairle: The Tánaiste, on promised legislation.

The Tánaiste: I am not aware that legislation is in preparation in respect of those matters. In order to glean the information the Deputy seeks, it might be best were she to table a parliamentary question to the line Minister concerned. I do not have the information she seeks.

Deputy Emmet Stagg: On a point of order, Members are entitled to ask questions about the programme for Government. They are entitled to ask questions here.

An Ceann Comhairle: That is correct.

Deputy Emmet Stagg: If the Tánaiste does not have the answer to hand, he should not tell the Deputy to go further. He should get the answer and send it to the Deputy.

The Tánaiste: My point was that I am not aware whether a Bill is in preparation in respect of the issues—

Deputy Emmet Stagg: The Tánaiste should find out.

The Tánaiste: —that the Deputy has raised. I would certainly get back to the Deputy on the basis of her far more courteous request than that of Deputy Stagg.

Deputy Emmet Stagg: I am never less than courteous.

Deputy Brian Hayes: It is the way he asks them.

An Ceann Comhairle: I respect him for that. I call Deputy Ciarán Lynch.

Deputy Ciarán Lynch: With regard to the health long-term residential care services Bill, I have received correspondence from HSE South telling me it is not considering enhanced subvention payments at present until the fair deal scheme is put in place. I seek clarification from the Tánaiste. Is the HSE operating an embargo at present? The HSE has informed me that anyone who had their charges increased from the beginning of the new year will not have those charges considered under the enhancement and——

An Ceann Comhairle: That is not in order. Is Deputy Lynch asking on the legislation?

Deputy Ciarán Lynch: ——subvention scheme because the legislation is not in place.

This is a legislative matter and the Tánaiste or the HSE should clear up this matter——

An Ceann Comhairle: On the legislation.

Deputy Ciarán Lynch: ——by way of a moratorium or some sort of embargoed position until the fair deal scheme is in place because €60 per week is a considerable sum of money. If, in the absence of this legislation, people are obliged to wait until July, August or September before this measure is put in place, families will be obliged to pay out a significant sum of money.

An Ceann Comhairle: The Tánaiste, on the legislation only. Deputy Lynch, we must deal with the legislation only and cannot go into the details.

The Tánaiste: The Bill is due this session and there will be an opportunity to discuss it then, if not beforehand.

Deputy Ciarán Lynch: With respect, I have given the correspondence from the HSE to me to the Minister for Health and Children and can give it to the Tánaiste, who is the Minister for Finance. It clearly states that enhancement and subvention payments will not be dealt with until this legislation has been concluded. Has the Government told the HSE that this cannot be done or is this a case of the HSE misinterpreting what is happening?

An Ceann Comhairle: This is a matter for the line Minister. The Tánaiste can only answer in respect of the legislation.

Deputy Emmet Stagg: The Minister for Health and Children will not answer any questions.

(Interruptions).

An Ceann Comhairle: I must operate within Standing Orders like everyone else. I call Deputy Gilmore.

Deputy Jan O'Sullivan: The Minister responsible is telling the Tánaiste the answer.

Deputy Charles Flanagan: Minister Brendan Drumm does not come in here.

An Ceann Comhairle: That is an acute enough observation. I call Deputy Gilmore.

Deputy Eamon Gilmore: I did not quite catch all of the Tánaiste's supplementary reply to Deputy Ó Caoláin's question. I heard him state he intended to consult someone but I did not catch who he intended to consult or about what. I am sorry to trouble him again on this matter.

The Tánaiste: That is no problem at all. I know Deputy Gilmore is *au fait* with all the recommendations on these matters about which he is criticising me. One of the recommendations was that Oireachtas Chairs might be incorporated as officeholders for ethics Acts purposes. In order to meet the Deputy's real demand that I try to implement as many of these recommendations as possible, I assure him that letters are about to float across to the Chairs, to ask them what they think of this idea.

Deputy Bernard J. Durkan: Well done Tánaiste. That will be a new Bill.

Deputy Brian Hayes: There are not many of them on this side. Most of the Chairs are behind the Tánaiste.

An Ceann Comhairle: When in doubt, fill in another form. I call Deputy Kathleen Lynch.

The Tánaiste: Then we will see real progress.

Deputy Kathleen Lynch: I thank the Ceann Comhairle for allowing me to contribute.

To be fair to the Irish people, they are still very active in donating blood. This astonishes me in light of my having had some dealings with the Irish Blood Transfusion Service and in the knowledge that its history is not great. The latest episode involving the service is probably very minor by comparison with what happened in the past. When will the Irish Blood Transfusion Service build the second unit in Cork, as recommended?

An Ceann Comhairle: That is a question for the Minister for Health and Children.

Deputy Kathleen Lynch: The Minister for Health and Children comes in as if she is Joan of Arc and basically she is not up to the job. It is not that no one else wanted it——

An Ceann Comhairle: It does not matter if it is Fr. Matthew; we cannot discuss it now and there is no chance of doing so.

Deputy Kathleen Lynch: It was recommended by an international body——

An Ceann Comhairle: I must move on. The Deputy is out of order.

Deputy Kathleen Lynch: ——and in the Irish Blood Transfusion Service legislation.

An Ceann Comhairle: The Deputy is not in order.

Deputy Kathleen Lynch: It is a matter of public safety. The service should not be centralised in Dublin.

An Ceann Comhairle: It is not in order to discuss this now.

Deputy Kathleen Lynch: With a view to safeguarding the service and the blood for the public, which any of us could need in the morning, I ask when we are to have the second centre, as recommended by an international body on grounds of safety.

An Ceann Comhairle: Deputy Burton is next. Deputy Kathleen Lynch knows well that is a question for the Minister for Health and Children.

Deputy Emmet Stagg: The Minister for Health and Children does not answer questions.

An Ceann Comhairle: I call Deputy Burton.

Deputy Kathleen Lynch: Can I ask the Ceann Comhairle a question?

Deputy Emmet Stagg: A law was passed preventing her from answering questions.

Deputy Noel Dempsey: The Deputy should go and have his fag — he is contrary.

Deputy Kathleen Lynch: When will it be possible to receive an answer from the Minister for Health and Children? If I ask her my question, she will tell me it is a matter for the Irish Blood Transfusion Service. If I ask the IBTS, it will write back a month later stating it has been considering the matter. It has been considering it for ten years since the hepatitis C scandal exploded. It is a matter of safety.

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

Deputy Kathleen Lynch: It is a question of the safety of the population and the blood supply.

Deputy Bernard J. Durkan: Hear, hear.

An Ceann Comhairle: We cannot have these long speeches in the morning.

Deputy Richard Bruton: It is too early in the day.

Deputy Kathleen Lynch: I am sorry, a Cheann Comhairle, but it is impossible to get answers.

Deputy Joan Burton: What is the position on the Minister for Education and Science's continual references to the establishment of VEC-sponsored primary schools, which she acknowledges will require legislation to be established?

An Ceann Comhairle: What legislation?

Deputy Joan Burton: In Dublin 15, there is complete confusion among boards of management, patrons and school principals over what is occurring in the education sector. Does the Minister intend to introduce legislation in this area? There are several Bills on the legislative programme that pertain to the VECs. What does the Government intend to do to follow up on her continual statements? She will make them again as we are now entering the season of teachers' conferences.

An Ceann Comhairle: About what legislation are we talking?

Deputy Brian Hayes: The education (patronage) Bill.

Deputy Joan Burton: Does the Government intend to introduce legislation to permit VEC-sponsored primary schools or not?

The Tánaiste: Preparatory work on the education (patronage) Bill, which is to amend the Vocational Education Acts 1930 to 2006 and the Education Act 1998 to enable the VECs to provide an additional model of primary school patronage, is ongoing. As matters stand, the earliest it will be introduced will be later this year.

Deputy Charles Flanagan: There is more about patronage than education.

Deputy Lucinda Creighton: Is legislation proposed to deal with the loophole that is Part V of the Planning and Development Act 2000, as amended in 2002? A significant issue arises regarding the way in which developers engage with local authorities in opting out of providing social and affordable housing on the site of major developments. This is a considerable issue for Dublin City Council, not least in my constituency, and I would like to see some action. The former Minister for the Environment, Heritage and Local Government, Deputy Noel Dempsey, introduced legislation that obliged developers to include social and affordable housing in their developments but it was amended to facilitate them and to allow for segregation, isolation and social exclusion.

11 o'clock

Deputy Bernard J. Durkan: Hear, hear.

Deputy Lucinda Creighton: It is time the Government did something about this. We know the present Minister, Deputy Gormley, played on this issue prior to the general election.

An Ceann Comhairle: About what legislation is the Deputy speaking?

Deputy Lucinda Creighton: What will happen in respect of this issue?

Deputy Bernard J. Durkan: Hear, hear.

An Ceann Comhairle: Is legislation promised?

The Tánaiste: I am not aware that legislation is promised in that area.

(Interruptions).

The Tánaiste: A social housing (miscellaneous provisions) Bill is due later in the year. It may not be germane to the issue.

Deputy Emmet Stagg: What year was that anyway?

An Ceann Comhairle: It is due later in the year.

Deputy Emmet Stagg: It will not deal with that.

The Tánaiste: It is a matter for local authorities to implement the Part V measures.

Deputy Emmet Stagg: Deputy Noel Dempsey might have put it in the dump.

Deputy Tom Sheahan: When will the Minister update the Merchant Shipping (Safety Convention) Act to give effect to amendments to the International Convention for the Safety of Life at Sea, SOLAS? Will the Minister make a commitment to the people of Valentia to keep the Valentia coastguard station open? It is a question of the safety of life at sea. Recently the coastguard service rescued 18 people from a fishing vessel and they were brought to Dingle.

An Ceann Comhairle: Much as I empathise with what the Deputy has to say, it is not in order.

Deputy Tom Sheahan: I was hoping the Ceann Comhairle would be the one man to help me out.

An Ceann Comhairle: I call the Tánaiste on the maritime safety legislation.

Deputy Tom Sheahan: The Tánaiste might state when legislation will be brought before the House on the plebiscite held in Dingle over a year ago.

Deputy Bernard J. Durkan: That is the Dingle-dangle legislation.

An Ceann Comhairle: No, no. I must move on. I call Deputy Stanton. One cannot keep the home fires burning on the Order of Business.

Deputy David Stanton: The Ceann Comhairle established an informal group to deal with Dáil reform. He, just like his predecessor, shows frustration with Standing Orders.

Deputy Charles Flanagan: The Ceann Comhairle would never exhibit frustration.

Deputy David Stanton: When will the Government make proposals on Dáil reform to change Standing Orders, as referred to in the programme for Government? The Opposition has published proposals and I therefore wonder when the Government will do so. By doing so, we will be able to have a proper, meaningful discussion on the amendment of Standing Orders so we can enter the 21st century in this House.

Deputy Noel Dempsey: As soon as Fine Gael agrees to it.

Deputy Willie O'Dea: As soon as Fine Gael engages constructively.

The Tánaiste: There are ongoing discussions. I have always said this House could order its affairs far better if Members did not regard Dáil reform as an opportunity for the Opposition to do the Government's job and for the Government to do the Opposition's job.

Deputy Brian Hayes: Tell that to Deputy O'Rourke.

The Tánaiste: If Members sat down sensibly and did not engage in one-upmanship every time we try to introduce reform in the House, which has unfortunately become the norm, it would be more productive. We over-use some procedures and under-use others and we continue to make attempts to circumvent the rules. If we sat down sensibly to establish rules for a modern parliament, there is no reason we could not do so. The problem is that everyone is playing games all the time.

Deputy Bernard J. Durkan: That would never occur to the Government side.

(Interruptions).

The Tánaiste: That is precisely my point.

Deputy Bernard J. Durkan: How can the Tánaiste say that without a smile?

An Ceann Comhairle: To be honest, Deputy Stanton, I must move on.

Deputy David Stanton: I am trying to move on. Will the Government publish its own proposals on Dáil reform and, if so, when? That is a simple question.

The Tánaiste: The best way to achieve Dáil reform is through mature consensus involving all parties in the House and recognising the roles we must all play. We can take the job seriously and do some work on it or we can continue to do the ring-a-ring-a-rosy that has passed for Dáil reform until now.

Deputy Simon Coveney: Will the Government publish its proposals?

Deputy Emmet Stagg: For the information of the Minister, very serious work is being done on this matter under the guidance and assistance of the Ceann Comhairle. A large measure of

[Deputy Emmet Stagg.]

agreement has been reached on very important issues pertaining to Dáil reform and it is not a case of people playing funny games, as the Tánaiste described. We are not doing so; we are working very hard on the issue and are very close to agreement.

Deputy Noel Dempsey: That is after ten years.

The Tánaiste: I look forward to the outcome of those deliberations.

Deputy Emmet Stagg: So do I.

Deputy Seán Sherlock: Let us consider the impending review of acute hospitals. Given that hospitals such as Mallow General Hospital, which are currently being downgraded by stealth, are anxiously awaiting this review, will it give rise to a legislative procedure?

An Ceann Comhairle: The Deputy cannot fish for legislation. I am moving on to the next business.

Presentation and Circulation of Revised Estimates 2008: Motion.

Tánaiste and Minister for Finance (Deputy Brian Cowen): I move:

That, notwithstanding Standing Order 154 (1) or (2) of the Standing Orders of Dáil Éireann relative to Public Business, Revised Estimates for the Public Services for the year ending 31 December 2008, be presented to the Dáil and circulated to members on 21 February 2008, being a date later than that prescribed for the presentation of Estimates and that the Revised Estimates be referred to Select Committees pursuant to Standing Order 154(3) and paragraph (1)(a)(ii) of each committee's Orders of Reference.

Question put and agreed to.

Immigration, Residence and Protection Bill 2008: Second Stage (Resumed).

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

Deputy Michael Kennedy: I thank the Chair for this opportunity to speak on this important issue, which, as a Deputy representing Dublin North, is close to my heart. The issues surrounding integration, permission to remain in the State and the right to work here are enormously important not only to my constituency, but to all other constituencies. Put simply, this is the consequence of having a vibrant country with a healthy economy. For whatever reasons, Ireland is a desirable place to live for all incoming migrants and, for Ireland, many of these inward migrants are desirable to the State. Our economy needs them as much as they need us.

Parts of our economy would have difficulty operating without the contribution of our immigrants. The Minister, Deputy Brian Lenihan, mentioned the health services, but what about culinary enterprises, construction and the service industry? We cannot deny that the success which today attracts more migrants than ever before has been the result of the hard work of many a pioneering immigrant who came here in the 1980s, 1990s and during this decade.

Many Members will be more than familiar with the immigration situation in Fingal, particularly in the northern regions around Balbriggan, which I represent. The challenges surrounding the issue of migrants and their rights which are facing my constituency are manifold and replicated throughout Ireland. With 10% of the population now represented by immigrants, it is vital that we take this time to consider their rights.

It is with great relief that I welcome this Bill, which will streamline and set in stone the rights of incoming migrants. Every step in the journey to becoming an Irish resident is involved, from eligibility and application processes to the type of permission granted and, if necessary, the scope for appeal. The legislative framework set out in the Bill will replace all current legislation, establishing transparent processes for every phase of the immigration cycle and seeing an end to the greyness and vagueness of the current system. My colleagues will agree that the existing system is outdated. That was inevitable when some of the legislation dated back to the 1930s.

This is the cause of much anxiety, frustration and confusion for applicants and the public representatives they often visit for assistance in completing their applications. This overhaul is much needed and applicants deserve a system, such as this one, which is clear and concise. The current system does not do the country any justice and these changes are long overdue. The new proposals set out in the Bill will bring a great deal of relief to those applying for permission to remain in the State, with straightforward admissions policies and migrant-management now being the way forward.

Similarly, our citizens should also welcome these new measures and remain confident in the belief that the legislation will continue to protect Irish borders in the way provisions in place were structured and attempted to do. The temptation exists to give the right to work to every migrant knocking at our door and to offer asylum to every person coming from an area of conflict. This is especially the case for Members who every week see many tearful people presenting themselves in their clinics seeking help. However, the State needs to remain responsible in its management of migrants. It is far better to use a considered and efficient process such as that proposed in the Bill now rather than deal with the implications of a free-for-all immigration policy some 20 or 30 years down the line. We need to learn from the experiences of the British and French who have each experienced decades of racial tension because of their ill-thought out immigration policies.

As already mentioned by the Minister, Deputy Brian Lenihan, this new comprehensive legislation protects both the applicant and the State. This protection is further strengthened through the use of a bond system which is designed to reduce risk of abuse for family members of current immigrants visiting the country. The bond system will see visitors on visas pay a large sum of money which will be returned upon the person's departure from the State. This will ensure that the conditions attached to the visa will be complied with.

Another protection introduced is the power of the State to deport those remaining in the State illegally. This replaces the lengthy process which currently needs to be gone through before a person can be removed. However, our caution should not preclude us from rewarding those migrants who, over the years, have contributed greatly to the State, bearing in mind that the Bill's emphasis is on fairness. As such, I welcome the plan to introduce a new long-term residence status, giving many of the rights of citizens to those living in Ireland for at least five years. It rewards the contribution made and rewards the applicant with stability.

We risk a great deal by not protecting these immigrant workers now and convincing them to remain here. We are currently haemorrhaging nurses; many Filipino medics who trained in Ireland are now emigrating to Canada. Long-established east European construction specialists are in the same boat. I have just learned that FÁS is holding a conference in Croke Park next week for different employment groups and a number of east European employment agencies will be represented there with the aim of luring these workers back to the countries from which they came.

An Ceann Comhairle: I am sure some of them are Cork footballers and hurlers.

Deputy Deirdre Clune: The Chair need not worry, I am sure they will grace Croke Park.

Deputy Michael Kennedy: I am sure the Deputy is delighted——

Deputy Deirdre Clune: I am relieved.

Deputy Michael Kennedy: ——that perhaps they will be facing the Dubs in a future game in Croke Park.

These overseas bodies are coming to Ireland specifically to target the emigrants who have come here. It is right that we should act to ensure these people remain here where they have been trained and because we can offer them a good standard of living. These people will benefit from the Bill.

I welcome particularly the plan to accelerate the applications of current work-permit holders and migrants with much sought-after skills for long-term residency. I instance nurses, skilled labourers and chefs. This is a healthy progression from the current system and I welcome the consideration being given to the theory that there are and will be jobs that Irish citizens, for whatever reason, are unwilling to take up. There are also high-skilled jobs that might better suit a new resident here who would have more skills than perhaps an Irish citizen. I refer to specialised chef who cannot be replaced by an Irish trained cook. We need only consider the popularity of Thai, Indian and Chinese restaurants here to imagine the demand for such foreign chefs.

I applaud the reasoned and cautious additional eligibility requirements, namely, that the applicant be tax compliant, that he or she have a reasonable command of English or Irish and that the person has made reasonable efforts to integrate himself or herself. I appeal to the Minister to examine the possibility of allocating funds for language provision, as it is regarded as a vital tool for incoming immigrants. I also welcome the new categories of permission which give groups of people with varying circumstances and eligibility the right to remain in the State on tailor-made permissions.

Section 127 of the Bill sets out the various categories of permission and conditions attached. These start with a 90-day visitor's permission category, which will state whether a person is further eligible to apply for residence permission. These measures will make clear at point of entry a person's rights with regard to further applications. I hope all Members will note there is far more scope than ever in place for a person to get permission to remain in the State.

The reforms to the asylum application process are also positive and will surely be welcomed by applicants. Not only is the process now finally enshrined into law, with the assimilation into the Bill of the EU asylum procedures directive, but the new process presents itself as streamlined and more straightforward.

The long-winded, over-complex nature of the existing system surely adds to the agony of waiting for a decision to be made. The long delays experienced at the moment can often add weight to a negative decision and in some unrelated cases, abuse. No one likes to admit it, but can one not imagine the temptation to abscond facing an applicant who has been waiting quite a long time for a decision? Streamlining the system now will give applicants for asylum a decision within a shorter timeframe. A single procedure wherein the applicant presents his or her grounds to remain in the State is provided for in the Bill, with the outcome of the decision now coming from the Irish nationality and immigration service, which deals with all other permission issues. The clarity of the new asylum process should also lead to fewer legal contests.

The procedures being introduced bring our system into line with those of many other European countries, achieving a sense of cohesion and familiarity for asylum seekers across Europe. The decision will be made quickly, with an efficiency hitherto not witnessed in the State and within a system which also reduces the risk of abuse. Of course the Irish State wants to provide

protection, but we need to ensure we are protecting those in need and not just seeking better economic circumstances or schools. I note the clarification offered in the Bill on the subject of visas, which pre-clear visitors, but do not grant permission alone. I am happy to see the Minister has made it clear that visas are used solely for pre-clearance and the status of “visa-free” countries will continue unless the migrant’s visit extends over three months, at which point he or she will require a visa. This system will give visitors clarity and certainty as regards entry into the country.

I particularly welcome the changes being brought in regarding victims of human trafficking. The Bill provides for a period of recovery and reflection for the victims of human trafficking with the Minister having discretionary powers to extend this. This is a compassionate measure in recognition of the fact that a victim’s emotional trauma could be exacerbated by demands to quit the country. Giving the person a set period during which he or she can recover sufficiently in order to return home is a responsible act, which gives special recognition to the horrific trauma experienced by the applicant. The measures also give more scope for victims to come forward, safe in the knowledge that no one is going to be showing them the door. I ask the Minister and the relevant committee to re-examine the Bill, however, with a view to providing for child victims of human trafficking and for children seeking asylum, so as to protect their rights as much as possible.

I presume the cost of running this new system of immigration management will save some of the enormous amount of money being pumped into the existing system. I ask that any savings be used to address some of the issues facing new immigrants once their permission has been granted. As previously mentioned, I continue to urge the Minister to give some thought to the issue of language provision for those who have been granted permission to remain in the State on a long-term basis. I see language as a crucial barrier to integration and any provision of funding for classes, or departmental grand aid would make enormous difference to the lives of immigrants and those who surround them.

I also want to stress the need for an annual review of the system to ensure it can be tailored to meet challenges as they evolve. This will iron out anomalies as they arise and hopefully allow us to continue to provide the finest immigration policy possible.

Deputy Deirdre Clune: Everybody in the House will welcome this Bill and the opportunity to debate the issues surrounding immigration and integration. As Deputy Kennedy has outlined every public representative will have met people on a daily basis seeking asylum or refugee status, wanting to bring in family members, looking for work permits or whatever. It is very distressing for people and it is difficult for public representatives such as myself who are restricted as to what can be done for people other than to offer them a map through the system as it exists.

We have had an influx of immigrants because the economy is so successful, we are told. Ireland, too, has a history of emigration and on the whole Irish people have sympathy for immigrants and want to see them dealt with in a fair, open and transparent fashion. Irish citizens wish to know, too, what the rights of immigrants are so that everyone knows where they stand. We have been asking for this for a long time.

If one wants to get into the United States, one has to have the correct documentation in place, even for a short stay. We are very familiar with the story of the undocumented Irish in the United States. The work permit system in place there is accepted, however, as regards whether a spouse is allowed to live in the US or how long one may be entitled to stay, whether on holiday or for a prescribed work period. It is clear and documented and people treat the system with respect. We certainly hope the situation of the undocumented Irish in the United States can be resolved.

[Deputy Deirdre Clune.]

In the last ten years we have seen an enormous influx of immigrants into Ireland. We have moved from being a country where formerly the emphasis was on emigration to one where it is on immigration. I certainly hope Ireland will continue to attract immigrants for the foreseeable future, as we need the skills they can bring. We need an efficient workforce and we need to value the contribution immigrants can make to Irish society, whether they come from inside or outside the European Union. This Bill refers in particular to people from outside Europe. In the last five years more than 100,000 people from outside the European Economic Area have come to this State for employment purposes. That is in addition to the significant numbers who have come to Ireland seeking asylum, refugee status or for study purposes. Principally people come here for work purposes or to seek asylum. The number of work permit applications has decreased since 2005, and the number of work permit refusals has remained fairly constant. People seeking work permits come mainly from India, the Philippines, South Africa, the United States and Malaysia. We recently had discussions in the Joint Committee on Enterprise, Trade and Employment on the whole area of skills and the need to upgrade training in Ireland. Employers in the information technology area, looking for computer graduates, invariably have to go outside the European Economic Area to source qualified people. We are now getting many people from Eastern Europe, but nonetheless, there is a dependence on foreign nationals from outside the EEA to work in the IT sector. Ireland is certainly not producing sufficient graduates in this area.

The numbers applying for asylum have been reducing gradually, but the numbers being refused have remained constant, at just under 70%, which is relatively high. The fact it takes so long to come to a decision on asylum has caused great hardship in many cases. As has been mentioned by previous speakers, people may have been in the country for a long time because it takes such an age for their asylum application to be processed. The children go to school and make their first holy communion and some may be doing State examinations. I refer to the case of a boy who was prevented from sitting the leaving certificate examination because his asylum application was not successful. These are difficult and personal cases and nobody wants to see such a situation arise. It is a matter of speeding up the asylum application process by ensuring the necessary resources are in place to deal with the applicants. It is a tragic situation when people are left waiting for a decision for many years and if the decision goes against them they will invariably appeal that decision which takes a long time. By that stage they have become accustomed to the nature of Irish society and it can be extremely difficult for them.

I stress the importance of integration but it has not always been successful in other EU states and we can learn lessons from other countries. People should not be corralled into geographical areas or into certain types of employment. They should be provided with language support and with support to help them integrate into this society.

I have first-hand experience of our school system as it operates in many schools across Cork. The schools are doing very well especially with the young children. The children sitting next to them are children like themselves and they act as they do. This supports integration because language is not a problem for the very young children whereas it is problematic for their parents who have neither the language support nor the language services. This is an area which requires intervention. Teachers need to be supported when dealing with older children who do not speak English which is the predominant language in this country. Older children should be given language support so that they can participate in class. These are issues to do with integration. We must ensure that people living here who have been granted Irish citizenship are facilitated in integrating as it will benefit us all in the long term.

I welcome some of the provisions of the Bill. The existing legislation dates back to the 1930s and there is a need to modernise it. Integration and immigration is being dealt with on an *ad*

hoc basis so it is time we faced up to the matter and give some clarity to those who wish to come to this country. The Bill deals with those both lawfully and unlawfully resident in the country. A person is lawfully resident if he or she has a visa and has been issued with an entry permit for a specified duration. The problem is that people can become unlawfully resident in the State if they overstay their permitted time or if they attempt to enter the State unlawfully. The Bill allows for certain official ports or points of entry which will be determined by the Minister. This matter can be further debated on Committee Stage. The naming of specific ports and points of entry is to be welcomed. Those without the necessary entry permits can present themselves at such entry points and it will be illegal to enter the country by any other means.

We are a small island nation and most travellers enter from another European country such as the UK and France. People come to this country having been in another European country. I welcome clarification of the issue of lawful points of entry. I note that a person can be deemed to be in the country unlawfully if the work permit issued to his or her employer has expired.

This Bill is an important step in developing a fair, open and transparent system for everybody. However, much in this Bill has been left to the discretion of the relevant Minister. A total of 116 regulations and 151 orders require to be made by the Minister and this accounts for a certain amount of vagueness. I expect this will be further debated on Committee Stage.

I refer to family reunification which is a key subject but which is not resolved in this Bill. At the moment non-European Union citizens cannot bring family members to reside in Ireland. This causes great hardship. I have many cases where people have applied for residency but they are not permitted to bring their family members, such as young children or a spouse. I refer to a couple from Georgia whose seven year old son is living with his grandparents in Georgia for the past five years. This is a very difficult situation for that couple. They are hoping their residency permits will be accepted but in the meantime they are not permitted to have their son here with them. I do not think anybody is comfortable with such a situation which has been continuing for five years. The spouse of a person from outside the European Union is not permitted to work and this can cause economic strain on a couple. I am speaking about cases with which I am familiar as representations have been made to me. I ask the Minister to address the difficulties associated with direct family member reunification, such as a spouse or minor children. Family members from outside the EU should be permitted to visit their families for a holiday or to help during times of illness or when a baby is born. Grandparents should be permitted to visit without lengthy and excessive conditions. Such people have on occasion been refused a visitor's visa. I hope the Bill will clarify the situation for people in this situation.

I refer to the limitation on the right to marry. There has been much media comment on the requirement for priests not alone to carry out the ceremony but also to check papers to ensure everything is in order. While I do not know whether it will come to that, it will be interesting to tease it out on Committee Stage because the civil ceremony is different from the church ceremony.

This area can be problematic for Irish citizens who want to marry people from outside the European economic area. They may have difficulties in obtaining the necessary permit given that they must apply to the Minister three months before the proposed ceremony. A number of these issues have been raised. While I was not in the Chamber for the start of the debate last week, I read the Minister's speech and I know he is willing to discuss the details. I am looking forward to Committee Stage where many of the issues raised here can be teased out to bring more clarity for people.

On the whole, the Bill represents an important step forward. I acknowledge the work of the Immigrant Council of Ireland, the Irish Refugee Council and others in supporting immigrants. They have evolved over the years. Many people give their services and help immigrants in a

[Deputy Deirdre Clune.]

voluntary capacity, particularly in the legal profession — they do so outside office hours. I am aware of two groups working in this important area in the Cork region. The Bill will allow us to move forward so that people can approach the country for asylum, for holiday or to seek residency. I hope it will bring some clarity and resolution to what heretofore has been an *ad hoc* and haphazard system.

Deputy Peter Power: I welcome the opportunity to speak on one of the most important Bills to come before the House for some time, perhaps one of the most important Bills we will deal with in this Dáil term. I compliment the Minister, the Minister of State and their officials who have worked long and hard on producing the proposal in legislative form.

Ireland has seen two sides of this issue. In the 19th and 20th centuries we experienced much forced emigration with all its social consequences. In the past ten or 15 years we have seen the complete opposite with immigration into the country. We are in a unique position to know both sides of the one coin. In the 1950s, 1960s and indeed in the dark days of the mid-1980s when tens of thousands of people left the country it would have been unthinkable that a few short years later the House would be discussing such comprehensive legislation to deal with immigration as distinct from emigration. It is a sign of the changing Ireland.

Practically one in ten people living here is classed as a non-Irish national, either from European countries or from farther afield outside the EEA. That is a startling statistic especially given that it has come from a base of close to 0% ten or 15 years ago. We have been playing catch-up and our policy in the area has been totally response-led, reacting to the influx in recent years. It is therefore important to have a full and complete debate at this stage.

Before discussing the details of the Bill it is vital to recognise and state clearly that the vast majority of people who have come here legally at our invitation or who have stayed here after going through our due process are very welcome. It is important to say this in the House to the representative organisations and the people they represent. They are welcome here once they are here legally. In some cases they have made an enormous contribution to the country culturally, educationally and, for the most part, economically. They have also made a great contribution to our social services, with many such people working in our health care sector. It is now important to take the next step and adopt a much more joined up view as to where we are as a country and as to whom we want in this country. It is important to say this honestly because we have the power and responsibility to dictate as a country, subject to our international obligations, who should and should not be in the country. That is an important point to recognise before beginning the debate.

There are some important realities we need to face up to before we discuss the legislation. The current system has been abused, in some cases systematically, not just by the applicants, the non-Irish nationals, but also by people bringing cases on their behalf. Some people representing non-Irish nationals applying for asylum and residency are using the system as a money-making exercise. The Bill needs to tackle that issue and I believe it lays out the framework to do so. It is important to realise that 90% of applications for either residency or asylum have no merit and are unfounded. We need to face up to that reality and have a system to deal with those cases which have no merit or are vexatious. We need to deal with them quickly and expeditiously subject to the concepts of fairness and due process. The existing system, which has merely responded to the phenomenon of the influx in recent years, is a recipe for abuse.

There is a significant difference regarding the approach that ought to be taken to deal with the issue of how to legislate and introduce systems to address it, mainly between the Government and the Labour Party. Last week Deputy Rabbitte articulated in great detail his party's approach. As I understand it, he believes the legislation should incorporate statements of policy

as to how we organise our systems and decide cases, whereas the Bill sets out to delegate authority and power in this area to the Minister. Leaving aside the legal debate as to whether it is constitutionally permissible to delegate those powers to the Minister — although it is an important point — there is also the issue of whether it is the way to proceed in this area. It begs the question as to whether policy in every aspect of government needs to be enshrined in legislation. I believe emphatically that is not the case.

I fundamentally disagree with the concept that in order for a government to operate a policy in any area of government endeavour, such policy needs to be enshrined in legislation. However, that is the position of the Labour Party as articulated in great detail by Deputy Rabbitte. I simply disagree because it suggests that every action of Government in making policy, including economic policy and foreign policy, needs to have a legislative base in that the policy itself is in the legislation. That is a recipe for disaster. Last week, Deputy Rabbitte quoted a long list of legal cases concerning the legal requirement to have such policy enshrined in legislation. I respectfully suggest, however, that he has confused two important issues. One is the requirement, with which I agree, to have some element of guiding principles in the legislation. However, that issue is confused with the suggestion that the legislation must have policy statements set out in it. I disagree with that because the logical conclusion of that position is that every time the Government seeks to change policy, a new immigration Bill must be introduced. That is a flawed concept, yet it is the logical conclusion of the argument put forward last week by Deputy Rabbitte. It is an unworkable way of managing our affairs, which is far too rigid and inflexible. However, this is an evolving area, not just here but also in other countries, and as economic and social conditions change, policy must change to reflect that. That is why we are introducing this legislation.

Deputy Rabbitte made the case that the Bill is devoid of guiding principles but I respectfully disagree with him on that point. Although the Bill delegates substantial powers to the Minister to make regulations and introduce an administrative framework, it can only be done in accordance with section 127(5), which makes it clear that in specifying categories of permission under the Bill, the Minister shall have regard to certain guiding principles. These include “trade, commercial, tourist, cultural, educational or scientific” contributions an applicant can make, in addition to the “facilitation of the provision of skills and expertise in the industrial, commercial, business, educational, scientific, cultural or administrative fields”. Section 127(5) also refers to “the pursuit by the State of the maximum social, cultural and economic benefits” arising from immigration, as well as the “enrichment and strengthening of the cultural and social fabric of the State”, and the “promotion of the successful integration of long-term residents into the State”. As regards the latter point, we have taken an advanced view with the appointment of a separate Minister with responsibility for integration. Section 127(5) also refers to the “maintenance and protection of ... health”, the “promotion of international understanding” and respect for our international obligations, the “fostering and development” of links between nations, specifically Ireland and Britain, the “protection of the socio-economic fabric of the State”, and the “protection of the security of the State”. If the aforementioned matters are not guiding principles or even a policy framework, I do not know what is. Consequently, I must respectfully say that Deputy Rabbitte’s position is simply incorrect. First, it is clear that the Government has the necessary power. Second, the Government should delegate that power to the Minister. Third, the legislation does have guiding principles to inform the Minister as to how he should exercise that power. In this respect therefore I cannot agree with the long proposition made by Deputy Rabbitte in the House last week.

Immigration policy both here and abroad is evolving all the time. Proof of this fact can be seen in the seismic changes in our demographics over the past ten years. The suggestion is that we should amend our legislation every time such changes occur but that is an unsound principle.

[Deputy Peter Power.]

The Bill has been welcomed because it attempts to codify the law in this area. It has been criticised, however, for restricting access to justice by applicants, be they asylum seekers or others applying for long-term residency or protection. It is said that in some shape or form the Bill does not protect such people but I would have to disagree with that view. The existing system grants too many protections. We must respect our obligations under international obligations, including UN and European conventions on human rights. Our processes go much further than that, however, and they allow our system to be abused. The net result is that 90% of such cases are unfounded and have no merit. There is something inherently wrong with a system that allows that failure rate to be indulged in by the State, the Department, the courts and administrative tribunals. It can often take years to decide that a case has no merit, and that is wrong. For that reason I welcome the simple concept that underpins the legislation — that is, that people are either legally resident in the State or not. If they are not here with the permission of the State they are legally obliged to leave and that removal process should be streamlined. I firmly believe in that and the Minister is absolutely right in the manner in which he has addressed the issue. Non-nationals who are legally resident here operate under a simple, streamlined and one-form application process whereby they apply for permission to be in the State. Such applications are processed and permission is either granted or not. If applicants do not agree with the way in which the process has been carried out and feel they have not received due process or fair procedure, they still have right of access to the courts in each and every case. That is a fair and efficient way of dealing with the system and I compliment the Minister on the manner in which he has introduced it.

Many groups have made representations concerning this Bill and they should be heard. As Chairman of the Joint Committee on Justice, Equality, Defence and Women's Rights, I feel it is important that, before we discuss the detail of the legislation on Committee Stage, such groups should be invited to attend the committee and afforded an opportunity to express their views, which can then be heard and taken on board. The Minister has signalled that he is open to reasonable amendments to the Bill and I welcome his position in that regard.

I compliment the Refugee Council of Ireland, the Immigrant Council of Ireland and other advocate groups in this area. They provide a good service for applicants.

While many issues are dealt with in the legislation, I want to concentrate on whether we have got the overall mix right. Policy in this legislative context must — to use a much abused phrase — be joined up with other policies in order to deal with issues such as family reunification, children's rights, human trafficking and sexual exploitation. In that way it will not just be about who gets in or who does not, but will also deal with supports for people who are here at the invitation of the State. That overriding principle of responsibility must be outlined. Every state has that unique power to decide who is allowed enter its jurisdiction. That should not be confused with any extreme xenophobic views. It is a straightforward principle that we should state clearly and act upon reasonably in the interests of the State, while also recognising our international obligations in terms of human rights. In accordance with this overarching principle, this important legislation sets out a modern and efficient method for dealing with the issues that have arisen in the State in the past ten or 15 years. I look forward to Committee Stage and to engaging with the representative bodies to tease out some of the more detailed aspects of the proposals. I commend the Bill to the House.

Deputy Joan Burton: I begin by responding to some remarks of Deputy Peter Power which he attributed to my Labour Party colleague, Deputy Rabbitte. I have had an opportunity to discuss with Deputy Rabbitte his approach to this Bill. He used the judgments of the Supreme Court to remind this Chamber that the basic difference between the Government and the

Labour Party on these issues relates to the question of whether legislation should set out national policy. In putting forth my party's view, Deputy Rabbitte quoted in detail the views of the Supreme Court, which held that the Dáil could not simply hand over to the Executive constitutional responsibilities to make law no matter how much the latter wished to assume that power. Deputy Power clearly wishes to grant that power to the Executive.

Under the Constitution, this House has responsibility for making law and the Executive has responsibility for implementing it. The Government undoubtedly has great power to influence the making of law, but it is the responsibility of this House to make it. In the judgment in the *Laurentiu* case in 1999, Mr. Justice Keane stated: "It cannot be too strongly emphasised that no issue arises in this case as to whether the sovereign power of the State to deport aliens is executive or legislative in its nature." This is exactly Deputy Power's point. Mr. Justice Keane goes on to state:

It is clearly a power of an executive nature since it can be exercised by the Executive even in the absence of legislation. But that is not to say that its exercise cannot be controlled by legislation and today is invariably so controlled: any other view would be inconsistent with the exclusive law-making power vested in the Oireachtas. The Oireachtas may properly decide as a matter of policy to impose specific restrictions on the manner in which the executive power in question is to be exercised: what they cannot do, in my judgment, is to assign their policy-making role to a specified body or person, such as a Minister.

I am not a lawyer, unlike Deputy Power. However, Mr. Justice Keane's statement represents the nub of the issue and it is a powerful argument. I understand Mrs. Justice Denham was also a party to that judgment. It is applicable to most democratic legislatures worldwide where it is the responsibility of the parliament to make the law. That is the point made by Deputy Rabbitte. Deputy Power ascribed something to Deputy Rabbitte that he did not say. This principle is what the Labour Party stands by in the sense of standing by the Republic. Deputy Power might accept that. The explanatory memorandum quotes extensively from various Supreme Court judgments.

Some of the proposals in this Bill are extraordinary. There are communities in this State besieged by crime, criminal gangs and anti-social behaviour. On many occasions, it seems impossible to have gardaí assigned to these areas to address such criminal activity. It is ironic, therefore, that the Minister for Justice, Equality and Law Reform proposes in this Bill that the officiating priest or minister, or even the guests, at the wedding of an Irish person to a non-EU national could be locked up for flouting immigration laws. This is not a serious legislative initiative. Rather, it is a reactionary proposal that panders to those who seek a quick-fix solution regardless of whether it has been properly thought through.

As Chairman of the Oireachtas Committee on Justice, Equality, Defence and Women's Rights, Deputy Peter Power presumably has some insight into the Minister's thinking. Will the Government reconsider this proposal? In working-class housing estates in parts of my constituency and that of Deputy Power, there are insufficient Garda resources to attend to serious crime. Under this Bill, gardaí will be asked to chase guests and priests at weddings. The Government should cop itself on. Most people will be outraged at this proposal and it must be reviewed.

Marrying an Irish national does not confer additional rights that would not have been otherwise gained through coming here to work as a single individual of non-EU nationality. In effect, this proposal assumes that a person from outside the EU and the European economic area, EEA, would marry an Irish national only for a passport. If this is the view of the Minister for Justice, Equality and Law Reform, he must explain the rationale for this assumption. Is there

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evidence that this is taking place and, if so, how often? There are legislative measures to deal with what the Minister is implying in this Bill are bogus marriages. If this is a significant problem, the Minister ought to address it honestly rather than adopting a sledge-hammer approach in this Bill.

We must take account of the lifestyles of many young people. It has become the norm, particularly for students, many of whom are from better-off families, to take a gap year to travel the world. They spend time in Australia, New Zealand, Canada and other countries in which young Irish people are permitted to live, work and possibly remain. It is inevitable that some of these young people will meet and fall in love while residing in these countries. They may not necessarily want to marry these partners but they often want to bring them home to Ireland for a period of time so they can meet their family and friends. Some such relationships lead to marriage and others may persist for many years without marriage being the outcome. However, it is virtually impossible for the foreign partner to gain access to the State unless he or she is able to come as a student or can secure employment here from abroad. We are talking about young Irish people who are going abroad and meeting foreign partners. Most of them are young, so they are not economically established. In many cases, their families are more than prepared to assist when they come back from a year's travel with a partner who is not from an EU member state. The Minister needs to think about this issue. He should take into account in this legislation the realities of life for many young Irish people. I am talking people about people of absolute integrity, rather than people who are trying to import foreigners into Ireland. When Irish people meet their partners while they are abroad, we should ensure that structured mechanisms, with clear terms and conditions, are in place to allow them to bring those partners into this country.

I empathise with Deputies who have mentioned during this debate that immigration matters now comprise up to 40% of their constituency caseloads. Such issues are raised all the time in my constituency of Dublin West, which has experienced massive immigration. When I was in South Africa some years ago visiting friends, the then Tánaiste and Minister for Enterprise, Trade and Employment, Deputy Harney, who is now the Minister for Health and Children, was in the country with an enormous roadshow, which was also brought to places like Newfoundland. The Minister was trying to encourage skilled workers to immigrate into Ireland because they were needed here. Fianna Fáil and Fine Gael have sent strong signals, through FÁS and other bodies, that people from other countries are needed here. It is important we look after people from places like the Indian sub-continent, South Africa and Newfoundland when they immigrate into Ireland. Many married couples — they may be nurses or doctors — have come to Ireland from India. There has been a great deal of immigration from places like India and South Africa on foot of the requests which were made some years ago by the Government. Many people have moved here to work in the health service. However, problems can arise when a woman comes here and subsequently has children here with her partner from her own country. Her parents might get a short-term visa to be present when their grandchild is being born, but that visa might not be sufficient if the child is weak or sickly, or is born with a disability.

I have had to petition the Minister in many sad and difficult cases to see whether grandparents from countries like India and Pakistan can stay in Ireland for a reasonably lengthy period of time — six months or a year — to help with the care of their grandchild who is ill. Several heartbreaking cases are being considered by the Department of Justice, Equality and Law Reform at present. I expect the Department to be cautious and to look for validation of the evidence in each case. Nobody is asking for an open-door policy. Given that we asked these people to immigrate into Ireland to provide valuable skills in our health service, for example,

we should show that we want them to stay here by looking favourably on applications for visitors' visas made by their parents — the grandparents of their children. Such visas are extremely difficult to obtain, however. I appreciate that the Minister is proposing to address some aspects of this issue in the legislation before the House. I suggested to the previous Minister, Michael McDowell, and privately to the current Minister, Deputy Brian Lenihan, that some kind of bond system be introduced, for example. If the parents of people who have moved to Ireland legitimately have genuine family reasons for staying here for a lengthy period of time, we should provide a system whereby that can happen. I ask the Minister to address this issue.

The Geneva Convention originally established that states have a duty to give shelter to those fleeing from a well-founded fear of persecution, for instance in a conflict situation. This is the legal rationale for the granting of political asylum under the Geneva Convention. We have a moral imperative to assist people who flee in fear of their lives to seek help and succour in another jurisdiction. I recognise that provisions have to be made to deal with manifestly unfounded applications for asylum. When, as Minister of State, I introduced the first Refugee Bill, I ensured that it included provisions to deal promptly and expeditiously with manifestly unfounded asylum applications. We need to avoid the tarring of all asylum seekers, including those who have legitimate cases, with the same brush of illegitimacy. It would be a travesty of justice and a dereliction of Ireland's duties under the Geneva Convention if it were assumed that all asylum seekers are "bogus" or "economic migrants". We need to strike a balance between managing migration flows and fulfilling our humanitarian duties under the Geneva Convention.

The concept of subsidiary protection has been developed by the European Union over recent years as a means of recognising that the asylum applications of refugees from areas of conflict need urgent attention. In theory, an application for subsidiary protection allows legitimate asylum seekers to bypass the often lengthy protection procedures under the Geneva Convention to get the help they need. The Government accepted the concept of subsidiary protection when it was required to do so under an EU directive and various Council decisions. While the introduction of subsidiary protection has been a good development on the part of the EU, I understand that nobody has been granted asylum through the subsidiary protection process since it was introduced. If the Minister is aware of cases which are currently being addressed within this mechanism, I would be interested to hear about it. When I was doing my research, I did not come across any declared cases in which subsidiary protection has been granted. In light of the ongoing conflict in Darfur, for example, is the Government committed to the concept of subsidiary protection in the first instance? Is it merely engaging in some humanitarian window-dressing? It will be shameful if the Government does not sign up to what the EU has agreed as a means of addressing certain problems within the modern world and the global economy. I am aware that provision for subsidiary protection is being made in this Bill. In light of the position the Government has taken on it up to now, however, it is not clear whether subsidiary protection will be used in practice.

I welcome this legislation in so far as it might bring clarity to our immigration system and lead to the applications of legitimate asylum seekers being processed as a matter of urgency. I travelled extensively around the world — I lived in Africa for some time — before I got involved in politics. I have difficulty with people who believe that the concept of asylum is bogus. I spent a great deal of time in post-conflict countries like Rwanda and Uganda. I met people in Africa who had been the victims of torture. I have met them in Ireland too. The Government has chosen to identify with people who are economic migrants. I acknowledge that there is a difficulty there. It should not dismiss all asylum seekers simply as economic migrants. There are many conflicts in the world. Some people who were treated horrendously

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during those conflicts have ended up in this country. They need the protection of the Geneva Convention. The Government should use the provision in the Geneva Convention for programme refugees. People who are wasting away in refugee camps throughout the world should be offered a place of safety in Ireland. That was done in the case of Bosnian refugees following the conflict in Yugoslavia and even earlier in the case of Vietnamese boat people. That is a useful way of seriously expressing Ireland's concern about genuine asylum seekers.

I support the development of biometric confirmation of identity. Although it is a tricky, evolving technical area, I support it in principle. The proposal to charge lawyers who take *pro bono* cases on behalf of asylum seekers on genuine points of law is foolish because existing court rules provide that lawyers taking frivolous or wasteful cases can be dealt with through them. The Minister should withdraw that provision. Many legal cases would not be appealed if the initial procedures were properly followed or if people were able to avail of proper advice. I hope the Minister will address the issue. If he does, I am confident he would avoid most of the appeal cases.

Deputy Thomas Byrne: As a member of the Joint Committee on Justice, Equality, Defence and Women's Rights, I am delighted to contribute to the debate. We are always concerned when the Executive has too much say in making regulations but while section 127 provides the Minister with extensive powers to make regulations, he or she must have regard to 11 detailed qualifying conditions, including a foreign national's contribution to trade and tourism activities; the facilitation of the provision of skills, which has been very important over the past ten years; the pursuit by the State of the maximum social, cultural and economic benefits of immigration; the enrichment and strengthening of the cultural and social fabric of the State; successful integration, to which all parties are committed — this is important in the context of the work being undertaken by the Minister of State at the Department of Justice, Equality and Law Reform, Deputy Conor Lenihan; maintenance of the health and safety of Irish citizens; the promotion of international understanding; the fostering of links between the State and the United Kingdom, which is important in the context of the open door travel policy between both states; the protection of the socio-economic fabric of the State; the protection of the security of the State; and the attainment or implementation of the Government's economic policy. There is a strong check on what the Minister may do.

Immigration has resulted in significant changes. I was glad to see children from my own constituency in the Visitors Gallery earlier and they reflect and represent the new faces of young Ireland, which is very welcome. I hope I will not be accused of plagiarism but a famous politician once described an essential qualification in a politician as "the ability to foretell what is happening now, next week, next month, next year and the ability to explain why it didn't happen after all".

Ireland is at a crossroads in its history. I was born in 1977 and I recall parties on the street in the mid-1980s to say goodbye to people emigrating to the United States illegally. Many of them remain in the US. Immigration was non-existent at the time. Why would people travel to a country with such a weak economy? When I attended college in the early 1990s, the occasional foreign student was a celebrity on campus. Towards the end of the 1990s and throughout this decade, we have experienced mass immigration as opposed to the mass emigration prior to that. However, it has happened relatively suddenly.

The Minister is trying to plan as best he can. In the 1980s and early 1990s, it would have been impossible to foretell the rate of immigration we would experience. It is, therefore, a good time to focus on the development of immigration policy to meet the economic and social challenges faced by the State. I welcome the Bill, which will replace much existing legislation

dating back to the 1930s and the Aliens Act. Using the word “alien” to describe someone who is not a citizen of the State demonstrates how ancient is the legislation. The word “alien” is better suited to the age of “ET”. Immigrants should be welcomed provided they can integrate and contribute to the social and family life and economic development of the country.

Immigration legislation was also introduced in 1999, 2003 and 2004, but these Acts were designed as stopgaps and not to address the long-term management of migration into the State. However, the Bill will do so and, for that reason alone, it should be welcomed. Members may disagree about various sections but there is general agreement the Bill is welcome and a good, open and frank discussion is needed about its contents. As a member of the justice committee, I look forward to a lengthy Committee Stage. I hope to meet representatives of immigrants’ groups who advocate for immigrants in a valuable way before Committee Stage, as Deputy Peter Power outlined.

The legislation, when enacted, will consolidate and comprehensively codify immigration law and it will enable the Government to address non-EU migration. The Union is a vast supra-national state and its citizens can travel freely to Ireland. They will not be affected by this legislation. We will continue to welcome Poles, Latvians, Lithuanians and so on who will reside in the State as fellow citizens of the Union. The Bill lays down a number of important principles governing the presence in the State of foreign non-EU nationals, including an obligation to leave if they are not lawfully entitled to be here. It is important to bear in mind Ireland is a welcoming society and immigrants are needed, but the Oireachtas is entitled to legislate for how immigration is managed. The Bill sets out various processes for applying for a visa, entering the State, taking up residence in the State and leaving the State.

I agree with other Members that immigration issues comprise a significant part of our constituency workload. Deputy Burton referred to meeting Irish citizens abroad who have problems and, for example, I have similar issues to deal with at my clinic tomorrow. Hopefully, when the Bill is enacted, many of these issues will be addressed. The removal of an illegal immigrant from the State involves a long process currently, which facilitates evasion of our law. There is time and incentive for people here illegally or who have an uncertain status to avoid the process, which is not satisfactory for them or the rest of society. As well as regulating who can enter the State, rights are being provided to people who would like to make an important contribution to their communities and local economies. I recently attended a presentation by Boyne Rovers on its future plans for the club and a recent immigrant to the State was at the top table. Both himself and his family have had a major input into the running of the club, which is welcome. There are many instances of successful integration into communities. Immigrants are generally quite religious and the co-operation of churches is also to be welcomed.

I discussed the issue of bogus marriages with the Minister for Justice, Equality and Law Reform, who is of the view that it is a significant problem across Europe. I expect he will outline the details of the issue on Committee Stage. The provision on marriage to non-EU nationals is controversial but I think it is perfectly reasonable to require that the Minister be notified. He said he would revisit the matter in light of the understandable concerns expressed about penalties for those who officiate at weddings. He will invite useful contributions on the matter on Committee Stage.

