



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 30 October 2008.

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# DÁIL ÉIREANN

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*Déardaoin, 30 Deireadh Fómhair 2008.*  
*Thursday, 30 October 2008.*

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

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*Paidir.*  
*Prayer.*

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## **Requests to Move Adjournment of Dáil under Standing Order 32.**

**An Ceann Comhairle:** Anois, iarratais chun tairisceana a dhéanamh an Dáil a chur ar athló faoi Bhuan Ordú 32. Requests to move the adjournment of the Dáil under Standing Order 32.

**Deputy James Bannon:** I seek the adjournment of the Dáil under Standing Order 32 to discuss an issue of national importance, namely, Ireland's unsustainable ecological footprint which according to the World Wildlife Fund report ranks Ireland as tenth in a list of countries which rely on the ecological resources of other countries to prop up their lifestyles and economic growth, thereby using up the earth's diminishing resources at a faster rate than most other countries.

**Deputy Thomas P. Broughan:** I seek the adjournment of the Dáil under Standing Order 32 to discuss an issue of local and national importance, namely, the need for the Minister for Transport to make an urgent statement to the Dáil on the breakdown of talks between the board and management of Aer Lingus and SIPTU, and if he will ensure that the full mechanisms of the State's industrial relations apparatus will be utilised to facilitate the resumption of those talks with the aim of avoiding at all costs serious disruptions for the travelling public and the Aer Lingus workforce and a severe setback for the whole economy of north and west Dublin.

**Deputy Caoimhghín Ó Caoláin:** I seek the adjournment of the Dáil under Standing Order 32 to address the following matter of national importance requiring urgent consideration, namely, the growing economic pressure on families in the farming sector and the need for the Government to introduce a range of measures including the carrying out by the Minister for Agriculture, Fisheries and Food of the promised review of costings under the farm waste management scheme, the need to restore the grant under the scheme to 70% of costs and to extend the scheme to June 2009.

**An Ceann Comhairle:** Tar éis breithnithe a dhéanamh ar na nitheardaithe, níl siad in ord faoi Bhuan Ordú 32. Having considered the matters raised, they are not in order under Standing Order 32.

## **Order of Business.**

**The Tánaiste:** It is proposed to take No. 2, Prevention of Corruption (Amendment) Bill 2008 — Order for Second Stage and Second Stage. Private Members' Business shall be No. 45,

[The Tánaiste.]

motion re Education Cuts, to be taken after the Order of Business and to conclude after 90 minutes, if not previously concluded.

**An Ceann Comhairle:** There are no proposals to be put to the House. I call Deputy Kenny.

**Deputy Enda Kenny:** I have a number of questions for the Tánaiste. Arising from the decision of the Government to accept the new fee per GP visit, does the Government now accept that between the changes to be made to the drugs scheme and the new fee per GP per patient over 70, the savings involved could have avoided all of the anxiety and fears—

**An Ceann Comhairle:** This is the Order of Business, Deputy Kenny.

**Deputy Enda Kenny:** —and all of the concerns expressed by the elderly on the streets of Dublin last week?

**An Ceann Comhairle:** There are other ways of raising that matter. It is not in order.

**Deputy Pádraic McCormack:** The budget was out of order.

**Deputy Enda Kenny:** Is the Tánaiste prepared to put up the hand of Government and say: “We are sorry for the angst caused and we have identified the savings in this area”?

**An Ceann Comhairle:** If the Deputy wishes to ask a question which is in order, he is entitled to do so.

**Deputy Enda Kenny:** Second, in respect of the fair deal legislation which is to come to the House the week after next, directly contradictory statements have been made by different Ministers about how this is to apply and how it will impact on people. The budget statement read out by the Minister, Deputy Brian Lenihan, states that the eligibility for reclaim or rebate will be reduced from the marginal rate to the standard rate.

**An Ceann Comhairle:** We cannot deal with that legislation now, as the Deputy knows.

**Deputy Enda Kenny:** It is of importance if it concerns legislation.

**An Ceann Comhairle:** The Deputy cannot ask about its content.

**Deputy Enda Kenny:** Contradictory statements have been made by Government.

**An Ceann Comhairle:** The Deputy cannot ask about its content. That is not my fault.

**Deputy Enda Kenny:** The Bill is to come to the House shortly.

**An Ceann Comhairle:** If the Deputy asks when it is coming to the House, it is a different matter.

**Deputy Enda Kenny:** It means that for a patient going into a nursing home in Dublin, where the cost may be €60,000 a year—

**An Ceann Comhairle:** The Deputy can ask when it is coming to the House.

**Deputy Enda Kenny:** —there will be a difference of €12,000 per patient if the Minister’s rule is to be applied. I would like to know from the Tánaiste whether it is to be at the marginal rate or the standard rate.

**An Ceann Comhairle:** We cannot deal with the content.

**Deputy Enda Kenny:** Will the fair deal cover all of those who go into nursing homes as a consequence?

I have a third question. Today's *Tirconnell Tribune* — I have the front page in front of me — states the Tánaiste met the spokespersons and representatives of the Down's syndrome association on Saturday. In what is the most despicable act in this budget—

**An Ceann Comhairle:** Hold on, Deputy. This is neither a budget debate nor a Second Stage debate. I cannot allow that.

**Deputy Enda Kenny:** I am dealing with legislation.

**Deputy Paul Connaughton:** The Deputy should continue. He should ask the question.

**An Ceann Comhairle:** He should ask about the legislation. The Deputy should be fair to the Chair.

**Deputy Enda Kenny:** I am dealing with legislation as far as the Finance Bill is concerned. In what was the most despicable act of them all—

**An Ceann Comhairle:** That is not a question about the legislation.

**Deputy Enda Kenny:** —the Government proposed to raise the eligibility limit for disability from 16 to 18 years.

**An Ceann Comhairle:** Does the Deputy have a question on the legislation?

**Deputy Enda Kenny:** This newspaper today states that the Tánaiste met the representatives of this association on Saturday, assured them this would be changed back and that the increase to the age of 18 would not go ahead. It states that spokespersons—

**An Ceann Comhairle:** I call the Tánaiste to reply on the legislation.

**Deputy Enda Kenny:** —who met the Tánaiste, Deputy Coughlan, on Saturday—

**The Tánaiste:** On the issue of the legislation—

**Deputy Enda Kenny:** —said they were delighted with the outcome and they were more sure afterwards that the budget recommendations to extend eligibility to 18 years would not go head.

**An Ceann Comhairle:** There are no circumstances under which I can allow Deputies to come into the House and read from provincial newspapers on a Thursday morning. That is not possible. I call the Tánaiste on the legislation.

**Deputy Enda Kenny:** I have a fourth question.

**The Tánaiste:** On the issue of the legislation to deal with—

**Deputy Enda Kenny:** A Cheann Comhairle, I have a fourth question.

**An Ceann Comhairle:** Has the Deputy a question which is in order?

**Deputy Enda Kenny:** It is.

**Deputy Paul Kehoe:** Let him finish.

**The Tánaiste:** —the changes with the medical cards, as has been indicated by the Taoiseach, there are two pieces of legislation which will be brought forward.

**Deputy Paul Kehoe:** A Cheann Comhairle—

**Deputy Enda Kenny:** A Cheann Comhairle—

**The Tánaiste:** The fair deal will be announced next week and the contents thereof can be discussed—

**Deputy Paul Kehoe:** A Cheann Comhairle—

**Deputy Enda Kenny:** I have a fourth question.

**Deputy Bernard J. Durkan:** Hello, a Cheann Comhairle.

**The Tánaiste:** —with regard to the issue of the tax changes that can take place within the Finance Bill.

On the final issue, if Deputy Joe McHugh would like to talk to me afterwards, I will put him straight.

**Deputy Ulick Burke:** They can have a chat about it later.

**An Ceann Comhairle:** I call Deputy Kenny on the fourth issue.

**Deputy Enda Kenny:** I did not hear anything that the Tánaiste muttered when the Ceann Comhairle disallowed my legitimate question.

**The Tánaiste:** I answered clearly and distinctly.

**Deputy Enda Kenny:** I have asked the Tánaiste three questions.

**The Tánaiste:** I answered the three questions.

**Deputy Enda Kenny:** We will see whether the quality of her answers has improved since last week. Here is my fourth question. Can the Tánaiste explain to the House how there is now a differential of 7 cent between petrol prices at the pumps here and at pumps across every European country?