A number of contributions have been to this debate by outside bodies. The Irish Refugee Council sent me a short but constructive document which welcomes much of the Bill but expresses unhappiness with certain aspects. The IRC may disagree with the Government on a policy basis but its input is useful. This Bill meets the commitments made in the programme for Government in regard to immigration and asylum. Statutory provisions will ensure transparent processes at each phase of the immigration cycle. I am particularly happy that provision is

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being made for family reunification. These provisions are generally welcomed by the IRC, although it has some concerns about them. As Deputies, we regularly meet lawful residents and citizens who face difficulties in bringing over a sick mother or father. I am only a new Deputy but I generally encounter sympathy when dealing with Department officials. However, it is important that statutory protection and a fair process are in place to allow family members reunite. This legislation takes a firm but fair approach to these matters.

Provision is made for a two year renewable visa for people with special skills. That is welcome because we lacked a green card system similar to that of the United States. It is important that the right people work in the country and, where a need arises for workers with particular skills, measures are needed to allow them to come.

Previous legislation on immigration can be described as *ad hoc* but we were dealing with a situation that was new to us. Immigration rates, particularly among asylum seekers, exploded in the early part of this decade. The number of asylum seekers has since decreased although they are still coming. It is important, therefore, that we pass this Bill to create a statutory footing for immigration. Our economy is stronger today than ever before. More people are working and incomes are higher. People can get on planes and fly away for holidays and we have a fantastic social welfare system. Immigrant workers have contributed a huge amount. We have seen some abuses but these have to be rooted out. Most employers would not tolerate any abuse of immigrant workers. We need to manage the people who come into the country and ensure the system is well regulated. I look forward to discussing this Bill in more detail on Committee Stage.

Deputy Frank Feighan: I welcome the opportunity to speak on the Immigration, Residence and Protection Bill 2008. We have been waiting a long time for the Bill.

To understand how immigration affects many people of diverse nationalities, it would be useful to consider the experience of the Irish diaspora. Every Member of this House has been affected by emigration. Since the famine, Irish people have emigrated to the UK, Australia, the United States and further afield to Argentina. They have made those countries wealthy in cultural and spiritual as well as economic terms.

I grew up in a family which had a newsagent background. We did not have a bad standard of living but my father worked in the UK for most of his life. Until the 1980s, it was normal for members of the family to work in the UK and elsewhere. Without that financial support, the business would not have prospered. I pay tribute to the assistance given by our close neighbour to the people who emigrated in the 1940s and 1950s. We have experienced conflict with the UK over the years but that country gave direction and a sense of fairness to Irish people working there. Most of the people who emigrated to the UK felt they were given a chance and treated with respect and dignity. If they were prepared to work, they were never asked their background in Irish society. We should also recognise the contributions made by Australia and the United States.

Many emigrants and descendents of the Irish diaspora are now returning to help build this country. Since the foundation of the State, it was difficult for us to prosper because the best and brightest left by boat or plane. Since people started to return with their experiences and outlooks on life the country has become better off.

A lot more could be done by this Government in terms of funding Irish centres in the UK and the elderly Irish who, while not forgotten, suffered the slings and arrows of life's misfortunes and have fallen through the safety net. We could do a little more for these people and for the centres that provide them with assistance. I have visited the various Roscommon associations in Birmingham, Manchester and London, which remain reliant on the Labour

Government in the UK for funding. However, they have been informed that Ireland is now economically well off and that they should seek assistance from the authorities here.

I travelled to Australia in 1984 and on the way I passed through Turkey and met a number of would-be asylum seekers from Iran and Iraq who did not want to be involved in the horrific war started by Saddam Hussein. These were normal people who had fathers, mothers, brothers and sisters, who did not want to fight in the war and who were obliged to live in a no-man's-land in Turkey. They relied on contributions from the Turkish people and could not gain entry to Europe. However, a few years later they may have been successful in respect of achieving the latter. Were it not for the grace of God, we might have found ourselves in a situation similar to theirs. On many occasions when members of the Irish diaspora left this country, they did not do so out of choice. However, people can now leave Ireland out of choice and can, for example, take a flight to the United States or wherever.

Deputy Thomas Byrne highlighted difficulties involved in using the terms “aliens” and “illegal aliens”. The term “asylum seekers” is also problematic. However, the new term “protection applicants” is much more sensitive in nature and I congratulate those responsible for suggesting that it be used.

Many of the people who travel to Ireland often have no choice but to do so — they do not come voluntarily. We have extended the hand of friendship to them and one hopes that, like many Irish emigrants who returned here after working abroad, they can go back to their home countries and help build them up by using the knowledge they gained and the money they obtained here. Many of the countries from which these people come are in a state of conflict and they come here to find a safe refuge.

In recent years there has been a dramatic increase in the number of people entering the country. Perhaps we were not ready for this eventuality. If Ireland had not been a country from which huge numbers of people emigrated in the past, our tolerance in respect of those coming here might not have been as good.

At one stage, there was no physiotherapist in the town in which I live because it was not possible to encourage anyone to come there to work. Thankfully, however, we managed to find two Indian physiotherapists who were willing to work in the town. As a politician, I am glad of that because I am no longer obliged to deal with the difficulties that arise. Elderly people in my town are now receiving the physiotherapy to which they should have had access in the first instance. The care and attention provided by the physiotherapists to whom I refer has been fantastic.

I am concerned because many of the places in which these asylum seekers — I do not like to use that term — live seem to be incentive-driven establishments. As far as I am aware, the Department of Justice, Equality and Law Reform has responsibility in this area. Individuals have bought old hotels in many of our towns and have herded asylum seekers into them. In many instances, financial gain seems to be the driving motivation for the operators of these establishments.

On Monday last, the residents of a temporary hotel located adjacent to my office in Ballinamore invited me to visit the premises. These people are extremely concerned about the legislation and they wanted to highlight to local Deputies the circumstances in which they live. My secretary visited the premises on my behalf and from what she said, those premises are not up to standard. For example, there was a lack of washing machines. Some of the people she met are extremely talented chemists, biologists and teachers and they are still waiting for their visas to be approved. As matters stand, they cannot work. It is soul destroying to witness the circumstances in which these people are obliged to live.

[Deputy Frank Feighan.]

I am satisfied that the Health Service Executive is monitoring the premises to which I refer. On the day after my secretary's visit, three washing machines appeared and pipes that should have been fixed previously were finally repaired. Perhaps the people who operate premises of this type are of the view that the Government is just throwing money at this problem and are trying to reap the benefits. I accept that people must make some financial gain but a balance must be struck. Those with responsibility for this matter should ensure that the people to whom I refer are not treated as second-class citizens. They are human beings and we should treat them with the highest respect.

In recent days I met a terminally ill young man whose parents are in their 80s and 90s. He is cared for by a lady from China. The care and attention she provides is incredible. However, everyone involved is concerned that she will be deported. I accept that the law must be adhered to but the Minister should examine cases on an individual basis. If applications are received from people such as the man to whom I refer who require care and attention and who cannot access it in any other way, there should be some amnesty. I forwarded the details relating to this case to the Minister. One hates to see people caught up in such harrowing situations.

I wish to refer to organised crime. We already have enough criminals in this country. An extremely small percentage of the people who have come to Ireland are responsible for organised crime. My business was recently targeted in the middle of the day by four women and a man who took whatever they pleased from the premises. My staff have always been told to treat people with respect, which is what they did, but on this occasion the Ireland of the welcomes was taken for granted. When the people to whom I refer were eventually caught in Wexford, it emerged that in the order of 43 cases were pending against them. When gardaí visited the house in which they were living at the time, these people were able to raise a bond of €12,000. A total of 38 gardaí from stations throughout the country were involved in pursuing these people. God only knows the number of man hours they spent investigating them and the trail of destruction they left in their wake. I presume these individuals remain in the country. I am not concerned with what they took from me, but legislation must be introduced to ensure that people such as those do not get away with the crimes they commit.

I wish to praise the Garda. In recent times, trouble arose among some of the immigrants living in the area I represent. The Garda organised a football match between various groups and got to know these people. It is amazing what bringing people into normal society can do, and that trouble has certainly stopped. I praise and thank the Garda for the work done in liaising with these people.

I pay tribute to the Immigrant Council of Ireland, which has certainly championed the rights of immigrants. The issue of family reunification is dealt with in my office and elsewhere, and it is harrowing for families wishing to be reunified. For one reason or another, some families cannot achieve this aim. We have been in this position ourselves and there are still undocumented Irish in the United States. We cannot always speak from two sides of our mouth. We cannot just lobby for the undocumented Irish.

Not enough is being done for them and I appeal to the Taoiseach, Deputy Bertie Ahern, to treat the issue much more seriously. We have up to 50,000 such undocumented Irish in the United States and I know of one or two who cannot come back for various functions. We also have to treat our own visitors in Ireland with the respect they deserve.

Immigration is a key factor in the Irish economy and it will continue to be an important feature for the foreseeable future. The contribution made by immigrants to the economy and Ireland in general through culture, arts and economic activity is significant. More than 100,000 people from outside the EU area have been admitted to the State for employment. The health

service and most other services around the country would collapse if these people were not here.

I note the number of applications has been decreasing since 2005 and the proportion of work permit refusals has also decreased since then. The Bill would provide a new system of managing and tracking persons entering the country, from visitors to other holidaymakers.

The issue of bogus marriages must be addressed, although it should not get in the way of the right to marry. Section 123(2) of the Bill provides:

A marriage purportedly contracted in the State between two persons one or each of whom is a foreign national is invalid in law

unless the foreign national or, as the case may be, each of them—

(a) has, not later than 3 months before the date of solemnisation of the marriage, given notification in the prescribed form to the Minister of the intention to marry,

Even more problematic will be that both parties will have to be the holder of an entry permission issued for the purpose of the intended marriage or a residence permission other than a protection application entry permission or a non-renewable residence permission.

In other words, asylum seekers and people on a non-renewable residence permit will not be permitted to marry in the State, even where they intend to marry an Irish or EU citizen. It is a difficult position and I ask the Minister to explore the matter further. The three-month notice to be given is somewhat draconian but it is acceptable.

A total of 5,630 people appear to have evaded orders of deportation and we do not know how many are still resident in the country. The Department does not seem to know this either. Anytime one looks to contact the Department it is like getting through to the CIA. It seems to be open only two or three days a week.

As national politicians we are supposed to have a hotline but it is embarrassing going back to people telling them we have tried to contact the Department today and yesterday. They probably think we are doing nothing about their concern when we are. I accept the Department has been swamped by various applications but as politicians, we like to get back to constituents who come into us.

The key difficulty in Irish immigration law is that it will not be resolved totally by this Bill. I accept it makes inroads in dealing with a very difficult area.

There are some very positive aspects in the Bill. The term “protection applicant” is much more user-friendly than “asylum seeker” or, God forbid, what they use in the United States, “illegal alien”.

Deputy Timmy Dooley: I welcome the introduction of this Bill and the opportunity to discuss it. It is regrettable it has taken so long to find a consensus at one level and deal with the intricacies that had to be dealt with in this particular legislation. The delay was partly down to this issue of inward migration not concerning Ireland until relatively recently. I hope this Bill will take into account many of the lessons we have learned and problems identified resulting from difficulties and issues in dealing with immigration. It seems to do so.

There is little doubt that the Bill's taking so long has meant people have suffered. The country has suffered at one level and some of the people who have sought to live here have been less than fairly or adequately treated, as one would expect in a modern society. It is important we look forward rather than back and learn from mistakes. We should try to ensure the legislation is teased through. I am looking forward to considering the legislation on Com-

[Deputy Timmy Dooley.]

mittee Stage to ensure that in so far as is possible with any legislation, the end document will provide a sound foundation on which to continue immigration policy.

At one level this country should be very well versed in the issue of immigration and migration. We have had a chequered history and tradition considering the economic migration we have seen in our own country right back to the Famine and before. There is a suggestion that many of those currently looking to live in the country are probably more economic migrants than asylum seekers, which the statistics bear out.

That should not surprise anybody in this country. As Deputy Feighan stated, his family and mine would have benefited from the capacity to migrate, not just to the UK but to the United States. My grandmother went to the United States in 1910 or 1911 and returned home after a period of time. Right through history this country has seen the real benefits of economic migration to other countries. As Deputy Feighan indicated, there is still an issue with the undocumented Irish.

Some of the Irish who went to England were treated dreadfully and some were treated well. Some flourished and some fell between the cracks. We should have a great knowledge base of such issues and we should not be surprised or hold back when dealing with people who want to come here.

As a modern society it is clear we will be judged not on how we embrace the strong but more on how we reach out to the weak. That is true for many ways in which the State interacts with its citizens and those of other countries in the world. As a society and nation we must learn from our own experiences and we have a strong knowledge pool in that regard. We have a strong basis on which to put forward policies that will address this issue. Irish immigration played a positive role in the United States, where in the region of 50 million Americans claim Irish heritage or ancestry. Irish people are to the fore in politics and some of the largest blue-chip companies in the United States. That is positive for us. The American public would argue that our work ethic has been positive for it. Both countries have benefited from the connection and we continue to benefit, being the most successful in Europe regarding attracting greenfield investment from the United States.

The undocumented Irish travelled to the United States in the mid to late 1980s and early 1990s. While that issue is separate from this debate, I wish to address it in the context of the Bill. As we approach St. Patrick's Day, when effectively the entire United States becomes Irish for a few days, we should keep these people to the fore. The Taoiseach and the Minister for Foreign Affairs have done immense work to alleviate their plight. Many tied up in this debacle are from the west and had to leave. We now owe a considerable debt to them, to ensure that they can pass to a documented status that allows them to continue their lives. Our economy is stronger than when they left, affording them an opportunity to return. They may have intended travelling to the United States only for work but are now married and have families there. Their children are American citizens and they need closure to allow them to live as we would want and expect. It is particularly sad that people are unable to return to bury their parents or siblings, and to attend family weddings and other celebrations such as retirement parties. An effort is being made to help them.

There will be a change of president at the end of the year in the United States and maybe even a change of party in that office. I look forward to the outcome of the election to see whether efforts can be made to resolve this problem. Senator McCain co-sponsored a cross-party Bill with Senator Kennedy to bring about a satisfactory outcome for the undocumented Irish, which unfortunately did get through the Houses. It is a complex area but I hope it can

be resolved at the earliest possible opportunity. As we have a duty to the people coming into our country, we also have a duty to protect those who had to leave.

It is important that we equip ourselves with short-term migrants. Many who come here have something to bring from their educational background or their ability to work. We are recovering from a difficult period and the damage caused by emigration, not least the toll it took on families and society. We have recovered economically but are only starting to recover from the great personal loss. Migration led to a brain drain. We are fortunate that with economic success people who were perhaps unskilled when they left have returned with new skills. That is part of the short-term migration some countries experience, which has a long-term benefit.

The 1980s seem to have been a turning point here from suffering the ravages of emigration to grappling with inward migration. That was due to the economic plans put in place in the late 1980s by a former Taoiseach, Charles Haughey, and former Minister for Finance, Ray MacSharry, and the Cabinet at that time. They consulted with the Opposition too resulting in the Tallaght strategy which was based on consensus that something had to be done. Thankfully, that worked and we are reaping its benefits.

We have no choice but to introduce this Bill because it is important to put in place the tools to manage migration and immigration. I am somewhat disappointed that it has taken so long but the fact that the Bill is based on detailed research and lengthy consultation with interested parties will hopefully ensure that the safeguards and quality of deliberation will stand the test of time.

The Bill fairly adequately addresses the necessity to balance the rights of the asylum seeker with responsibility to those living in the State. The process is slow because the State has to be sure that an applicant is in real danger of prosecution or worse if returned to his or her state and there is a duty to protect that person. Many, however, are found to be nothing more or less than economic migrants. One might say fair play to them for trying. They have nothing to lose and all to gain. Many Irish people travelled to the United States on the same basis; they could not apply for asylum but they were trying to find a better future for themselves and their families. The Bill addresses well the State's duty to its citizens and to others living here and the integrity of the European Union which must be central to any immigration policy.

The process is far too slow. The refugee application commission is an independent body and if the applicant is not satisfied with the outcome, he or she can appeal to another independent body. There is often also a slow court procedure. The Bill sets out to change the lengthy methodology by which each aspect of a case is considered serially.

My understanding is that the new Bill will put in place a system that will allow all aspects pertaining to those applicants who wish to remain in Ireland to be considered together in order that when a determination is made, ultimately all elements will have been addressed. Consequently, when the application goes to the first layer of appeal, the entirety of the application will be appealed, rather than being done on a piecemeal basis. This is the most critical element because previously, it is clear that processing elements of the appeal in series delayed the process and allowed difficult situations to arise on all levels.

This Bill also will establish for the first time a proper immigration process with the capacity to apply for visas. Just as importantly, it will move from the principle of permitting temporary migration on a year to year basis to the concept of long-term residency. Most countries have such a system. As economically well-positioned countries should have such a system, it is welcome.

While the five-year limit to apply for naturalisation has applied for some time, it should be managed somewhat better. It is quite slow for those who live here and contribute in a real way

[Deputy Timmy Dooley.]

to the economy and this matter should be examined. One also must recognise the contribution of migrants. One must recognise that the skill base possessed by many of those concerned is of benefit to us. This can be linked to long-term residency, as do other countries that operate points-based systems and systems that identify skills shortages and the requirements of an economy. Members can look forward to such a system having an impact. Deputy Feighan suggested removing some of the mystery that exists with regard to the back office processing at present. The passage of this Bill will put in place a more structured and better foundation for delivery in order that people have clear expectations in respect of the outcome, as well as clear deliverables that will work to benefit everyone.

Migration has served the Irish people well and has done so on two levels. It served our society well when the economy was at an embryonic stage in respect of our capacity to emigrate to countries that could provide better futures, perhaps better levels of education and better acquisition of skills. Many of those concerned have returned and continue to return and migration has worked well from that perspective. Migration now has the capacity to serve us well by providing a labour pool when required. It is unfortunate that a couple of years ago, the State was issuing 45,000 to 50,000 work permits per year, which is not necessarily the best way to deal with it as a more structured approach is possible. While migration now serves the country well, it must be well managed and fair. It must be fair to the applicant and to those who are present in the State. The State has a duty to protect those who live here, a duty to provide a safe place to live for them and a duty to provide a sustainable economy for both those who have immigrated here and those who live here.

I wish to address some other issues in the context of this debate. While there is little doubt that a percentage of immigrants are criminals or are from a criminal fraternity, a percentage of the indigenous population also is criminal and is involved in criminal acts. One must be careful as to how this issue is managed and dealt with. The absence of a proper immigration system has allowed people to flag some of the negative aspects of the asylum seeking process and to try to use it to hide or mask an inherent racist tendency in certain quarters. This Bill will provide a more streamlined approach towards the processing of such applications. Hopefully it will weed out spurious cases more quickly and will remove the trafficking element in particular more quickly because Ireland no longer will be seen as a soft touch or a soft target. This will prevent certain groups in society, who clearly are racist in their thinking, from having a flag of convenience with which to proffer their views. For this reason, the Bill will be welcomed generally.

The Bill contains a provision in respect of the issue of marriage of foreign nationals or non-EU nationals that is not entirely clear. Perhaps the Minister of State will pass on to the Minister my desire to have a broader discussion of this issue. Undoubtedly a problem exists and it is important to address it for the benefit of all. Although a trafficking issue clearly exists, an issue also arises in that marriages are arranged in some cases. While this may no longer be a normal method of meeting someone in today's society, this practice took place in Ireland in the past. I know of several cases in County Clare in which people ultimately have found happiness by making contact, perhaps through the Internet or some other arranged process, with people in third countries. While this may not be conventional in today's dating or courting methodology, it has worked and brought happiness to them. Members should not rule out the practice completely on the basis of the concerns that have been expressed. The issue must be addressed more fully.

Deputy Caoimhghín Ó Caoláin: I am pleased to have the opportunity to address the Immigration, Residence and Protection Bill. The one point on which everyone in this House can

agree is the necessity for a comprehensive reform of Ireland's outdated and inadequate asylum and immigration legislation. An opportunity had presented itself at last to address the shortcomings and failures of the current system and to develop legislation that would lead to a progressive, fair, transparent and efficient system that would meet the standards of international best practice and comply with international human rights obligations.

I was disappointed but, sadly, not surprised to read what has been put before Members. It does not measure up to anything I have just outlined. It is a rehashing and reheating of the same regressive, inadequate and poorly written law that has been kicking around since the Government announced its intentions for this Bill several years ago. In all that time and with all of the so-called consultations and detailed submissions that were conscientiously presented and studiously ignored, sadly, the Government still has not accomplished its stated aim of setting out "in a clear and integrated approach the whole process for foreign nationals coming to the State, staying here and, when necessary, being required to leave". This Bill as presented offers no clarity, no integrated approach and certainly does nothing to address the problems in the current so-called process. It has the potential to make things worse and may place Ireland in breach of its obligations under international refugee and human rights law.

With this Bill, the Minister has chosen to follow the well-worn path of his predecessor in promoting a culture of disbelief, in which every asylum seeker is first of all suspected of being a fraud and a liar, intent on abusing the system and in which, despite the assurances of the Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, to the contrary, the implication is that migrants are coming here to take advantage of the State and its benefits and to gain residency through fraudulent means. The Minister, like his predecessor, would have Members believe the world is full of people who are simply waiting for an opportunity to come to Ireland and are eager for us to relax our vigilance. The reality is far removed from that proposition.

The intent of the Bill, as has been clearly stated, is to tighten up the system. It does so, but at what cost? It risks the serious erosion of migrants' rights and fundamental principles of access to justice, while failing to address some of the most serious flaws in the system, such as unacceptable administrative backlogs, inconsistent decision-making and lack of clarity on the rights, entitlements and obligations of migrants in Ireland. It also fails to address some of the most serious issues in respect of immigration, such as family reunification and protection for victims of trafficking and separated children.

There are numerous flaws and areas of concern in this legislation and I will touch on some of them. Of general concern is the trend throughout the Bill of vesting in the Minister for Justice, Equality and Law Reform overly broad discretionary power, giving discretionary powers to civil servants, gardaí and administrators with limited guidance, and relying on future so-called policy statements and-or promises made by the Minister to address the already well identified gaps in this legislation. We do not know what will happen in this regard, even if the Government, including the Minister, is of good intent. Sadly, there is little evidence to comfort me or anyone else who shares my concerns that that would be the case. To offer a fool's pardon, what will happen to those promises or commitments if the Government or the Minister changes?

The Bill fails to set out clear rules regarding the rights and obligations of migrants seeking to come to Ireland. Instead, it sets out procedural rules that the Minister will have the power to define further pursuant to section 127, leaving the detail to secondary legislation or administrative decisions. The Bill fails to give guidelines or clarity on the criteria or issues to be considered by immigration officers in making decisions on behalf of the Minister. It does not deal directly with the rights of students, their partners and-or children, the rights of researchers,

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the self-employed, non-economically active migrants or the undocumented. All of these, we are told, are to be covered by as yet unpublished and apparently still to be determined immigration regulations.

Many of the provisions in this Bill do not appear to be well thought out and the various scenarios or consequences do not appear to be considered properly. We are, therefore, being asked to vote on legislation that is clearly incomplete and unclear without knowing the full consequences or what rules will apply. This is a lot to ask.

The most serious of omissions is the whole subject of family reunification. Members spoke about family reunification in the Irish context, in terms of the Irish experience globally. Let us understand that this applies to others who have come to stay on our shores. The serious omission in this area, which impacts heavily on the human and constitutional rights of migrants and their family members, is, according to the European Commission, one of the most significant types of migration to the European Union and internationally. We in Ireland know this as well as any other nationality globally.

If this omission is not addressed, Ireland will be the only member of the European Union not to have primary legislation covering this issue. It had been promised that provisions for family reunification would be included in the Bill, but the only reference is to the right of refugees and those granted subsidiary protection to apply for family reunification. Even at that, the definition of “family” is very restrictive in that it does not allow minor refugees to apply for their siblings, it does not recognise unmarried partners or address the rights of reunified family members in the event of death or marriage breakdown. What happens then?

Although the previous Government decided to opt out of the EU directive on the right to family reunification, Ireland should be guided by international best practice and should respect the fundamental importance of family life to all of society. Those who come to live, work and pay taxes in Ireland deserve to have something as basic as normal family life. By not providing for family reunion, we are creating isolation and unnecessary suffering and setting up barriers to integration. This must be addressed in primary legislation.

This Bill does not provide adequate protections for victims of trafficking, despite a commitment by Government to address the needs of victims in the Immigration, Residence and Protection Bill. Most significantly, people who are trafficked in from the European Union will not benefit in any way as this Bill applies only to citizens from outside the European economic area. Large numbers of people trafficked come from within the EU, particularly eastern Europe.

The provisions in this Bill basically provide for a victim witness protection programme and barely meet the minimum standards of international law, as provided for under the Council of Europe Convention on Actions against Trafficking in Human Beings, which states explicitly that protection and assistance must not be conditional on co-operation. Trafficked persons who do not wish to testify as witnesses, who cannot provide useful information or who are not required as witnesses should be afforded the same protection and assistance as victim witnesses. Incredibly, the provision allowing for temporary residence to be revoked once “any investigation or prosecution arising in relation to the trafficking has been finalised or terminated” should be removed. What kind of incentive is there for a victim to provide evidence that could lead to a successful prosecution if he or she knows that the end result would be the termination of his or her own residency permission? Let us be real about this.

There is a need for specific provisions relating to the protection of trafficked children and specific entitlements for those who are granted temporary residency, including the provision of a renewable residency permit. There should also be a specific provision that victims of traffick-

ing will be given due consideration in any application subsequently for asylum, immigration or residency. Once again, this section of the Bill falls far short of what is needed.

Absent from the Bill also are new provisions to improve protection for separated children, another vulnerable group that has been ignored. Both the Irish Refugee Council in its submissions and the Special Rapporteur on Child Protection pointed out shortcomings in the current system and made very concrete recommendations. Measures should be put in place to address the issues of age assessment and improve identification, registration, family tracing, guardianship, best interests determination, treatment and care to bring Ireland into line with its obligations under the Convention on the Rights of the Child.

While these are all important issues and must be dealt with in this Bill, there are other issues of grave concern that will have a serious impact on the administration of a just and fair system. These are issues that bring us dangerously close to breaches of the Constitution and of international human rights obligations, not to mention setting dangerous trends. While the Government complains about the costs associated with court actions, through these proposed measures it is potentially setting itself up for court challenges, with further costs and further delays.

Section 4(8), which introduces summary deportation, a significant new power, may be in breach of fair and just procedures, a right that is recognised under the Constitution, and may also be in violation of the right to private and family life under Article 8 of the European Convention on Human Rights and Articles 6 and 13 of the same convention. This provision may result in vulnerable people who have become undocumented — make no mistake about it, this is happening — through no fault of their own and who have been unable to regularise their situation within the required time limit, being deported, even when their case involves special circumstances, for example, a victim of domestic violence who has been dependent on his or her spouse and whose partner holds possession of the family's documents or a migrant worker in an exploitative situation. We have been addressing these matters in this House only this week.

This may also result in migrants being unable to avail of voluntary return programmes, meaning that taxpayers will have to pay unnecessarily for people being removed forcibly from the State. Currently, the Bill provides no flexibility to deal with or provide for persons in exceptional circumstances and that is absolutely necessary.

With the emphasis on the effectiveness and efficiency of removals with the least expense, there is a total lack of provision for safeguards and appeal mechanisms. This is a totally unacceptable position to curtail the rights of individuals who may be in need of protection and to enforce their removal prior to the exhaustion of review or appeal mechanisms.

Equally disturbing is that increased powers of detention have been added. There is now provision in the Bill to detain persons at every stage of the so-called protection process. A person seeking protection could be detained from point of arrival to point of removal. This is a dangerous return to the practice of internment. Persons seeking protection — which is the right of everyone and not an illegal activity — should not be treated as criminals. There is no acceptable reason for someone to be imprisoned. UNHCR guidelines specifically restrict detention to exceptional circumstances and for minimal periods. This internment of protection applicants may be in breach of the European Convention of Human Rights, ECHR, and the International Covenant on Civil and Political Rights. Not surprisingly, the Bill does not contain any safeguards against arbitrary arrest, which may also be contrary to the ECHR, which provides that persons must be informed of the reason for their detention promptly and in a language they understand.

Another questionable violation of individuals' rights is the limitation of the right to marry. Requiring "foreign nationals" to have the permission of the Minister for Justice, Equality and

[Deputy Caoimhghín Ó Caoláin.]

Law Reform to marry, even if one partner is an Irish or EU citizen, ignores existing international human rights obligations, which are applicable in Ireland regardless of domestic legislation. Additionally, asylum seekers or people on a non-renewable residence permit, which has not been clearly defined, will not be permitted to marry. This is once again using what I can only describe as a sledgehammer, or more like a jackhammer, to crack a nut. While there are known cases of so-called fraudulent marriages or marriages of convenience, this is a completely over-the-top response to what is a highly personal and individual decision in every person's life. There are and could be far more equitable and intelligent ways of determining the validity of any claim for the benefits of marriage.

While the Minister has the discretion to waive this requirement, that is problematic in itself. This discretionary power could infringe the equality clause in Article 40.10 of the Constitution. The Bill gives the Minister general discretion not to apply the requirement to whomever he chooses, but does not provide clear principles governing the exercise of this discretion. Does the Minister really want this? I am incredulous if he does. While the exercise of ministerial discretion is generally welcome in that it gives flexibility to the system, the broad powers being conferred in this Bill leave too much room for potential abuse — I would have thought the man was much too busy at any rate.

The proposed restrictions on access to justice provide another serious problem with this Bill. Failure to provide for an independent appeals mechanism for immigration decisions, which had been promised in the programme for Government — there are those promises again — denies migrants the opportunity to challenge decisions which will have a profound effect on their lives. If the Government is so concerned about the number of cases being taken to the High Court, and is proposing to restrict access to the courts for that reason, then the answer is to have a transparent, independent and accountable system of review. While a simplified and single application process is to be welcomed, it can only work if it is fair. Clearly, the current system is not fair. The fact that many applications have been denied at first instance, only to be granted on appeal, surely indicates there is something wrong with the way the system operates. We are all aware of the scandal around the Refugee Appeals Tribunal. How many more of the cases that were denied on appeal by a particular individual might have been granted if heard by someone else? A number of cases that have gone for judicial review have been settled out of court, a certain indication that at some level there is acknowledgement that the system is not working properly. The proposed legislation will serve only to retain the weaknesses and problems of the current system; the Protection Review Tribunal is simply the Refugee Appeals Tribunal under another name. This is not progress.

I want also to highlight the provisions relating to the principle of *non-refoulement*, the prohibition on returning asylum seekers to a country where they are likely to face persecution or torture. This is a cornerstone of international human rights law. It recognises that not everyone facing such a danger will meet the convention definition of a “refugee” and guarantees his or her protection nonetheless. It is incumbent on states that are parties to the convention, as we are, to ensure that no one who arrives here seeking protection is *refouled*. This obligation needs to be taken seriously. We must remember this is literally a matter of life or death for these people. It is not an area on which the State should be cutting corners, or honouring in the breach. Human lives are at stake and I cannot stress that enough. However, a number of this Bill's provisions undermine our ability to live up to that responsibility.

Time is against me and I need to conclude. I appeal to the Minister, his Cabinet colleagues and those with junior ministerial responsibility to rethink their approach to the immigration and asylum issues. I use the word “issues” because they are two different procedures and should be treated differently. There is much to the argument that they should not even be

covered in the same legislation. The procedures in the Bill for long-term residency appear not to distinguish between migrant workers and persons granted humanitarian leave or subsidiary protection. A more flexible approach should be taken with regard to the latter, in consideration of the circumstances that brought them here. Let us all be clear about the fact that they did not come by choice.

Immigration has brought much that is good to this country — that must be said repeatedly because there are many ears and minds that are closed to that fact — and it will continue to do so. Let us not forget our own experiences and hardships, to which I referred, in trying to seek a better life, and the massive numbers of Irish who were immigrants all over the world. Some were fleeing from conflict and some were fleeing from poverty and hunger or just seeking a better life. They were no different from any of those whose cases present on our shores each and every week. Therefore, the least we can do for them is to give to them what we have sought for our own, namely, a fair chance.

Deputy Seán Connick: I welcome this opportunity to discuss this Bill and the general issue of immigration. I commend the Minister, Deputy Brian Lenihan, on presenting this Bill to the House and recognise the work the Minister of State, Deputy Conor Lenihan, with responsibility for integration has carried out with the immigrant community to date. I wish him well in the future, as this will be an important area. He has a important role to play in this regard.

Immigration was never an issue that affected Ireland. For generations Ireland was a nation of emigration and the only immigration we saw was minimal. Largely because of this we did not have the necessary laws or resources in place to deal with a sudden rise in numbers immigrating. When I left school in 1980s, it was a time of mass emigration and depression. The economy was poorly and depressed and people had no choice but to emigrate. I left school in 1981 and within five years of doing so some 80% of my classmates were overseas. Therefore, the Irish have gained considerable experience and know only too well the difficulties sometimes faced when living in another country. I point to the many difficulties faced by many Irish emigrants living in the US. Like my colleague, Deputy Dooley, who commented on this issue, I look forward to an incoming president in the US who may at last tackle this issue, which is difficult for many families here and in the US.

The level of immigration here from the mid-1990s came to us unexpectedly and it is only with the publication of this Bill that we are developing a co-ordinated approach to immigration, which examines immigration to Ireland in a long-term context. This Bill will also help us to meet the majority of commitments made on immigration in the programme for Government and will lay the groundwork to allow us to achieve the remainder of these commitments.

Despite the fact that immigration has caused some of the biggest social changes in Ireland over the past decade, we as a society have not had a proper debate on our attitudes to immigration and I hope the publication of this Bill might facilitate such a debate. Unfortunately in the past, anyone who opposed the orthodox view of immigration in the public sphere was shouted down, isolating those who do not support an open door immigration policy. This has had the effect of stifling debate on our views on immigration.

I hope that, with the publication of this Bill, Irish society will now be able to have a mature debate on immigration. I hope, too, that anyone who expresses unease in this debate about a lenient immigration policy will not run the risk of being accused of being against immigration. The isolation in the recent past of those who have expressed unease as regards the level of immigration has only served to increase hostility and to make the integration of immigrants a more difficult process.

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It is only when we accept that Ireland must have some form of controls that we will be able to take a mature approach to immigration, which treats the needs of immigrants and the concerns of Irish society equally. In the most recent census, I notice that Rosbercon in New Ross, where I come from, had the highest percentage of foreign nationals in the country. More than 60% of the people who now live in Rosbercon are foreign nationals, which is an enormous increase for a small village area. However, we have adapted and coped quite well. It is wonderful to see the many different nationalities use the facilities we have in our town. As I drive through Rosbercon every day, I am reminded of the important role these people have played both in our society and in terms of the contribution they have made to our economic success.

However, I feel there is a very important role also for the Department of Education and Science. One of the most requested issues in my constituency office from immigrants is English classes. Many of these people are highly educated, often to degree level. In many cases they are working in relatively meaningless occupations in terms of their qualifications. They are prepared to do any type of work until they have a competent level of English and can communicate and perhaps take up a position in line with their qualifications.

One of the areas we must concentrate on as a Government is ensuring that the provision of English classes for these people is a priority for the future. The frustration they experience in trying to deal with day to day issues is compounded greatly by virtue of the fact that they do not have English. I am mindful that in certain instances, parents often bring their five or six year old child to the constituency office to translate because the child is at school and has some English. The parents use him or her as a translator to try to communicate the difficulties they encounter. This is one of the areas we need to be very mindful of and on which attention must be focused also. Obviously, integration into Irish society is very important, so the ability to communicate in English is vital.

When large-scale immigration into Ireland began in the 1990s, much of the related legislation was based on the Aliens Act 1935, which had been drafted in a different climate and did not reflect the realities we now face. The various immigration Acts adopted by the Oireachtas in 1999, 2003 and 2004 were very much stopgap measures intended to deal with the circumstances as they arose, both then and now. However, none of these Acts took a long-term view on immigration policy and did not chart how this country intended to deal with immigration over a long period of time. I believe the Immigration, Residence and Protection Bill 2008 is the first item of legislation placed before this House which outlines a long-term strategy for a response to immigration and which establishes standard practice for those who wish to migrate to Ireland.

This Bill has been drafted based on the experiences of this country over the past decade and follows a comprehensive consultation process which sought the views of those with an interest in immigration policy. I am mindful that two main types of immigrant come to Ireland. There is the immigrant who intends to stay and set up permanent residence in Ireland. Then there is the person who intends to work here for a period of ten or 15 years, send money home and perhaps be in a position to improve the life of his or her family back in the old country. We must allow for this type of choice among immigrants.

As I have pointed out, many of our friends and family members who went away in the 1980s returned in the mid to late 1990s. The onset of the Celtic tiger provided that opportunity and they brought back with them much-needed experience and many of them now contribute greatly to Irish society. We must be mindful of the fact that people might want to come here for a relatively short period to better themselves and then return home. It is not something they should be criticised for or chastised over in any way.

The Bill is important legislation which will allow us to regulate who will migrate to Ireland. The decision as to who can migrate to here is an important process. The Government has a responsibility to decide which foreign nationals can live here and who cannot. In doing this, the Government will be helping to make Ireland a better place to live in, both for Irish citizens and newcomers, as well as meeting the needs the economy might face at any particular time. It will also ensure that Ireland reduces the risk of being used as a base for international criminality. If the Government or its agents did not have the power to make these decisions, then effectively we would be operating an open door immigration policy. If that happened, immigration policy and legislation would be meaningless in this country. We would also be failing in our duty towards our European partners as regards ensuring the borders of Europe were protected. I am satisfied the Bill will give the Government a meaningful framework to make these important choices regarding migration into Ireland in the future.

I also want to take the opportunity to thank the many people who have decided to make Ireland their home, those who have come to make a contribution to our society and economy. They have brought many of their traditions and customs with them. In New Ross, many immigrants have integrated into society and contributed greatly to many events, such as our theatre and festivals. I look forward to that process continuing. It is something we should embrace and encourage.

As well as the general processes established by the Bill, there are a number of important specific developments that deserve mention. The process of securing a visa to migrate to Ireland up to this time has been unnecessarily dragged out for those seeking to move here. Separate elements of an application are considered at different stages of the review process and this has meant they take far too long to complete. Indeed, one of the most welcome aspects of the Bill is that structures will now be established which will allow all aspects of an application process to be considered *ab initio*. This will lead to decisions being taken on a far quicker basis and will ease the emotional pressure on applicants who must wait for long periods of time before a decision is made. It will also ease the financial burden on the State, which is responsible for monetary support of asylum seekers awaiting a final decision.

Many of the complaints I receive in my constituency office are from hauliers who want to employ foreign truck drivers and who sometimes face major difficulties trying to get in these people. The same is true in the medical sector. Business and commercial activity moves at a very fast pace. The task of trying to get visas for people to come to work in this country is complicated, drawn out and costs the State a good deal of money. If this Bill can effectively speed up that process, it will, I hope, mean a reduction in the level of frustration faced by many employers when they are trying to fill positions.

The Bill also provides a clear definition as regards who is, and is not, allowed to be legally resident in Ireland. It means that no foreign national can be in any doubt as to whether he or she is lawfully in the State. If he or she has permission from the Minister for Justice, Equality and Law Reform, then he or she is lawfully in this State. If he or she does not have this permission, then the residency is not lawful and he or she has an obligation to leave immediately. The Bill provides that people living here illegally can now be subject to deportation without notice. This will end the situation we have seen in recent years where many who had been served with deportation orders with 15 days notice simply disappeared.

One of the most progressive aspects of the Bill is the concept of long-term residency, which will be recognised for the first time under Irish law. Up to this time, we have viewed immigration as being on a temporary basis. Immigrants had to apply for a continuous series of visas to allow them to reside in Ireland until they became eligible for naturalisation. This system

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does not provide stability in the lives of many immigrants who would like to reside in Ireland on a long-term basis.

The requirement to speak English is important as it will assist these long-term immigrants to Ireland to integrate into their new society.

One of the most disturbing aspects of immigration in recent years has been the apparent rise in the number of marriages of convenience which are arranged with the sole purpose of allowing someone to migrate to Ireland. This Bill includes a number of provisions which will make marriages of convenience far more difficult to organise and will reduce the possibility of someone using a marriage of convenience as a basis to migrate to this country. Due to the emotional nature of marriage, it is very important that we get this process right and I believe that the correct procedures are now being put in place to achieve this. It should be recognised, however, that Irish citizens who enter into genuine marriages with non-nationals have nothing to fear from the provisions of this Bill which deal with marriage.

The House recently discussed human trafficking as part of a debate on the Criminal Law (Human Trafficking) Bill and considered Ireland's responses to this vile form of human exploitation, the new anti-trafficking unit and the national action plan. The Bill contains many measures which will aid our fight against human trafficking and will help to provide a humane response to the victims of trafficking. Deputy Coveney and I have spoken about this issue and I believe we are both of the view that the Criminal Law (Human Trafficking) Bill is of vital importance. Rosslare Europort is in close proximity to my home in County Wexford. A number of television documentaries, in particular the BBC "Panorama" programme, highlighted that the Bulgarian criminal gangs are trafficking people through Rosslare and were bragging openly in the documentary that they used Ireland as a gateway to the UK. This was very alarming and I am delighted that provisions against human trafficking are included in this Bill. I refer to an incident in Rosslare some years ago when a container was opened and it contained people who had died inside it. People in County Wexford are keenly aware of the terrible tragedy which the awful and despicable act of human trafficking can cause.

I wish to acknowledge the discretionary powers resting with the Minister for Justice, Equality and Law Reform with regard to immigration policy. It should be recognised that in the majority of cases where the Minister has used his discretionary power, this has been to accommodate people wishing to move to this country rather than to refuse entry. Deputy Ó Caoláin referred to the discretionary powers Act. Discretionary power is vital and I have seen it at work, particularly in instances where people who are very ill have requested permission for a family member to come to the country. I have found that Ministers have always been very helpful in this regard. This discretionary power is vital for the success of this Bill. I doubt there are many Members of this House who have not appealed to the Minister to use this discretionary power in individual cases and I am pleased this discretion is retained in the Bill.

I commend the Minister for Justice, Equality and Law Reform on presenting the Immigration, Residence and Protection Bill to the House. This Bill is most welcome and it will allow us to develop long-term strategies to plan not only for immigration to our country but also to combat those who wish to circumvent our immigration laws.

Deputy Simon Coveney: I am pleased to have an opportunity to speak on the Bill. One good thing about Thursday afternoons in the House is there are generally fewer Members wishing to speak and this gives speakers an opportunity to make longer contributions.

The introduction of this Bill is to be welcomed. This is a complex Bill and I do not propose to deal with in detail as this can be done on Committee Stage in a painstaking way to amend and improve it where appropriate and confirm its positive elements. This is an opportunity for

Members to make general comments on immigration, asylum and residency issues. This Bill, rightly or wrongly, deals with asylum as well as with people who wish to come here to live and work and become residents and complex issues arise. It is worth noting that the number of people coming to Ireland to claim asylum has dropped dramatically in recent years, with fewer than 4,000 last year — 3,985, to be exact — a 66% drop compared to 2002.

There are many reasons for this decrease. The number of people claiming asylum is falling steadily rather than dramatically. There has been an increase in the number of people wishing to come to Ireland to work and start a new life here outside of the asylum process. However, many people try to come to Ireland, for whatever reason, to look for a better life. They use the asylum process to attempt to do so because it is the only means available to them. They end up in the same filing cabinet as people who are genuinely fleeing persecution and who may have been tortured and imprisoned and seek the protection of the Irish State. It always amazes me how they manage to arrive on the island of Ireland. My office in Cork is in a central location and I hear many tragic asylum stories.

New legislation in this area is required and this Bill is welcome. I wish to express some caution about the detention in prison of persons to be deported. I am pleased the Minister rejected the lobbying effort to have asylum seekers detained while awaiting a decision on their applications. This would have put Ireland back into the Dark Ages, even though other countries have decided to detain them. The detention of persons against whom a decision has been made to deport them is questionable, in particular when they are held in a prison cell. If it is the Government's view that people need to be detained, I suggest it considers using detention facilities that are not those used for prisoners and criminals, for the sake of humanity, if nothing else.

I am somewhat confused about the long-term residency status application process versus the short-term residency non-renewable one year residence permission. I assume the concept is to allow people to come here and study or work for one year and then return home. However, it is conditional on them not reapplying; there seems to be a non-renewable residence permission for one year. I ask the Minister to clarify this matter. It should be possible to facilitate a person who comes here and is given a one-year residency permit, who proves to be a great success in Ireland and who wishes to apply for a longer-term residency permit.

I refer to the asylum process as it stands and the proposals in the Bill. I would like to see a greater onus on the State to make decisions on asylum applications within a set timeframe and if it is not possible to do so, we should consider allowing asylum seekers to work. If the Department determines that it would take up to a year or 18 months to make an assessment of a complicated asylum application, there should be an acknowledgement that after a certain period of time the person should be allowed to integrate into society because he or she will be staying here for some time. Instead that onus is not on the State. Six months is a reasonable timeframe for the Department and its agencies to determine asylum applications. If a decision cannot be made in six months, that applicant's position should be reviewed in terms of his or her right to work and integrate into society in a more real way. For example, local authorities are required to make decisions on planning applications within eight weeks. It is fundamentally wrong for a system to allow an asylum application that may or may not be complex to drag on forever. Deputies have met many applicants who have been waiting for asylum decisions for years, which is not healthy for the people involved or for the State.

Comments have been made about an independent review system. There have been problems with the existing appeals tribunal regarding inconsistency in determinations. Barristers and solicitors will say that depending on who the judge happens to be leads to an increased or

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reduced likelihood of a positive outcome for an appeal of an asylum decision. We need to address that problem and ensure we have a structure in place that delivers absolute consistency. We are talking about people's lives. They are either genuine asylum seekers or they are not. It is of the utmost importance to have an absolutely consistent process that is not arbitrary or determined by the opinions of a judge or anybody else but is determined merely on the facts involved.

It is extremely important to retain the ministerial discretion to grant leave to remain on humanitarian grounds. I would question how it currently functions. Somebody may be refused asylum, fail during the various appeals processes and, in a last effort, appeal to the Minister to stay on humanitarian grounds. Those grounds are considered by a panel of advisers and a recommendation is made to the Minister. That system needs to be reviewed and clear criteria put in place as to what is valid when considering leave to remain on humanitarian grounds.

The previous speaker spoke about language issues regarding immigrants coming to Ireland. It is reasonable that somebody applying to remain in Ireland permanently should have made some effort to learn English or Irish or both in order to show good faith in their willingness and eagerness to integrate into Irish society in a real way. However, there are responsibilities on the State in that regard. I am very familiar with the English language teaching services for immigrants in my city, Cork, which are totally inadequate. While there are some good projects, they rely primarily on volunteers, with retired teachers agreeing to teach on a voluntary basis in accommodation provided in, for example, a convent which is provided voluntarily by the order involved. That is not good enough. If we are going to require people to have a reasonable knowledge of English and to make an effort to speak and converse in Ireland, we need to introduce the structures that can facilitate that process. I am not satisfied we are doing that at the moment.

A number of speakers raised issues regarding marriage and the supposed problem of marriage of convenience whereby people arrange marriages to make it easier for them to become residents in Ireland or to get permission to remain here. I would like to see figures on that. There is considerable potential for scaremongering and exaggerating a problem that I have not encountered in any significant numbers even though my office comes across many asylum applicants and other immigrants. I would caution us placing restrictions on the ability of someone to marry a foreign national, particularly as Ireland becomes a more multicultural and multinational place.

While the new Ireland should not have an open door policy on immigration, there certainly should be an acceptance that Ireland is an open and welcoming place for new people, new ideas, new workers, new industry, new investment and all the rest. In everything we do we should support the structure and the institution that is marriage and family. I would be very concerned at any effort to restrict or intimidate people away from marriage in that context. On Committee Stage, we can consider the specifics that have been expressed by a series of organisations on marriage issues. As I see a note being passed to Deputy Andrews, perhaps he will respond to the issue.

Deputy Barry Andrews: I will give a full reply in due course.

Deputy Simon Coveney: I thank the Deputy.

I have similar concerns regarding family reunification as I have on the requirement to get permission three months in advance to get married to a foreign national. When somebody has been allowed to stay in Ireland through a visa application process, asylum application process or leave to remain on humanitarian grounds, family unification is a very difficult issue for

Government to handle because it has the potential to be abused. However, it also requires more priority than it is getting.

For example, a woman living in Cork came to Ireland from Eritrea and was granted asylum. She has twin daughters now aged 16. They escaped from Eritrea into Sudan following her escape from prison. She has applied to the Department to allow her children to come to Cork to live with her. She provides for them; she does not live off the State. They live with a former family doctor in hiding in Sudan.

We have been working with the UNHCR, the Department and a series of voluntary organisations to try to make this happen. Until Christmas, the Department's official position was that if they have no passports they cannot come. I said they do not have passports. When they went to Sudan they were 13 or 14 and on the run and they never had passports because most children in Eritrea do not. The Department said those were the rules and it could not set a precedent. I asked the Department if it was afraid to set a precedent that when there is strong evidence that these children are who they say they are, their mother is who she says she is, which we have already accepted because we have granted her asylum, we would allow them here although they have no passports. The answer I got was, "Yes, exactly".

I suggested the UNHCR go and see these children, interview them and vouch for who they are, which it did twice, and then return and issue a report for the Department to certify that these children and their mother are who they say they are. The UNHCR did that for the Department, but from fear of setting a precedent the Department said it could not allow that because they do not have acceptable papers to come to Ireland. These were two 15 year old girls living in an attic outside Khartoum.

I am glad the Minister used his discretion to assist in this case. However, the system has no flexibility for compassion in unusual circumstances to reunite families when the Department knows the case is appropriate for solving although the rules and guidelines the Department has laid out for itself will not allow it. That is a good example of where we have fallen down in family reunification.

I have said much about human trafficking in this House on the previous Bill. There is a problem. We grant temporary residency permits to victims of trafficking. That is the right decision and we are required to do it; we do not do it out of warm-heartedness. These permits should not be linked to co-operation with the Garda or successful prosecutions. A person trafficked into Ireland is a victim of exploitation and probably abuse. Unfortunately, this legislation applies only to non-EU nationals; many people trafficked into Ireland and exploited are not illegal immigrants but are entitled to be here.

A trafficked person, regardless of whether an EU national, needs time for recovery and support and assistance from the State. That is not being catered for here. This Bill allows them time to co-operate with the Garda and to be given temporary residency for that time. The reason we did not want trafficking victims to be included in this Bill but dealt with specifically in the trafficking Bill is that trafficking is not about illegal immigration. It may be, but it is not always. Somebody may be trafficked from Bandon to Belmullet and needs the protection of the State after that ordeal. This Bill misses the point on trafficking victims and I ask the Minister to re-examine that.

Deputy Barry Andrews: This Bill is long and complex legislation bringing together much previous legislation and consolidating it in one Act. That is welcome. It is timely legislation. Immigration and how we deal with asylum seekers tells much about a nation. In so far as we have a political impression of another country, it is often informed by how it treats immigrants. Former Prime Minister John Howard's Australia is a place where the treatment of immigrants

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and asylum seekers would be considered draconian and was bad for the image of Australia. Mr. Howard spoke in this House; I would not cross the road to hear him speak because of his immigration policies. It was an embarrassment to many Australians.

The American presidential election is centred largely on the positions the candidates take on immigration. In Ireland there is not such a debate. Much sensitivity surrounds it and rightly so. Perhaps people are discouraged from commenting on it because they think they will be accused of being racist if they have negative views of immigration or, maybe worse, being considered liberal if they have positive views on it. This debate does not take place as much as it should because it will be a major challenge for Ireland. This Bill is timely because it gives us the opportunity for this debate.

The first aspect that strikes me about the Bill is that integration is not dealt with. Integration is the other side of immigration that also needs to be debated fully and at the same time. Yet there is no signpost towards that issue anywhere in this Bill. It is unfortunate that it would not be spoken of in the same sense politically. This is a sort of rule book on how to get into this State, but we need to take it further than that in this debate. Integration is the key to the exercise.

Immigration policy is an executive function and nobody disputes that. It is for the Government to set the rules and there is no argument on that. Hence we are delighted to have this opportunity to have an input into how this is framed. Much of the criticism of the Bill centres on whether it should contain more and not leave so much for another day, for a ministerial diktat. I do not mean that in a pejorative sense. I share the view that more detail should be in the Bill.

Although employment permits do not come into this issue, I would like to make the following point on the development aid we give. We encourage people from countries to which we give development aid to get green cards. We train them and then assist in the brain drain from those countries by encouraging them to come to this country. There is a lack of coherence in how we deal with that issue. If we give training, as we do in many of the Irish Aid programme countries, and then encourage the well trained and educated people from those countries to come here through a green card preferential system, we lack coherence in policy.

What the Irish Government is doing in Chad is the best thing we have ever done for refugees. There are approximately 500,000 refugees in eastern Chad as a result of what has happened in Darfur in the past few years. The Irish Government has taken a brave, visionary decision and it is crucial for the EU that it succeeds. That is the frontline of the issue of refugees and how we protect them. The majority of refugees and internally displaced persons are in Africa or close to places where there is unrest. They are not in Europe. If we are to have a global policy that considers all refugees, that is where we should put most resources to protect refugees.

If a country can, to some extent, define itself politically on the issue of immigration, we can be pleased that our record is generally positive. One example of this was our decision to allow workers from all the countries that joined the EU in 2004 immediate access to our labour market. This sent out a positive message about Ireland's attitude to immigration. Likewise, the State's treatment of asylum seekers is generally positive. My one caveat in this regard is that applications take far too long to process. This is the one area in which we fall down.

The Bill provides that the Minister may require a bond from visa applicants. I have no difficulty with this measure but it would be prudent to include some provision whereby a maximum amount may be set. A bond that is too high effectively amounts to a refusal. Section 60(4) refers to maximum amounts that may be prescribed in the case of a foreign national's liability for his or her removal from the State. Section 13, which deals with deposits and bonds,

should include a similar provision. I have no difficulty with the principle of bonds but I am concerned that there might be no constraint on the upper limit of those bonds.

Section 14 imposes no requirement that the Minister must process applications in a timely way. As I said, this is one of the general failings of our immigration system. Deputy Coveney gave an interesting example from his own constituency and I will do the same. I was approached by a person whose mother sought an extension of her visa because she was undergoing emergency medical treatment. Her application was certified by a medical practitioner who stated that she required medical treatment and was not fit to travel and advised that she be granted an extension of her visa in these circumstances. By the time the Department issued its decision on the application, she was dead. In any case, the application was refused. Such insensitivity is not uncommon.

Applications must be processed in a reasonable time. I do not propose a defined limit of eight weeks, six months or whatever, but the primary legislation should at least provide that applications are processed by the Minister within a reasonable time. I do not want to open up the possibility of the Minister being sued on a daily basis for not issuing a decision within a specific period, but there must be some provision to ensure more speedier processing of applications. In addition, where medical evidence is given that an individual requires an extension to a visa, that extension should be granted automatically. A case such as I described does not represent a good day's work for the Government.

I notice nothing in the Bill on the renewal of visas. Multiple entry on the same visa is another issue that has arisen in the courts. There is confusion as to whether a person who is here on a visa can leave and re-enter the State on that same visa during the three-month period. This issue must be reviewed.

The costs of a person's removal from the State are fixed on the deportee. I have no difficulty with this and I welcome the exclusion of minors from this provision. However, this exemption should be extended to include aged out minors, that is, those who arrived in the State aged under 18 years and have been waiting four or five years, through no fault of their own, for their applications to be processed. They should not face the costs of their deportation. It is a discretionary power and I am sure the Minister would not exercise it in those circumstances. Nevertheless, it would be helpful if this category of persons were specified in the Bill as being excluded from meeting the costs of their deportation.

Public health concerns represent a sensitive issue and I approach it with caution. It has rightly become part of the debate but we must deal with it in a sensible way. We must take measures to protect public health given the evidence of a higher incidence of certain contagious diseases among foreign nationals entering the State. I am not sure the Bill goes far enough in offering protection to the public against these contagious diseases. It provides that an immigration officer can form a view that a person could be a threat to public health by virtue of having one of the diseases listed on the World Health Organisation website. How can an immigration officer be trained to identify the signs of infection with tuberculosis, for example? It is worth investigating whether any immigration officer was able to identify that any applicant or person who presented at the borders of the State was carrying a contagious disease. I doubt it has ever happened. This provision is unsatisfactory and the Bill does not go far enough to protect public health.

Another ground for exclusion from the State is where someone has a criminal conviction. Presumably applicants will have to declare that they have no criminal record. If the person comes from a state with a spent convictions regime, should we recognise any spent convictions he or she may have or will we apply our own spent convictions legislation, if it is ever introduced? I ask the Minister to take this into account. He has been most generous with his time.

Deputy Brian Lenihan: I understood Deputy Andrews is to introduce that Bill on Second Stage.

Deputy Barry Andrews: I await the permission of the Whips to do so.

Deputy Jimmy Deenihan: Deputy Andrews has our permission.

Deputy Barry Andrews: Deputy Deenihan is very generous.

Section 16 provides for the revocation of visas. Again, I have no objection to this. One of the circumstances in which a visa can be revoked is where it was granted in error. In such cases, the State should bear the cost of the revocation and perhaps also the cost of repatriation.

The issue of aged out minors is a controversial one, which we discussed with the previous Minister, Mr. Michael McDowell. Given that it relates only to a limited group of people, I have argued that an amnesty should be offered. These are people who came here at a formative period in their lives and have benefited from the State's education system. This is as it should be because education is a right not a privilege. They have formed links with their communities. However, because of the slowness of the process and also perhaps because of the actions of lawyers, they have waited a long time for a decision.

One cannot argue that a 16 or 17 year old has conspired with the system to drag the matter out in the hope that the sheer flux of time will wear down the authorities and lead to a positive decision. When I was 16 years old, I had no clue about anything like that. What is at fault is the slowness of the process. Deportations of such persons should not take place lightly. A specific dispensation should apply in the case of aged out minors and it should be the most liberal of all liberal regimes. I understand the Minister will consider this in due course.

I bow to Deputy Coveney's knowledge of the issue of human trafficking. I admire how he has led the charge in this area. It is probably fair to impose a penalty of €3,000 on a carrier that unlawfully brings a person who does not have the relevant documents into the State. It is probably unfair on shipping companies, however. It is much easier for airlines to prevent activity of that nature. It is obvious that many people come into this jurisdiction on boats or over land. It does not think this problem even arises in the case of airlines. That issue might be examined.

Before I move on to the issue of family reunification, I wish to state that I do not believe we should have an immigration appeals tribunal. There is no need for such an additional layer of bureaucracy. There are too many quangos in this country. Each of the 300 or 400 bodies of that nature detracts from the power of this House and the Government. They were each established to deal with a matter that Departments do not have the time to deal with, or cannot be trusted to deal with. Those who oppose certain aspects of this Bill have called for the development of an immigration appeals tribunal because they do not trust the Minister — they feel he has too much power. I do not accept that because I believe in democracy. The Government that has been elected should be able to, and be trusted to, discharge all the powers given to it in a fair manner. That is the nature of democracy. I have no difficulty with giving these powers to the Minister.

I would support the introduction in the Bill of some measures relating to family reunification. Section 50 of the Bill transposes into Irish law the EU directive on the mass influx of people during difficult times. It is obvious that the directive will not apply here — it has never applied. Section 50 also lists the family members, including grandparents and dependent children, who will be permitted to come here after an applicant has been given residence here on the basis of the directive. However, the rest of the Bill does not comment on the question of family reunification. The section of the Bill dealing with the EU directive contemplates the issue of

family reunification, but the rest of the legislation is silent on the issue. We should show a little more courage by grasping the nettle in respect of this key issue. If this Bill is passed, Ireland will be the only European country that does not deal with this matter in its immigration legislation.

I do not have a problem with the proposal to allow costs to be awarded against lawyers. This country's asylum appeals mechanism is completely bogged down in spurious cases. People are taking advantage of the system, to the detriment of genuine refugee applicants. The cost of such behaviour to the State is out of all proportion to the genuineness of the applications. There are too many layers of appeal within the asylum process. It takes the system far too long to make a decision on an application for a visa or for asylum. Something has to be done about that. The taking of unnecessary, frivolous and vexatious legal proceedings is part of the problem. In many cases, lawyers take cases which have no merit for the sake of dragging out the process unnecessarily. Costs are awarded against lawyers in other types of proceedings. Two or three years ago, the master of the High Court famously made an order for costs against a lawyer because of the type of case. Provisions of this nature are included in other legislation. They are not unprecedented.

I should declare an interest — my father is a member of the Refugee Appeals Tribunal. It is essential, in the interests of consistency, that the tribunal's decisions be published and circulated widely. It does not matter who is appointed to the tribunal, or how much experience they have, as long as there is openness, transparency and consistency in the tribunal's dealings. If people know where they stand legally, the entire system will benefit.

Deputy Jimmy Deenihan: Like other Deputies, I am delighted to have an opportunity to make a few comments on the Immigration, Residence and Protection Bill 2008. Those who have spoken so far in this debate, including the previous speaker, have been generally well informed. I acknowledge the work done in this area by Deputy Coveney in Ireland and internationally. He has a deep understanding of this problem on a global basis.

This legislation establishes a new system of managing and tracking people entering the country. It deals with all non-EU entrants to the State, including visitors, holidaymakers, people coming to work here and asylum seekers. It relates mainly to those who are unlawfully in the State. Many of the people who come to my constituency clinic in Tralee every Monday evening have problems with their status in this country. Those who are in Ireland legally are concerned about the extension of work permits. Those who are here as asylum seekers raise issues relating to their applications. There is a lack of clarity in this area. People are confused about their rights. They sometimes find it difficult to access services at national level. I will speak about this aspect of the immigration issue later in my contribution.

The immigration division of the Department of Justice, Equality and Law Reform needs to be resourced better and to be more accessible to people. People who have come to this country, including legal immigrants and asylum seekers, should have more access to information and services. I will refer to a few specific cases later in this speech. If we are to have a proper immigration policy in this country, and if it is to be implemented properly, additional backup services will have to be provided. There is no point in having legislation unless sufficient personnel are available to implement it. Those who need to access their rights under the legislation should be able to do so.

I wish to speak about legal immigration into this country. The statistics that have been provided for the last four years show that fewer people are coming here to work. Some 23,604 work permits were issued in 2007, compared to approximately 27,000 permits in 2005. There has been a reduction of almost 4,000. We must consider this matter carefully.

[Deputy Jimmy Deenihan.]

People involved in the hospitality industry have told me they are encountering major difficulties in getting work permits for people from China. Many people from that country work in the hospitality sector. If restaurants are to offer an authentic Chinese cuisine experience, they need to employ Chinese chefs and cooks. I know people who are experiencing great difficulty in getting Chinese workers into this country. That has implications not only for business, but also for the tourism sector. When people come to this country, they like to have choices. If they choose to eat Chinese food, they want to have the genuine product. Qualified people are needed to provide that product. Similar problems are being encountered by those running Indian restaurants.

Many people from India come to Ireland to work in the science and technology sector. People involved in the sector have told me about the problems they are facing. I understand that a substantial number of permits have been issued to people whose country of origin is India. In 2007 more than 4,000 Indians travelled to the State, which is a large increase on the previous year when 2,166 travelled. People who have visited India say there is great interest in Ireland there, which is due to the number of trade missions to India, which the Ceann Comhairle and others participated in over the past few years. More technicians are needed in the IT industry, which is falling behind. It is not as competitive internationally. With a more flexible approach, more engineers could be attracted from countries such as India.

I refer to the issue of asylum seekers. I am in constant contact with the staff of the local refugee office in Tralee, which provides a good service to refugees, mainly on a voluntary basis. Many of their concerns have been raised by previous speakers and they are influenced by the issues presented to the Minister by the Irish Refugee Council. I promised the head of the office I would put on record his staff's concern. The protection of suspected victims of trafficking is not as great an issue in Tralee compared with Dublin and other large urban centre but they welcome the inclusion of the section in this regard. Their view reflects that of the Irish Refugee Council, which is that provision needs to be further developed to facilitate the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings and the UN trafficking protocol. In particular, specific provisions relating to the protection of suspected trafficked children and the entitlements of those granted temporary residency should be added. I am sure the Minister will take those concerns into account. People who are trafficked should also be exempt from the pre-removal powers of detention provided for in the legislation. An explicit recognition of the right of a person who has been trafficked to seek international protection and to have access to free legal aid should be included. These calls on the Minister were also made earlier.

Regarding the protection for separated children, I have come across a few cases. Those working with refugees are generally disappointed that no new provisions have been included to improve protection for separated children, given the concerns about the shortcomings of the current system, outlined in many of their previous submissions and also in a recent report on child protection. Separated children are entitled to protection and measures should be put in place to improve identification, age assessment, registration, family tracing and issues such as treatment and care. In their view, a specific new provision is needed in line with Ireland's obligation under the UN Convention on the Rights of the Child to address comprehensively these issues and provide for the granting of long-term residency where it is deemed to be in a separated child's best interest.

They are also concerned about the increased powers of detention in the Bill, which provides that persons can be detained at every stage of the protection process. I recognise this measure's importance in cases where people come to Ireland and involve themselves in criminal activity but those who have lobbied me feel this provision could be applied to anyone involved in the

protection process and clarity is needed. There is a general welcome for the principle of a single decision process for all forms of protection to access claims for asylum and subsidiary protection but there are concerns about the current process, including the lack of just guidelines and the use of accelerated procedures. Clarity in this regard will be important when this Bill is enacted.

Many carriers have raised the issue of liability in the media recently, which the Minister might refer to when he replies. Carrier liability shifts responsibility for protection decisions from the State to carriers. Carrier sanctions will mean those seeking protection may be prevented from accessing the State in breach of the State's obligation under the 1951 convention. This may well have the effect of forcing persons to rely on traffickers and smugglers. At a minimum, the State should allow for an asylum protection related defence to carrier liability and exempt carriers where persons make protection applications upon arrival in Dublin or where persons are particularly vulnerable. I ask the Minister to address this when he replies.

These issues have been raised by my local refugee office and we were also well briefed by the Immigrant Council of Ireland, which has a number of issues with the Bill, which the Minister will address. I refer to the lack of staffing in the Department's immigration division. I am dealing with the case of an individual who applied for long-term residency in November 2006. He had been in the State legally for five years. He had a work permit but to ensure he could secure the jobs he wanted and freedom of movement between jobs, he applied for long-term residency. He was also going out with a neighbour of mine, which is how the case came to my attention. He was advised when he made his application that his case would be examined within six months. However, he was recently advised it could take another 15 months. Will the Minister address the issue of long-term residency and visas? Prior to Christmas, I contacted an official in the immigration division who said it was hoped new staff would be recruited and applications expedited but, apparently, that has not happened. It is my understanding 20% of the staffing requirement has not been replaced in the office. If this is a reflection of what is happening regarding long-term residency applications, it is very unfair. If this person leaves the country, he may not be permitted to return and, therefore, he is afraid to travel to visit his family. I am involved in a number of other cases where people are afraid to leave the State. Under the legislation, if somebody remains in the State without a work permit, his or her long-term residency application could be affected. If his or her work permit expired, he or she would be illegally in the State and would not qualify for long-term residency. This Bill would make it illegal for them to remain, which will create difficulties for many of them.

I am acquainted with a Russian woman who is married to an Irish citizen and has a young family. She legally resides in Ireland and her aging parents who live in Russia are anxious to come to Ireland for a period of time but because they are not EU citizens, they cannot do so. I do not know whether this Bill addresses such issues. The response I received to inquiries to the Irish embassy in Moscow was that the application was refused because current Irish immigration legislation makes no provision for residency visas for parents, siblings or other extended family members of an Irish, EU or third country resident. The embassy stated that residency-type visas are only granted to spouses and dependent children of Irish and EU qualifying third country nationals, those on employment visas or certain eligible categories of student visas. The Bill should allow for a certain degree of discretion in such cases. I will forward details of the case to the Minister. People should have the opportunity to remain here for a period of time longer than three weeks. Apparently, that is not permissible under existing legislation.

Deputy Brian Lenihan: How long?

Deputy Jimmy Deenihan: They could be allowed to stay for at least six months but they should certainly be given permission for longer than three weeks.

[Deputy Jimmy Deenihan.]

Our policies need to be firm but fair and clear. The reason for the influx of asylum seekers was a lack of policy in that area. People came here because they thought it was easy to enter and we provided good services to them. To the credit of Irish taxpayers, we did our best despite the absence of a system by providing accommodation and services. It is important that we adjust to the phenomenon of immigration. For many years, we experienced an outflow of people but now the flow has reversed.

The Minister will know from his legal background that clarity is essential in legislation. The more clarity we have, the easier it is to explain to people how they can come here and their obligations when they arrive. Some aspects of the Bill as currently drafted should be amended. The Irish Refugee Council and the Immigrant Council of Ireland have put forward well considered and constructive amendments which the Minister should seriously consider. In co-operation with Opposition spokespersons, he could devise a very good Bill which would anticipate further immigration legislation.

Deputy Mary O'Rourke: I am glad of the opportunity to speak on this fair and balanced Bill. A line in it states that at every step and turn there is justice and equality. I do not aim to plagiarise the Minister, as has been done in the House yesterday. Great care has been taken with the legislation.

The Ceann Comhairle was Minister for Justice, Equality and Law Reform when the great wave of immigration came to this country. He had the onerous task of making important arrangements, often on the hoof, regarding numbers, finances and social services to ensure those who came here were treated with a modicum of courtesy and given a safe harbour for a certain period of time. I recall sitting at Cabinet when the issue exploded. Huge numbers were arriving despite the 1996 Dublin convention which required asylum seekers to return to the country they had last entered. I do not know how satisfactory that convention has been. When people come to my clinic, I often ask them the last place they visited before they arrived in Ireland. Their replies are either suitably vague or they tell me they were in Belfast, which tells its own tale because they obviously travelled to that city from the UK.

Second Stage speeches provide opportunities for philosophising. Within ten years, this small country has seen an influx of people from other countries but has somehow managed through earlier *ad hoc* measures and in this more reflective period to give safe harbour and to promote a policy which is constructive and embraces all those who have come to our shores. This was a country of emigrants but in the space of ten years we have experienced significant levels of immigration. When the history of the period between the mid-1990s and 2010 is written, how this country coped will be the most amazing social feature of it. The numbers and the queues grew week by week, requiring measures to be implemented. However, we were always imbued with the idea that people should be treated with courtesy, hospitality, justice and equality. These values form the basis of the Bill before us.

Second Stage also allows to us discuss issues in general terms. I do not intend to raise individual cases because the Minister already hears enough about them from me. I recall when the Ceann Comhairle, as Minister, brought to Cabinet the places where asylum seekers would be housed. In Athlone, 400 mobile homes were made available for families. Some concerns were expressed that the natives would vent their opposition. However, nothing ever happened because they were relatively satisfied. Employment was provided because it was needed and an integration process was pursued. It was quite remarkable.

I pay tribute to the primary schools in areas into which there was such a huge influx of immigrants. These schools and the Department of Education and Science set about their task with great gusto in the belief that those coming to our shores are entitled to a basic education.

I have visited the asylum seekers' site in Athlone on occasion. It is remarkable to watch youngsters returning home from school and alighting from the buses on which they have travelled. They all arrive on different buses because they are sent to various primary schools. It is not the case that all the children from the asylum seekers' site were sent to one school. Instead, they attend several schools within the catchment area. As a result, they enrich the lives of the young pupils who were already in the classrooms and the general culture of the schools.

I wish to comment on one of the remarkable aspects of the immigration process. My eldest grandchild, who is five, often speaks to me about his friends in primary school. To us, their names sound strange. However, that is not the case for those in primary school. The names Mark, Peter and John sound just as strange to people who have come to this country. A remarkable osmosis has occurred. Very young children's eyes are never blinded and they know no prejudice. They look on the world with a clear gaze and they are able to absorb an amazing amount in respect of those whom they meet, speak with or see. That is a fine development and it bodes well for a society which in a few years will, in every sense, be truly integrated.

If 10% of the population is comprised of immigrants, it is bound to have some impression on every facet of life in our country. That is as it should be. I recall the famous line from John Donne that "No man is an island". In an era when we debate the WTO, globalisation etc., what is happening here represents a true globalisation.

I wish to refer to a number of matters. I am sure they will be discussed in detail on Committee Stage. The Minister referred to introduction of a statutory long-term resident status at section 36 and stated:

This status will be available for those who have at least five years' satisfactory residence in the State. Periods as an asylum seeker or short-term student will not be reckoned.

There is another group of long-term residents in Ireland. These people came here and, through no fault of the then Administration or the existing arrangements, discovered the decision-making process relating to their asylum applications took some time to complete. As a result, some of them spent four or five years as asylum seekers. In my view, these individuals may feel aggrieved about the exclusion, under the statutory long-term resident status provision, relating to periods people may have spent as asylum seekers. Perhaps consideration could be given to this matter. A sizeable group of people in this country were obliged to wait for long periods while their asylum applications were decided upon. A mechanism should be found whereby these people can be accommodated.

On family reunification, a number of matters will have to be resolved. A protocol will emerge after a period but there is a clear need for family reunification. I accept that there could be inherent dangers in respect of this matter. However, we should not always perceive matters in the context that there are dragons to be slain. We should deal with the facts as they emerge and are put to us. If we can deal with such facts, we should do so.

I accept that integration is not part of the Minister's brief. However, the Government has placed particular emphasis on the process relating thereto by appointing a Minister of State with responsibility in this regard. There is much to be done as regards integration. The Minister will be responsible for ensuring there will be coherence in terms of how we deal with those already here and those who will come in the future. Integration will be of major importance to the people who are already here. There is no point in any group of people sitting uneasily on the sidelines. In my view, arrangements should not be made in respect of such a provision.

There are a number of young people who attended primary and post-primary school and who have progressed to our institutes of technology and universities. In this regard, I have in mind a particular family the name of which I shall not be revealing. The family is in this country

[Deputy Mary O'Rourke.]

legally because the mother has an Irish-born child and was in this country when doing so meant one could stay. Her daughter is extremely bright and is attending one of the institutes of technology. She garnered a huge number of points in her leaving certificate and is making great strides. It is amazing that many immigrants lap up what the education system has to offer. These individuals are wonderfully open and receptive to learning, which is good. The young woman to whom I refer will be obliged to discontinue her studies, however, because she cannot pay her fees. The college was decent enough to reduce them from €12,000 to €8,000 but her family does not have a chance of raising the money to allow her to continue her studies. A humanitarian appeal, made by a number of people, including me, is pending. The purpose of it is to see if there is any way the young woman can remain within the State.

The State provides free education at primary and second level. The natural outcome of that is that bright young people will be encouraged to pursue third level courses. However, questions arise in certain instances as to how they might do so. I accept this matter is not relevant to the Bill but it must be examined.

I commend the Minister and those who work with him in the Department on a very balanced Bill. In my view, the Bill is just and humane. It is time we dealt with all of the matters that arise. There has sometimes been laxity, an overemphasis on particular points or concerns among people regarding these matters.

It would be wonderful if we could invite everyone who wants to come here to do so and be provided for. However, the world is not like that. Our small country has major commitments to its citizens both here and throughout the world. We must be fair both to those who come and to those who are already here. We must strike a balance between equality and justice.

I hope people will raise many points on Committee Stage. I look forward to the emergence of the full protocol relating to family reunification.

The family reunification issue is coming up more and more. I have a simple proposition and if it sounds like Pollyanna, so be it. I think the best of anybody who approaches me until I find out otherwise. There is no point approaching everybody with suspicion and wondering what they are up to. I believe each person who comes to me with their tale and if I can help I will. If I cannot, I am satisfied to say very definitely to a person, group or family that something cannot be done. I know enough about the system to realise this is the best approach to take.

I commend the thrust of the Bill and the Irish people, who within the space of ten years have been remarkably open and welcoming of the population which has come to our shores. It is by far a different story from what we met in the early days of our own emigration.

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I thank the many Deputies who made contributions to this debate on what is, by any measure, a most important Bill. I also thank Deputies for their attendance for the discussion.

I note Deputy Naughten expressed a critical support for the Bill, which I welcome. I look forward to working with Deputy Naughten and other Deputies on the Bill as it proceeds through Committee Stage. I am always open to persuasion on Committee Stage of legislation and if an amendment is well-reasoned, merited and required, I will consider it.

The contributions and criticisms during the debate dealt with a wide range of issues, most of which directly related to the issues raised by the subject matter of this legislation. I cannot hope to address all those points in my reply this afternoon but I will endeavour to deal with as many as time permits.

One of the first and most fundamental questions raised during the debate was why immigration and asylum are combined in one Bill. The Bill covers both the issues of the protection

of the asylum seeker and also the more general question of how to secure residence in the State if there is no entitlement to be in the State.

All migrants or intending migrants, even those claiming asylum, have in common a desire to come to Ireland and remain for a period. That is determined by the State. These people arrive at the same ports of entry and interact with the same immigration officers. They may seek to enter through the regular migration channel or they make a protection claim. A protection claim may be made later by a person who originally arrived as a residential visitor.

The persons concerned will be dealt with in the manner applicable to the nature of their claim. At the end of the process, the two streams converge with one of two outcomes. Either the people gain status and are issued with a residence permission by the same officials or they fail and are liable for removal by the same officials and in the same manner. There is considerable logic in dealing with all of this in a coherent and integrated way, based not least on considerations of efficiency and effectiveness.

Many Deputies complained that the Bill does not set out the rights of foreign nationals granted permission to be present in the State. There was a considerable misconception in the debate in this regard because a foreign national does not have rights to reside in the State. Irish citizens have rights to reside in the State and EU nationals have considerable rights regarding residency in this State. Persons who are not citizens of Ireland or EU nationals do not have a right of residence in the State. Some of the contributions were vitiated by a failure to understand that basic concept.

Deputies complained we have not given any indication of what rights are in mind. This is a complex area and the matter turns on the nature of the permission granted to the person. It is the case that foreign nationals lawfully in the State will be able to enjoy certain privileges. The presence of foreign nationals in the State does not flow from the exercise of any right they have to reside in the State. Rather, it is on foot of a permission to enter and reside which is granted by the Minister and is subject to conditions that the Minister considers should be imposed on that presence.

Deputy O'Rourke put it far more eloquently than I can a few moments ago when she indicated that not everyone in the world can come to Ireland. I have been trying to formulate that proposition in legal phraseology.

It is important to note that one of the big innovations in this legislation, which was welcomed on all sides of the House, was the introduction of section 36, which establishes a status of long-term resident. The long-term resident will be a migrant who comes to Ireland and acquires certain rights in the State. It is important, given the volume of migration which has taken place, that we create such a status.

Most other categories of foreign national are here not because they have a right, but because the State has chosen to give them permission to be here. This permission attaches conditions of the State's choosing regarding access to the labour market and State-funded benefits, among other matters. When we speak of the rights of foreign nationals, we must distinguish between those categories of persons and the others who have rights arriving from international law, such as refugees, or in the case of long-term residents from the provisions of this Bill.

For example, the Bill treats a foreign national who has been granted a long-term residence permission and his or her family as if he or she is an Irish citizen in many respects. The only action such a person will not be allowed to take is vote in a general election, which is a matter of constitutional right and reserved to citizenship.

If he or she is a qualified long-term resident, the person and his or her family will be in almost the same position as a long-term resident, apart from a certain limitation on access to

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certain publicly-funded services. If he or she is the holder of a renewable residence permission, the conditions of that permission will, as provided for in section 127, set out the nature of rights attaching to that permission, for example, whether he or she can bring family members to Ireland and the extent to which he or she can access publicly-funded services, etc.

If he or she is the holder of an entry permission or a non-renewable residence permission, the likelihood is that he or she has applied to come to the State for a limited period only. This could be for a holiday visit, to study or to engage in seasonal employment. In these circumstances, his or her intended stay is limited and the permission will set out a limited eligibility for benefits and the like.

There is no right and there can be no expectation of family reunification for such a migrant, nor can there be the same expectation of access to State-funded services, as a long-term resident would have, for example, and is entitled to as of right under this proposed legislation.

The purpose of the Bill is to provide mechanisms to allow the Government manage migration to the State in a coherent fashion. The Bill provides clarity on how a foreign national's presence in the State is lawful or unlawful. That is as it should be. The Bill sets out the requirements which must be satisfied where foreign nationals want to visit the State, whether for a long or short term stay. That is also as it should be.

The Bill provides mechanisms for review of negative decisions in applications for visa. It provides for review mechanisms to ensure fair procedures where permissions are not renewed or are revoked. The Bill also sets out a more streamlined process for the determination of protection applications.

Apart from setting out the benefits associated with protection declarations and those associated with long-term and qualified long-term residence, the Bill does not set out the benefits associated with other less permanent forms of permission to be present in the State. That is left to domestic legislation and practice to determine. Any entitlements which may exist in the health, education or social welfare system are set out in the relevant domestic legislation governing those systems. Similarly, access to the labour market is governed by employment law.

While present in the State, foreign nationals enjoy many of the constitutional freedoms available to Irish citizens. They also enjoy the protections afforded by our equality laws, for example, and if they are working lawfully they are entitled to be treated fairly under employment laws. The Bill does not need to set out such matters again as there is ample legislation in the Statute Book dealing with them already.

I stress the need to balance rights and responsibilities. Persons who play by the rules have nothing to fear from this legislation; on the contrary, it enhances their status and allows the Government to provide greater transparency in the system. The majority of our migrants fall into this lawful category.

There were 155,000 lawful migrants registered with the GNIB from outside the European economic area, a very substantial number. Our problem in the past has been that a wholly disproportionate amount of time and money has been spent dealing with people who have no right to be in the State but who seek to frustrate the State at every turn in removing them.

I am glad to hear some Deputies mention that persons who are not lawfully here should leave the State. Deputies have been lobbied by various voluntary organisations outside the Government who do very good work in championing the rights of those who seek to migrate here, and their contribution in the debate is very welcome. That is a particular perspective on the issue. As a Minister, however, I must take a wider one.

I refer the House to the comment of the Supreme Court in the decision on *Bode v The Minister for Justice, Equality and Law Reform and Others*, handed down on 20 December last. This is the latest authoritative guide from the Supreme Court on the responsibilities of the Government in this area. Deputy Rabbitte outlined many judicial decisions in his contribution but I did not hear a particular reference to this decision which is now the most fundamental one relating to the law of migration in the State.

The judgment sets out the responsibilities of the State as executive functions vested in the Government to operate immigration controls in the interest of the common good. Ms Justice Denham pointed out:

In every State, of whatever model, the State has the power to control the entry, the residency, and the exit, of foreign nationals. This power is an aspect of the executive power to protect the integrity of the State. It has long been recognised that in Ireland this executive power is exercised by the Minister on behalf of the State.

In enacting this Bill we are casting into legislative form what the Supreme Court has described as the essential feature of our system. The court in that decision upheld the power of the Minister to make schemes which would deal with particular aspects and categories of migrant and expressly affirmed it in the *Bode* case.

Deputy Naughten made a case for the introduction of a bridging visa system to deal with those who have fallen through the net, through no fault of their own. He gave as an example the case of the undocumented worker who comes here lawfully but for one reason or another was abused in respect of employment law and finds him or herself in legal limbo. Under the Bill such persons will be unlawfully present in the State once their residents' permission has expired. We need to distinguish between foreign nationals who, as Deputy Naughten rightly says, find themselves in that position through no fault of their own and those who, having been refused a renewal of their residents' permissions, deliberately refuse to comply with their obligation to leave the State.

I am bringing proposals to the Government on this matter to ensure that certain undocumented workers who find themselves in this position, through no fault of their own, form a distinct category and can be accommodated. This can be done, as it was in the case of the Irish-born children through an appropriate scheme under the executive power of the State. One of the advantages of permitting us to proceed by way of scheme to define exact categories is that it allows us to proceed by way of trial and error in a matter of this type. The Supreme Court has upheld the power of the Minister to make schemes of that character.

I am, however, less disposed to look favourably on the case of a foreign national who knowingly remained in the State after the expiration of his or her permission. This would condone illegality not only on the part of the foreign national but also on the part of the employer who would be in breach of our employment laws by continuing to employ such a person. Under present arrangements there is scope for exploitation of migrants. My colleague, the Minister for Enterprise, Trade and Employment, has brought forward new legislation in this area and a new National Employment Rights Agency has been established with the remit of tackling exploitation in the workplace. Concealing or perpetuating the employment of an illegal employee does a disservice not just to that employee who is by definition being exploited but also the interests of workers generally. I take Deputy Naughten's point, which the Irish Congress of Trade Unions has also made, that there is a specific category of undocumented worker for whom we must provide on foot of this legislation and by way of scheme.

I share the views expressed by many Deputies on all sides of the House on the great opportunity we have, as a country of net inward migration, to take on the challenge of integration.

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The programme for Government took account of its significance by establishing the office of a Minister for State with responsibility for integration. The programme also sets out measures to be taken in respect of integration.

Deputy Rabbitte and others claimed that access to justice will be restricted for those who are unlawfully present in the State and who, notwithstanding that unlawful presence, fail to remove themselves as required under section 4 of the Bill. This line of argument ignores the processes under the Bill whereby persons will arrive at being unlawfully present in the State. In general a foreign national cannot arrive in the State and be unlawfully present here without doing so knowingly. The typical example is a person who stays on after his or her entry or residence permit has expired.

The other typical case arises when a holder of a permission is notified of a proposed revocation and makes representations to, but fails to convince the Minister. In the special case where a person claims protection based on the fear of persecution or related issues there is a thorough process in which the claimant participates in the investigation of the claim. In all these cases the foreign national's presence in the State remains lawful until the process has reached a final decision. If that decision is negative it will be for the person to remove himself or herself. In effect there will be no surprise circumstances in which a foreign national will become unlawfully present in the State.

This legislation will not effect all the processes involving access to the courts, which those who are removed from the State avail of extensively. Access to the courts includes the Article 40 process for ascertaining the validity of a detention as well as injunctive relief which may be sought to delay a removal. That persons in those circumstances avail of those processes and that the Garda does not interfere with them is evidenced by the charter flights to Nigeria and other destinations that leave only half full. The other half of the intended passengers are in the High Court obtaining injunctions to stop their removal, although they have already been through exhaustive processes. The greater simplicity and clarity introduced in this legislation will ensure that there will be fewer grounds for invoking the jurisdiction of the High Court to set aside the removal of a particular person from the State.

Deputy Rabbitte said that my officers and the Attorney General ignored a celebrated extradition decision in 1964, in *The State (Quinn) v Ryan* involving Irish citizens, and that it has had no effect on modern police practice. That point is without substance. There has been a revolution in thinking in the courts and police practice since 1964. This legislation is not being implemented in the spirit of the practice that the Supreme Court condemned then.

The Bill will abolish the position whereby, even though a foreign national is by any measure unlawfully present in the State, he may not be removed until the elaborate process leading to a deportation order has been gone through. That process may take longer than the visit originally approved. The law is clumsy and all but unworkable. By making the changes proposed in this Bill we are ensuring that there are sensible, proportionate and fair processes for ensuring that persons will know what their status is in the State and that they will not be taken by surprise by a change in that status from lawful to unlawful presence. If a person is unlawfully in the State after those processes it makes absolute sense that he or she should be obliged to remove him or herself from the State. Once that sensible and logical legal position is in place it is of no use unless there is a practical means of ensuring that it is observed by removing those who choose to flout it by their continued unlawful presence.

Question put and agreed to.

Immigration, Residence and Protection Bill 2008: Referral to Select Committee.

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I move:

That the Bill be referred to the Select Committee on Justice, Equality, Defence and Women's Rights 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.

Ceisteanna — Questions.**Priority Questions.****Millennium Projects.**

1. **Deputy P. J. Sheehan** asked the Minister for Agriculture, Fisheries and Food the number, in respect of the millennium trees project, of trees that were eventually planted of the 1.2 million planned; the number of sites that were used to plant these trees; if she will list these sites and the number of trees planted at each site; the number of each species planted at each location; the number of trees now surviving at each location; the projected lifespan for each of these species; the projected number of trees surviving at the end of each five-year cycle after the year 2000; and if she will make a statement on the matter. [7195/08]

Minister of State at the Department of Agriculture, Fisheries and Food (Deputy Mary Wallace): The people's millennium forests project was a flagship millennium project sponsored by the National Millennium Committee and Allied Irish Bank and managed by Coillte in association with Woodlands of Ireland. This was the largest ever project directed at the expansion and enhancement of Ireland's native woodlands and resulted in the establishment and conservation of 1,500 acres of native woodlands.

There were 16 sites involved in this project, 14 of which are in the Republic of Ireland and two in Northern Ireland. A total of 1.17 million trees were planted at 12 of the locations in the Republic of Ireland, details of which have been summarised in tabular form and circulated to the Deputy and which also will be included in the Official Report. The remaining two sites, namely, the yew wood at Muckcross in Killarney, County Kerry and Rossacree, County Kerry, had conservation work carried out. An additional 200,000 trees were planted at two locations in Northern Ireland by the forest service of the Department of Agriculture and Rural Development in Northern Ireland, bringing the total number of trees planted to 1.37 million, which is almost 200,000 in excess of the original plan.

While I will not read out the contents of the tabular statement, which is very detailed, it lists the 12 sites, which are located in ten counties. Ten species were included, namely, alder, ash, birch, cherry, hazel, oak, other broadleaf, rowan, Scots pine and yew and the tabular statement sets out the number of trees that were planted in each of the aforementioned locations.

An independent audit of each site has been carried out by Woodlands of Ireland in the past year and I understand this audit confirmed that excellent, healthy native woodlands have been established at each of the locations. However, the purpose of the audit was to confirm that each planted site is progressing well rather than to count individual trees.

The forests planted as part of this project will be managed as native forests in perpetuity for the benefit of the people in accordance with the original project objectives. The forests will be

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managed on a continuous cover basis, meaning that the forests will never be clear-felled and that any trees that die or are thinned will be replaced by young trees regenerating naturally from the trees planted in 2000-1. The species planted have biological lifespans of 100 to 250 years.

Additional information not given on the floor of the House.

Species	Alder	Ash	Birch	Cherry	Hazel	Oak	Other Broadleaf	Rowan	Scots Pine	Yew	Total
‘000 trees planted											
<i>Location</i>											
Ballygannon, County Wicklow			15			52			7		74
Tourmakeady, County Mayo	3	19	13			34			18		87
Derrygorry, County Monaghan	34	3	2			55			23		116
Cullentra, County Sligo	13		21	2		21		2	4		63
Portlick, County Westmeath		1	10			9					20
Rosturra, County Galway	16	20	41		15	93		1	3		188
Shelton, County Wicklow	43	51	17		12	19	10				152
Camolin, County Wexford						34					34
Galtee, County Tipperary	11		26			23					60
Derrygill, County Galway	0	5	22			55		4			86
Woodlands, County Kilkenny	70	61	15	3		79		7	13		249
Lacca, County Laois	3	20	2			14			3	1	44
	193	181	183	5	28	487	10	15	71	1	1,173

Deputy P. J. Sheehan: I thank the Minister of State for her elaborate description of the progress made on the millennium plantations. Does she have information regarding the rate of survival, which was to be evaluated every five years? Eight years have passed since the trees were planted. Does the Minister of State have figures in respect of the number of trees that have survived? Does she foresee that what has been planted will come to maturity? How long will it take for the forests to come to maturity?

Deputy Mary Wallace: To clarify again, the total area involved is close to 570 hectares or 1,420 acres of woodland. A total of 1.2 million trees were planted in the name of 1.2 million households nationwide, each of which received a certificate identifying the location of its tree. It is difficult even to count the trees in the Phoenix Park and consequently the Department has not sent out staff to count the trees in question. The committee's role is to check that the woodlands will be there for the people in future. Any trees that die or are thinned will be replaced by younger trees. However the key point to be established, which I understand the audit to have confirmed, is the presence of excellent healthy native woodlands at each of the locations.

As for the Deputy's final question on the trees' lifespan, the lifespan for the species planted is between 100 and 250 years. Obviously it depends on whether a tree is an oak, rowan, yew or whatever. In such woodlands, natural regeneration takes place. The acorns will fall and grow into more trees continually. The point is that these fabulous woodlands will be there for

generations to come and most importantly, there will never be any clear-felling in these woodlands.

Deputy P. J. Sheehan: No one who knows anything about woodlands would believe there will be 1.4 million trees in 100 years' time. The focus was on creating holistic ecosystems. I cannot foresee such a high percentage rate of trees surviving at the end of 100 years. It will be the same for me as I will have passed on to greener pastures by then.

Deputy Trevor Sargent: Never.

Deputy P. J. Sheehan: However, the public should be made aware of the lifespan of that planting. I do not believe there will be a high survival rate in percentage terms in 100 years' time.

Deputy Mary Wallace: I hope that in 100 years' time, those who are alive will be able to go to the woodlands in question. The plan was that future generations would be able to do. The Deputy raised concerns as to whether the woodlands were there and whether monitoring was in place. I reassure the Deputy that a project monitoring board is in place, which meets in May or June each year. It met in May 2007 and commissioned a review of the sites, which took place in October and November 2007. At its next meeting in May 2008, it will consider that review in detail. I reassure the Deputy that Coillte is managing the woodlands and that there will be an annual meeting of the monitoring board in the future to ensure all is well.

Grant Payments.

2. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food the steps she is taking to release the current deadlock relating to payments under the rural environment protection, REP, scheme; the number of farmers involved; the state of negotiations with the Commission; and if the Government supports the Commission proposals relating to the restructuring of the REP scheme which has operated on a contractual basis for over 14 years.

[7398/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): In early January, in the course of discussions on payment arrangements for REPS 4, the European Commission unexpectedly raised questions about the long-established practice of paying farmers in REPS 2 and REPS 3 in full at the start of each contract year. I met Commissioner Fischer Boel in Dublin to discuss this matter when she attended the annual general meeting of the Irish Farmers Association in January and I had further discussions with her in Brussels last Monday. I am glad to state that I obtained the Commissioner's agreement that Ireland can continue with the established practice until the expiry of REPS 2 and REPS 3 contracts. I am very grateful to Commissioner Fischer Boel for her personal intervention to resolve an extremely difficult situation.

I immediately directed my officials to take steps to release approximately €37 million in REPS 2 and REPS 3 payments, which had been on hold since early January, and payments for valid outstanding claims are now beginning to issue.

Payments to farmers in REPS 4 are governed by a new Commission regulation, which reflects the Commission's objective of integrating and harmonising the operation of the various farm payment schemes including the single payment scheme, REPS and the disadvantaged areas scheme. Inevitably, for farmers with contracts in REPS 4 starting from 1 January this year, the new rules will result in some changes from the previous payment pattern. My officials are in detailed technical discussions with the Commission services and both sides are committed to

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introducing any new arrangements in a way that will alleviate the impact of these changes on farmers. I expect the matter to be clarified shortly.

Deputy Seán Sherlock: In some respects the issue has moved on since the question was tabled. However, I thank the Minister for her response. As soon as this issue came to light, both the Minister for Agriculture, Fisheries and Food and her Department took a highly proactive approach in respect of REPS 2 and REPS 3.

Is there a definite timeframe in which a decision will be made on the outcome regarding payments under the REPS 4 scheme? I understand negotiations are ongoing at present and I take cognisance of the sensitivities associated therein. However, I would appreciate the provision by the Minister of an approximate timeframe to Members.

Deputy Mary Coughlan: I agree with the Deputy that the sooner this matter is dealt with, the better. I hope and have expressed the view that this will happen shortly. As for a timeframe, I expect it to occur within the next fortnight. As the Deputy correctly observed, my officials are in negotiations with the Commission on the matter at present.

Deputy Seán Sherlock: I thank the Minister for her response. As a general point, this is a vital scheme and the income derived from it by farmers is essential to them. If the Minister has any scope to have the Irish model adopted throughout the European Union, it will be very positive for agriculture in Ireland and the Union. She might take this on board.

Deputy Mary Coughlan: As the Deputy knows, Ireland is unique in that it is the only member state that pays 100% of the REPS payment up-front. Other member states are very happy with the new regulation stipulating that there be two separate payments, one of 75% and another of 25%. We are putting forward our specific views and concerns on the basis of our 14 years of experience with the scheme.

World Trade Negotiations.

3. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food her specific concerns relating to the World Trade Organisation, WTO, talks; the action she will pursue to ensure that the Irish agricultural market is not hindered by the outcome of the trade negotiations; and if she will make a statement on the matter. [7295/08]

Deputy Mary Coughlan: I remain committed to an ambitious outcome to the current round of WTO negotiations. As an open economy dependent on trade, Ireland has much to gain from a successful conclusion to the negotiations. However, I have insisted, and will continue to insist, that any final agreement must be balanced. It must be balanced across all of the negotiating pillars, namely, market access for industrial goods, services, trade rules, trade facilitation and agriculture. It must be balanced between what the European Union is being asked to concede in the negotiations and what it is gaining in return. In the agriculture negotiations, it must be balanced across the three main negotiating pillars — domestic supports, export competition and market access.

The European Union has undertaken Common Agricultural Policy, CAP, reform in preparation for the negotiations and it has made a generous offer to reduce trade-distorting subsidies and to provide substantial special and differential treatment for developing countries. It is now time for the other negotiating partners to make equivalent contributions if an ambitious and equitable final agreement is to be reached. In that regard, I am very concerned that the recent negotiating paper from the chairman of the WTO Committee on Agriculture lacks

balance. I have difficulty with the proposed commitments and timing in the document. I am determined that European and Irish agriculture must not be sacrificed in the effort to strike a WTO deal.

Any WTO deal must not undermine the CAP reforms already undertaken in good faith by the European Union in preparation for the current WTO round. My overriding objective in the agriculture negotiations is to ensure that the terms of the agreement can be accommodated within the framework of the reformed CAP. This represents the limit of the European Commission's negotiating mandate in these negotiations and must be respected.

There is no doubt that the overall process is at a critical juncture and the Government is fully aware of this. As I stated, we have concerns about the direction of the talks and no stone is being left unturned to address them.

My Department's officials and I have consistently and continuously outlined the Irish position in the clearest possible terms at official and political level. We have had numerous bilateral meetings with the Commission. We have developed and maintained valuable contacts with like-minded member states on this issue. I recently travelled to France specifically in respect of the WTO talks for a bilateral meeting with the French Agriculture Minister, Mr. Michel Barnier. Prior to the meeting of the Council of Agriculture Ministers this week, I attended a meeting of the "group of 14" WTO member countries plus member states at which there was a full discussion of the WTO negotiations.

Additional information not given on the floor of the House.

This group has grown to 20 member states. The Secretary General and senior officials of my Department visited Poland some weeks ago, also in respect of the WTO talks, again with the intention of maintaining strong support for a deal that does not damage EU agriculture. I have continued to express my view forcefully at meetings of the Council of Agriculture Ministers, most recently at this week's meeting on 18 February. I emphasised the absolute necessity that the Commission remain within the terms of the negotiating mandate. I will continue to work closely with like-minded Ministers in other member states to seek support for my position.

Deputy Andrew Doyle: The position we were to adopt on CAP reform seems to have been adopted by Mr. Peter Mandelson as an opening position rather than a final one. If the Irish argument is not convincing, why are Argentina and United States considering limiting Chinese cereal imports to protect their own domestic markets?

When the Doha round first opened, we were told we had plenty of fuel and food. Circumstances have changed and I cannot understand why Mr. Mandelson is being allowed a free hand to negotiate. I do not know where his mandate comes from. He is a trade negotiator for the European Union. Who shows him the limits?

I appreciate that the Minister is negotiating with the French, who have traditionally be our greatest ally in this regard. Under a different regime, France may have a different outlook on the matter but the reality is that if we do not address it, Europe will be at the end of the world food chain, just as it is at the end of the Siberian gas line. If we cut our expenditure on agriculture protection, which amounts to €40 billion, what will happen when food gets scarce? I do not know which testament of the Bible refers to seven fat kine and seven lean ones — I will have to check with my mother — but perhaps it was prophesy.

Deputy Mary Coughlan: I do not want to give a biblical answer but I share the concerns of all Members of the House. The House has had an opportunity to express these concerns at committees.

[Deputy Mary Coughlan.]

I have used all the political clout I have been given in speaking to representatives from other member states. What was known as the “group of 14” has now expanded and has become the “group of 20” and this demonstrates the difficulties the majority of member states have with the deal. At the meeting of the General Affairs and External Relations Council, GAERC, my colleague, the Minister for Foreign Affairs, expressed grave concern about the deal, as did his counterparts from like-minded states. The Taoiseach has been in touch with the President of the European Commission, Mr. José Manuel Barroso, to express his concerns and he has also had discussions with a number of his colleagues. He will do so again when he travels again next week.

There will be grave consequences if the deal presently on the table is accepted. It is my intention, and that of representatives of other member states, to outline our serious concerns about the lack of balance in the proposals.

Deputy Andrew Doyle: Will the Minister exercise whatever powers she can in expressing these concerns? Irresponsible as it may be, we may have to discuss Commissioner Peter Mandelson’s mandate in the reform treaty debate. Who is allowing him a free hand? He is operating according to his own agenda as far as I can see. Bearing in mind that President George Bush wants to leave a positive legacy, I do not know what the legacy of Commissioner Mandelson will be or who is giving him his imprimatur. He must be called to account because of the grave consequences of the proposed deal.

Deputy Mary Coughlan: We will be dealing with everything we can and my colleague, Deputy McGuinness, the Minister of State at the Department of Enterprise, Trade and Employment, and a number of my representatives are meeting Commissioner Mandelson this afternoon to outline our concerns. Deputy Andrew Doyle can rest assured that, in working with those in the industry, including farming organisations and political organisations, I will exert as much pressure as possible.

The Deputy is correct that I have grave concerns about the Commissioner for Trade’s mandate. It is the Commissioner who negotiates on our behalf but, the Council must be listened to. It expressed grave concerns this week. I refer not only to the Agriculture Council but also to the GAERC.

Grant Payments.

4. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food the reason for her Department’s delay in processing REPS payments; the consultations she has had with the European Union on the matter; the arrangements that will be put in place to ensure that farmers do not face a cash-flow crisis as a result of the freeze on payments; and if she will make a statement on the matter. [7296/08]

Minister of State at the Department of Agriculture, Fisheries and Food (Deputy Trevor Sargent): The reply to this question is somewhat similar to that for Question No. 2.

In the course of discussions about the payment arrangements for REPS 4, the European Commission unexpectedly raised questions in early January about the long-established practice in Ireland of paying farmers in REPS 2 and REPS 3 in full at the start of each contract year. Thereafter, it was necessary to put these payments on hold, so as not to expose the Irish taxpayer to the risk of heavy fines.

Department officials immediately embarked on discussions with their counterparts in the Commission and the Minister, Deputy Coughlan, raised the matter with Commissioner Mariann

Fischer Boel in Dublin when she attended the annual general meeting of the Irish Farmers Association in late January. The Minister also had further discussions with the Commissioner in Brussels on Monday last, at which the Commissioner indicated she had no objection to Ireland continuing to receive REPS payment claims and make payments, as has been done in the past, until the expiry of REPS 2 and REPS 3 contracts.

The Minister immediately directed the Department officials to take steps to release some €37 million in REPS 2 and REPS 3 payments, which had been on hold since early January. Payments for valid outstanding claims are now beginning to be issued. Payments to farmers who started contracts in REPS 4 in 2007 are also being issued since last week.

Deputy Andrew Doyle: This matter was discussed at a meeting of the Joint Committee on Agriculture, Fisheries and Food. After decoupling and CAP reform, environmental measures were regarded as a means of making payments to farmers. It has been accepted that the REP scheme in Ireland is a model of how the scheme should operate. Early payment is one of its selling points. I take issue with the Minister calling the payment an “up-front” payment. It is early because it has been approved in advance. We made the same mistake at the committee meeting. If the EU is considering rolling out this model on a European scale, we should examine the Irish model to establish the aspects of it that are working. One such aspect is the early payment given to participants to carry out the necessary works and measures to comply with the rules.

For farmers whose REPS 2 term finished in October 2006, the process was supposed to start by January 2007; they could not take up REPS 3 and REPS 4 was not rolled out until much later. Therefore, those farmers have incurred a year’s loss of income. Will the Minister of State comment on that?

An Leas-Cheann Comhairle: I will call the Deputy again.

Deputy Trevor Sargent: I thank Deputy Doyle for his thoughts on the scheme. They are useful in formulating the case to be made, but we are in ongoing discussions with the Commission. As he mentioned, they are the people we are focusing on helping. The Commission has put it to us that it needs to reconcile the area issue, particularly the REPS payment area that is taken into account and the integrated administration and control system overall. To date we have said there was no problem previously in this regard. The auditors have always been satisfied that what we have done represents total compliance with the spirit of the scheme. These discussions are ongoing. There are sensitivities about the issue, given that we are putting the case that we have, as the Deputy said, operated in the spirit of the scheme and have never been found to be at fault in how we operated it. Now is the time to put forward the points the Deputy made, namely, that this model is a good way of implementing the REP scheme and it encourages the maximum take up among farmers.

Deputy Andrew Doyle: In terms of the time lag between farmers completing REPS 2 who could not take up REPS 4, I accept negotiations are ongoing on REPS 4. However, some farmers are being actively encouraged to move from REPS 3 in particular into REPS 4 and, to my knowledge, they have not been made aware of the implications of the payment schedule. I would welcome clarification on that. I reiterate we have a model that works. Our system should be considered a role model of how to roll out this scheme. I hope that when I go home today I will have received a cheque in the post.