**An Ceann Comhairle:** For God's sake, Deputy.

**Deputy Enda Kenny:** This is dealing with the Competition Authority.

**An Ceann Comhairle:** It is completely out of order. The Deputy should ask a question on legislation.

**Deputy Enda Kenny:** This is your business, a Cheann Comhairle. The Government proposes to amalgamate the National Consumer Agency into a fair trade agency.

**An Ceann Comhairle:** The Tánaiste should reply on the legislation.

**Deputy Enda Kenny:** Can the Tánaiste explain why there is now a 7 cent differential in the pump price for hundreds of thousands of commuters?

**An Ceann Comhairle:** Deputy Kenny is taking French leave.

**Deputy Enda Kenny:** The Greens want to run the Irish motorist off the road. The Tánaiste should explain this.

**An Ceann Comhairle:** On the competition legislation.

**The Tánaiste:** On the Competition Authority, as I indicated to the Deputy——

**Deputy Paul Kehoe:** Answer the first one again.

**The Tánaiste:** The Deputy should get the blacks. The situation is that I will be introducing new legislation on the Competition Authority which will hopefully encompass the amalgamation of the other organisation.

**Deputy Ruairí Quinn:** Withdraw the racist remark.

**Deputy Enda Kenny:** I am not happy with that. I asked the Tánaiste a question. Why is there a 7 cent differential between the price at pumps here——

**Deputy Jim O’Keeffe:** Explain it.

**Deputy Paul Connaughton:** She does not know.

**An Ceann Comhairle:** Deputy Kenny knows as well as I do that we cannot cover that this morning.

**The Tánaiste:** I will be more than happy to answer a parliamentary question on this matter.

**Deputy Enda Kenny:** I am asking a parliamentary question in the House of Parliament and the fact of the matter is that the Tánaiste cannot answer it.

**Deputy Martin Cullen:** Calm down.

**Deputy Enda Kenny:** I need an answer to the question on the Down’s syndrome association. The Tánaiste stated this decision would be reversed.

**An Ceann Comhairle:** The Tánaiste can only answer on legislation on the Order of Business. This is not in order.

**Deputy Enda Kenny:** The Ceann Comhairle is like a good barman in Caherciveen. He will not see a customer he does not want to see. The front page of the *Tirconnell Tribune*——

**The Tánaiste:** I never spoke to the *Tirconnell Tribune*.

**Deputy Enda Kenny:** ——states the Tánaiste met with representatives of the Down’s syndrome association and she said the Government’s intention——

**Deputy Noel Dempsey:** It is not legislation.

**Deputy Enda Kenny:** ——to increase the age from 16 to 18 would be reversed. Is this true?

**An Ceann Comhairle:** This is not legislation. Deputy Kenny knows as well as I do that we cannot discuss provincial newspapers on the Order of Business.

**Deputy Enda Kenny:** It affects thousands of persons with a disability——

**An Ceann Comhairle:** Deputy Kenny cannot ask this question this morning.

**Deputy Paul Kehoe:** The Tánaiste has to answer.

**Deputy Enda Kenny:** Will the Tánaiste answer “Yes” or “No”?

**An Ceann Comhairle:** The Tánaiste cannot answer the question. I call on Deputy Gilmore.

**The Tánaiste:** May I answer?

**Deputy Jim O’Keeffe:** Listen carefully.

**The Tánaiste:** I am sorry about this but——

**Deputy Paul Kehoe:** The Tánaiste is right to apologise.

**The Tánaiste:** ——I have listened to the condescending remarks of Enda Kenny for a considerable period of time.

**Deputy Enda Kenny:** Deputy Kenny to you.

**The Tánaiste:** If we wish to work within the rules of the House——

*(Interruptions).*

**The Tánaiste:** Excuse me, I am completely out of order in answering any questions outside of the matters of the Order of Business on legislation. However, I am more than happy to deal with the leniency that has been shown but not from now on.

**Deputy Simon Coveney:** The Ministers have high standards.

**Deputy Noel Dempsey:** Learn the rules of the House.

**Deputy Martin Cullen:** Take a chill pill.

**Deputy Enda Kenny:** We know the reaction we get from Members over there. The Tánaiste has not answered the questions.

**An Ceann Comhairle:** I call Deputy Gilmore. I am sure he will ask a question that is in order.

**Deputy Paul Kehoe:** The Tánaiste is talking out of both sides of her mouth. She says one thing in the House and another when she is in Donegal.