Deputy Mary Coughlan: Is the Deputy double-jobbing?

Deputy John Browne: The Deputy must declare that.

Deputy Seán Sherlock: He will have to get a financial statement.

Deputy Trevor Sargent: I thought TDs were paid quite well.

Deputy P. J. Sheehan: Deputy Doyle has a tax clearance certificate.

Deputy Trevor Sargent: I will not get into that debate.

Deputy Andrew Doyle: It has already been declared.

Deputy Trevor Sargent: It was as much of a shock to us as to anybody else to learn that a problem was envisaged in the way we were proposing to make payments under REPS 4. We had to take quick action to ensure we did not alienate the people with whom we are now seeking agreement. We have always been on the right side of the law in this regard and we want to remain there. We wanted to ensure that farmers did not suffer any loss—

Deputy Andrew Doyle: They lost sleep.

Deputy Trevor Sargent: —whether it be sleep or anything else under the scheme in the final analysis. That is the reason we had to had to act quickly. Hopefully the matter can be successfully concluded but the negotiations are still ongoing.

Aquaculture Licences.

5. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food if a new aquaculture licensing regime has been in operation since 1 January 2008, implementing recommendation 6.2 of the seafood industry strategy; the number of licences that have been processed since that date; and if she will make a statement on the matter. [7297/08]

Minister of State at the Department of Agriculture, Fisheries and Food (Deputy John Browne): The Cawley report recommended that a review of the existing procedures and processes used to administer and implement the current licensing and regulatory regime for the aquaculture sector should take place with a view to strengthening current systems and procedures and delivering an improved service to customers. My Department has prepared a detailed strategic plan to give effect to this recommendation. This strategic plan has been accepted in principle and its implementation is currently under discussion within my Department.

The division dealing with aquaculture licensing also deals with foreshore licensing and a range of other coastal zone management issues. In regard to aquaculture licensing, it deals with assignment, renewal and amendment of existing licences as well as the issuing of new licences.

Since 1 January 2008 one new licence has been finalised and issued to the applicant. A further 19 applications have been processed to an advanced stage and determinations in respect of these applications are expected in the coming weeks. It is important that I place the number of new licences issued in context. The licensing procedure is lengthy and complex, involving a range of intermediate measures before a recommendation and decision can be made in any one case.

I should also point out that the process has become considerably more complex since the Fisheries (Amendment) Act 1997 was enacted due to increased activity and demands in the coastal zone and the knock-on need to take an ever greater account of the potential impacts on safety and navigation; the ecological impacts on wild fisheries, natural habitats, flora and fauna; the suitability of the waters; the other beneficial uses of the place or waters; the likely effects on the economy of the area; and the statutory status under European legal frameworks

of the area under application. The strategic plan prepared by my Department has set out a number of measures to address these issues and I am confident that the plan will result in a more sustainable licensing regime for aquaculture into the future.

Deputy Tom Sheahan: When does the Minister of State envisage the backlog will be cleared? When we spoke about this matter on 6 November last, I received a reply, which is a copy of the reply he has just read. He said he was totally committed to the elimination of this backlog as a matter of urgency. In terms of the number of applications that have been processed since 1 January, many more than that number have been submitted since then. On 6 November a list of 254 applications had been processed. At the rate applications are being processed, it will take a long time to process all the applications submitted. Important opportunities in the fishing sector are not being taken up because of the antiquated licensing system in place. I hope it can be modernised and that the applications can be processed much quicker.

Deputy John Browne: I do not accept that the licensing system is antiquated. Many of the licences issued ten years ago are coming up for renewal. We are now working under many new different circumstances. For example, we now have to deal with the EPA, the Marine Institute, water directives, bird directives, new planning regulations and far greater public consultation. That has slowed down the procedure.

The Minister, Deputy Coughlan and I are strongly committed to aquaculture. The first phase of the Cawley report was launched yesterday. It strongly recommends the development of aquaculture. We will give that priority during 2008. To answer the Deputy's question, it is my determination to ensure the backlog is eliminated by end of this year.

Deputy Tom Sheahan: I am glad to hear of the Department's interest in the aquaculture sector as it presents important opportunities in terms of jobs and value-added benefit.

Deputy John Browne: I welcome the Deputy's support. He has been supportive of the sector since he was elected to this House. We recognise the value of aquaculture along the coastline to the coastal communities and in terms of developing further jobs. He can rest assured that we will give it every priority during the coming year.

Other Questions.

Animal Diseases.

6. **Deputy Charles Flanagan** asked the Minister for Agriculture, Fisheries and Food the preventative measures she is considering to avert the spread of the bluetongue virus here; and if she will make a statement on the matter. [7072/08]

Deputy Mary Coughlan: I beg the Chair's indulgence in replying to this question, if that is agreeable to the Deputies opposite, as there may be some important points to be made.

My Department's contingency arrangements to minimise the possible introduction of the bluetongue virus into the country are based on the existing EU legislation and an ongoing assessment of the risk to Ireland. Following confirmation of the detection of the virus in Northern Ireland in the past week, I have asked my officials to further assess the risk and, based on that assessment, I will introduce any such additional control measures that are considered appropriate.

[Deputy Mary Coughlan.]

In the meantime, I have taken the decision to trace and test for bluetongue any live cattle and sheep imported from Northern Ireland since 11 January 2008, other than those imported directly for slaughter. Furthermore, live animals imported for breeding or production from Northern Ireland will now be included in the routine post-importation testing programme, which is being applied to live imports from the Continent and Britain. My Department is also tracing all live animals imported from the Continent and the Britain since 1 November 2007 and all will be retested for bluetongue. I am satisfied, based on the Department's current assessment of the risk to Ireland, that this represents an appropriate and proportionate response to the recent developments in Northern Ireland, having regard to the legislative framework within which we must operate.

In terms of the Department's overall contingency arrangements, we have produced a comprehensive bluetongue contingency plan for Ireland. Information and advice leaflets on the disease were sent to every farmer in the country as well as specifically tailored advisory material as to all members of the veterinary profession. The Department also hosted an industry seminar on bluetongue with international speakers. In addition, the Department has a dedicated bluetongue website which is updated as appropriate and contains comprehensive information and advice on the disease, including full details of the clinical signs together with photographs. The Department's contingency arrangements are kept under constant review and revised as appropriate by reference to the developing disease situation or in the light of legal or other developments, particularly at EU level. In addition, we are also refining arrangements for delivery of a programme in the event that it becomes necessary to vaccinate here.

In this regard also, the Department has been working and continues to work very closely with the Department of Agriculture and Rural Development, DARD, in Northern Ireland in the development of an all-island approach and I have discussed the situation, both in Britain and in Northern Ireland, on a number of occasions with the Minister, Michelle Gildernew.

In terms of minimising the risk of the disease being introduced, up to 1 November 2007, the importation of susceptible animals from bluetongue restricted areas in Europe was banned. However, since then a Commission regulation allows for the possibility of movement of susceptible animals from bluetongue restricted areas under defined conditions within that regulation. Since the lifting of all remaining FMD-related measures, live imports are now allowed from Great Britain. Any such animals imported since the controls were modified will have been tested for bluetongue and will now be retested.

Ireland opposed and voted against the adoption of the regulation at the relevant EU meeting and we raised the matter subsequently with the Commission in writing. The cases in Northern Ireland reinforce my view that aspects of the trade rules currently applying should be amended and I will continue to seek appropriate amendments. I have instructed my chief veterinary officer, CVO, who is attending a CVO meeting in Brussels, to pursue this matter vigorously with the Commission and I will review the position following the outcome of that meeting tomorrow. In the meantime, I reiterate my Department's advice to those who may be considering importing animals to carefully assess the risks involved and, in particular, to avoid importing pregnant animals from bluetongue restricted areas for the present as this represents the biggest risk of the introduction of this disease. All live animals being imported from Europe, including Great Britain are subject to mandatory post-import testing for bluetongue and to date in excess of 1,700 tests have been carried out, all of which have been found negative.

Deputy Andrew Doyle: On that last point, are there any proposals in the event of the risk levels increasing? Will quarantine measures be put in place, specifically if the importation of animals from risk areas is permitted? I assume the Minister means the UK, that is Great Britain and Northern Ireland, as regards post-FMD imports.

Deputy Mary Coughlan: That is correct.

Deputy Andrew Doyle: Is she confident as regards the control measures in place between her Department and DARD?

Deputy Mary Coughlan: I have had two discussions today with the Minister. We had an all-Ireland approach on food and mouth disease. That included Great Britain and Ireland, including Northern Ireland. All animals being brought in will have a post-import test. If they are coming for slaughter, they do not need a test. I have expressed a view to the effect that the present regulatory rules are inappropriate and the CVO, on my behalf, will raise that issue tomorrow. I am happy with the work that is taking place involving Minister Gildernew and me and our respective departmental services. However, I reiterate that in the advent of any change I shall not hesitate to introduce further measures, as appropriate.

Deputy Seán Sherlock: If I understand the Minister correctly, there was retrospective testing since November 2007, but subsequently the Commission regulation allowed for importation from previously susceptible areas. To my mind, notwithstanding the level of co-operation with the Northern Ireland Minister for Agriculture and Rural Development, that implies the risk still exists — and if testing is occurring post-import, the disease might be detected. Is the Minister satisfied that every beast will be tested on importation to offset the risk and take into account the fact that the Commission regulation — notwithstanding Ireland's position — has gone against us?

Deputy Mary Coughlan: It is susceptible animals as opposed to susceptible areas. The status of Northern Ireland is different since the disease is not there. Therefore the rules are different. If animals are being imported for breeding purposes a post-import test will be carried out and I am happy that the relevant provisions will be adhered to. All animals for export have to have a veterinary certificate. We will be including on that a post-import test to ensure the disease is not present.

Almost all Deputies have asked for a voluntary derogation on the importation of animals from those countries where the disease is present at the moment and I do not take issue with that. Equally, I agree with the Deputy as regards his concerns on the appropriateness of the regulation. That is why we vote against this and still have concerns in the matter, which we shall be raising again tomorrow.

Deputy Andrew Doyle: In that context, is it worth establishing a national biosecurity committee? If the Minister is unhappy with the regulations, and particularly as regards breeding animals, I urge the her to consider quarantine measures in areas where the disease is present.

Deputy Mary Coughlan: We have a disease control group in the Department which meets instantaneously if there are any changes. We shall be taking into consideration any measures that are necessary, based on the risks as they arise. At this moment the risk has not changed. We changed our view a number of days ago, and that is why I introduced the post-import certificate. In the advent of any changes arising, I shall not hesitate to take into consideration other measures that are needed.

Alternative Farm Enterprises.

7. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food his views on whether changes need to be made to conditions governing the use of agricultural land in order to encourage the growing of energy crops. [35173/07]

Deputy Mary Wallace: Energy crops are defined under Article 88 of Council Regulation (EC) No 1782/2003 as crops supplied essentially for the production of the following energy products — products considered bio-fuels; and electric and thermal energy produced from biomass. Under the single payment scheme, in order for an applicant to draw down full payment in respect of the payment entitlements held, he or she is required to have an “eligible hectare” to accompany each entitlement. In this context an eligible hectare is land that is used for an agricultural activity and includes land used to grow cereals, oilseeds, short rotation coppice, miscanthus sinensis, protein crops, sugar beet, maize, fodder beet, turnips, mangolds, kale, grass for silage or hay or grazing, and agricultural land that is in set-aside.

The land must be maintained in good agricultural and environmental condition. In the case of each hectare declared, the eligible area excludes any inaccessible areas and any areas under buildings — farmyards; woods; rivers; streams; ponds; paths; farm roads; expanses of bare rock, dense scrub and bog lands that are unfit for grazing. Deductions are not required for fences, headlands, hedgerows or drains. All forage areas must be defined by a permanent boundary except in the case of commonage land. The definition of permanent boundaries includes hedgerows, ditches, open field drains, walls, banks, stockproof post and wire fences, rivers etc.

Practically all agricultural land is now eligible for single payment scheme payments, with the exception of land under permanent crops, forestry, or any land used for non-agricultural purposes such as golf courses etc. The permanent crops referred to are non-rotational crops — other than permanent pasture — that occupy the land for five years or longer and yield repeated harvests; notwithstanding the ineligibility of permanent crops, specific provision was made to include short rotation coppice and miscanthus sinensis as eligible under the single payment scheme.

Research undertaken by Teagasc indicates that the willingness of farmers to convert land to energy crops depends on a variety of circumstances including the efficiency and profitability of the farming enterprise and non-economic circumstances such as farm size and the age and education of farmers.

Additional information not given on the floor of the House.

Existing specialist tillage farmers are more likely to consider energy crop production due to the similarities that exist between the production of cereals and energy crops in terms of machinery, soil type and agronomy skills. In general, the production of energy crops will only be sustainable in the longer term if the economic returns are comparable to those offered by traditional crop enterprises.

To improve the profitability of growing energy crops in Ireland, I introduced a number of support measures in 2007. The measures include a new national energy crop premium of €80 per hectare to supplement the EU premium of up to €45 per hectare available under the EU energy crops scheme. In February 2007, I launched a new bioenergy scheme to provide establishment grants to farmers interested in planting willow and miscanthus for bioenergy, heat and electricity, purposes. Establishment grants are payments to cover part of the costs of establishing the crop. Aid is being provided at a rate of 50% of establishment costs, subject to a maximum of €1,450 per hectare. The second phase of the scheme was launched in December 2007 and I have provided sufficient funding to support the planting of 1,600 hectares in 2008.

As a further support measure, areas planted with energy crops can qualify for the single farm payment. These incentives generated renewed interest among producers in growing energy crops in 2007 with some 8,000 hectares sown.

My Department is also supporting research into agri-energy projects, including energy crops, through the research stimulus fund programme. The programme facilitates research that supports sustainable and competitive agricultural production practices and policies and contributes to a scientific research capability in the agriculture sector. Under the 2005 and 2006 calls for proposals, five projects were selected that relate directly to biofuels and energy crops and received total grant assistance of €1.5 million. I significantly increased the allocation under the 2007 call for proposals, awarding some €5.3 million over the next four years to a further seven research projects. The research covers a broad range of bioenergy topics, including energy crop production.

The future outlook for energy crops depends on a number of factors, not least profitability at farm level. In the short term, the soaring world demand for grain is likely to lead to an increase in the area devoted to conventional cereal crops in Ireland and elsewhere in response to the current high grain prices. More long-term projections are difficult to forecast at this stage. Much will depend on the rate of development of production and consumption patterns for biofuels over the next number of years.

Installation Aid Scheme.

8. **Deputy Dinny McGinley** asked the Minister for Agriculture, Fisheries and Food the number of young farmers who have received installation aid in each of the past five years on a county basis and the number of applications that have been rejected; if she is satisfied that there is enough flexibility within the scheme to take account of family difficulties and unusual circumstances to make sure that the maximum amount of farmers receive the help that they so desperately need in a difficult farming environment; and if she will make a statement on the matter. [6864/08]

Deputy John Browne: The number of payees under the installation aid scheme in the past five years on a county-by-county basis is set out in the following table:

Recipients of Installation Aid

County	2003	2004	2005	2006	2007
Cavan	29	12	10	17	22
Donegal	21	21	11	7	7
Leitrim	12	4	9	3	5
Louth	12	7	10	8	4
Monaghan	20	24	13	19	9
Sligo	21	11	8	13	5
Laois	29	24	12	10	21
Longford	12	7	4	7	4
Offaly	20	17	12	24	19
Westmeath	17	16	9	9	11
Galway	52	58	32	42	52
Mayo	33	33	30	22	26
Roscommon	27	25	20	20	11
Dublin	6	5	1	1	0
Kildare	23	17	10	10	11

[Deputy John Browne.]

County	2003	2004	2005	2006	2007
Meath	37	25	11	18	16
Wicklow	12	24	15	8	11
Clare	48	36	23	25	33
Limerick	55	53	36	30	29
Tipperary	105	75	63	60	42
Carlow	13	15	15	10	6
Kilkenny	56	43	25	40	21
Waterford	34	27	12	18	21
Wexford	44	22	36	32	37
County Cork	178	135	75	118	132
Kerry	71	72	55	44	42
Total	987	808	557	615	597

The number of applications rejected during the same period is 231. I am satisfied that there is sufficient flexibility in the current scheme, the young farmers installation scheme, to deal with unusual and unforeseeable circumstances which may arise during the course of the application process. In particular, the scheme provides for the acceptance of *force majeure* as provided for in the relevant EU regulations governing the scheme. The Deputy will be aware that the grant rate under the current scheme, which was introduced in June 2007, is 57% higher than that which was available under the preceding scheme.

Deputy Andrew Doyle: I am the super sub here today.

If I am correct in interpreting the unusual circumstances alluded to in this question tabled by Deputy McGinley, it is the case of a young applicant who has been given a herd number on the basis that he was farming only leased land because the farm was too small to sustain two people. When the transfer of the land takes place, the young person is not eligible for the installation aid because he is already farming. The requisite qualifying conditions are based on a very complicated calculation, standard man days. An anomaly exists and this is the reason for the question. I hope I have got this right or I will not be able to walk in here next week.

Deputy John Browne: I am not aware of the specific case but the Minister, Deputy Coughlan, will review some of the issues raised by the Deputy.

The principal reason for ineligibility has been failure to achieve the educational or property requirements, failure to reach the minimum level of farm income within the determined period after a set-up, failure to respect the age limit of 35 years laid down in the scheme for the first setting up of farming and failure to meet the time limit for lodging applications under the scheme.

Deputy Andrew Doyle: The chicken and egg situation is achieving the farm income without leasing land.

Deputy Mary Coughlan: The rule is that the applicant must not be in farming. He was initiated within the leasing agreement. I will agree to examine the case. Both of us will look at it. If there are two Ministers looking at it, it might not be half as bad.

Deputy P. J. Sheehan: Change the rules

Deputy Seán Sherlock: The relevant Deputy will be very impressed.

Deputy Mary Coughlan: We do not bend rules over here in Fianna Fáil; it is terrible, scandalous behaviour.

An Leas-Cheann Comhairle: I am impressed by the collective nature of the ministerial team in answering questions.

Deputy Mary Coughlan: That is why we are strong.

An Leas-Cheann Comhairle: I will call the next question. I ask the Minister of State to precis the answer to allow for a brief supplementary.

Potato Sector.

9. **Deputy David Stanton** asked the Minister for Agriculture, Fisheries and Food her plans to improve the incomes of potato farmers; and if she will make a statement on the matter. [7117/08]

Deputy Trevor Sargent: I will do my best but I will be reading very fast.

Potato production in Ireland is mainly focused on the fresh ware market serving domestic consumption. Investment in storage facilities has resulted in the availability of quality ware potatoes for almost the entire year. At retail level, there have also been major changes over the past decade with the multiples exerting major influence on the market. Buying power is now concentrated in the hands of five to six retail multiples who control about 70% of the ware market and these multiples have largely consolidated their supply base in potato merchants who, in turn, are mainly serviced by large specialist growers. This has brought about a tighter supply base and provided for greater controls on traceability, quality and food safety.

My Department operates the scheme of investment aid for the development of the potato sector. The current scheme is focused on the seed producers sector. It is aimed at improving the production and marketing infrastructure of seed through investment in equipment and facilities for the production, storage and marketing of seed potatoes.

An Leas-Cheann Comhairle: The time allocated for questions has expired but I will allow a brief supplementary from Deputy P. J. Sheehan.

Deputy P. J. Sheehan: The source of all the trouble is the red tape bureaucracy of the Department which is forcing potato growers out of existence. I heard the Minister of State speak about farm markets the other day. I ask him to re-examine the regulations appertaining.

Deputy Seán Sherlock: What we are seeing is a consolidation of the growers. Many small growers are being squeezed and the Government needs to take action to advocate on behalf of the local producers.

Deputy Trevor Sargent: Deputy Sheehan needs to aim his attention wider than the Department if he is looking to solve the problem. We have been grant aiding——

Deputy P. J. Sheehan: It will wipe out the small man.

Deputy Trevor Sargent: I can give the Deputy the figures but it would take too long. I refer to €2.65 million granted to 80 applicants under the national development programme. I appreciate that Deputy Sherlock is focusing on the fact that smaller growers — it is also, unfortunately, the case with regard to some larger growers — are also finding it difficult to trade. The reason is that the return for the grower is less than one fifth of what the consumer is paying in the

[Deputy Trevor Sargent.]

supermarket. This is a matter I would love to be able to go out and deal with, but I cannot do so on the basis of various state aid rules. However, I am stating clearly — as I hope will the Deputies — that unless the multiples pay more overall to the grower, it will not be possible for many growers to stay in business. This issue needs to be carried forth from this House from all sides.

Deputy P. J. Sheehan: The Department should reduce the amount of red tape.

Private Notice Questions.

Air Services.

An Leas-Cheann Comhairle: I will call on the Deputies who tabled questions to the Minister for Transport regarding possible industrial action by air traffic controllers in the order in which they submitted their questions to the Ceann Comhairle's office.

Deputy Thomas P. Broughan asked the Minister for Enterprise, Trade and Employment if, in view of the serious implications for travel to and from this country, of a strike by air traffic controllers and the potential damage to trade and tourism, he will take action to promote a negotiated settlement to the dispute between the air traffic controllers and the Irish Aviation Authority; and if he will make a statement on the matter.

Deputy Fergus O'Dowd asked the Minister for Enterprise, Trade and Employment the way he will deal with the crisis facing Irish aviation with regard to the impending industrial action by air traffic controllers and its knock-on effect on the tourism industry; and if he will make a statement on the matter.

Minister for Transport (Deputy Noel Dempsey): The potential strike by air traffic controllers, which has been notified by IMPACT to the Irish Aviation Authority, arises in the context of an industrial relations dispute between the company and the trade union. I have no function in the matter. The Labour Court, which is the competent body for the settlement of industrial relations disputes, is to intervene in the matter next Monday, 25 February. As I have no function the question of my seeking a settlement as proposed by the Deputies does not arise.

I am very concerned about the potential impact of any strike action by air traffic controllers. As an island nation with a very open economy, we have a greater dependence on air transport than countries which have the benefit of surface transport access to neighbouring countries and major trading partners. This is the reason our aviation policy is focused on the development of new air transport services — a policy in which we have achieved great success. It is because of this success and the key supporting role that air transport plays in economic activity in Ireland that the consequences of strike action in any link in the air transport chain has a major negative impact and is to be avoided where possible.

Through the social partnership model we have worked hard to put in place an overarching framework to achieve industrial relations peace. The Labour Relations Commission and the Labour Court are on hand to provide mediation and arbitration services where required. It is very disappointing that a major strike action might be taken before these institutions have had a reasonable opportunity to bring about a settlement. A pay dispute under Towards 2016 between air traffic controllers and IAA management in respect of change over and above normal ongoing change was determined in the Labour Court in December 2007 with a recom-

mentation for an additional 5% pay increase from 1 January 2006. Air traffic controllers had quantified their claim at 30%, at least.

Air traffic controllers at Dublin Airport commenced unofficial action on 16 January 2008 by withdrawing co-operation with an agreement relating to voluntary overtime to cover sick absences. The present overtime arrangement was agreed as part of an overall deal under Partnership 2000 in 2001 and involves air traffic controllers voluntarily doing overtime on their rest days when necessary to cover the absences of colleagues.

The principle of “crewing to workload” was established in the IAA with all staff groups under the Partnership 2000 agreement. In the case of air traffic controllers, it was agreed that traffic demand is the prime determinant in the deployment of staff resources. In July 2005 the Labour Court confirmed the “crewing to workload” principle. Air traffic controllers received a 17% pay rise under Partnership 2000 for flexibility and productivity.

Up until the Labour Court Recommendation in December 2007, there was no issue with the existing voluntary call-in overtime arrangement. No issue arose for example during the peak traffic periods occurring in summer and at Christmas 2007. It has never been necessary for the IAA to introduce traffic restrictions or delays to aircraft due to the non-participation of air traffic controllers in voluntary overtime until 16 January 2008.

Following the unofficial action on 16 January, there have been a number of further instances of such unofficial action at Dublin, Shannon and Cork. This unofficial action demonstrates that there has already been considerable inconvenience imposed on the travelling public. The IAA received official notification from the IMPACT trade union on 12 February that, following a ballot, air traffic controller members would take official industrial action. The industrial action notified to the IAA is as follows: an overtime ban to take effect from 26 February 2008; work stoppages to take effect from a date no earlier than 26 February 2008, with at least seven days' notice of the specific time and date of a stoppage; details of a work to rule are to be specified in the near future.

Following the commencement of unofficial action by air traffic controllers at Dublin Airport on 16 January 2008, the IAA met IMPACT and air traffic controller representatives from Shannon, Cork and Dublin airports on 17 January. On 18 January, the IAA referred the matter to the Labour Relations Commission. Discussions between IAA management and staff representatives at the LRC took place on 23 January regarding rosters, the call-in overtime arrangement, assignment of air traffic controller experts, direct recruitment of qualified controllers, work-life balance policies, annual leave availability and project work. Further intensive discussions between the parties under the auspices of the LRC took place from 30 January to 1 February in Dublin and Cork and again on 7 February.

Unfortunately, the LRC process broke down on 19 February and the Labour Court is to deal with the matter on Monday 25 February. Following the intervention of the Labour Court, IMPACT confirmed that there will be a 24-hour work stoppage by air traffic controllers on Thursday, 28 February. The IAA has extensive safety contingency arrangements in place for the management of Irish airspace should the strike go ahead. *En route* airspace over Ireland will remain open with delegated airspaces reverting to oceanic status, that is without Irish air traffic controller input, so overflying traffic will not be affected. However, only emergency traffic will be accommodated at Irish airports and the strike will inevitably result in significant disruption to traffic to and from all State and regional airports.

My Department has been closely monitoring developments in the air traffic controller dispute since the unofficial action commenced. I am satisfied that IAA management is engaging in intensive negotiations with IMPACT and air traffic controllers with a view to resolving the

[Deputy Noel Dempsey.]

dispute. I urge all of the parties to work together to minimise and preferably prevent disruption to the travelling public so that our airports can remain open in view of the importance of air connectivity to our country for both business and leisure purposes.

I hope both sides in this dispute can recognise the imperative of reaching agreement. I urge them to work constructively with the Labour Court next Monday with a view to resolving the matter and avoiding the potential disruption to travellers on Thursday of next week. The issues that need to be tackled have already been ventilated and it is difficult to see how the disrupting passengers will bring enlightenment to the process.

Deputy Thomas P. Broughan: I thank the Leas-Cheann Comhairle and the Minister for allowing this Private Notice Question to be taken. Is it not the case that this dispute in a very critical part of Irish industry has been rumbling on for the best part of a year, particularly the past three or four months? Have the Ministers for Transport, and Enterprise, Trade and Employment and the Taoiseach not been very lethargic in seeking a resolution. Clearly if the strike proceeds next Thursday the damage to the economy would be very significant. I ask the Minister to quantify the extent of the likely disruption. We have had reports that the plans of approximately 80,000 passengers would be totally disrupted, involving perhaps 700 flights into and out of the country. People have to wait an agonising week to discover whether they can travel.

Air traffic control officers are one of the most important safety-critical workers in the country. In view of the Minister's answer is he taking the point of view that it is fair enough that air traffic controllers should be required to work overtime and on rest days in this of all jobs? We heard Michael O'Leary talking this morning as usual about the kinds of rewards workers earn which he presumably does not want them to have. However, is it now Government policy that in this critical safety role air traffic controllers should be required to work unlimited overtime on an ongoing basis? Is that acceptable given the critical profession in which these men and women work?

I understand there are 300 air traffic controllers at the moment, with the majority based at Shannon because approximately 300,000 or 400,000 flights that overfly the north Atlantic are protected and routed from there. Why have new staff not been recruited in recent years? Does the Minister approve of the IAA having a cap on staff numbers, which has led it in recent months to the need to scramble around to get alternative workers? From reading its annual report, I understand the Irish Aviation Authority is one of the most profitable if not the most profitable per worker of all State agencies. It recorded a turnover of €134 million in 2006 and after tax profits of €13 million in the same year. Is it not the case that it has funding to expand the number of air traffic controllers to ensure this critical function is carried out safely.

The Minister mentioned the LRC and the Labour Court meeting on Monday. On behalf of the travelling public and those who have made plans for Thursday, some involving onward connecting flights, I urge the Minister to ensure the dispute is brought to a successful conclusion in coming days and to ensure people do not have their travel plans and their lives messed up over this dispute.

Deputy Noel Dempsey: I do not agree that the Irish Aviation Authority should impose unlimited overtime on air traffic controllers. It is not Government policy, nor is it Government policy, and it should not be anybody else's policy, to sign up to agreements and not keep them. Commitments were made.

Deputy Thomas P. Broughan: On a point of information——

An Leas-Cheann Comhairle: The Deputy should let the Minister answer. I will come back to him.

Deputy Thomas P. Broughan: They work an average of 51 hours and there is no contractual agreement on that.

Deputy Noel Dempsey: People who sign up on a voluntary basis to agreements, particularly partnership agreements, should honour them. Both sides have accepted there is a need for extra staff. There is a difficulty with recruiting due to the time it takes to recruit people. That process has commenced and I would encourage it to be completed as quickly as possible. I do not agree with a policy of unlimited overtime. It is not being imposed. It is important people honour their commitments.

The process the Deputy talked about regarding this dispute that has been going on for the past 12 months went on for part of 2006 and finished at the end of December 2007. On 16 January 2008 unofficial action commenced without warning and that should not happen. It happened on the basis of new issues emerging that were not part of the previous dispute. We talk consistently about social partnership and I am supportive of the concept. It takes two to tango, or three or four in the case of social partnership, and I would not condone anybody on any side going outside the social partnership to put their case forward.

There is no question of safety standards being breached through the use of overtime in the IAA. Overtime is not compulsory and is done within safety guidelines and labour law. Although the IAA accepts it must move forward and provide extra air traffic controllers, it is adequately staffed based on agreed work practices. It has also agreed that more people need to come in so the use of overtime would be reduced. The sooner people begin to talk in the Labour Court to iron out some of the other difficulties that have arisen, the better. Putting consumers through the mental torment the Deputy mentioned over the next week as to whether they will be able to take their flights next Thursday is unnecessary and should not happen. The possible damage to the economy and the reputation of the country the Deputy outlined is out of proportion to the issues that need to be resolved, particularly the manner in which people are trying to resolve them.

Deputy Fergus O'Dowd: In industrial relations does the buck not stop with the Government? As far back as 1992 did the then Labour Relations Commission not impose dispute procedures, including procedures in essential services, at the core of which was a no-strike clause in essential services? The relevant section reads "A specific undertaking in agreements that in the event of any of the parties deciding that an award, decision or recommendation was unsatisfactory, they will agree to resolve the issue without resorting to strike or other forms of industrial action." It then outlines how those processes should work. Is it not a failure of the Government that it has not put that process in place and that the partnership agreement, which is expensive for the country but has brought industrial peace, does not have at its heart a no-strike clause for essential services such as this one?

This country will suffer grievously. This affects not just those travelling on the day but the decision-makers who might be here talking about future investment in Ireland. They are entitled to get the services they have paid for and have a first-class, modern economy, which we have, and a no-strike clause in essential services. There will be an impact on the 80% of American-European flights that fly over Ireland. We have responsibility for 385 km of that distance. It will cost more for those airlines because they will have to change their flight patterns to take a longer route. It will have an impact.

[Deputy Fergus O'Dowd.]

Are there not 36 student air traffic controllers in training who will join the full-time air traffic controllers in 2009? A second class will follow shortly. I agree with the Minister that there is no staff shortage. The training is ongoing; it is a well paid job. The qualification for becoming an air traffic controller is an ordinary leaving certificate with a pass in maths and two honours. It is an interesting and rewarding career, although stressful. I agree with Deputy Broughan that people working in this job should be stress free. All overtime is voluntary; there is no compulsory overtime. Overtime amounts to an average of approximately one hour per air traffic controller per week. In the context of the damage this strike will do, it is imperative that labour and industrial relations work effectively and efficiently. However, without the core policy fact, a no-strike clause in essential transport services such as this, which the Government has failed to introduce, has the Government not failed in its duty?

Deputy Noel Dempsey: I accept the Deputy's point, which Deputy Broughan also made, on the stresses on this job. It is an extremely onerous job which requires great concentration. Many lives are at stake and from that point of view it is stressful, I accept that. Any of us in this House or elsewhere would say we all have stresses in our jobs, but air traffic controllers have many lives in their hands at any one time. That is why the overtime agreement is voluntary, not compulsory. People do not have to do it, and when they do it, labour laws are respected. The Deputy's information on trainees is accurate.

An Leas-Cheann Comhairle: Members might check their mobile telephones

Deputy Fergus O'Dowd: Mine is turned off.

Deputy Noel Dempsey: Trainees are going through. My original answer to the question stated that there is a long lead-in time particularly because of the training that must be put in place. There is no doubt an action such as this will have some impact on many flights. The reference I made was to American air space and the arrangements in place for that. This will have a major impact generally on air services to and from Ireland and a lesser impact on over flights, as I outlined. A strike will do great damage, as the Deputies observed, but so also will the uncertainty in the week leading up to it. That uncertainty will cause significant anxiety to many people and mean that planned journeys may have to be put on hold. I accept that fully and it is something that both sides should bear in mind.

Deputy O'Dowd referred to no-strike clauses for workers in essential services. That has not been implemented, to my knowledge, although the provision is there. I am not sure why it was never invoked, perhaps because we operate on a partnership basis. The trade unions, in particular, would argue that a partnership process negates the need for no-strike clauses because, instead of people being dismissed or strikes taking place, we work our way through the process. However, if people do not abide by the regulations or make full use of the machinery of the State and threaten strikes and walk outs, it is time for the Government to review and revise these arrangements.

Deputy Thomas P. Broughan: Given the critical role of these workers, should it not have been a priority for the Minister to ensure the dispute did not reach this stage? We have been aware of the background noise and the complaints in recent months. I looked briefly at the Irish Aviation Authority's corporate safety strategy. It is a fine document in which safety is mentioned in almost every line. There is no contractual requirement for air traffic control officers to work overtime or on rest days. I understand they work some 51 hours per week but based on *ad hoc* arrangements.

The bottom line is that these workers fulfil a vital service. I do not agree with Deputy O'Dowd's comments on the leaving certificate. It is a fine qualification and we are working in some areas to ensure most children attain it. Air traffic controllers require a special talent to think quickly in difficult circumstances. I urge the Minister to ensure the strike does not go ahead next Thursday and that we achieve a resolution as quickly as possible.

Deputy Fergus O'Dowd: To clarify, the requirement for the job is a leaving certificate. It is great that anybody can aspire to be an air traffic controller. What is required is not numerous degrees but a special skill, as Deputy Broughan observed. We too require a special skill to deal with industrial relations. I reiterate that there must be a no-strike clause for workers in essential services such as transport.

I accept the price we have paid for industrial peace and welcome the progress that has been made in this regard. However, we are less competitive now than ever before and have dropped 17 places in the competitiveness league in the past four to five years. Changes must be made to reverse this substantial drop. One of those changes is to ensure there are no more strikes such as the one we face next Thursday. There seems little concern for how it will affect the State and the public.

Deputy Noel Dempsey: I have already responded to the point made by Deputy O'Dowd. On Deputy Broughan's point, I emphasise that the overtime arrangement is not an *ad hoc* one. People are not dragged out of bed to work 51 hours on the trot. As I understand, it is a specific arrangement that was agreed in principle under Partnership 2000. That principle was clearly established subsequent to that and is referred to as crewing to workload. This is what is now at issue but it was signed up to voluntarily by both sides.

The issues that have been ongoing for more than a year were dealt with and finalised through the correct procedures. I wish good luck to anybody who achieves what the air traffic controllers achieved through that process. They have been well served by the labour relations machinery of the State. They should remain within that system instead of threatening strikes.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

Acting Chairman (Deputy Jack Wall): 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 Seán Barrett — the relocation of a school in Foxrock, County Dublin to an alternative green field site; (2) Deputy Joe Carey — the proposed move by the HSE to channel all major trauma victims in County Clare by ambulance directly to Limerick Regional Hospital; (3) Deputy Caoimhghín Ó Caoláin — the need for the HSE to defer its 1 March deadline for the imposition of a new contract for pharmacists; (4) Deputy Joan Burton — the continuing lack of vaccine for BCG vaccinations; (5) Deputy Joe Costello — the need for the Minister for Health and Children to ensure there is full consultation with the organisations representing the elderly on the proposed fair deal legislation; and (6) Deputy Jimmy Deenihan — the need to provide a full time cardiologist at Kerry General Hospital in view of the high rate of cardiovascular illness and related diseases in Kerry.

The matters raised by Deputies Joe Carey, Ó Caoláin, Burton and Barrett have been selected for discussion.

Adjournment Debate.

Hospital Services.

Deputy Joe Carey: I thank the Ceann Comhairle for allowing me the opportunity to raise this serious issue on the Adjournment. I discovered yesterday that the HSE intends to change its policy in the mid-west such that all major trauma cases presenting in County Clare will be sent to Limerick Regional Hospital, thereby bypassing Ennis General Hospital. This proposed change, which is to come into effect next April, ignores the standard international maximum time limit to treat accident victims, commonly known as the golden hour. This is a high risk strategy. At the centre of this decision is cost-cutting and not patient care. It is a matter of cuts before care, theory without practice. The Government, the Minister for Health and Children and the HSE are determined to implement the Hanly report by stealth and this move is another step on the way.

This decision ignores the unique geographical nature of County Clare and, in particular, the west Clare peninsula. It ignores the fact that some patients in west and north Clare will have to travel up to 70 miles to Limerick on roads that are among the worst in the country. I refer in particular to the Kilrush and Ennistymon roads. This decision was made without any upgrading in ambulance cover in County Clare and without any upgrading of the accident and emergency facility at Limerick Regional Hospital to cater for the greater workload.

Furthermore, there was no consultation with the ambulance personnel who attend these scenes and have practical knowledge of the matter. I spoke with one of them yesterday. Frank O'Malley works at Ennis General Hospital and has 35 years experience. He is outraged by this decision which he described as "totally ludicrous". Mr. O Malley informed me it could take patients three hours to get to Limerick Regional Hospital from areas like Kilbaha and Carrigaholt. A seriously ill person, he remarked, would not have a prayer of surviving this journey on such poor roads.

In recent weeks, there have been three separate incidents where expectant mothers in west Clare have had their babies without medical care because the ambulance service is so badly resourced and understaffed. Thankfully, all three mothers and their babies are doing well. This proposed move will stretch our faulty ambulance service even further. It is unacceptable that people's lives should be put at risk in this way. The Minister for Health and Children and her advisers must ensure an immediate review of ambulance cover in County Clare. She must ensure there is 24-hour cover in Kilrush, Ennistymon and Scariff, which only has 19 hours' daily cover.

It is an absolute disgrace that successive Fianna Fáil-led Governments have ignored the need for serious investment in Ennis General Hospital. The Government has ignored the county hospital because it wants to run it into the ground and erode people's confidence in it. It is doing a great job in that regard. We in County Clare demand and deserve a world class health service, not a system that is thrown together and with major shortcomings and repeated cuts in services. I strongly believe we need to bring hospital services closer to people, rather than moving them further away. I do not advocate that we should have every discipline in every hospital. However, a fully functioning accident and emergency unit should be available 24 hours a day, seven days a week to protect the 110,000 people who live in County Clare. The service should be supported by a properly staffed and well resourced ambulance service. Far too many promises have been made about the upgrading of Ennis General Hospital, but no work has taken place. I ask the Minister for Health and Children to get on with it. She should

spend the money that is needed to upgrade Ennis General Hospital. It has been proven that longer journey distances to hospitals lead to increased mortality rates. They also affect recovery times and the type of recovery a patient can expect. In the interests of public health, I respectfully ask the Minister to intervene to ensure the plan to stop using Ennis General Hospital for major trauma cases does not proceed.

Minister of State at the Department of Health and Children (Deputy Brendan Smith): I will respond on behalf of my colleague, the Minister for Health and Children, Deputy Harney. As Deputy Carey is aware, the provision of services at Ennis General Hospital and the mid-west in general is the responsibility of the Health Service Executive. One of the priorities of the Government and the HSE is to improve the delivery of accident and emergency services. Considerable improvements in the delivery of such services have been made over the last two years. Medical and paramedical experts consistently advise that all major trauma cases should be transported to regional trauma centres. International and national evidence has shown that trauma victims have a better chance of survival and recovery when they are treated at specialist centres. Over the years, many senior consultants in Ennis, Limerick and Nenagh have expressed their desire for best international practice in this regard to be introduced in the mid-west.

Deputy Joe Carey: What about the golden hour?

Deputy Brendan Smith: Consultants have expressed concern about the policy of taking major trauma cases to Ennis and Nenagh before transferring them to Limerick. Many years ago, the Medical Council advocated the introduction of what is known as the “trauma bypass”. The HSE has informed me that from April 2008, six trained advanced paramedics will be qualified to intubate and cannulate patients in County Clare.

Deputy Joe Carey: That is not enough.

Deputy Brendan Smith: The Government is committed to the continued development of appropriate services at Ennis General Hospital. It has provided for developments at the hospital in the past. It will continue to invest in services at the hospital.

Deputy Joe Carey: The Government has done absolutely nothing.

Deputy Brendan Smith: Ennis General Hospital will continue to play a vital role in providing services for the people of County Clare.

Pharmacy Regulations.

Deputy Caoimhghín Ó Caoláin: I have sought this debate because the Health Service Executive, on the direction of the Minister for Health and Children, Deputy Harney, intends to proceed with the unilateral imposition of new scales of payment for community pharmacists from 1 March next. This will pour petrol on the flames of the prolonged dispute between the HSE and the Irish Pharmaceutical Union. Tens of thousands of patients will be adversely affected if the imposition goes ahead and the IPU withdraws from the medical card and drug payment schemes. There was no need for the Minister and the HSE to escalate the dispute in this way. The IPU has welcomed the announcement by the Minister that an independent body will be established to review the contract issues between the HSE and the pharmacists. When the IPU welcomed that announcement, it asked the Minister and the HSE to avoid making unilateral changes to existing payment arrangements pending the outcome of the agreed independent review. The Minister and the HSE carried on regardless.

[Deputy Caoimhghín Ó Caoláin.]

There is no dispute about the need for better value for money when drugs are purchased within the health service, as prices are far too high. Given that the big multinational pharmaceutical manufacturers and wholesalers have got away with charging exorbitant prices for medicines over many years, why are pharmacists being confronted so aggressively? The Minister is trying to shirk her responsibilities, including her duty to show some accountability, in this crisis. The Joint Committee on Health and Children has asked her to attend a meeting in advance of the 1 March deadline, but she has not agreed to do so. When the committee met over three days last week, it heard thorough submissions from the HSE and the IPU, followed by detailed questions and answers. The seriousness of the situation and the concerns of pharmacists and patients are clear to all Deputies from the many representations we have received. The Minister has not treated the committee, the House and, most importantly, the issue with the seriousness and constructive engagement that is needed.

On the eve of the joint committee's meeting of 14 February last, the chairman of the committee circulated a draft motion which was set to receive all-party support at the meeting. The motion proposed:

- That no changes be made to contracts between the HSE and community pharmacists in advance of the setting up, and reporting, of an independent body whose remit will be to make recommendations on the reimbursement to pharmacists for drugs supplied under the State's Community Drugs Schemes, in consultation with the interests concerned;
- That the committee recognises the vital role that community-based pharmacies play in the delivery of the health service;
- That the committee further recognises that the proposed changes to the contracts between the HSE and the pharmacies should be designed to allow financial sustainability; and
- That no changes in the current contract or remuneration will take place until such a body reports and likewise pharmacists will refrain from any reduction in services.

The basis of a solution is in that motion. The Chairman of the joint committee withdrew the motion at the 14 February meeting. In its place, the Fianna Fáil members of the committee proposed a bland motion simply calling on the HSE and the IPU to resolve the dispute. They divided the committee so the motion would be passed. The Government spurned another opportunity to help to resolve the dispute. It seems to have decided to follow a course of confrontation with pharmacists. The Government has doggedly stuck to the position that competition legislation precludes negotiations between the HSE and the IPU on fees. It has spurned every opportunity to amend that legislation to allow such negotiations.

Patients fear that their access to vital medication will be disrupted from 1 March. Medical card patients and everyone who has signed up for the drug payments scheme, especially elderly and infirm people, are particularly concerned. The Minister for Health and Children should immediately require the HSE to defer its 1 March deadline for the imposition of new fees for pharmacists. She should facilitate direct dialogue between the HSE and the IPU on all elements of the new contract, including the cost elements. She must act now to ensure a full and uninterrupted service for all patients. I hope this further appeal does not land on deaf ears. This is a crisis waiting to happen. The Minister must act now.

Deputy Brendan Smith: I am responding on behalf of the Minister for Health and Children, Deputy Harney. I emphasise that 1 March next is not the deadline for the imposition of a new contract for pharmacists — it is the date for the introduction of the new wholesaler pricing arrangements. The Government believes the wholesale mark-up paid on the price of drugs should be reduced to a level that is fair to taxpayers and wholesalers. The existing mark-up of between 15% and 17.6% is neither reasonable nor sustainable. The HSE will proceed with its plan to pay an 8% mark-up from 1 March next and a 7% mark-up from 1 January 2009. The Minister is keen to support pharmacies which have a high proportion of medical card patients and to which a dispensing fee of €3.27 applies for most transactions. As many such pharmacies are in rural or inner city areas, they provide an important social and health service. With the support of the Minister, the HSE has indicated that it is prepared to offer a higher fee of at least €5 per item dispensed to community pharmacists, on the basis of an interim contract which would be essentially the same as the existing contract. The interim contract is being offered on a voluntary basis — community pharmacists can opt to remain on their existing contract if they wish.

When the Minister met representatives of the Irish Pharmaceutical Union last week, she was advised that an independent assessment of the fees offered should be undertaken. In an effort to resolve this situation, the Minister announced that she is establishing an independent body to begin work immediately on assessing an interim, fair community pharmacy dispensing fee of at least €5 to be paid in respect of the medical card scheme, the drug payment scheme and the other community drug schemes covered by the present pharmacy contract. This body will be chaired by Sean Dorgan, former head of IDA Ireland. It will take submissions from all sides and will carry out its own analysis. It will be asked to make its recommendations by the end of May 2008 and its recommended fee level, subject to Government approval, will be backdated to 1 March 2008.

The requested date for submission of the report is 31 May 2008. The development of the substantive new contract will get under way immediately and will be completed as soon as possible. This will be done under the auspices of an agreed facilitator and it will be priced by the independent body. The HSE, as the contracting body, and the IPU, as the representative organisation for community pharmacists, with other stakeholders will be entitled to make submissions to the independent body on issues of concern to them. The Minister believes this will provide all concerned with a reasonable way to make the transition to a fair and transparent method of payment for present services and a greatly developed pharmacy service in the near future.

Vaccination Programme.

Deputy Joan Burton: The BCG vaccine was last available in the middle of October last year. I was advised by the HSE on 3 December last that a new stock of vaccines would not become available until mid-February. I understand, however, that vaccines may not be available until the end of March, if even then, while tens of thousands of children are waiting on vaccinations and being potentially exposed to tuberculosis, TB, infection. Upwards of 50,000 newborn children could be exposed.

Eliminating the scourge of tuberculosis was one of the greatest achievements of Dr. Noel Browne as Minister for Health. At that time, approximately 60 years ago, the BCG vaccine first became widely used and it became central to the practical elimination of the disease in Ireland. As early as 29 March 2007, the Minister for Health and Children acknowledged an acute shortage of the vaccine in the House. The shortage came about as a result of problems with three vaccine shipments towards the end of 2006. The shortage was then described by the Minister as “temporary”.

[Deputy Joan Burton.]

Until recently, the BCG vaccine was recommended for all newborn babies and it is usually administered to children during a short window between birth and the age of one month. Newborn babies have a natural immunisation up to the age of 12 weeks but after that they are exposed to infection by TB and other diseases. If there are significant vaccine shortages or delays, the possibilities for administering the vaccine during this 12-week period are greatly diminished. The first symptoms may not appear for up to 15 years, during which the infection can be passed on and this is of obvious concern to parents. The HSE has run several high profile campaigns to encourage greater immunisation. However, parents are completely confused as to what is the position and this calls into question the HSE's credibility. There is a risk of undoing all the good work undertaken on immunisation in recent years.

The incidence of TB in Ireland has been low for several decades but it has not been eradicated. There is no need to be alarmist about the possibility of a new TB pandemic, but we do not have a reason to be complacent. There have been isolated outbreaks of the disease in the recent past, for instance in Cork last year, while the incidence of TB infection has increased year on year in each of the past five years. The last dedicated TB hospital in the State, in Peamount, County Dublin, has been closed and that was a controversial decision.

Parents are understandably concerned about the lack of vaccines. The fact that the risk of infection is low is understood but they should be kept informed about what is happening. The Minister and the HSE have known about these problems for long enough. There is no good reason, a year after this came to light, the issue has not been resolved. I ask the Minister to get to grips with this as soon as possible to ensure no more children are put at risk.

It is emerging that the HSE's policy is to suspend BCG vaccinations. While there may be good reasons for that, parents and grandparents expect the vaccination for their newborn babies. They are being repeatedly informed about a continuous shortage of vaccines but they read in newspapers about cases of exposure to TB that must be addressed. Many immigrants are entering the State, some of whom come from countries with a higher incidence of TB. It is an extremely confusing scenario. The HSE needs to clarify whether there is a shortage of the BCG vaccine, which will be addressed given that the executive obtains all its supplies from one source, or whether a change in policy is under way by stealth whereby the State is moving away from BGC vaccination. If so, parents and public representatives need to be advised about what exactly is happening.

Deputy Brendan Smith: I am taking the matter on behalf of my colleague, the Minister for Health and Children. I thank the Deputy for raising this matter as it provides me with an opportunity to outline to the House the importance to the Department of Health and Children and the HSE of the issue raised.

The BCG vaccine protects against TB and is usually given to newborn babies, but can also be given to older children and adults who are considered to be at risk of developing the disease. The BCG vaccine has contributed to the dramatic decline in TB in the past 40 years. My Department has been informed by the HSE that, owing to regulatory difficulties being experienced by the manufacturer of the BCG vaccine, there is a shortage of the vaccine throughout the country. This is a Europe-wide problem as the manufacturer in question is the only company which supplies the vaccine to the European market. The HSE is in regular contact with the supplier and is doing all it can to ensure delivery of the vaccine at the earliest possible juncture. Unfortunately, it is not possible to stockpile the vaccine in advance as it has a very short shelf-life. It is anticipated that the HSE will receive fresh stocks of the vaccine early next month.

Parents of any new-born baby who has not received BCG vaccine owing to the current shortage will be contacted by their local health office with an appointment to receive the

vaccine when the new stocks arrive. As the Deputy pointed out, immunisation is a safe, effective way to help the body prevent or fight off certain diseases. Immunisation is provided through vaccinations where a vaccine is administered to induce immunity. Under the childhood immunisation programme all vaccines and their administration are provided free of charge for all children. Parental consent is required for the administration of vaccinations to children and young people up to the age of 16. Vaccination is not mandatory in Ireland but is strongly advised by the Department of Health and Children.

The objective of the primary childhood immunisation programme is to achieve an uptake level of 95%, which is the rate required to provide population immunity, and to protect children and the population generally from the potentially serious diseases concerned. Ireland's recommended immunisation programme is based on the guidelines of the national immunisation advisory committee of the Royal College of Physicians of Ireland. These guidelines are prepared with the assistance of an active committee from associated disciplines in paediatrics, infectious diseases, general practice and public health. I again urge all parents to have their children immunised against the diseases covered by the childhood immunisation programme to ensure their children and the population generally have maximum protection against the diseases.

School Building Projects.

Deputy Seán Barrett: I am endeavouring to find out when a decision will be made to relocate St. Brigid's boys national school, Foxrock, to a new site due to the growing demand for school places and the inability to accommodate 24 classrooms on the current site.

St. Brigid's school is geographically located in the Foxrock area but assigned to Cabinteely parish for administrative purposes. Its sister school which caters for girls, often from the same families, is located in the park in Cabinteely. St. Brigid's was built in 1914 to cater for boys and girls but due to overcrowding, the girls moved to their new school in 1988. The boys were to follow soon afterwards. The school has 460 pupils and 24 teachers accommodated in six permanent and ten temporary prefabricated mainstream classrooms. All other facilities are prefabricated.

On the instructions of the Department of Education and Science, the OPW advertised in August 2006 for the acquisition of a three acre greenfield site within a 2 km radius of the existing school. To date, the search has been unsuccessful, which is not surprising in view of the high price of land in the area.

An opportunity exists in the form of a major park located opposite the girls school in Cabinteely. While it may be sacrilegious to suggest that a portion of the park, which must comprise 100 acres, should be turned to other uses, a five acre section which lies opposite the current school contains parking facilities. Unfortunately, the Minister for Education and Science is not here even though the school is in her constituency. I would like her to ask Dun Laoghaire-Rathdown County Council to provide some of the five acres for a 24-classroom school. The current site of the school is extremely valuable and would fetch a considerable amount of money on the open market. In relocating the boys school, a major indoor centre could be build adjacent to the school on the open space and could be of use to both schools and the local community. That centre could be funded from the proceeds of the sale of the existing school site.

I put down parliamentary questions to the Minister on this issue, the latest being on 12 February, in an effort to get information on the current position of the project. The growing population of the nearby Cherrywood and Glenamuck areas makes significant demands on the schools. There is no point in relocating the boys school further away from the girls school because parents are by and large ferrying their children to both schools.

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I raised this matter on the Adjournment because the Department's reply to my simple parliamentary question stated: "I wish to advise the Deputy that the Department are in ongoing contact with the relevant authorities regarding the issue in question." It is an absolute disgrace to give that sort of reply to any Deputy. I do not even know who the "relevant authorities" might be. The management of the school is not the relevant authority because it does not know anything. We spoke this morning about Dáil reform. Unless we get decent answers to parliamentary questions, we are going nowhere. I appreciate that the Minister of State, Deputy Smith, is doing his job but it is outrageous that the Minister does not see fit to give her constituency colleague a proper parliamentary reply on a major problem in her constituency. To add insult to injury, she did not even turn up for the Adjournment debate.

Deputy Brendan Smith: I am taking this matter in the unavoidable absence of the Minister for Education and Science, Deputy Hanafin. I thank Deputy Barrett for raising this matter as it provides me with the opportunity to outline to the House the Government's strategy for capital investment in education projects and also to outline the current position regarding the relocation of St. Brigid's boys national school.

Modernising facilities in our 3,300 primary and 731 post primary schools is not an easy task given the legacy of decades of under investment in this area as well as the need to respond to emerging needs in areas of rapid population growth. Nonetheless, the Government has shown a consistent determination to improve the condition of our school buildings and ensure that the appropriate facilities are in place to enable the implementation of a broad and balanced curriculum. The Government has dramatically increased investment in the school building programme to almost €600 million this year. Under the lifetime of the national development plan, almost €4.5 billion will be invested in schools. This is an unprecedented level of capital investment which reflects the commitment of the Government to its programme of sustained investment in primary and post-primary schools. It will underpin a particular emphasis on the delivery of additional school places in rapidly developing areas while continuing to develop the Government's commitment to delivering improvements in the quality of existing primary and post-primary accommodation throughout the country. It will also enable the purchase of sites to facilitate the smooth delivery of the school building programme, again with a focus on site requirements in rapidly developing areas.

St. Brigid's boys national school is currently a 16-teacher school with six permanent rooms and ten prefabs. The property management section of the Office of Public Works, which acts on behalf of the Department on site acquisitions generally, was requested to explore the possibility of acquiring a site for St. Brigid's. Unfortunately the advertisement seeking proposals on possible sites was unsuccessful. Following this, the Department requested Dun Laoghaire-Rathdown County Council to identify any possible site options in the area. Subsequently officials from the Department wrote to the patron of St. Brigid's regarding possible accommodation solutions. I understand the patron has confirmed that the options in question will be considered. The Department is now awaiting the outcome of the localised deliberations and the patron's views on the matter.

I thank the Deputy once again for affording me the opportunity to outline to the House the current position on the relocation of St. Brigid's boys national school, Foxrock. I will ensure his comments are brought to the attention of the Minister.

Deputy Seán Barrett: I do not understand what the Minister of State means by "possible accommodation solutions".

The Dáil adjourned at 5.20 p.m. until 2.30 p.m. on Tuesday, 26 February 2008.

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.

Genetically Modified Organisms.

10. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food her views on holding an open and frank debate on the future direction of Government policy on genetically modified food; and if she will make a statement on the matter. [7081/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Several Government Departments have responsibility for aspects of GM Policy, these are:

- Department of Environment, Heritage and Local Government which has responsibility for the deliberate release for GM's into the environment including for crop cultivation.
- Department of Health and Children which has responsibility for GM food safety and consumer protection.
- Department of Enterprise Trade and Employment has responsibility for developments in the biotechnology industry and R&D.
- And my own Department, Agriculture Fisheries and Food which has responsibility for the regulation of GM seeds, including the co-existence of GM crops to ensure compliance with GM labelling regulations

Matters relating to the initial authorisation or otherwise of crops for cultivation here in Ireland are primarily a matter for the Minister for Environment. However my Department of course, works closely with that Department to ensure that all relevant factors are fully considered in decisions that will be taken.

Following the declaration in the Programme for Government to seek to negotiate the establishment of an all Ireland GM free zone, a process of elaborating and teasing out the implications of this commitment began with the setting up of a Senior Officials Group chaired by an official the Department of the Taoiseach. This Group, which is composed of representatives from the Departments of ELHG, DAFF, DHC and DETE, has given consideration to matters relevant to the implementation of this commitment and has identified a number of issues which

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require further evaluation by the individual Departments. My Department is actively involved in this process.

My colleague, Minister Sargent, has in the past, and as late as yesterday when he addressed the Joint Oireachtas Committee for Agriculture Fisheries and Food, clarified that the commitment in the Programme for Government is not about banning imported feed but rather about seeking to negotiate the establishment of an all Ireland GM free zone so that we can avoid the release of live GMOs into the Irish environment.

Obviously, of most concern to this Department over the last twelve months or so is the dramatic increase in feed prices and the role GM asynchronisation has played in that. Both Minister Sargent and myself are having ongoing meetings and contact with the feed industry as a whole and with individual players in the industry so that all relevant aspects of this debate are addressed.

In view of the fact that the issue is being discussed so widely both within the House and at industry level, I am of the view that there is a sufficient level of debate taking place in regard to the future direction of policy on this issue.

Grant Payments.

11. **Deputy Ulick Burke** asked the Minister for Agriculture, Fisheries and Food if charter of rights commitments have been honoured in relation to the approval of work completed and the payment of grants in County Wicklow; and if she will make a statement on the matter.

[7044/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The Farmers' Charter 2005-2007 set out the various deadlines for processing of applications and the issuing of payments to farmers under the schemes operated by my Department. My Department makes every effort to meet such deadlines. However, I accept that, in the case of applications under the Farm Waste and Farm Improvement Schemes, these deadlines in some instances have not been met in the Wicklow area.

This was due to particular circumstances arising in the Agricultural Environment & Structures (AES) office in County Wicklow resulting in delays in the processing of the 874 applications received under the Farm Waste Management Scheme and the 262 applications under the Farm Improvement Scheme. To address this difficulty, a number of officers have been redeployed to the Wicklow area in recent weeks to alleviate the pressure which has been encountered in that office. The situation in Wicklow, of course, continues to be monitored on an ongoing basis.

Alternative Energy Projects.

12. **Deputy Kathleen Lynch** asked the Minister for Agriculture, Fisheries and Food if her attention has been drawn to the current proposals by Sustainable Industries Ireland to build a €200 million bio-refinery in County Carlow, and that it will convert agricultural products including beet, oats and wheat into bio-ethanol; if such a proposal would be eligible for grant approval; and if she will make a statement on the matter. [7095/08]

16. **Deputy Pat Rabbitte** asked the Minister for Agriculture, Fisheries and Food the reason in view of her public endorsement of plans for a bio-refinery in County Wexford, she did not support a similar proposal put forward by farmers in County Cork for a bio-fuel refinery on the grounds of the former sugar factory; and if she will make a statement on the matter. [7101/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): I propose to take Questions Nos. 12 and 16 together.

I welcome any proposal to establish biofuel production facilities in Ireland, which would provide a new market outlet for Irish farmers to supply feedstock raw materials for conversion into biofuel. In this context, I did meet recently, at their request with the promoters of a bio-refinery project, which they intend to locate at a suitable site in the South East. I am not aware that the promoters of this project have sought grant assistance, but the availability of such funding is a matter in the first instance for the Department of Communications, Energy and Natural Resources which has overall responsibility for the development of bioenergy.

My Department's role is to support the production of feedstocks by providing incentives to farmers to grow energy crops. In this context in 2007, I introduced a new National Energy Premium of €80 per hectare and a new Bioenergy Scheme to help kick-start production of energy crops in Ireland. The €80 National payment supplements the EU Premium available under the EU Energy Crops. As a further support measure, land planted with energy crops can also benefit from the Single farm payment. The buoyant market for biofuels and the introduction of the incentives contributed to almost 8,000 hectares of energy crops being planted in 2007. These initiatives are intended to complement the measures introduced by the Department of Communications, Energy and Natural Resources to stimulate demand for biofuels, most particularly the €200 million excise relief scheme.

The question of the future use of the former sugar factory site at Mallow is a commercial matter for the owners, Greencore Group plc. Under the EU Restructuring Scheme for the sugar industry, Greencore submitted an aid application for restructuring aid in July 2006 under which they undertook to fully dismantle the Mallow factory and sought the maximum amount of restructuring aid. As the decision on whether to fully or partially dismantle the factory is solely a matter for the sugar processor and as the application met the requirements of the EU Regulations it was approved subject to the outcome of the Judicial Review proceedings instituted by Greencore.

Before the application for restructuring aid was received from Greencore I raised the possibility of using Mallow or Carlow for bioethanol production with the Company having regard to the provision under the restructuring scheme, the inclusion of sugar beet in the energy crops scheme and the extension of the excise relief scheme. The Company informed me that it did not intend to produce bioethanol in Mallow. Anybody who expressed an interest in the possibility of utilising these factories for bioethanol production was advised to pursue the matter with Greencore.

Sheep Sector.

13. **Deputy Damien English** asked the Minister for Agriculture, Fisheries and Food if she will introduce measures to support the sheep sector; and if she will make a statement on the matter. [7066/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The sheep sector is an important part of the overall agri-food sector and its future depends on its ability to meet the needs of the market. The Sheep Industry Development Strategy Group, which reported in 2006, included representatives from all interested parties including the relevant state bodies and my Department. The Group's report set out a series of recommendations covering areas such as production, research, advice, processing and marketing. The objective is to facilitate the development of a more profitable sheep sector in Ireland covering production, processing and marketing.

I established an implementation Group to see how the recommendations of the Strategy Group could best be implemented and it reported to me last April. Most of the recom-

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mendations in the report fall to be implemented by the industry itself and of their nature will take time for their effects to be seen. My Department is providing assistance for breeding, processing facilities, mechanical grading and quality assurance. Other aspects of the Group's report are also being pursued.

Sheep farmers are major beneficiaries of various schemes being operated by my Department. Under REPS 4, a new mixed grazing measure is specifically targeted at sheep and there are definite signs of interest in it among applicants to date under that scheme. Substantial funding of €28m a year has been allocated to fund the new supplementary measure up to 2013. I am keeping this measure under close scrutiny.

I mentioned last May that payment would be made from the National Reserve to certain sheep farmers. I am pleased that individual allocations of the €6m available were commenced last week and payments should begin to issue shortly. This will result in payments of some €42m up to 2013 in the areas concerned.

In addition to the measures being taken at producer and processor level, promotional efforts are very necessary. Bord Bia will continue to organize strategic marketing campaigns in selected European markets. The downward trend in lamb consumption in certain markets presents a real challenge. To address this, Bord Bia is collaborating with its French and British counterparts to on a 3 year generic lamb promotion on the hugely important French market to promote lamb to younger consumers. This is a very significant initiative as there is great potential for high quality lamb on this market, which has over the years been an ideal outlet for quality food from Ireland.

Following the decoupling of market supports and the introduction of the Single Farm Payment, it is not possible to provide direct support for production. I believe however that, with the cooperation of all stakeholders and in line with the approach set out above, the sheep sector can continue to make an extremely valuable contribution to the agri-food sector and to the economy as a whole.

Food Industry.

14. **Deputy Deirdre Clune** asked the Minister for Agriculture, Fisheries and Food the way she will support and develop the food industry; and if she will make a statement on the matter. [31177/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The food and drink sector plays a vital role in the Irish economy contributing 8.6% of GDP and exports of over €8 billion in 2006. It is the largest indigenous industry both in terms of manufacturing and consumer spend and I am committed to both protecting and indeed developing this key industry. The sector is important not only in the overall economic context but also for sustaining economic development and employment in regional and rural communities. Some 50,000 people are directly employed in food and drink processing sector, supporting 110,000 agricultural jobs and a further 60,000 are employed in distribution and ancillary services.

The reform of Common Agricultural Policy in 2003 represented a fundamental shift in the EU support framework for agriculture and food. The CAP is now based on the principals of market orientation and sustainability. Ireland was the first country to fully accept decoupling and we have successfully introduced the single farm payment. However this represents but a first step in the transition by the agri-food sector to a more market oriented regime. The sector must adapt to the demands of a less supported marketplace, which is subject to increasing trade liberalisation and is rapidly evolving.

In response to the challenges and changes impacting on the agri-food sector I launched the Agri-Vision 2015 Action Plan. This sets out the actions required to ensure the development of

a consumer focused, competitive and sustainable agri-food industry capable of meeting the challenges post CAP reform of more liberalised markets and broader societal demands on the sector. The report took on board the views of the food industry, farming representatives, academia and other government strategies and policy papers including the National Strategy for Science Technology and Innovation which explicitly recognised the crucial importance of the development of a sustainable and competitive food and agriculture sector and the key role of research and innovation in that regard.

The 2015 Plan identifies the delivery of safe, high-quality, nutritious food, produced in a sustainable manner in high value markets as the optimum road for the future of the Irish food industry in the light of the changes which have already taken place or are anticipated over the next decade. The 160 plus actions form a coherent implementation strategy, and were subsequently reinforced by the 2016 Partnership Agreement and the National Development Plan 2007-2013.

Good progress has been made since the Action plan was launched a year and a half ago. Over three-quarters of the actions are completed or being implemented on an ongoing basis. Considerable public funding has been put in place. The agriculture and food elements of the NDP will account for total public expenditure of €8.7 billion and the Agri-Vision action plan will be the key vehicle for delivery.

Some of the key measures introduced include the new milk quota trading scheme; a capital investment envelope of up to €200 million to underpin huge investment in processing scale, efficiency as well as development of value-added products; a new Rural Environment Protection Scheme to support the environmentally friendly production; a new animal welfare scheme; increased funding for enhanced marketing through An Bord Bia and substantial increase in funding for research and development as well as the promotion of local and regional food production.

My Department has also intensified its engagement with the food industry at all levels under a variety of structures set up under the Agri-Vision Plan, which includes food industry and food agency committees.

I am confident that the investment this Government has committed over the next number of years, my Departments Agri-Vision plan and the structures I have put in place to involve industry together with the dynamic nature of our agri-food industry will ensure that it can meet the challenges that lie ahead and continue to develop as a supplier of high quality products for world-wide markets.

Pig Sector.

15. **Deputy Tom Hayes** asked the Minister for Agriculture, Fisheries and Food her views on the effect of rising feed costs on the pig industry; and if she will make a statement on the matter. [7077/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): 70% of pig production costs relate to feed and high feed costs are having an adverse effect on the pig sector.

The price of cereals from the 2007 harvest in Ireland was up at least 50% compared to 2006. The price of imported feed materials was up by as much as 80% and those for compound feedings are running 30% higher. World prices for feed materials are being driven upwards by a number of factors including increased demand worldwide, a switch from feed production to biofuels, reduced supplies arising from the unfavourable weather conditions in several cereal producing regions and difficulties caused by the lack of synchronised authorisation processes for genetically modified feed between the USA and the EU.

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There are, however, some positive signs regarding the possible increased availability of cereals arising from the relaxation of set-aside rules, increased cereal production and temporary suspension of certain import duties. Teagasc estimates a 20% increase in cereal production in Ireland this year.

Greater synchronisation of approvals of genetically modified feed is needed if a satisfactory supply of imported feedingstuffs for our pig and poultry producers is to be assured. In particular, the EU is heavily dependent on the 34 million tonnes of soyabean meal that it imports for this purpose and the vast majority of this is genetically modified.

I have worked hard with my colleagues in Brussels and the European Commission to provide assistance for the pig sector. An aids-to-private-storage scheme introduced last November, took almost 100,000 tonnes temporarily off the market. The export refunds introduced last December and which are still in place, have helped to stabilise the market at what is normally a difficult time of the year. I raised the situation in the pigmeat market with the Commissioner when I met her in Dublin some weeks ago and again at a bi-lateral meeting in Brussels on Monday of this week. At the EU Council of Ministers last Monday, I and a number of colleagues pressed the Commission on supports for the Pigmeat sector and the Commission undertook to come forward with a relevant proposal related to private storage at today's management committee.

On the marketing front, Bord Bia is expanding the pig quality assurance scheme and has conducted an intensified pork and bacon promotion programme. In addition, my Department has drawn up meat labelling regulations that would require the country of origin to be indicated on pigmeat and these are currently being examined by the European Commission which has until 14th March to comment on them.

Finally, I remain extremely conscious of the problems being experienced by the pig sector. I hope that the actions I have outlined will lead to early improvement and I will continue to keep them under close review.

Question No. 16 answered with Question No. 12.

School Fruit Scheme.

17. **Deputy Eamon Gilmore** asked the Minister for Agriculture, Fisheries and Food if her attention has been drawn to the European Commission proposal to give free fruit and vegetables to school children throughout the EU; and if she will make a statement on the matter. [7091/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): At its meeting on 12 June 2007, the Council of Agriculture Ministers invited the Commission to come forward with a proposal for a school fruit scheme as soon as possible based on an impact assessment of the benefits, practicability and administrative costs involved. On 18 December 2007 the Commission launched a public consultation procedure and that process will continue until the end of February. A summary of the contributions received will be included in the impact assessment report, which the Commission intends to present in May 2008. This may be followed by a formal proposal to Council in June/July 2008 for a school fruit scheme.

The Food Dude programme, in which 900 schools will participate in the years 2007 and 2008, will provide a good environment in Ireland for take-up of a school fruit scheme. The programme developed by the University of Wales encourages children to develop a positive attitude to fruit and vegetables through role models (the Food Dudes characters), repeated tasting and rewards. Qualitative evaluations of the EU and national programmes have been very positive.

Fur Farming.

18. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food if she will provide a list of the registered fur farms nationally and the geographic location of these farms; and if she will make a statement on the matter. [7102/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): 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 Fourth Schedule of the European Communities (Welfare of Farmed Animals) Regulations, 2008. The Irish fur industry is fully aware of animal welfare requirements and it has displayed a willingness to comply with the requirements of my Department.

Given that the licensed fur farms operating in this country meet current national and EU requirements there is no reason why what is, after all, a legitimate farming activity, which is permitted in the greater majority of EU Member States, should be banned. Due to on-going security concerns, the publication of the list requested is not deemed to be appropriate.

Crop Losses.

19. **Deputy Pádraic McCormack** asked the Minister for Agriculture, Fisheries and Food the measures she will take to resolve the serious financial hardship facing farmers who have had their businesses frozen due to brown rot; and if she will make a statement on the matter. [7085/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Since the brown rot outbreak was found on Irish produced potatoes in September 2007 my Department officials have implemented the contingency plan for brown rot outbreak and has worked tirelessly to control and eradicate this dangerous bacterial disease. Disease prevention notices have been served on growers where the disease has been confirmed and this results in limiting the movement of potatoes on and off the farms involved and may only be done under permit and under the control of officials from my Department.

The handling of this disease is governed by EU legislation, which is being followed by my Department in this case. The disease poses no risk to human or animal health.

I myself and my colleague Ministers of State have met these farmers on a number of occasions. Officials from my Department are in constant contact with the individual potato growers involved, the farming organisations and the potato trade in an effort to address issues faced by the individual farmers concerned while at the same time ensuring that all possible steps are being taken to control the spread of this disease. The latest such meeting took place last Friday 18th February.

Milk Quota.

20. **Deputy Willie Penrose** asked the Minister for Agriculture, Fisheries and Food if she will lobby the EU to increase the annual milk quota in view of the worldwide growth in demand for dairy products. [7099/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): As the Deputy may be aware, I have been lobbying the EU for some time to agree to a milk quota increase in order to allow milk producers to respond to the positive signals on the dairy market.

I was in contact with a number of my counterparts in the weeks leading up to last September's Council of Agriculture Ministers to build support for just such an increase, as it had been clear for some time that farmers' ability to respond to the buoyancy in the dairy market was being curtailed by quota restrictions.

I followed these contacts with a formal call at the September Council meeting for a quota increase of 3 per cent from 1 April 2008. The Commission undertook to consider this in the context of its December Dairy Market Report. That report was published in December and recommended a quota increase of 2 per cent for all member states from April 2008. While I have welcomed this development, I have also continued to assert my belief that an increase of more than 2 per cent is justified at this time.

The 2 per cent proposal is now being advanced in Brussels and is expected to be voted on at the March Council of Ministers.

Animal Feed.

21. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the steps which she is taking to reduce the burden of red tape on small animal feed merchants; and if she will make a statement on the matter. [4020/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): I am not aware of any specific requirements being placed on small animal feed merchants, other than those required of any small business enterprise, that could be considered burdensome red tape. The Deputy may be referring to the EU requirement under the EU Feed Hygiene Regulations on all operators to register as Feed Business Operators in 2006. The Regulations also require my Department to secure a declaration from these operators, within two years of registration, that they are in compliance with the obligations of such registration, particularly in relation to HACCP and food/feed safety.

A letter reminding the operators of their obligations and asked that the declaration be signed. A stamped return envelope was provided. My Department is currently examining the returns. I am satisfied that this process which is related to consumer protection and food safety, did not place any undue burden on the businesses concerned.

Departmental Bodies.

22. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food the date of establishment of the Agri-Vision 2015 committee; the purpose and role of the committee; the number of board members of the committee; the number of whom are appointed by her Department; the person by whom the remaining board members are appointed; the amount of financial support provided by the Government to this committee for each of the past five years; and if she will make a statement on the matter. [6117/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The 18 member Agri-Vision 2015 Committee was established in January 2004. The purpose of the committee was to review the strategy and recommendations in the Agri Food 2010 Report in the context of developments, both external and internal, since that report was completed. While the review itself was broad ranging, it focused on a number of particular issues including the enlargement of the EU, competitiveness and efficiency of the production base and income and employment trends in agriculture and rural areas in general.

The Committee finalised their report in November 2004 and was then disbanded. Upon completion of the report, payments of €22,000 and €10,000 were made respectively to the Chairman and a consultant for analytical work provided. The Minister appointed all the board members.

Greenhouse Gas Emissions.

23. **Deputy Brendan Howlin** asked the Minister for Agriculture, Fisheries and Food the initiatives she is undertaking in 2008 to help combat climate change; and if she will make a statement on the matter. [7093/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Climate change has potentially serious implications not just for agriculture but for all sectors of the economy. Agriculture has already made a significant contribution to Ireland's efforts to meet the targets set down under the Kyoto Protocol, achieving a reduction of 2% in greenhouse gas emissions from the sector in the period 1990 to 2005. The decision to opt for full decoupling of direct payments from production led to a substantial reduction in emissions owing to a fall in livestock numbers with an attendant decrease in fertilizer use. These reductions are projected to continue through 2008 until 2012 and beyond.

Looking ahead, the sector will continue to effect production efficiencies in order that the emissions per unit of food produced are as low as possible. In this regard it is expected that in 2008 the continued implementation of the Nitrates Regulations will result in better utilization of nutrients, with a consequent reduction in nitrogen applications. Other measures which will contribute to greenhouse gas abatement, such as the encouragement of minimum tillage, the use of clover swards and the adoption of low emission trailing shoe technology for slurry spreading have been introduced under the new Rural Environment Protection Scheme.

Forestry is a significant element in the National Climate Change Strategy and plays a very important role in sequestering carbon. Forests planted from 1990 onwards are currently taking an average of 2.1 million tonnes of CO₂ equivalent per annum and projected sequestration by 2020 is likely to be in the region of 4 million tonnes. My Department is actively promoting planting under the Afforestation Grant Scheme in 2008 and REPS farmers are also being encouraged to establish high nature value woodland under the Forest Environment Protection Scheme, which will be fully rolled out in 2008. Both forest products and energy crops also contribute to the reduction in carbon dioxide emissions by acting as substitutes for fossil fuels and my Department will continue to invite participation in the EU Energy Crops Scheme and the Bioenergy Scheme in 2008.

I realise that further initiatives may be needed to address the challenge of climate change, which is why my Department has committed substantial funding, under the Research Stimulus Fund, to various research projects devoted to identifying sustainable greenhouse gas reduction measures. A comprehensive research needs analysis, was recently carried out by my Department and will be used to inform future calls for research in the area climate change. Furthermore, my officials are currently working closely with Teagasc and COFORD in carrying out a review of the potential mitigation options available to the sector.

Ministerial Travel.

24. **Deputy James Bannon** asked the Minister for Agriculture, Fisheries and Food the countries she will make visits to during the next six months; the purposes of these visits; and if she will make a statement on the matter. [6874/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The countries I intend to visit during the next six months are as follows:

[Deputy Mary Coughlan.]

February — Trade and Investment Mission to Japan

March — Council of Agriculture Minister's Meeting, Brussels

April — Council of Agriculture Minister's Meeting, Luxembourg

May — Council of Agriculture Minister's Meeting, Brussels

June — Council of Agriculture Minister's Meeting, Luxembourg

July — Council of Agriculture Minister's Meeting, Brussels

Departmental Funding.

25. **Deputy Róisín Shortall** asked the Minister for Agriculture, Fisheries and Food if her attention has been drawn to the recent submission by the Veterinary Council of Ireland to the Oireachtas joint committee seeking funding under the veterinary act to upgrade premises; and if she will make a statement on the matter. [7103/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The matters referred to which come within the remit of my Department are currently being examined. I understand that the aspects which come within the remit of my colleague, the Tánaiste and Minister for Finance, have been dealt with in his reply of 14 February to Parliamentary Question No. 59 from Deputy Sherlock.

Common Agricultural Policy.

26. **Deputy Simon Coveney** asked the Minister for Agriculture, Fisheries and Food the position regarding her recent discussions at EU level relating to the CAP health check; and if she will make a statement on the matter. [7052/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The CAP Health Check was discussed most recently at the Agriculture and Fisheries Council on 18 February. There was a wide-ranging discussion with all member States outlining their priorities.

The main elements of the Communication on the Health Check relate to simplification of the single payment scheme, the expiry of milk quotas in 2015 and how to address the emerging challenges of climate change, bio-energy, water management and bio-diversity.

The Slovenian Presidency has indicated that it will present draft conclusions at the next meeting of Agriculture Ministers scheduled for 17 March with the aim of achieving the agreement of the Council on the main points of the Communication.

Legislative proposals are due to be presented by the Commission in May with a view to having a final agreement by the end of 2008.

Finally my Department will continue to consult with the two Consultative Committees that I established to advise on all aspects of the Health Check and the long term future of Milk Quotas.

Departmental Offices.

27. **Deputy P. J. Sheehan** asked the Minister for Agriculture, Fisheries and Food further to Parliamentary Question No. 331 of 13 November 2007 the number of applications and the amount applied for in grants under the farm improvement grants scheme received by each of the offices and sub offices of her Department by 22 October 2007; if each of these applications have been examined; if each of these applications will be accepted; if not, the shortfall in

funding needed to complete these applications; and if she will make a statement on the matter. [6869/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): As indicated in my reply to the previous Parliamentary Question referred to, 12,675 applications were received under the Farm Improvement Scheme prior to its suspension on 31 October 2007. These applications are currently being processed up to the level of funding made available for the Scheme under the 2006 Partnership Agreement. Towards 2016. It is not possible at this stage to indicate the financial commitment, in grant terms, represented by the valid applications included in these 12,675 applications or to determine the shortfall, if any, represented by these applications.

Fishing Industry Development.

28. **Deputy Brendan Howlin** asked the Minister for Agriculture, Fisheries and Food the initiatives planned to promote the indigenous fishing industry; and if she will make a statement on the matter. [7113/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): As you are aware a strategy for a Restructured, sustainable & Profitable Irish Seafood Industry 2007-2013 — Steering a New Course, was launched on January 28th 2007. The strategy sets out a visionary road map towards achieving an Irish seafood sector that is sustainable, profitable, and most of all, truly competitive and market-focused.

The strategy is based on a comprehensive report carried out by a review group made up of three eminent experts, Dr. Noel Cawley, Mr. Ruan O’Bric and Mr. Joey Murrin, appointed in June 2006. The report, which took on board the views of individual fishermen, fish farmers, processors, marketers and other stakeholders, focuses on ten core themes and outlines specific actions to be taken in order to achieve a sustainable seafood industry.

Some of the core initiatives proposed in the report include the following:

- A restructuring of the fishing fleet through decommissioning schemes, in tandem with a new approach to the management of quotas.
- Improve management and control of access conditions to inshore fishing areas through the development, facilitation and implementation of national and local species management plans under the Shellfish Management Framework.
- Develop a Step-Up Measure to incentivise consolidation, improve business performance and prioritise support for the development of seafood businesses where there is good potential for long-term sustainable value.

The Irish seafood industry is critical for the sustainable economic and social development of coastal communities, right around the coast and further development of these marine industries is critical to the future prosperity of these areas. There is buoyant demand for seafood both domestically and in key export markets and, as the report strongly recommends, capturing this clear and growing economic and market opportunity is the key for all development activity within the Industry.

The Seafood Strategy Implementation Group (SSIG) chaired by Dr. Noel Cawley and made up of representatives from each of the catching, aquaculture and processing/marketing sectors, as well as the Department and relevant State Agencies has been set up to oversee the implementation of this report.

EU Directives.

29. **Deputy Joan Burton** asked the Minister for Agriculture, Fisheries and Food the number

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of inspections carried out under the Nitrates Directive; the number of staff allocated within local authorities for the years 2006 and 2007; and if she will make a statement on the matter. [7089/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The number of inspections carried out by officials of my Department under the cross-compliance arrangements (which include nitrates directive requirements) attaching to the Single Payment Scheme in 2006 and 2007 was 1,309 and 1,330 respectively. I do not have information on inspections undertaken by local authorities. Staff allocations within local authorities are a matter for the authorities themselves and my Department has no involvement.

Rural Environment Protection Scheme.

30. **Deputy Joe McHugh** asked the Minister for Agriculture, Fisheries and Food if she has had further update from the EU commission in relation to the delay in the REP scheme payment to farmers; and if she will make a statement on the matter. [6865/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): I had further discussions with Commissioner Fischer Boel in Brussels on Monday about the difficulties with the European Commission in relation to the established practice of paying REPS 2 and REPS 3 participants at the beginning of each contract year. I am very glad to say that I obtained the Commissioner's agreement that Ireland can continue to receive REPS payment claims and make payments as has been done in the past, until the expiry of REPS 2 and REPS 3 contracts.

I have directed my officials to take immediate steps to release REPS 2 and REPS 3 payments which had been on hold since early January and payments for valid outstanding claims are now beginning to issue.

Payments to REPS 4 farmers under contracts which commenced in 2007 are now issuing. My officials are in discussion with the European Commission on the payment arrangement to apply to REPS 4 contracts commencing in 2008 and I expect the matter to be clarified shortly.

Proposed Legislation.

31. **Deputy Michael D'Arcy** asked the Minister for Agriculture, Fisheries and Food the status of the Animal Health Bill; when she expects to be in a position to publish the Bill; and if she will make a statement on the matter. [7058/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The Programme for Government contains a number of commitments relating to animal health and welfare including an undertaking to introduce a new Animal Health Bill to consolidate and amend previous legislation to reflect the changed disease status of our nation's animals.

Drafting of the legislation relating to animal health (and also to take account of the commitments to introduce a comprehensive Animal Welfare Bill) is proceeding within my Department. In advance of its publication, my Department will be engaging in a form of public consultation on the draft legislation, which will provide an opportunity for interested parties to submit their views.

Fisheries Protection.

32. **Deputy Michael D. Higgins** asked the Minister for Agriculture, Fisheries and Food if she will introduce a traceability system for Irish fish catch; and if she will make a statement on the matter. [7112/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Fish landed in Ireland is currently traceable through a variety of means including sales notes, landing declarations data, and labelling requirements.

My Department has introduced a comprehensive regime for the collection of sales notes in Ireland since the 1st of January 2007, as required under Council Regulation 2847/1993. Sales notes detail the origin, size, weight, price and date of first sale fish, as well as information about the seller.

Sales notes are cross-referenced with landings data i.e. log-books and landing declarations, and this allows for comprehensive monitoring and control of fish landings into Ireland. The masters of fishing vessels over 10m in length are required to complete standard log books and landing declarations. The log-book records what type of species of fish was caught, which area they were caught in, when they were caught, the quantity caught, and the method used to catch them.

All potential buyers of first sale fish, both national and international, are required to register with the Department if they intend to purchase first sale fish landed into Ireland. A ‘registered buyer’ is a person, partnership or body corporate that purchases first sale fish. Registration can be completed online via the Sea Fisheries Portal — <http://www.fishingnet.ie>. Further information can also be found on the BIM website: <http://www.bim.ie/salesnotes>.

In addition to the monitoring of catches through sales notes and landings data, Ireland has, since July 2003, in accordance with the requirements of Council Regulation 104/2000, a labelling system in place providing traceability information in respect of a wide range of seafood and aquaculture products. SI 335 of 2006 also gives effect to a range of European Communities Food Safety Legislation in respect of Fishery Products and Fish Feed. All food businesses, including seafood businesses are required to have traceability and recall systems in place.

EU Council Meetings.

33. **Deputy Seán Barrett** asked the Minister for Agriculture, Fisheries and Food the main agenda items for the next European Union Agriculture and Fisheries Council that are of concern to Ireland; and if she will make a statement on the matter. [6876/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The next meeting of the Agriculture and Fisheries Council will take place on 17 March. We do not, as yet, have an agenda for this meeting but items of interest to Ireland likely to feature include the Health Check of the CAP and the proposed increase in Milk Quotas for 2008.

On the Health Check I understand that the Slovenian Presidency will present conclusions to the discussions to date to be agreed either as Council or Presidency Conclusions. On 2008 Milk Quotas, the Commission has proposed a 2% increase in quotas for all Member States in the light of its analysis of market conditions.

I, and my officials have taken an active role in the discussions to date on both subjects and will do so again at the March Council. On the Health Check, I am particularly concerned to ensure that the opportunity is taken to introduce further simplification of the SPS and cross compliance while avoiding any fundamental reforms. In relation to milk quotas I favour a 3% increase, which I believe is warranted by market conditions, however there are a range of views in the Council, including some countries that are opposed to any increase.

I hope that we can significantly advance both these issues at the Council meeting in March.

Fishing Industry Development.

34. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food the devel-

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opments that her Department will be assisting in the Cork Kerry region in relation to fisheries; and if she will make a statement on the matter. [6878/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): On Monday 18th February, 2008, the Minister of State at the Department of Agriculture, Fisheries and Food, John Browne T.D., announced details of the Fishery Harbours and Coastal Infrastructure Development Programme for 2008, which is worth over €23m.

Funding was allocated to projects that were identified as priorities by both the Local Authorities and the Department's Engineering Division. In addition to the funding of the six main Fishery Harbour Centres, the 2008 programme also provides for significant expenditure on various small harbours. These are harbours around our coastline under Local Authority control that both supplement and underpin the activities undertaken in our larger harbours.

One of the major projects being funded in the Cork/Kerry region is at Castletownbere Fishery Harbour Centre where significant development work is being undertaken in 2008. The total investment for 2008 is in excess of €9.5m which includes an allocation of €8m for the new quay construction works. The development of the harbour will allow for larger vessels carrying deeper draft and will accommodate all of the new modern vessels which have entered the Castletownbere fleet.

This year's investment also includes grant-aid of €1m for the provision of a lifeboat shore facility for the RNLI which is due to be constructed on reclaimed foreshore within Castletownbere Fishery Harbour Centre.

The full list of projects in Counties Cork and Kerry receiving funding in 2008 is given in the following table.

Project	€
<i>Fishery Harbour Centres</i>	
Safety and maintenance (Castletownbere and Dingle)	550,000
Disability access (Castletownbere and Dingle)	100,000
<i>Castletownbere</i>	
Dinish wharf extension	8,000,000
RNLI pontoon	1,000,000
Effluent treatment upgrade	40,000
Mainland quay extension and provision of slipway	200,000
<i>Dingle</i>	
Dingle harbour dredging	40,000
Removal of old slipway	60,000
Additional berthing pontoons	765,000
<i>Local Authority Projects Managed by Department of Agriculture, Fisheries and Food (Engineering Division)</i>	
<i>Kerry County Council</i>	
Cromane — Construction of pier, breakwater, access road and dredging of entrance channel	750,000
<i>Other Local Authority Projects</i>	
<i>Cork County Council (Western Division)</i>	
Crookhaven — Phase 1 of harbour development	525,000
Adams Quay Kinsale — Redevelopment of pier	105,399
Cape Clear — Computer generated modelling survey	100,000

Project	€
<i>Cork County Council</i>	
Ballycotton — Remedial works to breakwater	500,000
Garnish Pier — Phase 3 slipway development	192,084
<i>Kerry County Council</i>	
Tarbert — Continuation of pier stabilisation works	37,500
Scraggane — Completion of pier extension works	75,000
Knightstown — Completion of concrete breakwater	75,000
Renard — Pier remedial works	600,000
Tahilla — Provision of concrete slipway	75,000
Caherciveen — Completion of slipway and apron	5,625

The National Development Plan 2007-2013 has earmarked a minimum of €216 million for the Seafood Development Sub-Programme. The central goal of this investment is to ensure the long term economic, social and environmental sustainability of the fisheries industry thereby maintaining the value of its activity to the coastal and rural communities who rely on it and to the economy as a whole.

Coastal communities dependent on the fisheries industry in the Cork/Kerry region will be in a position to continue to avail of funding under various schemes which will be introduced to assist sustainable development of fisheries areas in accordance with the European Fisheries Fund.

These schemes will be administered by Bord Iascaigh Mhara.

Departmental Schemes.

35. **Deputy Brian O'Shea** asked the Minister for Agriculture, Fisheries and Food if she will reopen the farm improvement scheme, which is of paramount importance to the farming community; and if she will make a statement on the matter. [7097/08]

45. **Deputy James Bannon** asked the Minister for Agriculture, Fisheries and Food if she has plans to reopen applications for grants under the farm improvement grants scheme during 2008; and if she will make a statement on the matter. [6873/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): I propose to take Questions Nos. 35 and 45 together.

The Farm Improvement Scheme was launched by my Department in July 2007 with a funding provision of €79 million as agreed under the Partnership agreement, Towards 2016. As applications under the Scheme had reached this level of funding, the Scheme was closed to new applications on 31 October 2007. I have no plans at present to reopen this Scheme.

Afforestation Programme.

36. **Deputy Bernard Allen** asked the Minister for Agriculture, Fisheries and Food the percentage targets of total land she expects to achieve in relation to afforestation of land for each of the next ten years; and if she will make a statement on the matter. [6871/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The national forest estate extends to some 700,000 hectares or 10% of the total land area. This figure is less than one third of the EU average.

The Strategic Plan for the Development of the Forestry Sector in Ireland, 'Growing for the Future', sets a target of 17% of the total land area for forest cover. Over the period of the

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National Development Plan, the immediate objective is for annual planting to grow to 10,000 hectares per annum and stabilise at that level.

The forestry planting schemes are demand-led but the incentive structure available is kept under review to keep the afforestation option attractive to farmers.

Pig Sector.

37. **Deputy Lucinda Creighton** asked the Minister for Agriculture, Fisheries and Food the steps she will take to ensure the viability of the Irish pig industry; and if she will make a statement on the matter. [7055/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): I am very aware of the difficulties facing the pig sector and will continue to pursue appropriate actions to alleviate them. The problems are attributable to a number of factors such as the cyclical nature of the industry, the high cost of feed and the strength of the euro, which adversely affects exports to non-EU countries.

The cost and availability of feed are critical considerations. At EU level, I and other colleagues were successful in ensuring that setaside land would be available for cultivation. It was also agreed that import duties on certain imported feed should be abolished. I continue to pursue greater synchronisation of the approval processes for genetically modified feedstuffs between the EU and other countries as this would expedite the availability of feed to the pig sector.

I have been continually to the forefront also in seeking market support measures for pigmeat. The EU aid to private storage measure introduced last October helped to temporarily remove 100,000 tonnes from the market. I raised the situation in the pigmeat market with the Commissioner when I met her in Dublin some weeks ago and again at a bi-lateral meeting in Brussels on Monday of this week. As a result of interventions by like-minded colleagues and myself at this week's Council of Ministers, the EU Commission is presenting a proposal at today's management committee allowing the extension of private storage contracts. This should ensure that the release of product from storage will not disrupt the market. I have also argued strongly and successfully for the re-introduction of export refunds for fresh and frozen pigmeat. These were re-introduced last November and remain in place.

Another important support element is Bord Bia's programme of promotion on the home and export markets. I glad to say that Bord Bia has intensified its national pork and bacon promotion campaign for which additional funding was made available. This campaign is backed up by the very successful Bord Bia pigmeat quality assurance scheme.

Labelling is another area in which I am taking action. I am working with the Minister for Health and Children towards the introduction of legislation to provide better information to consumers on the origin of pigmeat and other meats. The draft legislation is being examined by the European Commission and other Member States, which have until 14 March 2008 to make any comments on the proposed legislation. I have also written to Commissioner Fisher-Boel to reinforce the importance and necessity for origin labelling.

Finally, I would hope that the actions I have outlined would contribute to an early resolution of the difficulties in the pigmeat sector. There cannot be a guarantee that they will solve all the problems but I am convinced that they will make a very positive contribution.

Departmental Schemes.

38. **Deputy David Stanton** asked the Minister for Agriculture, Fisheries and Food further to Parliamentary Question No. 48 of 22 November 2007 if the review has commenced in respect

of the farm improvement scheme; when this review will be completed; the person who is carrying out this review; and if she will make a statement on the matter. [7116/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The Farm Improvement Scheme was suspended to new applications on 31 October 2007 as the applications had reached the level of funding provided for the Scheme in the 2006 Partnership agreement, Towards 2016.

That agreement provides for a formal review of its terms in 2008 in which all parties to the agreement will be involved.

Animal Identification Scheme.

39. **Deputy Seymour Crawford** asked the Minister for Agriculture, Fisheries and Food if she is satisfied with the present tagging arrangement for the national herd, in view of the fact that so many, both single and double tags, have to be replaced each year; the steps she has taken to seek improvements in this system; if she has had discussions with her colleagues in Northern Ireland to bring forward an all Ireland tagging system or another replacement system to ensure that all animals can be followed through from birth to final disposal; and if she will make a statement on the matter. [6319/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): My Department reviews the methods of cattle identification available within the terms of the EU requirements and keeps in touch with developments in the marketplace in relation to eartags to ensure that the tag most suited to the needs of Irish farming is available. I am satisfied that the current system of double tagging bovine animals with plastic tags is the most efficient and practical form of identification available at present. My Department is currently examining the possible future use of electronic and other means of identification for bovine animals.

Under the North/South Ministerial Council (NSMC) a number of Working Groups on different aspects of animal health and welfare were established. The Working Groups continue to co-operate closely, overseen by the Animal Health and Welfare Strategy Steering Group, which is made up of senior officials from both Departments. The Working Group on animal identification has regard to the relevant European Union legislation and discusses all pertinent issues in relation to cattle identification, including tagging.

Ministerial Travel.

40. **Deputy Seán Barrett** asked the Minister for Agriculture, Fisheries and Food the counties she will make visits to during the next two months; the purposes of these visits; and if she will make a statement on the matter. [6875/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): I intend to visit Co Kilkenny in April.

Plant Closure.

41. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Fisheries and Food if her attention has been drawn to the proposals by a company (details supplied) to close their plant at Athy and that pea growers have made arrangements for the 2008 crop; and if she will make a statement on the matter. [7108/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): On 8 February the company in question announced its intention to transfer its packaging operation from Athy to a new consolidated Dublin facility. The company has stated that it is committed to continuing to source its requirement for peas for its canning plant from farmers in the Athy region. I

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understand that the company has entered into negotiations with the growers on handling and storage arrangements for the 2008 crop.

Bovine Diseases.

42. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food if she will increase the age limit for compulsory BSE testing from its current limit of 30 months; and if she will make a statement on the matter. [2034/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The current requirement that all bovine animals over 30 months of age, slaughtered for human consumption, must be tested for BSE is provided for in Regulation (EC) No.999/2001 of the European Parliament and of the Council, laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (The TSE Regulation). Accordingly I do not have the discretion to raise this age threshold as I would wish to do in view of the major progress achieved here in relation to BSE.

I have been making repeated efforts to have the age thresholds for the various categories of animals changed, based on the results of surveillance carried out here. Under the recently amended TSE regulation there is provision for a revision to Member's States monitoring programmes (including changes to the age at which healthy slaughtered animals for human consumption must be tested for BSE) on the basis of applications by Member States in response to their improved BSE situation.

The proposals tabled by the Commission late last year included the following options for slaughter cattle:

- To test all cattle over 42 months
- To test all cattle born before January 1 2002 and 50 per cent of cattle born since and aged over 42 months.
- To test all animals born before January 1 2004 and none (or minimum sample size) for those born since. Under each option, emergency slaughtered cattle and fallen stock over 36 months would require to be tested.

In January 2008, the Commissioner for Health and Consumer Protection indicated his support for the first of the three options referred to above and the Commission has consulted the European Food Safety Agency. The agreement of the European Parliament is also required for any change to the current regime.

While Ireland would have preferred the third option, we acknowledge that the option being supported by the Commission would represent significant progress and would significantly reduce the amount of testing to be undertaken here. I have written to the Commissioner again asking that outstanding issues be completed so that a new regime can be applied from the earliest date.

Grant Payments.

43. **Deputy Jan O'Sullivan** asked the Minister for Agriculture, Fisheries and Food if she will facilitate farmers who wish to continue to have payments by her Department issue to them by cheque; and if she will make a statement on the matter. [7098/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): At present, farmers can choose to have their payments made by cheque or electronic funds transfer directly into their bank account and this situation will continue during the 2008 EU financial year which

ends on 15 October. However, as and from the 2009 EU financial year commencing on 16th October 2008, payment by cheque will no longer be permitted under EU rules.

My Department is obliged to adhere to the requirements and controls set out by the EU Commission in administering EU funded schemes. A new requirement to make all payments under EU funded or co-funded schemes directly into bank accounts must be implemented in accordance with EU Council Regulation 1290/2005 which lays down the rules on the financing and management of the Common Agricultural Policy for the years 2007 to 2013. The detailed implementing rules for that Regulation, as set out in EU Commission Regulation 885/2006, requires that all EU paying agencies, including my Department, must adopt procedures to ensure that payments are made only to bank accounts with effect from the 2009 financial year.

My Department is in contact with farmers to facilitate the smooth switchover of payments to bank accounts. I have recently met with An Post and I am continuing to explore all avenues that will minimise disruption to farmers.

Animal Feed.

44. **Deputy Emmet Stagg** asked the Minister for Agriculture, Fisheries and Food the steps she has taken to protect the industry against the threat of adventitious presence in feed imports from non EU approved events; and if she will make a statement on the matter. [7104/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The adventitious or accidental presence of unauthorised GM events in imported animal feed became an issue last year when it became known that a small area of the 2006 US maize crop was sown with a GM maize variety, referred to as Herculex Rw. The GM event in this crop was authorised in the US but while an application for its approval had been made to the EU, it had not yet obtained authorisation for marketing within the Community. Concern was expressed, both within the EU and the Irish feed industry that this lack of synchronisation in the authorisation process could result in traces of the unauthorised event admixing in imported feed consignments. Officials of my Department worked very closely, with the US Corn Growers Association, which included a visit to the US production areas, as they drew up a segregation plan to minimise the presence of the unauthorised crop in imports. Despite this effort, a consignment of 7,000 tonnes of maize was impounded by my Department, following sampling by Department officials, and was held until October 2007 when the GM event was formally authorised for use within the EU.

I accept there are problems with the lack of synchronisation between the EU and US systems. I have raised this on many occasions with the Commission and will continue to press for a more workable arrangement.

Question No. 45 answered with Question No. 35.

Animal Diseases.

46. **Deputy Mary Upton** asked the Minister for Agriculture, Fisheries and Food when she plans to put a national strategy in place with regard to infectious diseases such as IBR, BDVD and Joannes; and if she will make a statement on the matter. [7106/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): My Department is currently developing a herd health initiative to deal with non — regulated diseases in a comprehensive and integrated manner. The initiative has been proposed to enable Ireland achieve international best practice in the area of animal health which seeks to complement existing programmes and focus on non-regulatory issues in this area.

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My officials have met with the principal stakeholders recently, including farming, industry, service providers and relevant state agency representatives and all have indicated their broad support for the initiative. All of the parties consulted shared the view that animal health is a critical contributor to competitiveness of Irish agriculture and additionally, that a superior animal health is a vital contributor to optimal farm efficiency and profitability.

Formal proposals, including funding of the initiative, will be circulated shortly to stakeholders and it is intended to progress the matter over the coming months.

Departmental Schemes.

47. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food if she will confirm that all farmers who have applied for the farm waste management scheme in County Wicklow will receive approval to proceed with work; and if she will make a statement on the matter. [7042/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The revised Farm Waste Management Scheme introduced in March 2006 in order to assist farmers meet the additional requirements of the Nitrates Directive closed for new applications at end-December 2006. Farmers who had not submitted a complete application by that date had until 29 June 2007 to submit all required drawings, etc., including confirmation that planning permission had been applied for where such was required. My Department is, of course, only able to grant approval to proceed with the investment works when such evidence of the grant of such planning permission has been lodged.

Food Prices.

48. **Deputy Ciarán Lynch** asked the Minister for Agriculture, Fisheries and Food the steps she is taking to offset food price inflation; if she has consulted with various shareholders including farming organisations on the issue; and if she will make a statement on the matter. [7094/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Changes in food prices are primarily a function of market forces operating at international, EU and national levels. Consistently strong economic growth in developing countries is the main driver of changing world food demand towards high-value agricultural products and processed foods. Slow-growing supply, low stocks, and supply shocks at a time of increasing demand for feed, food and fuel have led to price increases globally. Biofuel production has also contributed to the changing world food equation. In addition, rising input costs, at both producer and processor levels have fed through to put upward pressure on food prices. Pressure on input prices, in particular energy and raw material including feed costs, has combined with strong competition on world dairy and cereal markets in increasing producer prices.

In order to help alleviate some of the market difficulties in the cereals sector, the Council of Ministers decided in September to set the obligatory set-aside rate at zero for autumn 2007 and spring 2008 sowings. This is expected to lead to an expansion of EU grain production by at least 10 million tonnes next year. The most recent annual data available from the Central Statistics Office relates to 2007 when food and non-alcoholic beverages prices, as measured by the food price index, increased by 2.8% on average for that year.

Alternative Energy Projects.

49. **Deputy Ruairí Quinn** asked the Minister for Agriculture, Fisheries and Food her views on whether it is appropriate to come out in support of a bio-fuel refinery in County Wexford

in advance of an application for planning permission; and if she will make a statement on the matter. [7100/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The agri-food sector is a source of many of the raw materials for the production of biofuels. To encourage the cultivation of crops for energy purposes I have introduced a number of incentives including a new National Energy Crop Premium of €80 per hectare, which supplements the EU Premium available under the EU Energy Crops. I also launched a new Bio-energy Scheme in February 2007 to provide establishment grants to farmers of up to €1,450 per hectare to grow willow and miscanthus as a renewable source of energy. I have also allocated increased funding for research into biofuels and non-food crops under the Department's Research Stimulus Fund Programme. Under the 2007 Call for Proposals, I awarded some €5.3 million over the next four years to seven research projects on the suitability of Irish grassland for biofuel production, anaerobic digestion, second-generation technologies and energy crop production.

I believe Irish farmers could benefit from an increased demand for biofuel feedstocks. For this reason and against the background of securing energy supplies and combating greenhouse gas emissions I support the development of an indigenous biofuel sector in Ireland based on raw materials, which have been produced and processed locally. The agriculture sector in Ireland has the interest and potential to supply feedstocks and I have met with a number of operators interested in building biofuel facilities in Ireland based on locally grown feedstocks. In this context, at their request, I met recently with the promoters of a proposed bio-refinery project in the South East. The issue of planning permission for this or any other biofuel facility is a matter for the relevant local authority.

Departmental Schemes.

50. **Deputy Bernard Allen** asked the Minister for Agriculture, Fisheries and Food the number of applications and the amount applied for in grants under the farm improvement grants scheme received by each of the offices and suboffices of her Department after 22 October 2007 and before 31 October 2007; if each of these applications will be accepted; if not the shortfall in funding needed to complete these applications; and if she will make a statement on the matter. [6872/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): 12,675 applications were received by my Department under the Farm Improvement Scheme prior to its suspension on 31 October 2007. A county-by-county breakdown of these applications is as follows:

County	Number of Applications	County	Number of Applications
Carlow	176	Longford	218
Cavan	675	Louth	209
Clare	510	Mayo	740
Cork	1,863	Meath	272
Donegal	931	Monaghan	362
Dublin	29	Offaly	282
Galway	850	Roscommon	484
Kerry	875	Sligo	255
Kildare	133	Tipperary	895
Kilkenny	519	Waterford	487
Laois	336	Westmeath	274
Leitrim	375	Wexford	295
Limerick	368	Wicklow	262
		Total	12,675

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These applications are currently being processed within my Department up to the level of funding made available for the Scheme in the 2006 Partnership agreement, Towards 2016. It is not possible at this stage to provide the value of applications received between 22 and 31 October 2007.

Marine Rescue Stations.

51. **Deputy Richard Bruton** asked the Minister for Agriculture, Fisheries and Food if she or her Department have made submissions to the Department of Transport in relation to the proposed relocation of the marine rescue stations; and if she will make a statement on the matter. [6879/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): In my capacity as Minister for Agriculture, Fisheries and Food I have not made representations to the Minister for Transport. As a T.D. for Donegal South West I have made a number of representations on the matter to the Minister for Transport.

Fish Quota.

52. **Deputy Eamon Gilmore** asked the Minister for Agriculture, Fisheries and Food if she will lobby the EU for a bigger quota for Irish fishermen in their own waters which is minuscule compared with other nations; and if she will make a statement on the matter. [7111/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): In relation to quota allocations, the position is that Ireland's shares of the main fish stocks were set in the early 1980's when fish stocks were being shared out between Member States. The share allocations were based on catch records and reflect the fishing levels by the Irish fleet at that time. The percentage shares held by each Member State have generally remained the same for over 20 years under the principle of relative stability.

Since then it has been a priority of successive Government Ministers with responsibility for the fisheries brief to try to have these shares improved. The Common Fisheries Policy was reviewed in 1992 and again in 2002 and in both cases substantial efforts were made to push Ireland's case for increased shares of important stocks but without success. Ireland received no support from other Member States for changes in the allocation keys for the share out of stocks. The next overall review of the basic framework of the Common Fisheries Policy is not scheduled until 2012.

The practical reality is that to achieve an increase in Ireland's share of catches, other Member States would have to take a cut in their shares. This is all the more difficult to achieve when the total allowable catches (TACs) of all the main commercial species are falling and the reality is that achieving a qualified majority for such an outcome at the December Agriculture and Fisheries Council where quotas are fixed for the following year, is not deliverable. At this point the European Commission and other Member States largely take the view that the quota shares are fixed and not subject to ad-hoc changes pending any more fundamental review of the Common Fisheries Policy.

The reform package, agreed in December 2002, included key national priorities such as the continuation of the Hague quota preferences, which are very important to Ireland as they guarantee minimum quotas to Ireland in certain stocks, an action plan to address the problem of juvenile fish catches, stronger control and enforcement and the establishment of Regional Advisory Councils giving fishermen a strong voice in shaping future fisheries policy at EU level.

Following protracted negotiations at the December Agriculture and Fisheries Council, 2007 a total package of 182,699 tonnes of fish was secured for the Irish Fishing Industry for 2008.

This was a significant success given the initial proposal by the European Commission, which involved cuts of up to 25% for 25 of the 37 stocks of importance to Ireland. I also successfully defended the crucial Hague preferences after a number of Member States attempted to have them set-aside.

The Cawley Report “Steering A New Course — Strategy for a Restructured, Sustainable and Profitable Irish Seafood Industry 2007 — 2013” sets out a clear strategy to maximise the value of quotas focused on increasing the value of seafood at every stage from the net to the fork. I am satisfied that the effective implementation of this Strategy, which the Government has endorsed, will deliver a sustainable, profitable and self-reliant industry that will maximise its long term contribution to coastal communities. I am fully committed to working efficiently and effectively with the industry to deliver this strategy.

Legislative Controls.

53. **Deputy Joe Costello** asked the Minister for Agriculture, Fisheries and Food if her Department’s officials are testing fertilisers for adequate nitrate urea levels on importations; and if she will make a statement on the matter. [7110/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The Department of Agriculture, Fisheries and Food is the designated Control Authority responsible for implementing EU and national fertiliser legislation. Under this legislation products placed on the market must comply with specifications laid down in the relevant legislation and must be in accordance with the declared nutrient contents on the labelling.

Compliance with the relevant legislation is verified by sampling and chemical analysis for nutrient contents. To this end, a sampling programme is drawn up yearly by the Department, which is based on risk assessment. Sampling takes place nationwide at importers’ premises, which are mainly situated near ports and consist of eighteen sampling locations. The number of fertiliser samples taken yearly is approximately 270.

The State Laboratory analyses the samples for plant nutrient contents. Nutrients such as nitrogen, phosphorus and potassium are chemically analysed and if they are within tolerances laid down in the relevant legislation, they are deemed to be in compliance. Levels of compliance have been most satisfactory over the years.

Mention is made in the parliamentary question of nitrate urea, which are two distinct separate forms of nitrogen. The third form of nitrogen marketed is ammonia. Urea which contains 46% nitrogen is mainly marketed as a fertiliser in its own right. Without exception this product was found to be compliant which is to be expected given the nature of the product. The nitrate form of nitrogen on the market is available in products such as calcium ammonium nitrate (CAN) and in nitrogen/phosphorus/potassium (NPK) compounds as ammonium nitrate. Likewise, results of analyses of these products for their total nitrogen content from both forms of nitrogen indicate that is excellent.

Rural Environment Protection Scheme.

54. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food when she expects to meet payments under the REP scheme and other schemes; the degree and value of all such payments outstanding; and if she will make a statement on the matter. [7114/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): I had further discussions with Commissioner Fischer Boel in Brussels on Monday last about the difficulties with the European Commission in relation to the established practice of paying REPS 2 and REPS 3 participants at the beginning of each contract year. I am very glad to say that I obtained the

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Commissioner's agreement that Ireland can continue to receive REPS payment claims and make payments as has been done in the past, until the expiry of REPS 2 and REPS 3 contracts.

I have directed my officials to take immediate steps to release some €37 million in REPS 2 and REPS 3 payments which had been on hold since early January and payments for valid outstanding claims are now beginning to issue. Payments to REPS 4 farmers under contracts which commenced in 2007 are now issuing. My officials are in discussion with the European Commission on the payment arrangement to apply to REPS 4 contracts commencing in 2008 and I expect the matter to be clarified shortly.

World Trade Negotiations.

55. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food if she is satisfied that the food producing sector is adequately safeguarded to ensure the ongoing viability of agriculture and fisheries in this country in the aftermath of CAP and fisheries policy reforms in the context of WTO; if she is satisfied that access to such markets for Irish produce is likely to be affected; and if she will make a statement on the matter. [7115/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The reforms of the CAP and Common Fisheries Policy have been undertaken with a view to ensuring the viability of these sectors in the EU. The 2003 Reform of the CAP has provided farmers with certainty about income support levels through the Single Farm Payment, while freeing them to increase their income from the market by responding to consumer demands and guaranteeing a supply of safe food, produced to high animal welfare and environmental standards, at reasonable cost.

My main concern, in respect of the 2003 CAP reform, is to ensure that there is a period of stability to allow farmers to implement the changes necessitated by decoupling and to adapt to market needs in a stable policy environment. The Commission has now presented its communication on preparation for the "Health Check" of the CAP to EU Agriculture Ministers. I believe this opportunity should be taken to introduce further simplification of the Single Payment Scheme and to avoid further major policy changes. It is in this context also that the ongoing WTO negotiations represent a significant challenge. The outcome of the negotiations will determine the levels of protection and support that the EU may provide for the duration of the next agreement.

My overriding objective in the ongoing agriculture negotiations is to ensure that the terms of the agreement can be accommodated within the framework of the reformed CAP. This represents the limit of the EU Commission's negotiating mandate in these negotiations and I will continue to insist that this mandate is respected.

In terms of the Fisheries sector I believe the outcome of the WTO Rules negotiations, which include provisions on Fisheries Subsidies, must be compatible with the current EU Common Fisheries Policy. This is the objective of the EU in these negotiations and I will continue to insist that the Commission pursue a positive outcome in this regard.

Decentralisation Programme.

56. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food the status of the decentralisation plan for her Department; the number of civil servants and sections planned to be located to another location; the target date of same; the number of civil servants and sections who have relocated; the number of her original Department employees who were involved in these relocations; when the total programme of decentralisation will be completed in her Department; the number of civil servants who will remain in Dublin and the percentage of the staff of her Department that will represent; and if she will make a statement on the matter. [6877/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The Government decision on the decentralisation of my Department is that our headquarters will move to Portlaoise, involving some 600 staff; the local offices in Cork city will move to Fermoy, involving some 100 staff; and the laboratories in Cork and Limerick will move to Macroom, involving up to 100 staff. These are all currently scheduled for completion in 2009. The move of the Fisheries function of my Department to Clonakilty is now substantially complete.

My Department's original Decentralisation Implementation Plan allowed for a phased movement to Portlaoise. The 2005 and 2006 phases of decentralisation to Portlaoise were completed on schedule; the 2007 phase is now concluding. The original estimate for completion of the plan was 2008, to coincide with the availability of the permanent accommodation. The OPW announced last December that a consortium, the Macquarie Partnership, has won the tender for the project to build the permanent offices in Portlaoise (as part of a public private partnership including offices in Mullingar and Carlow) and the latest OPW estimate for completion of the project is the end of 2009. A revision to the Department's Decentralisation Implementation Plan is now being considered, to reflect the changes to the timetable and the progress so far, as well as the evolving operating environment.

Separate implementation plans for Fermoy and Macroom are in place. The identification of sites for both Fermoy and Macroom is progressing with announcements expected in both locations. Some recruitment for Fermoy is currently in progress.

In total there has been an increase of 254 full-time posts in Portlaoise and 80 in Clonakilty since the programme was announced. Of the 254 staff that transferred to Portlaoise, 111 originally worked in my Department and were relocated under the programme. The Government Decision on my Department is that the headquarters will move in its entirety to Portlaoise.

Food Labelling.

57. **Deputy Seymour Crawford** asked the Minister for Agriculture, Fisheries and Food when she, in conjunction with the Department of Health and Children, will introduce a proper labelling structure for all meats produced here; her views on whether producers and processors here meet very stringent regulations and inspections; if she will advise that all imported products meet the same restrictions; and if she will make a statement on the matter. [6318/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The Minister for Health & Children has overall responsibility for the general food labelling legislation. Responsibility for enforcement of labelling legislation rests with the Food Safety Authority of Ireland (FSAI) through its service contracts with my Department, the Sea Fisheries Protection Authority (SFPA), the Health Services Executive (HSE), the Local Authorities (LAs) and the National Consumer Agency (NCA). Specific EU legislation for the EU beef has been in place since September 2000. As this legislation did not cover labelling of beef sold by the catering trade I collaborated with the Minister for Health & Children to have national legislation enacted to require that all beef sold or served in the retail or catering sector is now required to carry an indication of the country of origin. This legislation is enforced by the FSAI.

Regarding the labelling of poultry meat, there are EU Regulations which provide for the labelling of unprocessed poultry meat at retail level. The Regulations require such poultry meat to be labelled with the information regarding class, price, condition, registered number of slaughterhouse or cutting plant and, where imported from a Third Country, an indication of country of origin.

I have signalled my intention to have legislation brought forward to require the country of origin to be shown on poultry meat, pigmeat and sheepmeat sold in the retail and catering sectors. A draft of such regulations was prepared by my Department in consultation with the

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Department of Health & Children. A public consultation process was conducted by the FSAI and the draft regulations have been submitted to the European Commission for approval.

The EU Commission is currently reviewing the whole area of food labelling and recently presented proposed legislation on the provision of food information to consumers. Producers and processors must meet the regulatory requirements laid down in both EU and national legislation and inspections are carried out by my Department, the SFPA, the HSE, the LAs and the NCA as appropriate in accordance with the relevant FSAI service contracts.

EU Regulations govern the import of products of animal origin from third countries. In accordance with the regulations such imports may only enter the territory of EU through Border Inspection Posts (BIP) approved by the EU where veterinary inspection controls are applied. Moreover imports are permitted only from approved and listed third countries, or regions of those countries and, in the case of animal products, from approved export establishments. The EU rules have also harmonised the import veterinary certification requirements. Having satisfied the entry control at a BIP imports are then free to move in intra-community trade. The Food and Veterinary Office (FVO) of the European Commission carries out audits the operation of controls in the Member States, and in third countries, and publishes reports of its findings on its website.

Departmental Agencies.

58. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food the efforts that have been made to resolve staffing difficulties in an organisation (details supplied); and if she will make a statement on the matter. [7041/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Arrangements have been made for the transfer of a Technical Agricultural Officer from another region to the Wicklow office and for assistance to be given by Supervisory Agricultural Officers from neighbouring counties.

Leinster House Redevelopment.

59. **Deputy Mary Upton** asked the Tánaiste and Minister for Finance the length of time for the redevelopment and reconstruction of Leinster House; the estimated cost of the refurbishment; the plans for the Natural History Museum during this refurbishment; and if he will make a statement on the matter. [7329/08]

Minister of State at the Department of Finance (Deputy Noel Ahern): Serious structural deficiencies in Leinster House have been identified. It is planned to resolve these problems by undertaking a scheme of works between the summer recess 2008 and the Summer recess 2009. The proposed works will necessitate the relocation of Seanad Éireann. It has been suggested that the ground floor area of the vacant Natural History Museum building could be used for this purpose given its proximity to Leinster House. This and other options will be examined. The estimated cost of the works has not been determined as yet.

Flood Relief.

60. **Deputy Joanna Tuffy** asked the Tánaiste and Minister for Finance the number of flood hazard areas that have been identified by the Office of Public Works as part of the flood hazard mapping; if the OPW has information about how many or how much of these sites are on land zoned for future residential communities; and if he will make a statement on the matter. [7394/08]

61. **Deputy Joanna Tuffy** asked the Tánaiste and Minister for Finance the amounts spent by the Office of Public Works on flood relief works for each of the past three years with a breakdown of the amount spent for the past three years on flood risk management that does not involve flood relief works; and if he will make a statement on the matter. [7396/08]

Minister of State at the Department of Finance (Deputy Noel Ahern): I propose to take Questions Nos. 60 and 61 together.

Arising from the National Flood Policy the Office of Public Works is engaged in a programme to produce national flood hazard maps. In the first phase of the programme the OPW assembled historic records of actual flood events from various sources for display on a public website, www.floodmaps.ie. The records obtained vary considerably in terms of their level of detail and reliability. Also, the degree of risk indicated by these records may have been affected by developments subsequent to the flood events they record. For this reason they cannot be taken as definitive indicators of flood hazard areas. The primary purpose of displaying this data is to raise the awareness of interested parties, especially planners, of areas that may be liable to flood, pending the availability of more comprehensive flood mapping.

In 2007 OPW commenced a Catchment Flood Risk Assessment and Management Programme that will look in depth at flood risk in each catchment. As part of this Programme comprehensive maps indicating areas predicted to be affected by floods of differing severity will be developed and will be displayed on the floodmaps website. The programme will take a number of years to complete. During 2008 OPW will undertake a Preliminary Flood Risk Assessment that will produce indicative maps showing areas, countrywide, which it is considered may have a significant flood risk, as required by the recently introduced EU Floods Directive.

Under the National Flood Policy OPW's role in relation to development management is to provide advice to Local Authorities in relation to flood risk. The data on the website can be readily imported by Local Authorities onto their own information systems. It is a matter for the Local Authorities to have regard to this data when planning future development. OPW, in conjunction with the Department of the Environment, Heritage and Local Government, is currently developing detailed guidance for Local Authorities in relation to the consideration of flood risk in Planning and Development management and control.

Expenditure by OPW on flood risk management programmes in the past three years was as follows:

Programme	2005	2006	2007
	€m	€m	€m
Construction of Flood Relief Schemes	16,164.57	14,225.58	23,111.00
Flood Studies Update	0.14	0.38	0.16
Strategic Hydro-meteorological Review	0.00	0.00	0.03
Flood Hazard Mapping	2.54	1.60	1.74
Flood Risk Assessment & Management	0.00	0.37	1.45
Flood Forecasting & Warning	0.00	0.12	0.09
Public Awareness & Preparation	0.22	0.08	0.03
Planning & Development management	0.00	0.00	0.12
Communications	0.00	0.13	0.00

The above figures do not include the salaries of OPW engineering and administrative staff who, in addition to their involvement in the programmes listed above, were also occupied in related activities such as developing research programmes.

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In addition to the above, amounts of €15.7m, €16.4m and €19.3m were spent on maintenance of completed flood relief schemes and arterial drainage schemes, which also contributes to flood risk management.

Legislative Programme.

62. **Deputy David Stanton** asked the Minister for Health and Children the progress her Department has made in relation to the implementation of Part 2 of the Disability Act 2005 for children aged five to 18; when Part 2 will come into effect for this age group; and if she will make a statement on the matter. [7390/08]

83. **Deputy David Stanton** asked the Minister for Health and Children the progress her Department has made in relation to the implementation of Part 2 of the Disability Act 2005 for children aged five to 18; when Part 2 will come into effect for this age group; and if she will make a statement on the matter. [7389/08]

84. **Deputy David Stanton** asked the Minister for Health and Children the position regarding the implementation of Part 2 of the Disability Act 2005 for children aged five to 18 in tandem with the Education for Persons with Special Educational Needs Act 2004; the way in which assessments and services will be provided for children aged over 16 and under 18 years who are not in school; and if she will make a statement on the matter. [7391/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): I propose to take Questions Nos. 62, 83 and 84 together.

The National Disability Strategy, which was launched in September 2004, provides for a framework of new supports for people with disabilities. The Strategy builds on a strong equality framework, which is reflected in several pieces of equality legislation. The main elements of the Strategy are:

- The Disability Act 2005;
- The Education for Persons with Special Educational Needs Act (EPSEN) 2004;
- Six Outline Sectoral Plans published by Government Departments;
- The Citizens Information Act 2007

The Multi-Annual Investment Package as committed to by Government has been put in place to support these measures. One of the most important aspects of the Department of Health and Children's Sectoral Plan is the arrangements for commencing Part 2 of the Disability Act, 2005. Part 2 of the Disability Act 2005 commenced for children aged under 5 years with effect from 1st June 2007. This prioritisation reflects the importance of intervention early in life, which can have a significant impact on the disabling effects of a condition or impairment.

In particular Part 2 of the Disability Act 2005 provides people with disabilities with an entitlement to:

- An independent assessment of health and education needs
- A statement of the services (Service Statement) which it is proposed to provide
- Pursue a complaint through the Health Service Executive complaints process if necessary

- Make an appeal to the independent Disability Appeals Officer

The arrangements for Part 2 of the Disability Act 2005 cannot be considered in isolation from the arrangements for the implementation of the EPSEN Act 2004 which is the responsibility of the Department of Education and Science and provides for educational services for people with disabilities. The Department of Education and Science has informed the Department that it is envisaged that all sections of the EPSEN Act 2004 will be implemented over a five year timeframe, with the assessment process as provided for in the EPSEN Act 2004 due to commence in 2010. It is proposed that Part 2 of the Disability Act 2005 will be commenced in respect of children aged 5-18 in tandem with the implementation of the EPSEN Act 2004. In preparation for its implementation, health related support services for children aged 5 to 18 and adults will continue to be enhanced to enable the Health Service Executive to meet needs identified for this group. The statutory requirements of Part 2 of the Disability Act will be extended to adults as soon as possible but no later than 2011.

A Cross Sectoral team comprising of the Department of Health and Children, Department of Education and Science, the Health Service Executive and the National Council for Special Education was established and meets on a regular basis and continues to address issues arising in relation to the implementation of both Acts. A sub-group of this team was set up in January 2008 in order to plan for the commencement of Part 2 of the Disability Act 2005 and the relevant sections of the EPSEN Act 2004 in respect of children aged 5-18 and adults.

The Department of Health and Children and the Health Service Executive has undertaken the first of three annual reviews of progress on the Sectoral Plan, which was published in December 2007, and is available on the Department's website. Further targets have also been identified, specifically in relation to planning for the parallel commencement of the Disability Act 2005 and the EPSEN Act 2004 for 5-18 year olds and adults.

Health Services.

63. **Deputy Joe Carey** asked the Minister for Health and Children the amount allocated to the National Council for the Blind for the provision of aids and appliances in the Counties of Clare, Limerick, Galway, north Tipperary, Cork and Kerry in the years 2005, 2006 and 2007; the amount of funding per county named above does she plan to allocate this year; and if she will make a statement on the matter. [7201/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): 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.

Cancer Screening Programme.

64. **Deputy John O'Mahony** asked the Minister for Health and Children the position regarding Parliamentary Questions 304 and 306 of 5 February 2008 and when the Parliamentary Affairs Division will supply the answers sought; and if she will make a statement on the matter. [7203/08]

Minister for Health and Children (Deputy Mary Harney): I understand that the National Cancer Screening Service issued a response on 19 February to the Deputy's question, number

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304 of 5 February. In relation to question 306, the Parliamentary Affairs Division of the Executive has advised that enquiries are continuing and a reply will issue directly to the Deputy.

Health Services.

65. **Deputy Fergus O'Dowd** asked the Minister for Health and Children the policy in relation to domiciliary carers allowance for children with diabetes type one on a county basis; the number of applicants by county for each year since 2000; the outcome for each county for each such year; and if she will make a statement on the matter. [7210/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): Domiciliary Care Allowance is a monthly allowance administered by the Health Service Executive. The allowance may be paid in respect of eligible children from birth to the age of 16 who have a severe disability requiring continual or continuous care and attention which is substantially in excess of that normally required by a child of the same age. Eligibility is determined primarily by reference to the degree of additional care and attention required by the child, as assessed by the Health Service Executive's Medical Officer, rather than the nature of the disability/illness involved. While no condition is excluded, children with conditions such as asthma, diabetes or epilepsy are not automatically considered eligible for the allowance unless there is a very high degree of additional care and attention required by the child compared to that normally required by a child of the same age.

As the Deputy's question also relates to the management and delivery of health and personal social services, which is the responsibility of the Health Service Executive under the Health Act 2004, 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.

66. **Deputy Phil Hogan** asked the Minister for Health and Children when the stroke unit at St. Luke's General Hospital, Kilkenny will be properly resourced and staffed in order that it can carry out its functions on behalf of patients as originally intended; and if she will make a statement on the matter. [7212/08]

82. **Deputy Phil Hogan** asked the Minister for Health and Children when the stroke unit at St. Luke's General Hospital, Kilkenny will be properly resourced and staffed in order that it can carry out its functions on behalf of patients as originally intended; and if she will make a statement on the matter. [7384/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 66 and 82 together.

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 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.

Assisted Human Reproduction.

67. **Deputy Deirdre Clune** asked the Minister for Health and Children the reason IVF treatment is not available to a person with a medical card; if she has plans to change this situation; and if she will make a statement on the matter. [7222/08]

Minister for Health and Children (Deputy Mary Harney): The Commission on Assisted Human Reproduction (CAHR) was established in March 2000. Its terms of reference were: ‘To prepare a report on the possible approaches to the regulation of all aspects of assisted human reproduction and the social, ethical and legal factors to be taken into account in determining public policy in this area.’

The CAHR was comprised largely of persons with expert knowledge spanning medical, scientific, social and legal domains. This expertise was a prerequisite to a precise examination of the issues concerned. The Commission published its report in May 2005. Its report was the first step in determining a policy response to Assisted Human Reproduction (AHR) and it made 40 recommendations on AHR services in Ireland.

The Government decided to refer the report to the Joint Oireachtas Committee on Health and Children so that the Committee could consider and report in due course on its views of the recommendations of the Commission. The Committee was considered an appropriate forum in which to subject the report to structured democratic and political analysis and scrutiny. In the meantime, cognisant of the amount of work required, I instructed my Department to begin work on the development of an appropriate regulatory framework. As part of the analysis of the complex issues involved in Assisted Human Reproduction, the report of the Joint Oireachtas Committee on Health and Children, along with any judgement of the Supreme Court in the RvR Frozen Embryo case, will be taken into account.

AHR treatment for medical card holders is not presently funded under a specific national scheme. I am conscious though of the financial burden that such treatment can place on couples, and I have therefore asked my Department to consider policy in this regard also. Finally, persons undergoing AHR treatment services are eligible for tax relief on medical expenses incurred; the Drugs Payment Scheme also covers a number of drugs used as part of such treatment.

Health Research Board.

68. **Deputy Andrew Doyle** asked the Minister for Health and Children the level of funding her Department provides to the Health Research Board; and if this funding is always taken up. [7223/08]

Minister for Health and Children (Deputy Mary Harney): The total funding allocated to the Health Research Board in 2007 was €36.085m revenue and €10.511m capital. All of the revenue funding was taken up and €10.407m of the capital funding. In regard to the remaining capital funding €0.011m was not required and the balance of €0.093m will be drawn down in 2008.

Medical Cards.

69. **Deputy Paul Kehoe** asked the Minister for Health and Children the number of people in each county, her Department estimates are eligible for the general practitioner only medical card; the number of persons who have a GP only medical card in each county; if there is a quota system in place; and if so, the location of each in each county in relation to its quota; and if she will make a statement on the matter. [7227/08]

Minister for Health and Children (Deputy Mary Harney): Medical cards are made available to persons and their dependants who would otherwise experience undue hardship in meeting the cost of General Practitioner (GP) services. In 2005 the GP visit card was introduced as a graduated benefit so that people on moderate and lower incomes, particularly parents of young children, who do not qualify for a medical card would not be deterred on cost grounds from visiting their GP. A person’s eligibility to a medical card or GP visit card is only determined

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following application to the Health Service Executive (HSE). There is no quota system in place in respect of these benefits.

As the Executive has the operational and funding responsibility for these benefits, it is the appropriate body to arrange to address this matter and to have a reply issued directly to the Deputy.

Health Services.

70. **Deputy Willie Penrose** asked the Minister for Health and Children if she will take steps to have a person (details supplied) in County Westmeath immediately admitted to Midland Regional Hospital to have a left hip replacement carried out; and if she will make a statement on the matter. [7243/08]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

71. **Deputy Eamon Scanlon** asked the Minister for Health and Children when an application by a person (details supplied) under the nursing home repayment scheme will be granted; and if she will make a statement on the matter. [7245/08]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

Services for People with Disabilities.

72. **Deputy Emmet Stagg** asked the Minister for Health and Children her plans to adequately fund the early services team in St. Raphael's, Celbridge, County Kildare, where at present 70 children are on a waiting list for assistance, with the average waiting time being 10 months. [7246/08]

Minister for Health and Children (Deputy Mary Harney): As part of the Multi-Annual Investment Programme 2006-2009 under the Disability Strategy, the Government provided the Health Service Executive with an additional €75m in both 2006 and 2007. This funding included monies to provide new and enhanced services for people with disabilities, to implement Part 2 of the Disability Act 2005, which came into effect on June 1st 2007 for the under 5's and also for the continuation of the implementation of the transfer of persons with intellectual disability from psychiatric hospitals and other inappropriate placements. The Government is also honouring its promise in relation to the Multi-Annual Investment Programme for people with disabilities, with a further €50m investment which was announced in the 2008 Budget.

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 these matters investigated and to have a reply issued directly to the Deputy.

Pharmacy Contract.

73. **Deputy Leo Varadkar** asked the Minister for Health and Children her views on the establishment of a scheme to compensate newly established pharmacies which will be most severely affected by the reduction in payment to pharmacists that are being introduced by the Health Services Executive from 1 March 2008; and if she will make a statement on the matter. [7273/08]

Minister for Health and Children (Deputy Mary Harney): The Government is firm in its view that the wholesale mark-up paid on the price of drugs should be reduced to a level that is fair to both taxpayers and wholesalers. The existing mark-up in the range of 15-17.6% is neither reasonable nor sustainable. The decision to pay an 8% mark-up from 1 March, and 7% from 1 January 2009, will go ahead. However, I am concerned, in particular, to support pharmacies which have a high proportion of medical card patients and where a dispensing fee of €3.27 applies for most transactions. Many of these pharmacies are in rural or inner city areas and provide an important social and health service. With my support, the HSE has indicated it is prepared to offer a higher fee, of no less than €5 per item dispensed, to community pharmacists, on the basis of an interim contract which would be essentially the same as the existing contract.

I met with the Irish Pharmaceutical Union last week and heard their point that there should be an independent assessment of the fees offered. In the light of this, I am establishing an Independent Body to begin work immediately to assess an interim, fair community pharmacy dispensing fee of at least €5 to be paid for the medical card scheme, the Drugs Payment Scheme and other community drug schemes.

This Body will be chaired by Seán Dorgan, former Head of IDA Ireland. It will take submissions from all sides and will carry out its own analysis. It will be asked to make its recommendations by the end of May 2008. Its recommended fee level, subject to Government approval, will be backdated to 1 March 2008. The development of the substantive new contract will get underway immediately and will be completed as soon as possible; this will be done under the auspices of an agreed facilitator and it too will be priced by the Independent Body.

The terms of reference of the Independent Body are: To advise the Minister for Health and Children on the appropriate level of dispensing fee to be paid to community pharmacists for existing services provided under the GMS and community drug schemes having regard to:

- (i) the overall public interest including the issues of patient safety and continuity of supply;
- (ii) the fee of €5 per item which has already been offered;
- (iii) the reasonable costs incurred by pharmacists in providing services under the schemes and the value of the professional service of dispensing; and
- (iv) the statutory obligation on the HSE to use the resources available to it in the most beneficial, effective and efficient manner to improve, promote and protect the health and welfare of the public; and to submit a report on the matter to the Minister for Health and Children. The requested date for submission of the report is 31 May 2008. Both the HSE as the contracting body and the IPU as the representative organisation for community pharmacists, along with other stakeholders, will be entitled to make

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submissions to the Independent Body addressing whatever factors and issues are of concern to them.

The Independent Body will also be entitled to engage whatever outside expertise it requires to assist it with its task. Based on its consideration of submissions received and its own independent evaluation, the body will recommend an appropriate dispensing fee to my Department that would, in its view, represent a fair and reasonable price to be paid for the pharmaceutical service currently being provided by community pharmacists to the HSE under the GMS and community drug schemes. Each pharmacist will have three options: to avail of the interim contract as outlined by the HSE letter of 2 January 2008 immediately; to accept the interim contract upon the report of the Independent Body; or to stay with the existing retail fee structure until the agreement of a substantive new contract.

I believe this provides all concerned with a reasonable way to make the transition to a fair and transparent method of payment for present services and I do not see a need to establish a compensation scheme along the lines suggested by the Deputy

Hospital Services.

74. **Deputy Timmy Dooley** asked the Minister for Health and Children when it is intended to provide dialysis services at Limerick Regional Hospital. [7281/08]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

75. **Deputy Timmy Dooley** asked the Minister for Health and Children if there are proposals to provide a satellite dialysis unit in Ennis, County Clare. [7282/08]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Nursing Home Subvention.

76. **Deputy Ciarán Lynch** asked the Minister for Health and Children if there is a situation in place which means that no changes will be made to current subvention and enhanced subvention payments by the Health Service Executive until the fair deal scheme is introduced (details supplied); and if she will make a statement on the matter. [7284/08]

Minister of State at the Department of Health and Children (Deputy Máire Hackett): There are no plans to change the rate of subvention. As the Deputy will be aware the subvention scheme is being replaced by an improved system of nursing home support, A Fair Deal. The Bill providing for the Fair Deal scheme is at a very advanced stage and is being finalised by

the Office of the Attorney General at present. It is intended to introduce the scheme on a national basis once the necessary legal and administrative arrangements are in place and the existing subvention scheme will be phased out over time.

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. The 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.

77. **Deputy Fergus O'Dowd** asked the Minister for Health and Children the position regarding the proposed new health centre in Dunleer; the reason construction has not commenced; when construction will commence; when it will be completed; the accommodation to be provided and the expected cost; and if she will make a statement on the matter. [7293/08]

Minister for Health and Children (Deputy Mary Harney): The Primary Care Strategy aims to increase health service capacity through the development of 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. It has been estimated that up to 95% of people's health and social services needs can be properly met within a primary care setting and the establishment of new Primary Care Teams can contribute greatly to enhancing community based health services.

The provision of the appropriate infrastructure to facilitate the delivery of primary care services 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 capital requirements of the health services generally over the coming years. I understand that in December 2007 the HSE sought expressions of interest from the private sector for the provision of the Primary Care Team infrastructure, with the HSE proposing to enter into fixed term leases with such providers.

As the Health Service Executive has the operational and funding responsibility for Primary Care services, it is the appropriate body to consider the particular matters raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have these matters investigated and to have a reply issued directly to the Deputy.

78. **Deputy Joanna Tuffy** asked the Minister for Health and Children when orthodontic treatment will be provided for a person (details supplied) in Lucan, County Dublin; and if she will make a statement on the matter. [7294/08]

Minister for Health and Children (Deputy Mary Harney): 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.

Child Care Services.

79. **Deputy Liz McManus** asked the Minister for Health and Children the reason a group (details supplied) in County Wicklow has not received any money in view of the fact that their interim funding was approved by POBAL in late December 2007; and the reason authorisation

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to release these funds is held up by red tape involving the sessional versus part-time issue.
[7320/08]

Minister of State at the Department of Health and Children (Deputy Brendan Smith): As the Deputy will be aware, I have responsibility for the National Childcare Investment Programme 2006-2010 (NCIP), which will invest €575 million over 5 years. I understand from enquiries made that the Group in question applied for transitional funding under the NCIP Community Childcare Subvention Scheme 2008-2010 (CCSS) in December 2007, two months later than the requested date for return of applications from community childcare services which were supported under the Equal Opportunities Childcare Programme 2000-2006 (EOCP). The Group was immediately notified of their approval for transitional funding for the period January to June 2008.

I also understand that Pobal, which manages the day-to-day operation of the NCIP, has since informed the Group that their transitional funding for this period is €20,200 and that the first instalment of this funding, amounting to €10,600, was forwarded to the Group last week.

Hospital Services.

80. **Deputy James Reilly** asked the Minister for Health and Children if there is a waiting list for stereotactic radiotherapy particularly for patients with arteriovenous malformation who are not suitable for either surgery or embolisation; if so, if a contributing factor is that equipment used to do this procedure at St Luke's is no longer available or functioning; the length of time this has been the case; the arrangements to address the problems with the equipment and the needs of patients who are awaiting treatment; and if she will make a statement on the matter. [7323/08]

Minister for Health and Children (Deputy Mary 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 question raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to have a reply issued directly to the Deputy in relation to the matter raised.

Hospitals Building Programme.

81. **Deputy Tony Gregory** asked the Minister for Health and Children the status of her plans for each of the eleven sites on public lands which she intends to hand over to private hospital developers; if contracts have been signed; the nature and details of contracts signed or intended to be signed; the names of the entities with whom contracts have been signed or intended to be signed; and if planning applications have been lodged for the co-located sites and the bed capacity and specialisations envisaged for each of the hospitals that are planned. [7378/08]

Minister for Health and Children (Deputy Mary Harney): The co location initiative aims to make available approximately 1,000 public acute hospital beds for public patients, beds that are currently being used by private patients. The Health Service Executive (HSE) invited expressions of interest from private interests wishing to become involved in this initiative on 11 hospital sites initially. However, because of the review of hospital services in the North East, the Drogheda site was not progressed.

The HSE evaluated outline proposals received from bidders and completed the selection of shortlisted bidders. At that stage of the process it was agreed that the co location initiative

would not be proceeding on two public hospital sites. Galway University Hospitals and Letterkenny General Hospital were subsequently removed as the relevant pre-qualified bidders decided, for commercial reasons, not to continue in the procurement process.

In accordance with the competitive dialogue procurement process which is being used, the Board of the HSE approved in July 2007 successful bidder status for the development of co located hospitals at the following six hospitals:

- Waterford Regional Hospital
- Cork University Hospital
- Limerick Regional Hospital
- Sligo Regional Hospital
- Beaumont Hospital
- St James's Hospital

Since then the hospitals and the bidders have been working towards finalising the Project Agreements. It is expected that the Project Agreements for Beaumont, Cork and Limerick Hospitals will be signed very soon. It is also anticipated that the signing of the Project Agreements for the other three sites will be concluded shortly thereafter. Application for planning permission has been made for Cork, Limerick and Beaumont.

Connolly Hospital and Tallaght Hospital, which are also participating in the co location initiative, are at an earlier stage of the procurement process. Connolly Hospital is at preferred bidder stage and it is expected that the invitation to tender (ITT) for Tallaght Hospital will issue in the near future. The Co location Private Hospitals will most likely open within 3 years of receiving planning permission and is therefore an efficient way to increase the public bed stock.

I have asked the HSE to respond directly to the Deputy in relation to the other detailed information sought.

Question No. 82 answered with Question No. 66.

Questions Nos. 83 and 84 answered with Question No. 62.

Road Safety.

85. **Deputy Paul Kehoe** asked the Minister for Transport if there are grants or funding available for the cost of erecting flashing amber safety signs outside a primary school; and if he will make a statement on the matter. [7226/08]

Minister for Transport (Deputy Noel Dempsey): The provision of road traffic signs, including the flashing amber warning lights in the vicinity of schools, is a matter to be determined by each road authority under section 95 of the Road Traffic Act, 1961. It is a matter for individual road authorities to determine what warning traffic signs are desirable to be provided at any location and to assign funding for their signing programme.

Road Network.

86. **Deputy David Stanton** asked the Minister for Transport if he has received an application from Cork County Council for funding in order to construct a new road onto the Great Island

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in Cobh County Cork; if so his views on such an application; and if he will make a statement on the matter. [7328/08]

Minister for Transport (Deputy Noel Dempsey): The improvement and maintenance of regional and local roads in their areas is a matter for local authorities to be funded from their own resources supplemented by State grants. In August 2007, my Department invited applications from local authorities for consideration for funding in 2008 under the regional and local roads specific improvements grants scheme. The proposals received from Cork County Council included an application for grant aid for the R624 Cobh Road Phase 1. The 2008 road grants for regional and local roads were allocated to local authorities on 15th February. The total grant allocated to Cork County Council was €64.995 million which included a grant of €300,000 for Phase 1 of the R624 Cobh Road.

Marine Safety.

87. **Deputy Joanna Tuffy** asked the Minister for Transport if his attention has been drawn to the fact that while only about one quarter of the world's commercial cargo ships, approximately 85,000, operate under the flag of convenience system, yet almost one half of all ships and nearly all container ships, trading into Irish seaports operate under FoC's; and if he will make a statement on the matter. [7397/08]

Minister for Transport (Deputy Noel Dempsey): The concept of "flag of convenience" is not a formally recognized system. There are officially recognised systems in both the EU and International organisations for identifying high-risk ships these include the "Black, Grey and White" list of flag states published by the Paris Memorandum of Understanding on Port State Control, the list is published on www.parismou.org. This list is used for targeting safety inspections on ships visiting Irish and European ports. Details of inspections and detentions are published on the Department's website at www.transport.ie.

Human Rights Issues.

88. **Deputy Finian McGrath** asked the Minister for Foreign Affairs if meetings are planned with his Spanish counterparts in an attempt to coordinate their opposing positions on Cuba and to ignore the US position on Cuba and not make life more difficult for the Cuban people. [7229/08]

Minister for Foreign Affairs (Deputy Dermot Ahern): As the Deputy will be aware, the European Union's 1996 Common Position on Cuba remains the basis of both the European Union's and Ireland's approach to relations with that country. The overriding objective of Ireland and our European Union partners, including Spain, in our relations with Cuba is to encourage, but not to enforce by external coercion, a process of transition to pluralist democracy and respect for human rights and fundamental freedoms.

Spanish bilateral initiatives with Cuba, including the establishment of a Human Rights Dialogue, have been pursued in accordance with the Common Position and with the relevant Conclusions subsequently adopted by the General Affairs and External Relations Council. The question of a meeting with my Spanish colleague to coordinate 'opposing positions' simply does not arise therefore.

The Common Position was most recently reviewed at the General Affairs and External Relations Council on 18 June 2007, at which I participated. The Council's Conclusions deplored the fact that the human rights situation in Cuba has not fundamentally changed, and noted that

the Cuban Government continues to deny its citizens internationally recognised civil, political and economic rights and freedoms. We also recognised the right of Cuban citizens to decide independently about their future.

While the European Union will continue to pursue its dialogue with Cuba's civil society and to offer to all sectors of society practical support towards peaceful change in Cuba, the Council also emphasised the Union's willingness to resume a comprehensive and open political dialogue with the Cuban authorities on all areas of mutual interest. In order to sound out the potential for such a dialogue, which should take place on a reciprocal and non-discriminatory basis, the Council decided to invite a Cuban delegation to Brussels.

The Council Conclusions represent a balanced approach, which is in accordance with the principles of the Common Position. The decision which we took in Council to invite a Cuban delegation to Brussels would provide an opportunity for establishing an open political dialogue with the Cuban authorities. The Cuban authorities have rejected this invitation. However, we remain hopeful that such a dialogue will be established in the future. In this regard, on foot of a further initiative of the European Union, a Ministerial-level meeting between the European Union Troika and Cuba was held en marge of the 62nd United Nations General Assembly in New York on 24 September 2007.

In respect of US foreign policy toward Cuba, as I informed the Deputy in my responses to Parliamentary Question Numbers 95 of 1 November, 2007, and 176 of 7th November, 2007, Ireland and our European Union partners believe that this is fundamentally a bilateral issue. Nonetheless, the European Union has clearly expressed the opposition of its Member States to all unilateral measures against Cuba which are contrary to commonly accepted rules of international trade. Ireland, in common with our partners in the European Union, is of the view that the US economic embargo on Cuba seriously hampers the economic development of Cuba and negatively affects its entire people. On 30 October, 2007, Ireland and our EU partners therefore voted at the United Nations General Assembly in favour of the annual Cuban-tabled resolution calling for an end to this embargo.

As the Deputy will be aware, on 18 February, 2007, President Fidel Castro announced his decision not to seek re-election as President of Cuba. During the forthcoming period of transition, we will continue to monitor developments closely and support, along with our EU partners, all efforts by the Cuban people to move towards a pluralist democratic society.

Ministerial Contacts.

89. **Deputy Charlie O'Connor** asked the Minister for Foreign Affairs the contacts he has had regarding the declaration of independence of Kosovo; and if he will make a statement on the matter. [7387/08]

Minister for Foreign Affairs (Deputy Dermot Ahern): On 17 February, the Kosovo Assembly adopted a resolution which declared Kosovo to be "a democratic, secular and multi-ethnic republic, guided by the principles of non-discrimination and equal protection under the law". It undertook to implement the obligations set out in the Ahtisaari proposal for a final status settlement, emphasising "those that protect and promote the rights of communities and their members". It invited the international community to maintain international presences established in Kosovo under UNSCR 1244, and to deploy the international civilian presence to supervise implementation of Ahtisaari, and the EULEX KOSOVO rule of law mission.

At the General Affairs and External Relations Council on 18 February, EU Foreign Ministers noted inter alia Kosovo's commitment to accept its obligations under the Ahtisaari plan, and welcomed the continued presence of the international community in Kosovo under

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UNSCR 1244. The Council reiterated the EU's readiness to play a leading role in strengthening stability in the Western Balkans region, including through the establishment of the EULEX KOSOVO rule of law mission and the appointment of an EU Special Representative in Kosovo. It confirmed that the EU will continue to cooperate with the UN, KFOR, OSCE and other international actors in order to preserve stability in the region. While reiterating the EU's commitment to the principles of the UN Charter and Helsinki Final Act, the Council underlined that "in view of the conflict of the 1990s and the extended period of international administration under UNSCR 1244, Kosovo constitutes a sui generis case". The Council also noted that "Member States will decide, in accordance with national practice and international law, on their relations with Kosovo."

I welcome these conclusions, which demonstrate our capacity as a Union to respond in a clear and coherent way to developments in Kosovo. I believe that the question of Kosovo's future status and stability is an issue on which Europe must lead.

Ireland will play its full part. We will contribute members of the Garda to the EULEX KOSOVO rule of law mission. On the basis of the clear and positive advice of the Attorney General on the continuation of UN Resolution 1244, we will maintain our significant presence in the UN-mandated KFOR international security presence. And we are ready to support the future economic development of Kosovo.

We regret that the years of status talks failed to produce an agreement between Belgrade and Pristina. A new UN Security Council resolution clarifying the position would of course have been preferable to the current situation. But the clear reality is that Serbia effectively lost Kosovo through its own actions in the 1990s. The legacy of the killings of thousands of civilians in Kosovo and the ethnic cleansing of over a million made the restoration of Serbian dominion in Kosovo unthinkable. As the European Council agreed in December, the status quo in Kosovo was inherently unstable. More than 90% of the population wants independence, and this is supported by our major partners in the EU and beyond, many of whom have already recognised Kosovo.

Taking account of all of the circumstances, I will shortly recommend to the Cabinet that Ireland should recognise Kosovo's independence. I know that the independence of Kosovo is painful for Serbia, and difficult to accept. But I hope that in time Serbia and Kosovo can begin to put their tragic shared past behind them and move toward a brighter future together in Europe.

Decentralisation Programme.

90. **Deputy Denis Naughten** asked the Minister for Enterprise, Trade and Employment the status of the decentralisation of Enterprise Ireland staff to Shannon; the number of staff already decentralised; the numbers to be decentralised and the timetable for this; the status of property acquisition and the cost involved; when the property will be ready for occupation; the numbers which it will cater for; and if he will make a statement on the matter. [7290/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): Enterprise Ireland (EI) is to move 300 posts to Shannon under the decentralisation programme. Progress on the full transfer of EI's HQ to Shannon, within the Government decentralisation programme, will be influenced by factors (many exogenous to EI) such as; the level of interest in the Shannon location expressed by CAF applicants and by progress made discussions at a central level on various issues central to Agency decentralization. EI's latest understanding is that there are 7 internal applicants interested in moving to Shannon. None of these has yet re-located.

In parallel with the decentralisation programme, EI has been strengthening its regional focus in recent years. EI now has a major new presence in the Shannon region in addition to its nine other regional offices. In July 2007 EI officially opened its new National Regional Development Headquarters in Shannon and has based the new County Enterprise Support Unit there. Currently there are 40 staff working in the new Shannon office and it is expected that approximately 65 EI staff will be in place there over the coming months. EI has leased high-spec office space in Westpark, Shannon, to accommodate this new Regional HQ.

In terms of acquiring a building, Enterprise Ireland, working closely with the Office of Public Works (OPW) has identified, but not yet acquired, a preferred site for the construction of a suitably sized new HQ building in Shannon. The preferred site is a 13-acre site owned by Shannon Development. In co-operation with Shannon Development and the OPW, the site was valued and a feasibility study carried out. The site occupies a prime position in Shannon and is considered suitable for a major landmark building or civic structure.

Ministerial Appointments.

91. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment if, with regard to the 35 City and County Enterprise Boards, he appoints all members of the boards of these bodies; if not, the number he appoints; the person who appoints the remaining members; and if he will make a statement on the matter. [7298/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): I do not appoint members to the Board of the County and City Enterprise Boards (CEBs).

The 35 CEBs are individual companies limited by guarantee and appointment to their Board is effected by ordinary Resolution of the Board of Directors, as set out in the Articles of Association of each Board. The Articles also set out the relevant categories of persons, bodies and organisations from which Board membership is drawn. The Board composition of the CEBs brings together representatives of a wide range of stakeholders from the local community including local business leaders, State Agencies with an economic development mandate, and the Social Partners, as appropriate to their remit. One of the key features of this structure is that the Boards operate in an independent and objective manner.

92. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment if, with regard to the Competition Law Review Group, he appoints all members of this group; if not, the number he appoints; the person who appoints the remaining members; and if he will make a statement on the matter. [7299/08]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy John McGuinness): I assume the question refers to the Company Law Review Group (CLRG).

The Company Law Review Group was established under part 7 of the Company Law Enforcement Act 2001. Section 69(1) of the Act states “The Review Group shall consist of such and so many persons as the Minister from time to time appoints to be members of the Review Group”.

In making appointments to the CLRG nominations are sought from a number of bodies that would be in a position to contribute to the work of the Review Group.

93. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment if, with regard to the Employment Appeals Tribunal, he appoints all members of this body; if not, the number he appoints; the person who appoints the remaining members; and if he will make a statement on the matter. [7300/08]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): I have delegated authority under the Enterprise, Trade and Employment (Delegation of Ministerial Functions)(No. 3) Order 2007 (S.I. No. 561 of 2007) to appoint the Chairman, Vice-Chairmen and Ordinary Members to the Employment Appeals Tribunal in accordance with section 39 of the Redundancy Payments Act, 1967 (No. 21 of 1967), as amended. The Ordinary Members are appointed on the nomination of organisations which are representative of employee's unions of workers and bodies representative of employers.

94. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment if, with regard to Enterprise Ireland, he appoints all members of this body; if not, the number he appoints; the person who appoints the remaining members; and if he will make a statement on the matter. [7301/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): Under the Industrial Development (Enterprise Ireland) Act, 1998 the Minister for Enterprise, Trade and Employment appoints, with the consent of the Minister for Finance, eleven of the twelve members of the board of Enterprise Ireland.

The CEO of Enterprise Ireland is an ex officio member of the Board as set out under the Industrial Development (Enterprise Ireland) Act, 1998.

95. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment if, with regard to IAASA, he appoints all members of this body; if not, the number he appoints; the person who appoints the remaining members; and if he will make a statement on the matter. [7302/08]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy John McGuinness): Under Section 11 (1) of the Companies (Auditing and Accounting) Act 2003, the board of directors of IAASA consists of not more than 14 directors appointed by the Minister under Section 11 (2) and the chief executive officer who, by virtue of that office, is a director. The board currently comprises 15 persons, including the chief executive officer.

Section 11 (2) of the Act requires that the directors appointed by the Minister shall include 3 persons nominated by prescribed accountancy bodies and persons nominated by bodies designated under Section 6 (2) of the Act. 12 of the 14 directors currently appointed by the Minister are persons who were nominated in accordance with Section 11 (2).

Under Section 12 of the Act, the chief executive officer is appointed by the directors under Section 11 (2) of the Act.

96. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment if, with regard to Inter-Trade Ireland, he appoints all members of this body; if not, the number he appoints; the person who appoints the remaining members; and if he will make a statement on the matter. [7303/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): In accordance with the British-Irish Agreement Act 1999, the North/South Ministerial Council appoints the members of the Board of InterTradeIreland. The North/South Ministerial Council meeting in Institutional Format on the 17th December 2007 appointed the current twelve members of the Board of InterTradeIreland for a four-year term.

97. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment if, with regard to the Labour Court, he appoints all members of this body; if not, the number he

appoints; the person who appoints the remaining members; and if he will make a statement on the matter. [7304/08]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): Under the Enterprise, Trade and Employment (Delegation of Ministerial Functions) (No.3) Order 2007 (S.I. No. 561 of 2007), the Minister for Labour Affairs has delegated authority to appoint all members of the Labour Court, including the Chairman and Deputy Chairmen, under the terms of the Industrial Relations Act, 1946 and the Industrial Relations Act, 1969.

98. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment if, with regard to the National Authority for Occupational Safety and Health, he appoints all members of this body; if not, the number he appoints; the person who appoints the remaining members; and if he will make a statement on the matter. [7305/08]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): Under the Enterprise, Trade and Employment (Delegation of Ministerial Functions) (No.3) Order 2007 (S.I. No. 561 of 2007), the Minister for Labour Affairs has delegated authority to appoint the Board of the Health and Safety Authority (formerly known as the National Authority for Occupational Safety and Health).

The Board consists of 12 persons — a Chairperson and 11 Ordinary Members — appointed by the Minister under Section 37 of the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005). Of the 11 Ordinary Members, 3 are appointed following nomination by organisations representative of employees and 3 following nomination by organisations representative of employers.

99. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment if, with regard to the National Consumer Agency, he appoints all members of this body; if not, the number he appoints; the person who appoints the remaining members; and if he will make a statement on the matter. [7306/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): Section 10 of the Consumer Protection Act 2007 provides that the Agency shall consist of a chairperson and 12 ordinary members including the Chief Executive. Section 14 of the Act provides that, following the holding of a competition, the Chief Executive shall be appointed by the Agency with the approval of the Minister for Enterprise, Trade and Employment. All appointments to the Agency other than the Chief Executive are made by me as Minister.

100. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment if, with regard to the Patent Agents Board and the Trade Mark Agents Board, he appoints all members of these bodies; if not, the number he appoints; the person who appoints the remaining members; and if he will make a statement on the matter. [7307/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The Patent Agents Board and the Trade Mark Agents Board are set up under statute and comprise the person who, at the relevant time, occupies the position of Controller of Patents, Designs and Trade Marks and, other persons appointed solely by the Minister. In normal course there are five members, including the Controller, on the Board. Representation is normally drawn from the professional association representative of patent and trade mark agents in Ireland, a member of the legal profession, my Department and the Patents Office. The board does not have a budget and hence, there is no remuneration for membership of either of these Boards.

101. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment if, with regard to the Personal Injuries Assessment Board, he appoints all members of these body; if not, the number he appoints; the person who appoints the remaining members; and if he will make a statement on the matter. [7308/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): Section 56 of the Personal Injuries Assessment Board Act 2003 provides for eleven Board members and these appointments are made by the Minister for Enterprise, Trade and Employment.

The membership comprises the Chairperson and the Chief Executive of the Board, the Chief Executive of the National Consumer Agency and the Consumer Director of the Irish Financial Services Regulatory Authority as ex officio members; two nominees of the Irish Congress of Trade Unions, one nominee of the Irish Business and Employers Confederation, one nominee the Irish Insurance Federation, and three others with expertise in a field relevant to the Board's functions.

Members of the Board are generally appointed for a 5 year term and any vacancies which have arisen since its establishment in April 2004 have been filled in accordance with Section 56 of the Act. Membership of the Board is due for review in 2009.

102. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment if, with regard to Science Foundation Ireland, he appoints all members of this body; if not, the number he appoints; the person who appoints the remaining members; and if he will make a statement on the matter. [7309/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): In accordance with Section 8(4) of the Industrial Development (Science Foundation Ireland) Act 2003, all appointments to the board of Science Foundation Ireland are made by the Minister for Enterprise, Trade & Employment, with the consent of the Minister for Finance, following consultation with the Minister for Education & Science. The section also provides that the Minister for Education & Science may nominate a person for appointment to the board.

103. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment if, with regard to the Competition Authority, he appoints all members of this body; if not, the number he appoints; the person who appoints the remaining members; and if he will make a statement on the matter. [7310/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): Section 35 of the Competition Act 2002 provides that the Competition Authority shall consist of a chairperson and such number of other whole-time members, not being less than 2 nor more than 4, as the Minister for Enterprise, Trade and Employment determines and appoints. I may also appoint part-time members. Appointments to the Authority are made by me following a competition and selection process held by the Public Appointments Service under the Public Service Management (Recruitment and Appointments) Act 2004. Membership of the Authority currently consists of the chairperson and 4 other whole-time members.

Grocery Industry.

104. **Deputy Bernard J. Durkan** asked the Minister for Enterprise, Trade and Employment the extent to which food prices at retail outlets have increased or decreased since the abolition of the Minimum Prices Order; the extent to which prices have fluctuated in the two years previous to the abolition of the order; and if he will make a statement on the matter. [7352/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): Since the Groceries Order was abolished, the Consumer Price Index shows that the prices of products previously covered by the Groceries Order rose by 5.3% and prices of products not covered by the Groceries Order rose by 4.5% in the period from March 2006 to January 2008. During the same period, prices of products covered by the Groceries Order and products not previously covered by the Groceries Order rose by 4.9%.

Since December 2006, CSO prices statistics use that month as a base. The previous base was December 2001. Available CPI figures, using December 2006 as a base, indicate that items covered by the Groceries Order increased between January 2005 and the abolition of the Order in March 2006 by 0.3%, while non-Groceries Order items decreased by 0.1% during the same period. Combined, prices of both Groceries Order products and products not covered by the Order increased by 0.2% during the period January 2005 to March 2006.

Rising food prices are being experienced across the world due mainly to a number of factors including climatic, economic and demand reasons. A recent report by the Organisation for Economic Cooperation and Development and the United Nations' Food and Agriculture Organisation has identified that the rapid expansion of the global bio fuel industry is causing fundamental changes to agricultural markets and is likely to keep the prices of agricultural commodities high over the next decade. A rise in input and transportation costs consequent on increased fuel and energy prices has also contributed to the increase in biofuel production. Adverse weather conditions which have seen a two-year drought over large parts of Australia and an unusually wet summer over much of Western Europe in 2007 together with a drought in South-Eastern Europe has had consequent effects on food yields. This has coincided with an increased demand for meat and dairy products in significant developing markets such as China and India.

Notwithstanding the global rise in food prices, national policy in so far as the price of food to Irish consumers is concerned, is focussed on promoting a competitive grocery market and raising consumer awareness in relation to the need to get the best value for money when doing their grocery shopping.

Whilst clearly the recent increases in the price of a variety of staple foods is a matter of some concern, I am confident that the current policy of promoting vigorous competition and raising consumer awareness together with the work of bodies such as the Competition Authority and the National Consumer Agency will help to ensure that consumers do not suffer from unwarranted price increases when doing their grocery shopping.

Ministerial Appointments.

105. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism if, with regard to Fáilte Ireland he appoints all members of the board of this body; if not, the number of board members he appoints; the person who appoints the remaining members; and if he will make a statement on the matter. [7247/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): In accordance with Section 14 of the National Tourism Development Authority Act, 2003 the Minister for Arts Sport and Tourism appoints all members of the Authority.

106. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism if, with regard to Horse Racing Ireland he appoints all members of the board of this body; if not, the number of board members he appoints; the person who appoints the remaining members; and if he will make a statement on the matter. [7248/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): The appointment of members of the Board of Horse Racing Ireland is provided for in Section (1) of the Horse Racing Ireland (Membership) Act, 2001.

107. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism if, with regard to Irish Manuscripts Commission he appoints all members of the board of this body; if not, the number of board members he appoints; the person who appoints the remaining members; and if he will make a statement on the matter. [7249/08]

109. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism if, with regard to the Irish Museum of Modern Art he appoints all members of the board of this body; if not, the number of board members he appoints; the person who appoints the remaining members; and if he will make a statement on the matter. [7251/08]

110. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism if, with regard to the National Gallery of Ireland he appoints all members of the board of this body; if not, the number of board members he appoints; the person who appoints the remaining members; and if he will make a statement on the matter. [7252/08]

111. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism if, with regard to the National Library of Ireland he appoints all members of the board of this body; if not, the number of board members he appoints; the person who appoints the remaining members; and if he will make a statement on the matter. [7253/08]

112. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism if, with regard to the National Museum of Ireland he appoints all members of the board of this body; if not, the number of board members he appoints; the person who appoints the remaining members; and if he will make a statement on the matter. [7254/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): I propose to take Questions Nos. 107 and 109 to 112, inclusive, together.

I appoint all members of the Boards of the Irish Museum of Modern Art, the National Museum of Ireland, the National Library of Ireland, and the Irish Manuscripts Commission.

The Board of Governors and Guardians of the National Gallery of Ireland consists of 17 members, of whom I appoint ten members, two are appointed by the Royal Hibernian Academy, and the remaining five are ex-officio members made up of the President of the Royal Hibernian Academy, the President and Vice-President of the Royal Dublin Society, the President of the Royal Irish Academy and the Chairman of the Office of Public Works.

108. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism if, with regard to Tourism Ireland he appoints all members of the board of this body; if not, the number of board members he appoints; the person who appoints the remaining members; and if he will make a statement on the matter. [7250/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): The Board of Tourism Ireland is appointed by the North South Ministerial Council. There are twelve board members in total. Six members are each nominated by the respective northern and southern Ministers with responsibility for tourism.

Questions Nos. 109 to 112, inclusive, answered with Question No. 107.

113. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism if, with regard to the National Sports Campus Development Authority he appoints all members of the board of this body; if not, the number of board members he appoints; the person who appoints the remaining members; and if he will make a statement on the matter. [7255/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): Under the terms of the National Sports Campus Development Authority Act, 2006, I have the statutory function to appoint all the members of the National Sports Campus Development Authority.

Swimming Pool Projects.

114. **Deputy Deirdre Clune** asked the Minister for Arts, Sport and Tourism if he will reopen the swimming pool programme; and if he will make a statement on the matter. [7277/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): My Department has completed a Value for Money and Policy Review Report of the Local Authority Swimming Pool Programme. The Report examined, among other things, how the programme has worked to date and what changes, if any, are required to ensure its effective and efficient delivery. Following consideration of the recommendations in the Report, it is my intention to launch a new round of the Local Authority Swimming Pool Programme.

Natural History Museum.

115. **Deputy Mary Upton** asked the Minister for Arts, Sport and Tourism if he will lend every available assistance to the Natural History Museum to ensure its exhibits are catalogued and conserved before the Seanad moves into this building in June 2008; if he will ensure that as many of the exhibits are relocated to other National Museum locations as possible; and if he will make a statement on the matter. [7330/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): Since the National Museum of Ireland became an autonomous statutory body under the National Cultural Institutions Act, 1997 on 3rd May 2005, the Board of the National Museum is statutorily responsible for operational matters concerning its collection and I, as Minister for Arts, Sport and Tourism, do not have a statutory function in respect of operational matters.

My Department provides resources to the National Museum in respect of its statutory functions. Funding of €19,058,000 has been allocated to the National Museum in 2008 consisting of €14,428,000 current funding and €4,630,000 capital funding. This is in addition to the funding in the Vote of the Office of Public Works for major capital projects for the National Museum.

My Department, the Office of Public Works and the National Museum of Ireland are engaged in discussions to facilitate the orderly cataloguing, conservation, and any necessary removal and storage of the exhibits in the Natural History Museum and, also, the exhibition of some of these artefacts at alternative locations during the period of the closure and refurbishment.

The proposal to temporarily locate the Seanad in the museum building is one of a number of proposals currently being discussed between the OPW and the Seanad Committee on Procedure and Privileges.

Social Welfare Benefits.

116. **Deputy Richard Bruton** asked the Minister for Social and Family Affairs if he will review the condition that a person who is signing for credits but receiving no social welfare payments, is excluded from receiving respite care grant even if they are providing full-time

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care and need to keep their insurance record intact as in a case of a person (details supplied) in Dublin 5. [7196/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): Credited contributions, or credits as they are termed, are social insurance contributions which are awarded to an insured person without a Pay Related Social Insurance (PRSI) payment being received from that person. Credits are awarded in circumstances such as unemployment or illness, and their purpose is to help protect the social insurance entitlement of insured persons during periods when they may not be in a position to pay contributions.

The respite care grant is an annual payment for carers who look after certain people in need of full-time care and attention. Since 2005 the payment is made to carers regardless of means or social insurance contributions but it is subject to certain conditions.

The grant is automatically paid to people in receipt of carer's allowance or carer's benefit in June each year. In addition, the grant may be paid to people in receipt of other social welfare payments such as state pension (contributory). The grant is not payable to people in receipt of jobseeker's allowance or benefit or to people who are signing for jobseeker's credits. Persons in receipt of these payments or signing for such credits must be available for full time employment, capable of work and must also be genuinely seeking work and therefore cannot satisfy the full time care and attention requirement of the respite care grant.

The person to whom the Deputy refers was in receipt of jobseeker's credits at the time of making her application for the respite care grant in respect of 2007 and that is why her application was refused. I understand that the person concerned is still signing for jobseeker's credits but that she has recently applied for carer's allowance and a decision on that claim is pending.

117. **Deputy Pádraic McCormack** asked the Minister for Social and Family Affairs if, in the case of where swipe cards are being issued to recipients of social welfare payments they have the option of appointing an agent and reverting to the book system; and if he will make a statement on the matter. [7319/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): The Department is implementing a three year strategy to change paper based payment instruments to electronic payments at post offices and financial institutions. The programme is being implemented on a phased basis to coincide with book renewal production schedules and as personalised payable order books expire.

Concerns have been raised about the position of customers who use "agents" to collect their payments. The Department is aware of these concerns and have put in place arrangements to continue using book payments in these cases.

Arrangements will be made within the Department to enable these customers already using a Social Services Card to have a nominated person collect the payment on their behalf.

118. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the reason rent support or child benefit has been refused in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [7353/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): The Health Service Executive has advised that no application for rent supplement has been received from the person concerned. If the person wishes to make an application, she should contact her local community welfare officer.

A Child Benefit application from the person concerned was received in March 2006. The habitual residency condition was not met as the applicant was in the asylum process. As a result her application for Child Benefit was refused. The applicant was informed of this decision and given the right of appeal in April 2006. If the person concerned wishes to re-apply for Child Benefit, the application will be determined in light of her current circumstances.

119. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the reason rent support is being refused in the case of a person (details supplied) in County Waterford; and if he will make a statement on the matter. [7370/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): The Health Service Executive has advised that it contacted the person concerned requesting clarification of his financial circumstances. The person concerned should contact his local community welfare office with the financial details requested. Any ongoing entitlement he may have to rent supplement can then be determined.

Irish Language.

120. **Deputy Brian O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs if adequate staffing numbers are being provided in regard to the official working language status of the Irish language in the EU; and if he will make a statement on the matter. [7240/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The issue of recruiting Irish language staff to meet demands arising from the status accorded to the Irish language in the EU is the responsibility of the EU Institutions themselves and I do not have a role there. That said, I can assure the Deputy that the Government is working on an ongoing basis with the EU Institutions to help ensure that sufficient personnel with the required Irish language expertise are available to meet ongoing requirements. In that regard, the Deputy will be aware that in 2006 I established a dedicated fund to provide funding for advanced Irish language third-level courses. This initiative was put in place in order to increase the number of professionals with particular skills in the context of the requirements arising not only from the status accorded to Irish as an official and working language of the EU, but also from the Official Languages Act 2003, under which the range and quality of services from the public sector is being enhanced and developed on an ongoing basis.

A number of these courses have already commenced and it is anticipated that further courses will be rolled out during 2008. These courses will increase the number of professionals such as translators, interpreters and lawyer linguists with particular Irish language skills.

I understand that the EU Institutions are meeting the demands placed upon them to date with respect to the Irish language. I am satisfied that any challenges in the future will continue to be met and that we will continue to increase the supply of Irish candidates with the calibre required to fill the employment opportunities that arise.

Drugs Awareness.

121. **Deputy John O'Mahony** asked the Minister for Community, Rural and Gaeltacht Affairs if he has plans to allocate funding to secondary schools to provide drugs awareness programmes; and if he will make a statement on the matter. [7202/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): As the Deputy will appreciate, the funding of secondary schools is a matter in the first instance for my colleague, Mary Hanafin T.D., Minister for Education & Science. The

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Department of Education & Science currently provides funding in respect of the Social Personal and Health Education (SPHE) programme at second level, thus ensuring that all school children now receive substance misuse prevention education as an integral part of their curricula up to Junior Certificate level. I have raised the issue of extending SPHE to the senior cycle with that Department on a number of occasions, most notably through the Inter-departmental Group on Drugs which I chair. Officials are looking at these issues and it is hoped that some progress can be made for the next school year.

While I envisage that funding will be provided through my Department for drugs awareness initiatives at local and regional level to dovetail with the current national campaign, funding of secondary school programmes will continue to be a matter for the Department of Education & Science.

Iarratais Deontais.

122. D'fhiafraigh **Deputy Dinny McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil iarratas ina Roinn le haghaidh deontais do Halla Pobail (sonraí tugtha), cén uair a fuarthas an t-iarratas, cén staid ag a bhfuil an t-iarratas faoi láthair, cad é costas measta na forbartha, an gceadófar deontas go luath; agus an ndéanfaidh sé ráiteas ina thaobh. [7235/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Tá iarratas ag mo Roinnse ar chúnadh chun obair athchóirithe a dhéanamh ar Ionad Pobail Naomh Fhionáin ó mí Márta 2006. Rinne Innealtóir na Roinne scrúdú ar an suíomh ar 4 Aibreán 2006 agus de thoradh an scrúdaithe sin iarradh ar an gCoiste tuilleadh eolais a chur ar fáil ar a n-áirítear Cead Pleanála do na hoibreacha atá i gceist. Tuigim go bhfuil an t-eolas sin curtha ar fáil do mo Roinnse le tamall anois agus tá súil agam go mbeidh moladh ina leith faoi mo bhráid go luath.

123. D'fhiafraigh **Deputy Dinny McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad iad na sonraí faoi bhóithre áise i nGaeltacht Dhún na nGall a bhfuil iarratas ar dheontas ina Roinn ina leith agus cén uair a bheidh deontais á gceadú i mbliana. [7236/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Ón bhliain 2002 go data, tá suas le 667 iarratas faighte ag mo Roinn faoi Scéim na mBóithre Áise i gContae Dhún na nGall agus ceadaíodh deontais i leith 238 acu sin. Chomh maith leis sin, faoi Chlár Mhionuibreacha na nOileán, ceadaítear deontais do Chomhairle Chontae Dhún na nGall chun bóithre ar Árainn Mhór agus Thoraigh a fheabhsú. Tá na hiarratais atá ar lámh á meas faoi láthair agus tá sé i gceist agam go gceadófar cuid dóibh go luath, ag tógáil san áireamh an soláthar airgid atá ar fáil d'oibreacha den chineál seo i mbliana agus na héilimh éagsúla ar an soláthar sin.

124. D'fhiafraigh **Deputy Dinny McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad iad na tionscnaimh forbartha pobail (hallaí, ionaid pobail agus áiseanna mar pháirceanna imeartha) ó Ghaeltacht Dhún na nGall a bhfuil iarratas ina Roinn le haghaidh deontais ina leith. [7237/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Tá iarratais ar chúnadh le haghaidh na tionscnaimh seo a leanas ó Ghaeltacht Dhún na nGall idir lámha ag mo Roinnse faoi lathair:

- Páirc peile an Chlocháin Liath

- Páirc Peile Ghleann Cholm Cille
- Páirc Peile Leitir Mhic a'Bháird
- Páirc Peile Mhin an Aoire
- Páirc Peile An Charraig
- Club Sacair Ghaoth Dobhair
- Ionad Cois Locha — Cultúrlann
- Naomh Fionáin — Ionad Pobail
- Comhairle Chontae Dhún na nGall — 4 ionad sugartha
- Halla Paróiste Chill Chártha — Ionad Pobail
- Coláiste Bhríde Rann na Feirste — Coláiste Gaeilge
- Ionad Pobail Ghaoth Dobhair
- Comharchumann Thoraí — Ionad Turasóireachta
- Ionad Oidhreachta agus Cultúrtha Rann na Feirste
- Ionad Pobail Naomh Cholumba
- Cumann Lúthchleas Gael na Rossa — Páirc Peile
- Ionad Spóirt Tír na nÓg — Ionad Pobail
- Club Sacair an Chlocháin Liath — Páirc Peile
- Club Stoc Charanna Ghaoth Dobhair
- Coláiste an Phiarsaigh
- Coiste Forbartha na Carraige
- Aonad Ownie Ghaoth Dobhair
- Coiste Forbartha an Choimín
- Coiste Forbartha Charraig Airt
- Coiste Cultúr agus Teanga Chill Chártha
- Seanteach Pobail Doirí Beaga

Ministerial Appointments.

125. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs if, with regard to Pobal he appoints all members of the board of this body; if not, the number of board members he appoints; the person who appoints the remaining members; and if he will make a statement on the matter. [7261/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The Government appoints all the members of the board of Pobal. In making appointments to the Board the Government has regard to a consultation process undertaken with a range of stakeholders, which is provided for under article 3 of the company's Articles of Association. Stakeholders include social partners (business, farming, trades union and community and voluntary sector),

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area and community partnership companies, county child care committees and the County and City Managers Association.

126. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs if, with regard to Foras na Gaeilge he appoints all members of the board of this body; if not, the number of board members he appoints; the person who appoints the remaining members; and if he will make a statement on the matter. [7262/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): There are sixteen members of the Agency's Board, eight of whom are nominated by the Irish Government and eight by the Northern Ireland Executive. Appointments are made formally by the North/South Ministerial Council.

127. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs if, with regard to the Dormant Accounts Board he appoints all members of the board of this body; if not, the number of board members he appoints; the person who appoints the remaining members; and if he will make a statement on the matter. [7263/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): All appointments to the Dormant Accounts Board are made by myself, in my capacity as Minister for Community, Rural and Gaeltacht Affairs, in accordance with Section 32 of the Dormant Accounts Acts 2001 to 2005. The Board was established on 4 January 2006 and attached, for the Deputy's information, is a list of the current Board membership.

Dormant Accounts Board Membership

Name	Background
Michael Morley (Chairperson)	Retired Businessman
Pat Farrell	Chief Executive, Irish Banking Federation
Kate Feely	Principal Social Worker (Mental Health Services)
Rosaleen Glackin	Retired Trade Union Official
Des Gunning	Board Member — Incorporated Orthopaedic Hospital of Ireland
Marian Hackett	School Principal
Áine Hyland	Retired Vice President (University College Cork)
Noel McPartland	Company Director
Mary Maguire	Community Employment Administrator
David Martin	Company Director
Colin Wilson	Tax Consultant

128. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs if, with regard to Bord na Leabhar Gaeilge he appoints all members of the board of this body; if not, the number of board members he appoints; the person who appoints the remaining members; and if he will make a statement on the matter. [7264/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Bord na Leabhar Gaeilge was dissolved and its functions transferred to Foras na Gaeilge with effect from 1 January this year. Prior to that, all members of the board were appointed by the Minister of the day.

129. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs if, with regard to board of the Commissioners of Charitable Donations and Bequests for Ireland

he appoints all members of the board of this body; if not, the number of board members he appoints; the person who appoints the remaining members; and if he will make a statement on the matter. [7265/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): Pursuant to Section 8 of the Charities Act 1961, the members of the board of the Commissioners of Charitable Donations and Bequests for Ireland are appointed by the Government, as occasion requires. The board has a full complement of eleven members at present.

130. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs the way, in view of the fact that 17 of the board members of Údarás na Gaeltachta are directly elected, the remaining three members are chosen; and if he will make a statement on the matter. [7266/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The statutory provisions for the appointment by the Minister of a chairperson and two other members to Údarás na Gaeltachta are set out in section 6(2) of the Údarás na Gaeltachta Act 1979, as amended by section 3 of the Údarás na Gaeltachta (Amendment) (No 2) Act 1999.

Community Development.

131. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs the meetings and discussions that have taken place between him and other Ministers in his Department in relation to rural issues over the past twelve months. [7326/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The position is as stated in my reply to Question number 45 on Thursday 4 February 2008.

Flood Relief.

132. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food the number, as part of the flood hazard mapping by the Office of Public Works, of sites or the acreage at risk from either tidal or combined tidal and fluvial flooding; and if she will make a statement on the matter. [7395/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Whilst my Department currently holds responsibility for Coastal Flooding matters, it does not however, have the primary responsibility for flood hazard mapping generally, which comes within the ambit of the Office of Public Works (OPW). I am therefore not in a position to provide the information requested by the Deputy. It should be noted that in line with a recent Government decision, responsibility for Coastal Flooding will become the responsibility of the Department of Environment, Heritage & Local Government. Arrangements are currently in train to effect the transfer.

Ministerial Appointments.

133. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food the number, with regard to An Bord Bia, of members of the board of this body; the number of whom are appointed by herself; the person by whom the remaining members are appointed; and if she will make a statement on the matter. [7256/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The An Bord Bia Acts, 1994 to 2004 provide for the appointment by me, as Minister, of a chairman and 14 ordinary members of the Board. The Acts further provide that one ordinary member be

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appointed on the nomination of organisations representative of consumers; one ordinary member be appointed on the nomination of the Minister for Enterprise, Trade and Employment, and that not fewer than two of the ordinary members have knowledge or experience of horticulture.

134. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food the number, with regard to COFORD, the purpose and role of this body; the number of whom are appointed by himself; the person by whom the remaining members are appointed; and if she will make a statement on the matter. [7257/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): COFORD is a non-statutory agency under the aegis of my Department. COFORD's remit is to fund and co-ordinate research and development projects with the aim of developing the forestry industry through technical innovation and good silvicultural practice. The term of office of the previous COFORD Council recently concluded. A new Chairman has since been appointed to the Council and a new Council will be appointed shortly. I will make the appointments, in consultation with my colleague, Ms. Mary Wallace, TD, the Minister of State at my Department with special responsibility for forestry.

135. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food the number, with regard to the Irish National Stud Co. Ltd, of members of the board of this body; the number of whom are appointed by herself; the person by whom the remaining members are appointed; and if she will make a statement on the matter. [7258/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The Board of the Irish National Stud is comprised of seven Directors, including the Chairman. All appointments to the Board are made by me, in my capacity as Minister for Agriculture, Fisheries and Food.

136. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food the number, with regard to the Veterinary Council of Ireland, of members of the board of this body; the number of whom are appointed by herself; the person by whom the remaining members are appointed; and if she will make a statement on the matter. [7259/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The Veterinary Council of Ireland was established on 1 January 2006 under the Veterinary Practice Act 2005. The Council has 19 members, all of which are appointed by the Minister for Agriculture, Fisheries and Food. However, fifteen of these appointments are made, as prescribed by Section 16 of the Act, on the basis of nominations as follows:

- 2 persons nominated by the National University of Ireland
- 1 person nominated by the Food Safety Authority of Ireland
- *1 person nominated by the Director of Consumer Affairs
- 1 person nominated by the Minister for Education and Science
- 9 persons elected following Council elections among registered veterinary practitioners
- #1 person elected following Council elections among registered veterinary nurses.

*As the Office of the Director of Consumer Affairs chose not to exercise its nominating rights, the Minister made the appointment on this occasion as provided under Section 17(2) of the Act.

#Pending the holding of elections by the Veterinary Council of Ireland, this position is currently filled by a veterinary nurse appointed by the Minister as provided under Section 17(3)(b) of the Act.

137. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food the number, with regard to National Milk Agency, of members of the board of this body; the number of whom are appointed by herself; the person by whom the remaining members are appointed; and if she will make a statement on the matter. [7260/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The Board of the National Milk Agency comprises thirteen members, consisting of five producer, four processor, two consumer, one distributor and one retailer representatives, all nominated by their respective industry organizations. My role is to approve formally these nominees. In addition, the legislation provides that the Minister nominates the Chairman of the Agency. The current Chairman was appointed in 1995.

Grant Payments.

138. **Deputy Seymour Crawford** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Monaghan will be granted their sheep premium; and if she will make a statement on the matter. [7312/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): An application under the 2007 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 25 April 2007. The application was fully processed and payment in full issued in respect of the Disadvantaged Areas Scheme on 19 September 2007. In relation of the Single Payment Scheme, the advance payment issued on 16 October 2007 and the balancing payment issued on 3 December 2007. In addition, following the recent positive decision in relation to the application of the person named for additional Single Payment from the National Reserve under Category C, a further payment will shortly issue to the person named.

Rural Environment Protection Scheme.

139. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food if she will put in place the necessary procedures to facilitate early payments under the REP scheme or other schemes; and if she will make a statement on the matter. [7334/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): I had further discussions with Commissioner Fischer Boel in Brussels on Monday last about the difficulties with the European Commission in relation to the established practice of paying REPS 2 and REPS 3 participants at the beginning of each contract year. I am very glad to say that I obtained the Commissioner's agreement that Ireland can continue to receive REPS payment claims and make payments as has been done in the past, until the expiry of REPS 2 and REPS 3 contracts. I have directed my officials to take immediate steps to release REPS 2 and REPS 3 payments which had been on hold since early January and payments for valid outstanding claims are now beginning to issue.

Payments to REPS 4 farmers under contracts which commenced in 2007 are now issuing. My officials are in discussion with the European Commission on the payment arrangement to apply to REPS 4 contracts commencing in 2008 and I expect the matter to be clarified shortly.

Genetically Modified Organisms.

140. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which genetically modified food or food products are imported here and to other EU countries; and if she will make a statement on the matter. [7335/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The Food Safety Authority of Ireland is responsible for the implementation of EU Regulations concerning the marketing and labelling of GM foods in Ireland. The FSAI routinely surveys the food in Ireland to ensure that only EU authorised and appropriately labelled GM foods are placed on the market. The report of the latest survey by the FSAI is on their web-site.

Lamb Imports.

141. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the countries from which lamb has been imported into this country in the past five years; the extent to which this is increased or otherwise over this period on a yearly basis; and if she will make a statement on the matter. [7336/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The Central Statistics Office is responsible for the collection of statistics in relation to imports of meat and meat products. The table below is compiled from data supplied by that Office and the following should be noted. Information on imports for 2007 is available for the period up to September 2007. 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. The information available for imports from EU Member States does not differentiate between products originating in the EU country and those originating in third countries that may already be in free circulation within the Community.

Imports of Lamb meat (tonnes) (% change from previous year)

	2003	2004	2005	2006	2007 ¹
	A	B	C	D	E
Belgium				33	
Germany	125				1
France		3			
UK	191	565	546	407	389
Northern Ireland				8	1
Ireland		30			
Italy					12
Netherlands		17	1	94	227
Spain			11		
New Zealand	6	2	2	1	1
Total Imports	322	617 (+92%)	560 (-9%)	543 (-3%)	631

¹ to end September 2007.

Source CSO.

Detailed EU legislation lays down the conditions that Member States must apply to the production of and trade in products of animal origin as well as to imports of these products from third countries. 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 imports must come from third countries or areas of third countries approved for export to the EU.

The EU's Food and Veterinary Office (FVO) carries out assessment of third countries wishing to export animal products to EU and submits for Commission approval those where the responsible authorities can provide appropriate guarantees as regards compliance or equival-

ence with Community feed and food law and animal health rules. Third countries and their establishments that are approved to export are audited and inspected by the FVO with regard to these guarantees and reports of the findings of inspections are published on its website. If an outbreak of an animal diseases occurs in a third country or there are matters that indicate a risk to animal or human health, approval to export to the EU is suspended for the country or the effected region, as appropriate, until this risk has been eliminated. Where the FVO considers that public health requirements are not being met, an establishment may be removed from the EU approved list.

The level of imports has to be considered in the context of the national output of some 70,000 tonnes of sheep meat annually, of which 70% is exported. I am committed to supporting the sheep industry here in particular by following up on the recommendations of the Sheep Strategy Report, to provide assistance wherever I can. The Group's report set out a series of recommendations covering areas such as production, research, advice, processing and marketing. The objective is to facilitate the development of a more profitable sheep sector in Ireland covering production, processing and marketing.

My Department is providing assistance for breeding, processing facilities, mechanical grading and quality assurance. Other aspects of the Group's report are also being pursued especially in REPS where sheep farmers are major beneficiaries. They will also shortly benefit from a payment from the National Reserve of the Single Farm Payment scheme. My Department is assisting Bord Bia in providing valuable support on promotion and finding new outlets for sheep meat and Teagasc has augmented its sheep advisory services and has drawn up a specific programme to aid farmers in terms of management and welfare of sheep.

Food Labelling.

142. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the success or otherwise of her efforts to discourage misleading relabelling of meat or meat products; and if she will make a statement on the matter. [7337/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The Minister for Health & Children has overall responsibility for the general food labelling legislation. Responsibility for enforcement of labelling legislation rests with the Food Safety Authority of Ireland (FSAI) through its service contracts with my Department, the Sea Fisheries Protection Authority, the Health Services Executive, the Local Authorities and the National Consumer Agency. Breaches of food labelling legislation should be reported to the FSAI.

As regards meat and meat products, EU beef labelling legislation requiring country of origin labelling of beef has been in place since September 2000. As this legislation did not cover beef sold by the catering trade I collaborated with the Minister for Health & Children to have national legislation enacted to require that all beef sold or served in the retail or catering sector is now required to carry an indication of the country of origin. This legislation is also enforced by the FSAI. In relation to poultry meat, there are EU Regulations which provide for the labelling of unprocessed poultry meat, at retail level. The Regulations require such poultry meat, to be labelled with the information regarding class, price, condition, registered number of slaughterhouse or cutting plant and, where imported from a Third Country, an indication of country of origin.

Draft regulations requiring the country of origin to be shown on poultry meat, pig meat and sheep meat sold in the retail and catering sectors were prepared by my Department and are currently being finalized by the Department of Health & Children. A public consultation pro-

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cess was conducted by the FSAI and the draft regulations have been submitted to the European Commission for approval.

There is also the issue where a primary product can enter Ireland and processed in some way thereby allowing it to be branded as an Irish product is known as “substantial transformation”. This terminology originates in WTO, Codex and EU legislation governing the EU Customs Code and therefore can only be amended at EU level. I have been concerned that this arrangement could, in certain circumstances, be used to mislead the consumers as to the origin of the raw materials used in certain products. I am not satisfied with the current legal position and have raised my concerns at EU Council level. The EU Commission is currently reviewing the whole area of food labelling and recently presented proposed legislation on the provision of food information to consumers.

Agricultural Statistics.

143. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the total acreage of potatoes grown in this country in the years 2005, 2006 and 2007; if the trend is on the increase or otherwise; and if she will make a statement on the matter. [7338/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): According to official CSO figures, the total area of potatoes grown in the country in the years 2005, 2006 and 2007 was:

2005 — 11, 800 hectares

2006 — 12,100 hectares

2007 — 12,300 hectares

While the estimate for the 2007 potato acreage is provisional, it appears the potato area has increased by 500 hectares between 2005 and 2007.

Grant Payments.

144. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the number of applications received for assistance under the *force majeure* heading; the number that have been granted, refused or pending in 2007; and if she will make a statement on the matter. [7339/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The concept of *Force Majeure* / exceptional circumstances is a long established principle and is defined in EU regulations as including, for example: the death of the farmer; long-term incapacity of the farmer; a severe natural disaster gravely affecting the holding’s agricultural land; the accidental destruction of livestock buildings on the holding; an epizootic affecting part or all of the farmer’s livestock.

It is open to individuals to seek relief on the grounds of *Force Majeure* / exceptional circumstances in respect of each of the schemes operated by my Department. In practical terms, however, it is under the Single Payment Scheme that the largest numbers of such cases have arisen. The Regulations governing the introduction and management of the SPS specifically provided for such cases, particularly where farmers’ production had been adversely affected during one or more of the three years of the Reference Period. Mindful of this provision, in 2004 my Department invited farmers, who considered that they qualified under this provision, to submit details for consideration. While these submissions largely concerned general SPS,

submissions specific to both the Dairy Premium and Sugar sub-sectors of the SPS were also received and considered. While 13,735 of the total of 18,767 applications were submitted under the *Force Majeure* / exceptional circumstances measure of the Single Payment Scheme were refused, 5,032 were deemed successful and the farmers concerned received increased single payment entitlements as a result.

In 2007, my Department received eight applications under the Scheme of Early Retirement from Farming from farmers who were unable to meet all eligibility criteria, of which five were allowed. In the case of aquaculture licensing, under the relevant legislation, a licence ceases to have effect or is revoked if it is not used for a period of two years. However, a licence holder may make an application not to have the licence revoked, outlining exceptional circumstances. Five such applications have been made; 3 are pending and 2 were refused in 2007.

Horticulture Sector.

145. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food her plans for the development and expansion of the fruit and vegetable industry here; and if she will make a statement on the matter. [7340/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Under the National Development Plan 2007-2013, substantial funding of circa €50 million has been earmarked to assist producers of fruit and vegetables to upgrade or develop new production facilities. The scheme of investment aid for the commercial horticulture sector will assist capital investment on farms to promote the specialisation and diversification of on-farm activities, improve the quality of products and facilitate environmentally friendly practices and improved working conditions on farms. Commercial enterprises will also be assisted to improve marketing and processing facilities.

In addition, fruit and vegetable producers can benefit from EU aid under the Producer Organisation (PO) scheme. POs provide their members the opportunity to concentrate marketing, reduce production costs, improve quality and stabilise prices. The strengthening of the role for POs is a core part of the EU strategy for improving the competitiveness of the fruit and vegetable sector in the future. With the more flexible rules adopted by the EU last year 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.

Strategy Statements.

146. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food her short, medium and long term plans for the development of the agriculture and fishing sectors with particular reference to the need to develop and expand the industries and with the ability to compete on international markets; and if she will make a statement on the matter. [7341/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): I would regard short term plans as those to be completed by year end and medium term strategies as those encompassed by the Department's three year Statement of Strategy. Longer term plans which impact on the development of the agri-food and fishing sectors are contained in departmental policy documents such as the AgriVision 2015 Action Plan, 'Steering a New Course'- the Seafood Strategy, 'Sea Change' the Marine Research Strategy; as well as in a range of cross-departmental Government policies including the Programme for Government, the National Development Plan, The Rural Development Programme, National Climate Change Strategy, etc.

I have approved a new Statement of Strategy for the Department of Agriculture and Food for 2008 to 2010. This will be published next month and sets out 49 key strategic actions which

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will be taken over the next three years to maintain and improve competitiveness and encourage the export orientated agri-food and fishing sectors. This Strategy Statement is underpinned by the detailed annual business plans produced for each division with the outcomes from these plans being presented in the Annual Report of the Department.

The new Strategy Statement is the mechanism used to implement the wider series of measures in the AV2105 Action Plan, NDP, RDP, 'Sea Change', Strategy for Science Technology and Innovation, Towards 2016 and other key sectoral development documents. The end result is an integrated package, with substantial public funding, designed to ensure optimal levels of efficiency, competitiveness, and market responsiveness of the agri-food and fishing sectors while also promoting food security and respecting the physical environment. Detailed implementation plans have been developed for the main elements of this package and regular reports on progress achieved are produced.

Cereal Sector.

147. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which grain production has increased or decreased in each of the past six years; her plans for the future of same; and if she will make a statement on the matter. [7342/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Production of cereals in Ireland has averaged about 2 million tonnes in recent years, with fluctuations in production being mainly attributable to weather conditions. The following are production figures over the past six years:

2002 — 1.964 million tonnes

2003 — 2.147 million tonnes

2004 — 2.501 million tonnes

2005 — 1.938 million tonnes

2006 — 2.083 million tonnes

2007 — 1.977 million tonnes (estimate)

Increased cereals prices, together with the warm dry weather last autumn, have encouraged a major increase in the sowing of winter cereals for the 2008 harvest in Ireland. Initial estimates suggest the total area sown to winter cereals is expected to increase by around 20% overall. Estimates of spring sowings will not be available until later in the year.

I consider the maintenance of an efficient and viable cereals sector in Ireland to be of the utmost importance. In addition to providing an income for growers, it provides the livestock sector with an important source of feedingstuffs. It is desirable to maintain the current level of production in order to avoid over-dependence on imported grain and I am satisfied that, subject to weather conditions, production in Ireland will continue at around the 2 million tonne average.

EU policy regarding the cereals market is determined within the framework of the CAP. Irish cereal farmers, following the decoupling of the direct payments from production, are now in a position to respond to market signals. With the cushion of the single payment, they can now focus on supplying markets, minimising production costs and maximising their incomes.

My Department continues to operate a range of services aimed at improving the efficiency, quality and viability of cereal production. These services include seed certification, seed testing, recommended lists of varieties etc. In addition, Teagasc provides comprehensive research, training and advisory services for cereal producers. The value of all these support services is reflected in the fact that Irish cereal producers have consistently achieved some of the highest yields in the world.

Biofuel Crops.

148. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the total acreage currently devoted to biofuel crop production in each of the years 2005, 2006 and 2007; and if she will make a statement on the matter. [7343/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): There were 2,500 hectares used for the production of bio-energy crops in 2005, 4,289 hectares in 2006 and 7,749 hectares in 2007. In 2007, I introduced a new National Energy Premium of €80 per hectare and a new Bio-Energy Scheme to assist the development of the production of energy crops in Ireland. The €80 National payment supplements the EU Premium of €45 per hectare. The buoyant market for bio-fuels and the introduction of the €80 incentive contributed to an increase in the area devoted to oilseed rape, which is used to produce bio-fuels.

The Bio-Energy Scheme aims to encourage farmers to grow willow and miscanthus as a renewable source of energy. These crops have considerable potential for heat and electricity generation and my Department is aiding establishment with grants of up to €1,450 per hectare. The introduction of this Scheme has been well received by farmers with some 800 hectares planted so far. I have provided sufficient funding in 2008 to support the planting of a further 1,600 hectares. As a further support measure, land planted with energy crops can also benefit under the Single Payment Scheme.

Beef Industry.

149. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food her plans to ensure the future development of the agricultural industry with particular reference to meat and dairy sectors; and if she will make a statement on the matter. [7344/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Plans for the development of the agri-food sector are set out in the AgriVision 2015 Action Plan and in the Programme for Government, the National Development Plan and The Rural Development Programme. The Agri-Vision 2015 Action Plan sets out a comprehensive range of actions with the objective of developing an agri-food industry that attains optimal levels of efficiency, competitiveness and responsiveness to the demands of the market while respecting and enhancing the physical environment.

In relation to meat, the Action Plan points out that the short-to-medium term goal of the meat sector, especially beef, is to ensure that high market penetration in the EU is consolidated and developed, while also recognising the importance of access to commercially attractive third country markets. The challenges facing the sector are varied and it is essential that it continue to adapt positively and efficiently to evolving market trends and consumer demands. Consequently, and in line with the Agri Vision 2015 Action Plan, I have put in place a number of measures and supports, which, I believe, will support the industry in positioning itself to face the challenges posed by ever evolving markets. These initiatives cover every aspect of the “meat chain”, from producer to the consumer.

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Amongst the specific measures introduced to support the beef industry are a €100 million Capital Investment Aid Scheme aimed at increasing value added and increased efficiencies for the beef and sheep meat industries at processing level; a nationally funded Suckler Welfare Scheme aimed at improving animal welfare and contributing to the improved quality and viability of suckler herds; a Beef Forum to examine the various issues arising in the sector and to consider appropriate responses. In addition, Bord Bia is intensifying its promotional measures to publicise the positive response of the beef industry to an ever-evolving market. These initiatives complement and underpin the existing quality assurance schemes and the advances in breed improvement being developed by ICBF.

The Sheep Industry Development Strategy Group set out a series of recommendations covering areas such as production, research, advice, processing and marketing. The objective is to facilitate the development of a more profitable sheep sector in Ireland covering production, processing and marketing. Most of the recommendations in the Report fall to be implemented by the industry itself and of their nature will take time for their effects to be seen. My Department is playing its part by providing assistance for breeding, processing facilities, mechanical grading and quality assurance. Other aspects of the Group's report are also being pursued and sheep farmers are major beneficiaries of various schemes being operated by my Department. Under REPS 4, a new mixed grazing measure is specifically targeted at them.

Payment from the National Reserve of the Single Payment Scheme will be made to certain sheep farmers. I am pleased that individual allocations of the €6m available commenced last week and payments should begin to issue shortly. This will result in payments of some €42m up to 2013 in the areas concerned. The downward trend in lamb consumption in certain markets presents a real challenge. To address this, Bord Bia is collaborating with its French and British counterparts on a 3 year generic lamb promotion on the French market to promote lamb to younger consumers.

Currently, the very high cost of animal feed is creating serious difficulties for pig producers. There are some positive signs on the horizon regarding increased availability of cereals arising from the relaxation of set-aside rules, increased cereal production and temporary suspension of certain import duties. Teagasc estimate a 20% increase in cereal production in Ireland this year. I have worked with my colleagues in Brussels and the European Commission to bring in schemes of assistance for the pig sector. An aids-to-private-storage scheme last November took almost 100,000 tonnes temporarily off the market. The export refund scheme introduced last December, which is still in place, has greatly helped to stabilise the market at what is normally a difficult time of the year. At the EU Council of Ministers last Monday, I and a number of colleagues pressed the Commission on supports for the Pig meat sector and the Commission undertook to come forward with a relevant proposal related to private storage at today's management committee. Bord Bia has conducted an intensified pork and bacon promotion programme in recent months. The Bord is expanding the pig quality assurance scheme, which is an important tool in promoting consumer confidence.

It is my policy that the poultry industry should develop to its full potential and be in a position to meet the demands of today's consumers and withstand the very strong competition from abroad. The Poultry Expert Group was set up to review the main factors impacting on the poultry and eggs industry and draw up relevant action points. The group was comprised of various industry players including producers, processors, packers, feed suppliers, relevant State bodies etc. The final report of the Group contains recommendations concerning such matters as poultry meat, labelling, animal welfare, environment protection and feedingstuffs. My Department will be implementing the recommendations relevant to it.

Bord Bia, working in conjunction with the poultry industry and my Department, has in operation the very successful poultry and egg Quality Assurance Schemes which are viewed by consumers as a guarantee of quality and I am confident that the market position of our poultry will be enhanced as a result.

Last year through funding provided by my Department, I launched a Dairy Investment Fund. A total of 19 capital investment projects were approved and awarded Government grant assistance of €114 million, which will generate an estimated capital spend of €286 million at full production. The Fund will support capital investment related to the processing of dairy products, to underpin competitiveness and viability of the dairy industry in Ireland. One of the key aims of this package is to generate greater efficiencies for Irish dairy processors, which will support better prices paid to producers. These projects are now proceeding to the implementation phase.

When I introduced the Milk Quota Trading Scheme for the 2007/2008 quota year, I recognised the need for improved efficiency and long-term competitiveness at producer level. Reducing costs and increasing scale means getting more milk quota into the hands of active and committed producers at the lowest possible cost. The new scheme is a more open market system of transferring milk quotas, and included a market exchange for the first time, with buyers and sellers offering and bidding for quota. A total of 300 million litres, or 6 per cent of the national pool, was offered for sale on the first two exchanges, with 200 million litres successfully traded and made available to milk producers for the current milk quota year.

After a comprehensive review, the Trading Scheme has been further improved, with a particular focus on Co-op areas where little or no quota was traded because of local supply/demand factors. A third exchange took place in December and a total of 80 million litres of milk quota was offered for sale, with 66 million litres successfully traded. Of this total, 49 million litres was sold on the exchange at prices ranging from 12 to 45 cent per litre, and 17 million litres was sold through the priority pool at the maximum price of 12 cent per litre. A fourth exchange is scheduled for the spring of 2008, and quota traded on these exchanges will be available to milk producers from April 2008.

At EU level I have pressed for an increase in Milk Quotas for the 2008/09 milk quota year. I expect that this matter will be finalised in March giving further opportunities to the Irish Dairy Sector to respond to improved international dairy markets.

Food Labelling.

150. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food if she is satisfied that the labelling of all meat and meat products sold in this country accurately reflect the country of origin; her plans to improve same in the future; and if she will make a statement on the matter. [7345/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The Minister for Health & Children has overall responsibility for the general food labelling legislation. Responsibility for enforcement of labelling legislation rests with the Food Safety Authority of Ireland (FSAI) through its service contracts with my Department, the Sea Fisheries Protection Authority, the Health Services Executive, the Local Authorities and the National Consumer Agency.

As regards meat and meat products, EU beef labelling legislation requiring country of origin labelling of beef has been in place since September 2000. As this legislation did not cover beef sold by the catering trade I collaborated with the Minister for Health & Children to have national legislation enacted to require that all beef sold or served in the retail or catering sector

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is now required to carry an indication of the country of origin. This legislation is also enforced by the FSAI. In relation to poultry meat, there are EU Regulations which provide for the labelling of unprocessed poultry meat, at retail level. The Regulations require such poultry meat, to be labelled with the information regarding class, price, condition, registered number of slaughterhouse or cutting plant and, where imported from a Third Country, an indication of country of origin.

Draft regulations requiring the country of origin to be shown on poultry meat, pig meat and sheep meat sold in the retail and catering sectors were prepared by my Department and are currently being finalized by the Department of Health & Children. A public consultation process was conducted by the FSAI and the draft regulations have been submitted to the European Commission for approval. The EU Commission is currently reviewing the whole area of food labelling and recently presented proposed legislation on the provision of food information to consumers. As part of the review Ireland submitted, among other things, that origin labelling should be compulsory for all meat. As well as direct contact with the Commission on this I have also raised this matter in the Agriculture Council and I will continue to press for progress as I believe consumers are entitled to full information on the origin of food products.

Meat Imports.

151. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food if she is satisfied that all fowl, beef, lamb or pig meat imported into this country is compliant with the standards of hygiene, husbandry and traceability applicable here; and if she will make a statement on the matter. [7346/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Detailed EU legislation lays down the conditions that Member States must apply to the production of and trade in products of animal origin as well as to imports of these products from third countries. 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 imports must come from third countries or areas of third countries approved for export to the EU.

The EU's Food and Veterinary Office (FVO) carries out assessment of third countries wishing to export animal products to EU and submits for Commission approval those where the responsible authorities can provide appropriate guarantees as regards compliance or equivalence with Community feed and food law and animal health rules. Third countries and their establishments that are approved to export are audited and inspected by the FVO with regard to these guarantees and reports of the findings of inspections are published on its website. If an outbreak of an animal diseases occurs in a third country or there are matters that indicate a risk to animal or human health, approval to export to the EU is suspended for the country or the effected region, as appropriate, until this risk has been eliminated. Where the FVO considers that public health requirements are not being met, an establishment may be removed from the EU approved list.

My Department has responsibility for operation of public and animal health control in the area of third country import of food of animal origin, including meat. These are carried out at EU approved Border Inspection Posts in co-operation with Customs Service. Import control forms 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 form a part of the EU's hygiene package the implementation and monitoring of which is carried out by the relevant competent agencies under Service Contracts by the Food Safety Authority of Ireland since 1999.

I have consistently pointed out at EU level that produce imported from third countries must meet standards equivalent to those required of Community producers. In this context I have been in regular contact EU Commissioner for Health Mr. Markos Kyprianou. The Commissioner has assured me that the Commission will not hesitate to take the appropriate protection measures if a product, imported from a third country or produced in the domestic market represents a risk for the health of EC consumers, livestock or plants. I should add that in WTO discussions in the Council, I have always emphasized the need to take account of the non-trade aspect of market access, which I regard as a crucial element in the overall negotiations.

Food Industry.

152. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which food prices have increased or reduced in the past five years at retail outlets; the degree to which prices have fluctuated to the producer in the same period; and if she will make a statement on the matter. [7347/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): According to the Central Statistics Office, in the 5-year period covering the years 2003 to 2007 inclusive, the food price index has recorded a consistently lower level of increase than the overall Consumer Price Index (CPI). Food prices increased by 3.3% over that period while overall prices as measured by CPI increased by 14.1%. The most recent annual data available from the Central Statistics Office relates to 2007 when food and non-alcoholic beverages prices, as measured by the food price index, increased by 2.8% on average during that year. This is a lower level of increase than the overall annual rate of inflation, as measured by the Consumer Price Index, which averaged 4.9% during the same year.

Prices paid to the producer are measured through agricultural output price indices (API). In the five-year period between November 2002 and November 2007, (the most recent month for which data is available) the total index for agricultural output prices increased by almost 26%, with significant variations between commodities over the period. For example, these indices increased by 20% for cattle, 34% for milk and over 100% for cereals during the period.

Common Agricultural Policy.

153. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food if it is intended that CAP reform is expected to become the basis for WTO discussions; if this is expected to result in a reduction in food production within the EU and greater dependency on imports; if this a wise decision at the present time; and if she will make a statement on the matter. [7348/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The 2003 Reforms of the CAP were introduced in preparation for the current Round of WTO negotiations. The EU's move to decoupled payment supports, which are non-trade distorting, has allowed the EU to make very significant reduction commitments to its levels of trade distorting supports. These proposed reductions commitments are a very substantial contribution to this round of WTO negotiations that must be matched by other WTO negotiating partners.

I do not believe that these reforms will lead to negative impacts such as reductions in production. On the contrary I believe that there are and will be major benefits for producers and consumers arising out of the on-going implementation of the reformed CAP. The introduction of the full decoupling of direct payments under the Single Payment Scheme ensures that farmers now have the 'freedom to farm' and that the CAP will be geared towards the demands of the market and consumers. The Single Payment Scheme is linked to food safety, animal welfare

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and environmental standards. Irish farmers will receive single farm payments of about €1.3 billion in 2008 while consumers will be guaranteed a supply of safe food, produced to high animal welfare and environmental standards, at reasonable cost.

Food Industry.

154. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food if she is satisfied that food imports into Ireland and the EU are compliant with carbon reduction targets; and if she will make a statement on the matter. [7349/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): I am not aware of any requirement for food imported into Ireland and the EU to meet carbon reduction targets. Under the Kyoto Protocol a majority of developed countries are committed to reducing greenhouse gas emissions in the period 2008 and 2012 by a least 5% on 1990 levels. Countries that signed up to the Protocol are responsible for meeting their own individual emissions limitation/reduction target. In the case of the EU15 an overall target applies, which has been allocated internally on an individual Member State level. The EU is committed to securing, after 2012, an international agreement which would require all countries to work towards limiting greenhouse gas emissions.

Biofuel Crops.

155. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which she has had discussions with her EU colleagues in the matter of bio-energy crops; the extent to which such discussions are expected to impact positively on climate change issues; and if she will make a statement on the matter. [7350/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Support to farmers for growing energy crops is available under the EU Energy Crops Scheme, which provides an EU premium of up to €45 per hectare provided the energy crops are intended for use in the production of biofuels and electric and thermal energy produced from biomass. At the February 2006 Council of Agriculture Ministers meeting, I called for a review of the energy crop premium as it was not proving effective in Ireland and I subsequently raised the matter with the Agriculture Commissioner. The EU Commission subsequently published a Report on implementation of the scheme and made a proposal to allow member states pay national aid of up to 50% of the costs associated with establishing miscanthus and willow. I strongly supported this Proposal and successfully negotiated an amendment to the relevant EU regulation in line with the Commission proposal. I also received confirmation from the European Commission that land used for growing willow and miscanthus is eligible to benefit from the Single Farm Payment.

During negotiations, I emphasised the important role that energy crops play in the biofuel supply chain and their potential contribution to mitigating greenhouse gas emissions. In accordance with the National Bioenergy Action Plan, I launched a number of measures in 2007 to stimulate the production of energy crops. The measures include a new National Energy Premium of €80 per hectare and a Bioenergy Scheme offering establishment grants of up to €1,450 per hectare to plant willow and miscanthus. The buoyant market for biofuels and the new incentives contributed to increased energy crop production in 2007 with some 8,000 hectares planted. My Department is also implementing a number of other measures, as set out in the National Climate Change Strategy, to reduce emissions from the Agriculture sector.

At the recent January Council of Agriculture Ministers meeting on the future of the Common Agriculture Policy, I reiterated again the important contribution that agriculture can make to renewable energy and to protecting the environment.

Food Industry.

156. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food if she has had discussions with her EU colleagues in the matter of food security within the European Union with particular reference to the implications of sourcing such food outside the Union and achieving climate change targets; and if she will make a statement on the matter. [7351/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): As I pointed out to my EU colleagues as recently as January, at the Agriculture and Fisheries Council meeting, and in bilateral discussions that I and my officials have had with other Member States, there is increasing awareness that food security cannot be taken for granted in a world where demand is rising rapidly and expected to double by 2050. In recent years there have been increased demands on the agricultural sector to examine the growing pressure between food, feed and fuel in terms of production. As energy production uses crops once destined for human consumption, and with the requirements for biomass and oilseed crops, the economics of agriculture enterprises are constantly changing. Ireland has an important role in meeting the EUs needs for food produced in a sustainable manner.

In global terms the objective must be that all production from agricultural sources be sustainable, be it food or fuel production, and in this regard the EU is committed to working towards an international agreement which would require all countries to limit greenhouse gas emissions in order to address the challenge of climate change.

Rural Environment Protection Scheme.

157. **Deputy Olwyn Enright** asked the Minister for Agriculture, Fisheries and Food when her and her Department's attention was drawn to the problems in relation to the payments of REP schemes two and three; and if she will make a statement on the matter. [7375/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): In early January, in the course of discussions about the payment arrangements for REPS 4, the European Commission unexpectedly raised questions about the long-established practice of paying farmers in REPS 2 and REPS 3 in full at the start of each contract year. I met Commissioner Fischer Boel in Dublin to discuss this matter when she attended the Annual General Meeting of the IFA in January, and I had further discussions with her in Brussels on Monday. I am very glad to say that I obtained the Commissioner's agreement that Ireland can continue with the established practice until the expiry of REPS 2 and REPS 3 contracts. I am very grateful to Commissioner Fischer Boel for her personal intervention to resolve an extremely difficult situation.

I immediately directed my officials to take steps to release some €37 million in REPS 2 and REPS 3 payments which had been on hold since early January, and payments for valid outstanding claims are now beginning to issue.

158. **Deputy Olwyn Enright** asked the Minister for Agriculture, Fisheries and Food the steps she is taking to address the problem in relation to the payment of REP scheme two, three and four; when she anticipates farmers will be paid; and if she will make a statement on the matter. [7377/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): I had further discussions with Commissioner Fischer Boel in Brussels on Monday last about the difficulties with the European Commission in relation to the established practice of paying REPS 2 and REPS 3 participants at the beginning of each contract year. I am very glad to say that I obtained the Commissioner's agreement that Ireland can continue to receive REPS payment claims and make payments as has been done in the past, until the expiry of REPS 2 and REPS 3 contracts.

I have directed my officials to take immediate steps to release REPS 2 and REPS 3 payments which had been on hold since early January and payments for valid outstanding claims are now beginning to issue.

Payments to REPS 4 farmers under contracts which commenced in 2007 are now issuing. My officials are in discussion with the European Commission on the payment arrangement to apply to REPS 4 contracts commencing in 2008 and I expect the matter to be clarified shortly.

Milk Quota.

159. **Deputy Phil Hogan** asked the Minister for Agriculture, Fisheries and Food when a decision to allocate additional milk quota from the national reserve will be made to a person (details supplied) in County Carlow. [7381/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Allocations of milk quota from the National Reserve are granted on the basis of recommendations from the Milk Quota Appeals Tribunal. The Tribunal examines and makes recommendations on applications for additional quota from individual producers.

The person named has applied to the Tribunal in the current, i.e. 2007/2008, milk quota year. The Tribunal will examine this and other applications between now and the end of the quota year on 31st March 2008 and all applicants will be notified of the outcome in their case.

School Curriculum.

160. **Deputy John O'Mahony** asked the Minister for Education and Science the plans her Department has for the introduction of driver education and training at second level education; if she has requested the Road Safety Authority to progress this issue; and if she will make a statement on the matter. [7204/08]

Minister for Education and Science (Deputy Mary Hanafin): Schools have an important role to play both in teaching students about road safety issues and in helping them to develop the attitudes necessary to promote safe behaviour on the roads. As such, Road Safety is addressed at several levels throughout a child's school-going years. The Social Personal and Health Education programme, which is mandatory in primary schools and at junior cycle level, provides a framework under which the generic values and skills which underpin responsible decision-making, and respect for the rights and safety of others can be developed and promoted among students. SPHE has a specific personal safety strand within the programme, and this provides a mechanism through which road safety issues for all can be best dealt with in an age appropriate way. In addition, the Civic Social and Political Education programme, also mandatory at junior cycle, deals with important themes such as Law, Rights and Responsibilities, Democracy and Inter-dependence, which are also important in a road safety context.

The Streetwise programme for junior cycle pupils was launched in UN Road Safety Week on 24 April 2007. It covers road safety across 9 topics — walking, cycling, seatbelts, airbags, speed, driver fatigue, motor cycle safety, hazard recognition and the engineering aspects of road safety, to be delivered over nine class periods.

A follow on programme has also been developed by the RSA in collaboration with my Department, the National Council for Curriculum and Assessment and the Second Level Support Service for use in Transition Year, and is currently being piloted in schools. Covering areas such as seatbelt use, hazard perception and driver attitudes towards alcohol and drug use the Transition Year Road Safety Programme will also prepare students for the Driver Theory Test. The Road Safety Authority has also obtained input from the Gardaí, NCT centres and Bus Éireann in the delivery of this programme.

I have no plans to introduce practical driver education, in the form of driving lessons in schools, and this is not the norm within the EU. Research available internationally is inconclusive on the benefits of teaching young people to drive at school. Particular issues highlighted include the gap arising between the time practical skills are learned initially and put into regular practice, and the risks arising from more young people taking up driving at an earlier age.

Irish Language.

161. **Deputy Paul Kehoe** asked the Minister for Education and Science if further to Parliamentary Question No. 245 of 8 February 2008 the position on a person (details supplied) in County Wexford and their request for exemption from Irish; and if she will make a statement on the matter. [7208/08]

Minister for Education and Science (Deputy Mary Hanafin): The general position in relation to exemptions is that as part of the primary school curriculum Irish is a compulsory subject. Exemption from the study of Irish may, however, be granted to primary pupils under certain circumstances as outlined in Department Circular 12/96. Under the terms of the Circular delegated authority to grant exemptions from Irish, within the conditions laid down, has been vested in the individual school authority.

The individual concerned should be advised to raise this matter with the school authorities directly or alternatively they may wish to contact officials in the Primary Administration Section of my Department for advice on the matter.

Schools Building Projects.

162. **Deputy Phil Hogan** asked the Minister for Education and Science when finance will be sanctioned for an extension to a national school at Paulstown County Kilkenny; and if she will make a statement on the matter. [7213/08]

Minister for Education and Science (Deputy Mary Hanafin): All applications for large scale capital funding are assessed against published prioritisation criteria and assigned a band rating. Progress on individual projects, including the project referred to by the Deputy, will be considered in the context of my Department's multi-annual School Building and Modernisation Programme.

163. **Deputy Michael Ring** asked the Minister for Education and Science when she will sanction a new building for a primary school (details supplied) in County Mayo to allow it to proceed to public tender and construction phase, particularly as the school is designated as disadvantaged under DEIS. [7217/08]

164. **Deputy Michael Ring** asked the Minister for Education and Science when a new building was first sanctioned for a primary school (details supplied) in County Mayo; the dates it has progressed through the different stages such as architectural, planning and so on; and the amounts spent to date on the proposed new building. [7218/08]

Minister for Education and Science (Deputy Mary Hanafin): I propose to take Questions Nos. 163 and 164 together.

Delivery of all building projects, including the school in question will be considered in the context of my Department's multi-annual School Building and Modernisation Programme. I will arrange to have the detailed information sought by the Deputy forwarded directly to him.

Teacher Exchange Programmes.

165. **Deputy Paul Gogarty** asked the Minister for Education and Science the organisation and facilitation of exchanges of teachers and students between Ireland and France, in view of the cultural agreement signed in Paris on 4 November 1967, by J. Lynch on behalf of the Irish Government and M. Couve De Murville on behalf of the French Government which included in Article 4; if she will describe the current programmes available and the success or otherwise of programmes; and if she will make a statement on the matter. [7221/08]

Minister for Education and Science (Deputy Mary Hanafin): The Ireland-France Cultural Agreement, which was signed in 1967, provides a framework for the exchange of teachers, students, research workers, lecturers, assistants, scholars and cultural experts as well as representatives of university or extra-university cultural groups.

My Department administers a number of schemes under this Agreement including the Foreign Language Assistant Scheme, the Teacher Exchange Programme to France and the Professor/Expert Exchange Programme. A further programme, the Summer School Scholarships, is part-funded by my Department and administered by the Cultural Service of the Embassy of France in Ireland.

Under the Foreign Language Assistant Scheme, up to sixty French third Level students are assigned to Irish post primary schools for a period of 8 months annually. This scheme is very successful, with many Irish schools making applications to host a Language Assistant.

The Teacher Exchange Programme to France offers experienced Irish teachers of French the opportunity to work and gain experience of teaching in France for periods of either one term or for a full school year. A total of twelve exchanges with teachers in France are available in any school year.

The Professor/Expert Exchange Programme provides for exchanges of academics and is promoted in Higher Education Institutions by the Higher Education Authority. In 2007, two academics from Ireland participated in a visit to France under this Programme. In recent years, Ireland has not received applications from French academics to visit Ireland.

Thirty Summer School Scholarships are funded by my Department and the Cultural Service of the Embassy of France in Ireland. This programme allows experienced teachers of French in second-level schools to attend a two-week summer course for teachers of French as a Foreign Language in institutes such as the Centre de Linguistique Appliquée in Besancon or Cavilam in Vichy, France. This scheme is heavily over-subscribed each year.

Road Safety.

166. **Deputy Paul Kehoe** asked the Minister for Education and Science if there are grants or funding available for the cost of erecting flashing amber safety signs outside a primary school; and if she will make a statement on the matter. [7224/08]

Minister for Education and Science (Deputy Mary Hanafin): In general, individual school authorities are responsible, in the first instance, for ensuring the safety and welfare of children and others in their care, including traffic management measures.

The issue of road safety measures outside the vested site areas of schools, such as road signage, traffic calming measures etc., is a matter that should be raised in the first instance with the relevant Local Authority.

Schools Building Projects.

167. **Deputy Dan Neville** asked the Minister for Education and Science when the amalgamation of schools (details supplied) in County Limerick will be completed. [7230/08]

Minister for Education and Science (Deputy Mary Hanafin): The building project in relation to the school referred to by the Deputy is at an early stage of architectural planning. All applications for large scale capital funding are assessed against published prioritisation criteria and assigned a band rating. Further progress on individual projects will be considered in the context of my Department's multi-annual School Building and Modernisation Programme.

168. **Deputy Dan Neville** asked the Minister for Education and Science the progress regarding the application by school authorities for a school (details supplied) in County Limerick for capital funding towards an extension to promote ancillary accommodation. [7231/08]

Minister for Education and Science (Deputy Mary Hanafin): An application has been received from the school authority for capital funding towards the provision of an extension to provide ancillary accommodation at the school referred to by the Deputy.

All applications for large scale capital funding are assessed against published prioritisation criteria and assigned a band rating. Progress on individual projects, including this project, will be considered in the context of my Department's multi-annual School Building and Modernisation Programme.

School Enrolments.

169. **Deputy Leo Varadkar** asked the Minister for Education and Science the way a parent may enrol their child in the promised VEC national schools that are to be built at Phibblestown, Dublin 15 and also at the former Phoenix Park Racecourse; and if she will make a statement on the matter. [7267/08]

170. **Deputy Leo Varadkar** asked the Minister for Education and Science if the new VEC national schools on the former Phoenix Park Racecourse in Dublin 15 will accept students for September 2008; and if she will make a statement on the matter. [7268/08]

173. **Deputy Leo Varadkar** asked the Minister for Education and Science when she reversed her decision to establish only one pilot VEC national school; and if she will make a statement on the matter. [7271/08]

174. **Deputy Leo Varadkar** asked the Minister for Education and Science when a decision will be made on catchment areas for the two new VEC national schools that are to be built in Phibblestown, Dublin 15 and the former Phoenix Park Racecourse; and if she will make a statement on the matter. [7272/08]

Minister for Education and Science (Deputy Mary Hanafin): I propose to take Questions Nos. 169, 170, 173 and 174, together.

In February 2007 I announced my intention to introduce a new model of primary school patronage on a pilot basis. I indicated that this new model would not replace existing patron models but would provide an additional patronage option, particularly in growing areas.

[Deputy Mary Hanafin.]

Following further consideration in my Department and consultations with the main patron bodies, management bodies and education partners I announced, last December, that the new model would be piloted in two locations from September 2008. It is intended that the new schools will be opened in the Phoenix Park and in Phibblestown, Dublin 15, under the patronage of County Dublin Vocational Education Committee (VEC). It was also intended that Scoil Choilm, Diswellstown, Dublin 15, which opened in September 2007 under the temporary patronage of the Catholic Church, will become part of the pilot model following a two year transition period. Following further recent consultations with the Catholic Church, the school community and County Dublin VEC, it has now been agreed that Scoil Choilm should come under the new pilot patronage model arrangements from September 2008.

There is a strong argument for proceeding with more than one school as this will enhance the potential for identifying possible practical issues and piloting solutions.

Work is ongoing in relation to the practical arrangements for the establishment of the pilot schools.

The new school in Phibblestown will open in September 2008 and will share a site with Phibblestown Community College which will also open in September 2008.

Registration for the 2008/2009 school year will begin on Monday next 25 February 2008. To assist parents with their applications and to provide information on the new patronage model school, an enrolment evening will be held in the hall of Mary Mother of Hope, Junior National School, on Tuesday 26 February. The catchment area of the Phibblestown school for enrolment purposes, consists of estates within Phibblestown, Castaheany, Ongar and Littlepace.

I am pleased to report this progress which I understand has been greatly facilitated by the excellent cooperation of the existing primary schools in the area.

Similar arrangements are being made in respect of the new patronage model primary school in the Phoenix Park and these will be announced shortly.

In the meantime, my Department's consultations with the main patron bodies, management bodies and education partners will continue in relation to the implementation of the pilot patronage model.

School Accommodation.

171. **Deputy Leo Varadkar** asked the Minister for Education and Science if, in view of the fact that planning applications have been lodged to build new primary schools on the former Phoenix Park Racecourse and Porterstown Road in Dublin 15, sites have been, or are to be, acquired under the agreement between her Department and Fingal County Council; and if she will make a statement on the matter. [7269/08]

172. **Deputy Leo Varadkar** asked the Minister for Education and Science if, in view of the fact that planning applications have been lodged to build new primary schools on the former Phoenix Park Racecourse and at Porterstown Road in Dublin 15, she has purchased the sites for these schools or if they are still in private ownership. [7270/08]

Minister for Education and Science (Deputy Mary Hanafin): I propose to take Questions Nos. 171 and 172 together.

As the Deputy will be aware, a Developing Areas Unit has been established in the Department of Education and Science to focus on the school accommodation needs of rapidly developing areas including those specifically referred to.

The particular emphasis in 2008 is on providing sufficient school places in developing areas, while also ensuring the Government's commitment to delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country.

The Department is currently pursuing the acquisition of sites under the Fingal School Model Agreement. It is intended to deliver, as Phase I in September 2008, an 8 classroom unit for Phoenix Park and a 16 classroom unit for Porterstown Road, with appropriate ancillary accommodation, subject to conclusion of the legalities surrounding site acquisition and subject to planning permission.

The Deputy will appreciate that due to commercial sensitivities, I cannot comment on specific sites at this time, however, I can assure the Deputy that the Department will continue to work very closely with Fingal County Council to meet the needs of the Fingal area, including those to which he refers, for next year and beyond.

Questions Nos. 173 and 174 answered with Question No. 169.

Schools Building Projects.

175. **Deputy Deirdre Clune** asked the Minister for Education and Science if a design team has been appointed to a school (details supplied) in County Cork; when she expects this school to move to construction phase; and if she will make a statement on the matter. [7278/08]

Minister for Education and Science (Deputy Mary Hanafin): The appointment of a Design Team for the project referred to by the Deputy has not yet been completed. The commencement and progression of all large scale building projects from initial design stage through to construction phase is considered on an on-going basis in the context of my Department's Multi-Annual School Building and Modernisation Programme.

Special Educational Needs.

176. **Deputy Timmy Dooley** asked the Minister for Education and Science if a primary school (details supplied) in County Clare is to be allocated an autism unit. [7279/08]

Minister for Education and Science (Deputy Mary Hanafin): As the Deputy will be aware, the National Council for Special Education is responsible, through its network of local Special Educational Needs Organisers, for the establishment of special classes for autism and for allocating resource teachers and special needs assistants to schools to support children with special needs.

I have arranged for the details requested by the Deputy to be forwarded to the NCSE for their attention and direct reply.

Legal Proceedings.

177. **Deputy Eamon Gilmore** asked the Minister for Education and Science the reason her Department has discontinued payment of salary for a teacher (details supplied) in Dublin 7; the status her Department is attributing to the permanent teaching post which the teacher holds in a school; and if she will make a statement on the matter. [7283/08]

Minister for Education and Science (Deputy Mary Hanafin): Matters relating to the person in question's employment as a teacher are the subject of ongoing legal proceedings, now before the Supreme Court. In the circumstances, it would be inappropriate for me to comment in any way on these matters.

Child Care Services.

178. **Deputy Pádraic McCormack** asked the Minister for Education and Science if her attention has been drawn to the fact that the proposed changes in the community childcare funding will have serious adverse effect on some childcare facilities as a result of the introduction of the childcare subvention scheme in July 2008; and the steps she will take to grant aid childcare facilities that will now be seriously disadvantaged by the new regulations. [7317/08]

Minister for Education and Science (Deputy Mary Hanafin): The Deputy's question relates to the National Childcare Investment Programme which is managed by the Childcare Directorate of the Department of Health and Children as part of the Office of the Minister for Children. Accordingly the Deputy should direct his question to the Minister for Health and Children.

Schools Building Projects.

179. **Deputy Denis Naughten** asked the Minister for Education and Science further to Parliamentary Question No. 422 of 16 October 2007, the status of the application; when she will make an announcement on projects to be moved to the next stage of planning under the multi-annual school building and modernisation programme; and if she will make a statement on the matter. [7321/08]

Minister for Education and Science (Deputy Mary Hanafin): As the Deputy will be aware, all applications for large scale capital funding are assessed against published prioritisation criteria and assigned a band rating. Progress on individual projects, including the project in question, will be considered in the context of my Department's multi-annual School Building and Modernisation Programme consistent with that band rating.

180. **Deputy Jack Wall** asked the Minister for Education and Science the position of the provision of a new college to replace the existing college for a school (details supplied) in County Kildare; and if she will make a statement on the matter. [7331/08]

182. **Deputy Jack Wall** asked the Minister for Education and Science if there is any difficulty with the tendering process, drawings, proposed site or any other aspect of a college building project (details supplied) in County Kildare that is preventing it being included on the capital building list for funding in 2008; and if she will make a statement on the matter. [7333/08]

185. **Deputy Brian Hayes** asked the Minister for Education and Science if the redevelopment of a school (details supplied) in County Kildare was sanctioned in November 1999; if the acquisition, planning, tendering and selection has completed process since November 2007, and is still awaiting formal approval from her Department regarding the project in question; when a decision will be taken in connection with this matter; and if she will make a statement on the matter. [7380/08]

Minister for Education and Science (Deputy Mary Hanafin): I propose to take Questions Nos. 180, 182 and 185 together.

The progression of all large scale building projects from initial design stage through to construction phase is considered on an on-going basis in the context of my Department's Multi-Annual School Building and Modernisation Programme.

The particular emphasis in 2008 is on providing sufficient school places in developing areas, while also showing the Government's commitment to delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country.

On 1 February, I announced a list of schools which are due to go to construction in 2008. It is also my intention to make a further announcement after Easter to allow a further batch of schools to commence construction and to update progress on the new schools planned for September 2008 delivery in developing areas.

181. **Deputy Jack Wall** asked the Minister for Education and Science if a school project is not funded or commenced before the tender date expires, the procedure that must occur or if there is extra costs involved the person who has to fund such costs and if the total project has to be re-advertised in such instances for new tenders; the period of time such a tendering process would take in normal circumstances if all of the criteria was addressed in the first instance; and if she will make a statement on the matter. [7332/08]

Minister for Education and Science (Deputy Mary Hanafin): I am pleased to inform the Deputy that in those instances to-date in 2008 where arrangements are in place to finalise contracts following the expiry of the 90 day acceptance period no extra costs have been incurred. No projects have been re-advertised so far in 2008.

Question No. 182 answered with Question No. 180.

Outdoor Education Centres.

183. **Deputy Olwyn Enright** asked the Minister for Education and Science the amount of money allocated to the outdoor education centres in the country each year for the past three years; the commitments made by her Department for allocation for 2008; the allocation that will be made in 2008; and if she will make a statement on the matter. [7374/08]

Minister for Education and Science (Deputy Mary Hanafin): Outdoor Education Centres (OECs) have been developed by Vocational Education Committees in order to enhance the quality of the educational experience for young people through outdoor education programmes. They cater mainly for primary and post-primary students, including young people from disadvantaged backgrounds, and also for third-level students, youth groups, special needs groups and adults. During periods such as school holidays, when the centres are not fully utilised for educational purposes, additional income is generated from courses provided on a commercial basis for the leisure and tourism market.

There are currently 9 recognised centres and 3 unrecognised centres. Funding was originally approved on the basis that the centres would be self-financing. Accordingly, my Department's annual grants are contributory in nature and go mainly towards the core staffing costs involved in running the centres.

The funding provided by my Department to the OECs in the past three years is as follows:

2005 — €1.886m

2006 — €1.990m

2007 — €2.116m.

The allocation to the OECs for 2008 is currently being finalised, and my Department will notify the relevant Vocational Education Committees in due course.

Site Acquisitions.

184. **Deputy Tony Gregory** asked the Minister for Education and Science the provision of primary and secondary schools in Dublin 15; the provision she has made in recent years to

[Deputy Tony Gregory.]

meet the need for school places; the management structures she has put in place for various schools; her immediate plans in terms of acquiring sites for schools and constructing schools to meet immediate demand; and the management structures she will put in place for planned schools. [7379/08]

Minister for Education and Science (Deputy Mary Hanafin): At the outset, I want to assure you that the Department of Education and Science is fully aware of the rapidly developing nature of the Dublin 15 area. As you may be aware, the recent Census preliminary figures confirm the Fingal area of Dublin as the fastest growing area in the country. Significant further investment will be required there over the coming years. The challenge is to provide schools in line with or ahead of demand for pupil places.

To date, considerable interventions have already been made by the Department to increase pupil places in Dublin 15 and these interventions are being backed up by a significant construction programme including in this regard, phase two of the building project at Mary Mother of Hope N.S., Littlepace was delivered ahead of schedule for September 2007. This has provided a new 16 classroom facility for the area. I would like to point out that this school will also have the benefit of enhanced shared community facilities under an arrangement with Fingal County Council.

In addition, plans are being advanced to provide a new school for Castaheany Educate Together and St. Benedict's National School on a site in Ongar. The development of this site will provide a total of 40 classrooms to cater for up 1,000 primary pupils and also benefit from enhanced shared community facilities.

Other developments in the Dublin 15 area at primary level include the planned expansion of St. Brigid's National School in Castleknock, and extensions to St. Brigid's Boys and Girls National Schools, in Blanchardstown. Design teams have been appointed for both of these projects.

The Board of Management of St. Mochta's National School, agreed to expand its school to enable a four stream intake from September 2006. The extension project for this school as well as one for St Patrick's Junior and Senior Schools, Corduff were also included on the 2007 list of schools for the appointment of design teams. In addition, a new school, Scoil Choilm was established for September 2007 under the patronage of the Archbishop of Dublin to cater for the increasing demand for school places.

The Department is acquiring a site in Tyrrelstown to provide permanent accommodation for Tyrrelstown Educate Together NS and Mulhuddart National school which expanded provision to take account of the expanding parish boundaries on foot of housing development in Tyrrelstown. In the Hollywoodsrath area, the Department has requested a site reservation under the local authority's area development planning process.

There are six post primary schools currently serving the Dublin 15 area and in September 2008 a new Community College under the patronage of Co. Dublin VEC will open in Phibbles-town. These schools will, between them, have capacity for first year enrolment in the region of 1,050.

The Deputy will be aware that the Department is advancing plans to make considerable extra post primary provision available in the Dublin 15 area. This includes three 1,000 pupils post primary schools to be developed in Phibblestown, Tyrrelstown and Hansfield. In addition, the Department is examining site possibilities for a further new post primary school in Dublin 15 with the local authority.

Furthermore, the Department is working closely with Fingal County Council in relation to a number of sites to be acquired under the Fingal School Model Agreement for educational provision in the Dublin 15 area for 2008 and onwards.

In this regard, the Deputy will be aware that site acquisitions, can be commercially sensitive and for this reason, my Department does not as a general rule provide specific details in advance of contracts being signed. Of course, once the contracts have been signed, this information can be released in the normal way.

The Deputy will also be aware that, in December 2007, I announced that a new State model of community national school, under the patronage of County Dublin Vocational Education Committee (VEC) is to be piloted from September 2008 in three locations including the Phoenix Park and Phibblestown, Dublin 15.

In relation to the third school referred to in my announcement of December 2007, Scoil Choilm in Diswellstown it was envisaged that this would transition to the new model after a two year period. This school had been opened in September 2007 under the temporary patronage of the Catholic Archbishop in response to an emerging need that had presented at that time. Following further recent consultations with the school community, the temporary patron and County Dublin VEC, it has now been agreed that the school in question should come under the new pilot patronage model arrangements from this coming September 2008. The position in relation to the possible inclusion of any further schools under the new model in September 2008 is currently being examined in the context of the identified need for new schools in particular areas and a review of expressions of interest received from established patron bodies to open schools in these locations.

The new model has been developed following a period of consultation with all of the main education partners and church groups. As in the primary school system generally, the schools will operate under the management of an independent Board of Management. The VEC will be represented on the Board of Management, as patron, and will provide relevant practical management supports to the school. Arrangements will also be in place to enable the VEC to meet its general financial accountability responsibilities. I also indicated that I would be bringing proposals to Government to provide necessary amending legislation to underpin the VEC role in the primary sector. Pending the enactment of the legislation, I, as Minister for Education and Science, will act as interim patron for the new schools.

Question No. 185 answered with Question No. 180.

Schools Refurbishment.

186. **Deputy Phil Hogan** asked the Minister for Education and Science when funding will be sanctioned for an extension to a national school at Paulstown, County Kilkenny; and if she will make a statement on the matter. [7382/08]

Minister for Education and Science (Deputy Mary Hanafin): All applications for large scale capital funding are assessed against published prioritisation criteria and assigned a band rating. Progress on individual projects, including the project referred to by the Deputy, will be considered in the context of my Department's multi-annual School Building and Modernisation Programme.

Schools Building Projects.

187. **Deputy David Stanton** asked the Minister for Education and Science further to Parliamentary Question No. 2619 of 30 January 2008, the person who is carrying out the assess-

[Deputy David Stanton.]

ment of demographic trends and housing developments; when her Department expects to receive this information; and if she will make a statement on the matter. [7388/08]

Minister for Education and Science (Deputy Mary Hanafin): I can confirm that the Department is in receipt of an application for major capital funding from the school to which the Deputy refers. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and has been assigned a band rating.

Assessment of demographic trends and housing developments are part of normal internal procedures carried out by the Department in processing an application. Progress on individual projects is considered in the context of the multi annual School Building and Modernisation Programme commensurate with the band rating assigned to it and the available financial resources.

188. **Deputy Paul Connaughton** asked the Minister for Education and Science when the new community school in Glenamaddy, County Galway will commence construction; if her attention has been drawn to the inordinate delays that have happened; and if she will make a statement on the matter. [7399/08]

Minister for Education and Science (Deputy Mary Hanafin): I announced recently a list of schools which are due to go to construction in 2008. My Department will be in contact with the school authorities over the next number of days to advise on the most appropriate preparation schedule applicable on each project.

The school to which the Deputy refers is not included in that announcement. However, I intend to make further announcements regarding projects that will be proceeding to construction during the course of the year as the school building programme is rolled out.

Citizenship Applications.

189. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform if an application for a stamp four permanency can be determined for a person (details supplied) from the date that they sought and were granted their work permit; and if he will make a statement on the matter. [7200/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Immigration Division of my Department that the person concerned sought to renew his permission to remain with his local Immigration office on the 13 July 2007. Permission to remain can only be granted from the date that the non-EEA national presents for renewal.

The Immigration Division of my Department has no record of receiving an application from the person referred to by the Deputy seeking an exemption from work permit requirements.

Departmental Correspondence.

190. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform if he will respond to correspondence (details supplied); and if he will make a statement on the matter. [7209/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The issues giving rise to the concerns of the person to whom the Deputy refers are of long standing and are currently the subject of two separate sets of civil proceedings which are before the courts. In the circumstances, I am unable to comment further on them.

Departmental Contracts.

191. **Deputy Ciarán Lynch** asked the Minister for Justice, Equality and Law Reform the petrol companies the Garda Síochána have an account with; if the Garda Síochána receive a discount under this contract; the terms of this contract, that is, duration, value and so on; the top ten stations by volume used by gardaí; and if he will make a statement on the matter. [7228/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda Authorities that the Government Supplies Agency, in consultation with the Garda Authorities are currently finalising a Request for Tender for the Supply of Automotive Fuels, Engine Lubricating Oils and Car Wash for Government Departments and agencies including the Garda Síochána. The resulting contract is expected to operate for a three year period and to operate through a charge card mechanism. It is expected that this request for tender will issue to the market in the coming weeks.

The Garda Síochána currently have an administrative arrangement with Topaz, Esso, Texaco and Maxol for the supply of fuel. The arrangement includes a discount mechanism related to the standard price determined by each supplier. Over the past three years the Garda Síochána has spent on average €8.5m per annum on their fuel requirements. Accounts from providers are furnished on a Garda District basis and accordingly, the information requested in relation to the top ten filling stations is not readily available and can only be obtained by the disproportionate expenditure of Garda time and resources relative to the information sought.

Joint Policing Committees.

192. **Deputy Eamon Scanlon** asked the Minister for Justice, Equality and Law Reform the position with regard to the joint policing body for County Leitrim; and if he will make a statement on the matter. [7234/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Joint Policing Committees currently established in a pilot phase operate under revised guidelines issued by my predecessor as Minister for Justice, Equality and Law Reform in May 2007, following consultations with the Ministers for the Environment, Heritage and Local Government and Community, Rural and Gaeltacht Affairs. The purpose of the pilot phase is to gain experience from the operation of a number of Committees in a variety of local authority areas before rolling them out to all local authority areas in the State.

As part of an evaluation of the operation of the pilot Committees, my colleague the Minister for the Environment, Heritage and Local Government and I held a consultation seminar on 29 November, 2007 with participants in the pilot Committees to consider the lessons from their operation to date. The seminar was a very useful exercise, and following on from it work is now underway on revising the guidelines to enable roll out of the Committees to all local authority areas in the State, including County Leitrim, to take place.

Asylum Applications.

193. **Deputy Brian O'Shea** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 326 of 9 May 2006, if the file of the person involved has been passed on to him; and if he will make a statement on the matter. [7241/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to Parliamentary Question No. 326 of Tuesday 9 May 2006 and the written Reply to that Question. As stated in the earlier Reply, the person concerned, accompanied by his two children, arrived in the State on 3 September 2004 and applied for asylum. His application was

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refused following consideration of his case by the Office of the Refugee Applications Commissioner. The person concerned was advised of his entitlement to appeal this recommendation to the Refugee Appeals Tribunal but did not do so.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 6 December 2005, that the Minister proposed to make deportation orders in respect of him and his children. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a deportation order or of submitting written representations to the Minister setting out the reasons why he and his children should be allowed to remain in the State. Representations were received on behalf of the person concerned.

On 10 October 2006, regulations known as the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006), came into force. The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will be considered under Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the Prohibition of Refoulement. When this latter consideration has been completed, the case file of the person concerned will be passed to me for decision.

The Deputy might also wish to note that the person concerned wrote to my Department on 10 October 2007 indicating that he wished to apply to return voluntarily to his country of origin. In a reply to that request, dated 16 October 2007, my Department advised the person concerned of the voluntary return options open to him. Specifically, he was advised to contact the Dublin Office of the International Organisation for Migration (IOM) or the Voluntary Returns Unit of my Department with a view to the necessary arrangements being made. The person concerned does not appear to have concluded any voluntary return arrangement to date, however, that option remains open to him. In the event that the voluntary return option is availed of, the applications for Subsidiary Protection and for permission to remain in the State will no longer be relevant.

Travel Documents.

194. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the way a person from outside the common travel area can be present in the country without a passport; the steps which he is taking to address this issue; and if he will make a statement on the matter. [7286/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I understand the Deputy's question to relate to the circumstances in which a foreign national may enter and be lawfully present in the State without possession of a passport. I can inform the Deputy that there are many circumstances in which a foreign national may enter or be present in the State without being the holder of a passport. While a passport is the most common type of travel document for the purposes of international travel, it is not the only travel document that can be used for the purpose of entry and residence in the State.

As the Deputy highlighted, the operation of the Common Travel Area allows nationals of the United Kingdom of Great Britain and Northern Ireland and Irish nationals to move freely within the Common Travel Area. Persons exercising this right are not obliged to produce a

passport when doing so. In addition, the European Communities (Free Movement of Persons) (No.2) Regulations 2006 allow a Union citizen to gain entry to the State in circumstances where he or she is in possession of a valid national identity card as evidence of his or her nationality and identity. Also, the 1951 United Nations Convention on the Status of Refugees, to which Ireland is a party, provides for certain rights of travel on foot of a travel document issued by the government of the state in which a person has been granted refuge.

Of course, persons who arrive in the State for the purpose of seeking asylum may not be in possession of any appropriate travel documentation and may remain so for a period of time while their asylum application is being processed. Such persons will be in receipt of a temporary residence certificate as evidence of a claim for asylum.

A number of measures are in place which allow for checks to be carried out to ensure that persons who are subject to immigration controls in the State are in possession of appropriate documentation. For example, section 11 of the Immigration Act 2004 places a requirement on all foreign nationals to be in possession of certain documentation upon arrival in the State. In addition, section 12 of the 2004 Act places a requirement on a foreign national to produce on demand, unless he or she can give a satisfactory explanation as to why he or she is prevented from doing so, a valid passport or equivalent document establishing his or her identity and, also, his or her registration certificate where he or she is required to register with the Garda National Immigration Bureau.

Citizenship Applications.

195. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform when an application for naturalisation for a person (details supplied) in County Dublin will be processed; the plans he has to speed up the process in his Department; and if he will make a statement on the matter. [7287/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): 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 January 2008. Officials in the Citizenship Section inform me that the application has not been examined in detail. Examination of the residency requirement will take place in the near future and the applicant will be contacted at that time informing him when his application will be further examined or of any shortfall in his residency.

The Deputy will appreciate that the granting of Irish citizenship through naturalisation is an honour and applications must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is given only to persons who satisfy the necessary qualifying criteria. The procedures involved in the naturalisation process have been developed and refined over a number of years and I am satisfied that they are necessary to maintain the integrity of the naturalisation process. Consequently, having regard to the resources available, which are kept under constant review, there is a limit to the reduction in the processing time that can be achieved. I have, however, recently allocated additional resources to the Citizenship section of my Department and also instructed my officials to undertake a review of the various processes in order that these might be streamlined further where possible.

196. **Deputy Frank Feighan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for naturalisation on humanitarian grounds for a person (details supplied) in County Roscommon. [7315/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned arrived in the State on 23 December 2002 and applied for asylum. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 30 April 2004, that the Minister proposed to make a deportation order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a deportation order or of making representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State. Representations have been received on behalf of the person concerned and will be fully considered before the file is passed to me for decision.

197. **Deputy Paul Kehoe** asked the Minister for Justice, Equality and Law Reform the reason the application for naturalisation for persons (details supplied) in County Wexford was not accepted; if a new application can be made; and if he will make a statement on the matter. [7316/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Irish Nationality and Citizenship Act, 1956, as amended, provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory residency conditions are fulfilled. These conditions are that the applicant must have had a period of one year's continuous residency in the State immediately before the date of application and, during the eight years immediately preceding that period, have had a total residence in the State amounting to four years. In the context of naturalisation, certain periods of residence in the State are excluded. These include:

- periods of residence in respect of which an applicant does not have permission to remain in the State
- periods granted for the purposes of study
- periods granted for the purposes of seeking recognition as a refugee within the meaning of the Refugee Act, 1996

Applications for a certificates of naturalisation from the persons referred to in the Deputy's Question were received in the Citizenship section of my Department in May 2006. On examination of the applications it was determined that the applicants did not meet the above mentioned residency requirements. Letters informing them of this were issued on 31 August 2006. It is open to the persons concerned to lodge new applications if and when they are in a position to meet the statutory requirements applicable at that time.

Visa Applications.

198. **Deputy Michael Ring** asked the Minister for Justice, Equality and Law Reform if permission will be given to a person (details supplied) to allow them to join their family in County Mayo. [7327/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person in question is the subject of an application for Family Reunification which was made by his wife in December 2006. The application was forwarded to the Refugee Applications Commissioner for investigation as required under Section 18 of the Refugee Act 1996. This investigation is completed and the Commissioner has forwarded a report to my Department. This application

will be considered by my Department and a decision will issue in due course. At the present time Family Reunification applications are taking up to 24 months to process.

199. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will expedite the family reunification process in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [7354/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The refugee in question made an application for Family Reunification on behalf of her husband in November 2007. This application has been forwarded to the Refugee Applications Commissioner for investigation as required under section 18 of the Refugee Act 1996. When this investigation has been completed, the Commissioner will prepare and forward a report to my Department. Upon receipt of this report the application will be considered and a decision will issue in due course. At the present time family reunification applications are taking up to 24 months to process.

200. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or intended position in the matter of family reunification in the case of a person (details supplied) in County Waterford; and if he will make a statement on the matter. [7355/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The refugee in question made an application for Family Reunification on behalf of his wife in January 2007. The application was forwarded to the Refugee Applications Commissioner for investigation as required under Section 18 of the Refugee Act 1996. This investigation has been completed and the Commissioner has forwarded a report to my Department. This application will be considered by my Department and a decision will issue in due course. At the present time Family Reunification applications are taking up to 24 months to process.

Asylum Applications.

201. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency status in the case of a person (details supplied) in County Louth; and if he will make a statement on the matter. [7356/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned arrived in the State on 26 February 2003 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 5 November 2004, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a deportation order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. Representations have been received on behalf of the person concerned and will be fully considered before the file is passed to me for decision.

202. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or proposed position in the matter of residency status in the case of a person (details supplied) in County Louth; and if he will make a statement on the matter. [7357/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned arrived in the State on 1 January 2003 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 5 April 2005, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a deportation order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. Representations have been received on behalf of the person concerned and will be fully considered before the file is passed to me for decision.

Refugee Status.

203. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency status in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [7358/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): 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 Applications 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 would point out to the Deputy that delays in finalising cases can occur for a variety of reasons, including giving applicants and appellants the fullest opportunity possible to present their cases and the determination of Judicial Review proceedings, where appellants pursue such a course of action.

Where the latter is relevant, the time taken to discharge any proceedings is a matter for the Courts and is not something that I, as Minister, can comment on. It is, of course, open to the applicant or the appellant to withdraw any Judicial Review proceedings which they may have instigated and this would allow for their appeal to be processed in the normal manner. A final decision on this application will be made upon receipt of the decision of the Refugee Appeals Tribunal.

Residency Permits.

204. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or proposed residency status in the case of a person (details supplied) in Dublin 7; and if he will make a statement on the matter. [7359/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person in question has no legal status to reside in the State since the 1 November 2000 and the Immigration Division of my Department has no pending application for permission to reside in the State. The person in question arrived in the State in 1997 and claimed asylum. This application was refused and the decision was subsequently upheld by the Refugee Appeals Tribunal. The person in question was notified on 1 November 2000. In the interim, the person in question applied for residence in the State on the basis of parentage of an Irish Born Child. The Immigration Division of my Department wrote to the person concerned on two occasions seeking supporting documentation to his claim. As the registered post was 'returned to sender' and there was no

record on file at that time of a notification of a change of address from the person in question, the application was deemed abandoned.

205. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the progress that has taken place in the application for family reunification in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [7360/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my previous answer to Questions Nos 945 and 990 put down for answer on Wednesday 26th September 2007. I am informed by the Immigration Division of my Department that the person in question made a Family Reunification application in November 2005. The application was forwarded to the Refugee Applications Commissioner for investigation as required under Section 18 of the Refugee Act 1996. This investigation has been completed and the Commissioner has forwarded a report to my Department. This application will be considered by my Department and a decision will issue in due course.

Citizenship Applications.

206. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected status in respect of an application for naturalisation in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [7361/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): 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 May 2005. The file was forwarded to my predecessor in May 2007 and he decided to refuse the application. The reason for refusal was disclosed to the applicant in a letter dated 18 June 2007. It is open to the person in question to lodge a new application should she be in a position to meet the statutory requirements applicable at that time. In doing so, however, she should give due regard to the reasons for refusing the previous application. In relation to the children of the person concerned, as they were born on the Island of Ireland prior to 1 January 2005, they are automatically entitled to hold an Irish passport.

207. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in the matter of an application for naturalisation in the case of a person (details supplied) in Dublin 22; and if he will make a statement on the matter. [7362/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): 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 January 2006. Officials in that section have written to the applicant requesting further documentation. Processing of the application will be finalised once the documentation requested has been received.

Residency Permits.

208. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the progress in the matter of an application for family reunification in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [7363/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Immigration Division of my Department that the person in question made a Family

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Reunification application in January 2006. The application was forwarded to the Refugee Applications Commissioner for investigation as required under Section 18 of the Refugee Act 1996. This investigation has been completed and the Commissioner has forwarded a report to my Department. This application will be considered by my Department and a decision will issue in due course. At the present time Family Reunification applications are taking up to 24 months to process.

209. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will resolve an appeal for family reunification or residency in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [7364/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Immigration Division of my Department that the person in question is the subject of a Family Reunification application which was refused in July 2006. I refer the Deputy to my previous answers to Question No. 1044 put down for answer on 26th September 2007 and Question No. 1203 put down for answer on 30th January 2008. I understand that the representatives of the person in question contacted the Immigration Division regarding this matter and a response was issued to them.

Residency Permits.

210. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform further to his reply to Parliamentary Question No. 244 of 31 January 2008 and previous replies, if a person (details supplied) in County Galway has had their case dealt with by any person who had previously never awarded residency status to any applicant; if so the reason it is intended to proceed with deportation in the face of strong evidence of a serious danger in the event of return to their homeland; and if he will make a statement on the matter. [7365/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I would refer the Deputy to the reply given by my predecessor to his Dáil Question Number 363 of Wednesday 27 September 2006 and the Reply given by me to his Dáil Question Number 200 of Thursday 8 November 2007. The status of the person concerned remains as set out in those Replies.

Citizenship Applications.

211. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the reason naturalisation was previously refused in the case of persons (details supplied) in County Kildare; if it is expected that the current application will be successful; and if he will make a statement on the matter. [7366/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Applications for certificates of naturalisation from the persons referred to in the Deputy's Question were received in the Citizenship Section of my Department in April 2003. On examination of the applications it was determined that the persons concerned did not meet the residency requirements as set out in the Irish Nationality and Citizenship Act 1956, as amended. The individuals concerned were advised of this by letters dated 15 March 2005. The first and second named individuals lodged fresh applications for certificates of naturalisation in April 2006 and July 2006 respectively. Officials in the Citizenship Section of my Department are currently processing applications received in July 2005 and have approximately 5,900 applications on hand to be dealt with before that of the individuals concerned. These are generally dealt with in chronological order as this is deemed to be the fairest to all applicants.

However, I understand both applicants are refugees and 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. To that end, I have recently allocated additional resources to the Citizenship Section of my Department so that several categories of applicant can be dealt with more expeditiously than at present. These include refugees, spouses of Irish citizens and applications made on behalf of minors. It is likely, therefore, that further processing of the applications will commence in the middle of 2008. I will inform the Deputy and the persons in question when I have reached a decision on each case.

Deportation Orders.

212. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or indicated residency status in the case of a person (details supplied); and if he will make a statement on the matter. [7367/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The first named person concerned arrived in the State on 24 February, 2004 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), he was informed, by letter dated 29 August, 2004, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a deportation order or of submitting written representations to the Minister setting out the reasons why he should be allowed to remain in the State. Representations have been received on behalf of the person concerned and will be fully considered before the file is passed to me for decision.

The first named person was informed by letter dated 29 July, 2005 that his application for permission to remain in the state under the IBC '05 Scheme had been refused. The second named person concerned arrived in the State on 3 November, 2003 and applied for asylum as an unaccompanied minor. Inquiries revealed that the person concerned had previously applied for asylum in the United Kingdom. Her application for asylum in Ireland was refused following consideration of her case by the Office of the Refugee Applications Commissioner and by the Refugee Appeals Tribunal. An application for permission to remain in the State under the IBC '05 Scheme on behalf of the second named person concerned was also refused and she was informed accordingly by letter dated 29 July, 2005.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), she was informed, by letter dated 15 August, 2005, that the Minister proposed to make a deportation order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a deportation order or of submitting written representations to the Minister setting out the reasons why she should be allowed to remain in the State. Representations have been received on behalf of the person concerned and will be fully considered before the file is passed to me for decision.

Asylum Applications.

213. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or intended residency status in the case of a person (details supplied) in County Tipperary; and if he will make a statement on the matter. [7368/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): It is not the practice to comment in detail on individual asylum applications. 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 Applications 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. A final decision on this application will be made upon receipt of the decision of the Refugee Appeals Tribunal.

Refugee Status.

214. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform when residency status is expected to be determined in the case of a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [7369/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): It is not the practice to comment in detail on individual asylum applications. 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 Applications 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. A final decision on this application will be made upon receipt of the decision of the Refugee Appeals Tribunal.

Environmental Policy.

215. **Deputy Paul Gogarty** asked the Minister for the Environment, Heritage and Local Government his views on putting in place guidelines for the use of mosquito sirens, which emit a high-pitched sound only audible to younger people with the aim of deterring groups of young people from gathering in the vicinity of shops, and so on; and if he will make a statement on the matter. [7220/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Under the Environmental Protection Agency Act 1992 (Noise) Regulations 1994, any person may seek an order in the District Court to have any noise giving reasonable cause for annoyance abated. Issues arising in relation to mosquito sirens seem to relate primarily to their use for addressing anti-social behaviour and to the possible human health implications of exposure to the effects of these devices. I have no function in these matters.

Local Authority Housing.

216. **Deputy Dan Neville** asked the Minister for the Environment, Heritage and Local Government the position regarding funding for the refurbishment of an estate (details supplied) in County Limerick including the re-roofing of houses which were constructed by the National Housing Agency in 1974 under the guaranteed order programme in view of the fact that they are sub standard, that home insurance is not available and that schemes were introduced elsewhere to improve the standard of similarly built houses. [7232/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): I refer to the reply to Question No. 534 of 18 December 2007. The position is unchanged.

Motor Taxation.

217. **Deputy Áine Brady** asked the Minister for the Environment, Heritage and Local

Government if his attention has been drawn to the fact that certain imported used cars will be paying a lower car tax rate from 1 July 2008, as compared to the same cars that were purchased within the State (details supplied); if his Department has proposals to deal with the anomaly; and if he will make a statement on the matter. [7275/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply to Question Nos. 1307, 1308, 1319, 1326, 1342, 1343, 1351 and 1371 of 30 January 2008. The position is unchanged.

Local Authority Housing.

218. **Deputy Timmy Dooley** asked the Minister for the Environment, Heritage and Local Government if he has plans to restrict local authorities in purchasing houses outside of their jurisdiction; and if he will make a statement on the matter. [7280/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): From time to time housing authorities need to acquire properties outside of their areas to meet housing need. Typically this can arise where there is a shortage of suitable land for the construction of social housing and/or second hand properties available in their areas. In other circumstances, housing authorities may also need to acquire properties to satisfy a housing need that exists on the boundaries of two authorities. In the circumstances, therefore, I have no plans to restrict local authorities in this matter, but would emphasise the importance of communication between the relevant local authorities in individual instances.

EU Directives.

219. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government if he has or will issue guidelines to local authorities on the procedures to be employed and the matters to be inspected under the Nitrates Directive; and if he will make a statement on the matter. [7288/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply to Question No. 685 of 19 February 2008 which addressed the functions of local authorities under the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006, and the powers of the EPA in relation to the performance by local authorities of their environmental protection functions. The position is unchanged.

Planning Issues.

220. **Deputy Pádraic McCormack** asked the Minister for the Environment, Heritage and Local Government the reason with regard to the designation of NHA’s and SAC’s under the National ASI Survey, a person (details supplied) was penalised for having all their lands designated of over 1,000 acres of land and mountain while all the surrounding lands were not designated; the reason their quarry operation on the land was not removed from designation when all other quarry sites in Connemara, County Galway had the designation taken off them; and if he will make a statement on the matter. [7318/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply given in the Dáil adjournment debate on 13 December 2007 which set out the background to the case, and noted that the European Commission is pressing for the completion of Ireland’s designation process in order to complete its list of SACs and provide finalised boundaries for all SAC sites. As Ireland is at risk of heavy EU fines should we be unable to finalise designations in a timely manner, my Department must strictly adhere to the

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normal procedures and time limits for dealing with objections and appeals. In the case of persons who are unwilling to co-operate with the appeals process, their appeals are deemed to be closed after a number of warnings have been issued. This is what happened in this case.

Decentralisation Programme.

221. **Deputy Frank Feighan** asked the Minister for Communications, Energy and Natural Resources when the proposed move of the Central Fisheries Board to Carrick-on-Shannon, County Leitrim will take place under the decentralisation programme; and if he will make a statement on the matter. [7314/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I refer the Deputy to my reply to Parliamentary Question No. 719 on the 5th February 2008.

Departmental Expenditure.

222. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources the cost to the Exchequer of the International Advisory Forum on broadband to be held in Dublin later this month. [7197/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The estimate of the cost of the International Advisory Forum on broadband is €50,000.

Telecommunications Services.

223. **Deputy Billy Timmins** asked the Minister for Communications, Energy and Natural Resources the position in relation to broadband for the Killerig Cross, Ballyhackett area, Tullow, County Carlow; if this can be rolled out as a matter of urgency; and if he will make a statement on the matter. [7216/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The provision of broadband services is, in the first instance, a matter for the private sector. Broadband service providers operate in a fully liberalised market, regulated, where appropriate, by the independent Commission for Communications Regulation, ComReg. There are a number of platforms for delivery of broadband, and the service providers are now offering broadband by wireless, satellite, fibre or standard telephone cable and more recently, by mobile in all areas of the country. My Department operates a dedicated website, *www.broadband.gov.ie* where potential broadband customers can ascertain the availability of services in their area.

Those parts of the country where the private sector will be unable to justify the commercial provision of broadband services will be addressed by the National Broadband Scheme (NBS). I hope to be in a position to appoint a service provider to implement the scheme by the middle of this year.