**The Tánaiste:** I will sort you out, Deputy Kehoe.

**Deputy Paul Kehoe:** On a point of order——

**An Ceann Comhairle:** What is Deputy Kehoe’s point of order?

**Deputy Paul Kehoe:** I would like to know how the Tánaiste is going to sort me out.

**Deputy Brian Hayes:** Is the Tánaiste talking about mud-wrestling?

**An Ceann Comhairle:** That is not a point of order. I call Deputy Gilmore.

**Deputy Paul Kehoe:** The Tánaiste says one thing here and one thing in Donegal.

**The Tánaiste:** I will buy Deputy Kehoe a fine cappuccino and discuss the *Tirconnell Tribune* with him, no problem.

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

**Deputy Paul Kehoe:** The Tánaiste should answer the question.

**Deputy Martin Cullen:** Deputy Kehoe has walked into it now.

**Deputy Noel Dempsey:** The Tánaiste will explain it slowly over a cup of coffee after the Order of Business.

**Deputy Paul Kehoe:** The Tánaiste should answer the question.

**An Ceann Comhairle:** I ask Deputy Kehoe to resume his seat and I call Deputy Gilmore.

**Deputy Brian Hayes:** No wonder Deputy Joe Behan left.

**Deputy Paul Connaughton:** Who will be next?

**Deputy Charles Flanagan:** They will call on the Minister of State, Deputy Conor Lenihan, to assist.

**Deputy Noel Dempsey:** Is Deputy Charles Flanagan looking for a cup of coffee too?

**Deputy Dinny McGinley:** The Tánaiste is very touchy this morning.

**Deputy Eamon Gilmore:** I wish to raise three small matters.

**Deputy Charles Flanagan:** Be gentle with them. They are a bit touchy this morning.

**An Ceann Comhairle:** So long as none of them comes from a provincial newspaper it is fine.

**Deputy Noel Dempsey:** It is a free sheet. It is not even a provincial newspaper.

**Deputy Eamon Gilmore:** No, they are not, we do not get provincial newspapers in Dublin until Friday.

This week last year, the Government voted down a Labour Party Private Members' motion to restore to the Order Paper the Labour Party Private Members' Bill on civil unions. The Government promised it would introduce its own legislation. Some time ago it published the heads of a Bill but we have not heard anything about it since. What is delaying the publication of the Government's civil union legislation? Will the Tánaiste indicate when the Bill will come before the House?

Yesterday, on the Order of Business the Taoiseach confirmed something which the Tánaiste stated previously, which is that the Government will introduce legislation to amend the Competition Act. I understood from what the Taoiseach stated yesterday that this legislation will amend the Competition Act to allow the Government to negotiate with the IMO and that it will be done only in respect of negotiations with the IMO.

The Labour Party tabled a Private Members' Bill in the name of Deputy Michael D. Higgins which would have amended the Competition Act to allow for negotiations to take place between the Government and other professional bodies on matters of delivery of public services. Will the Tánaiste clarify whether the legislation amending the Competition Act is confined only to the IMO or whether it will include the matters covered by the Labour Party Bill? When will it be published?



[Deputy Eamon Gilmore.]

The bank scheme approved last week has a provision which states that any institution covered by the guarantee scheme shall agree to “indemnify the Minister in respect of any payments of covered liabilities made by the Minister following a claim made under the guarantee or any other liabilities incurred by the Minister in that regard”. However, the market notice published by the Department of Finance on its website states:

A covered institution is not required to indemnify the Minister in respect of any payments made by the Minister under a guarantee given to any other covered institution which is not a member of its corporate group.

What this means in practice is that the scheme approved by the Dáil states if a bank gets into trouble the other banks will be required to pay but what the Department of Finance has advertised to the banking market is that this does not apply and any bank covered by the scheme will not have to pay. Deputy Rabbitte—

**An Ceann Comhairle:** We cannot discuss the scheme today.

**Deputy Eamon Gilmore:** This is an important matter.

**An Ceann Comhairle:** This matter was ruled out of order yesterday. It is very important and several matters raised by Deputy Kenny and other Deputies are also very important. If the Members wish to change the Standing Orders, they are entitled to do so and I will obey them.

**Deputy Seán Sherlock:** This is to do with legislation.

**An Ceann Comhairle:** While we have the Standing Orders, I must enforce them and I ask Deputy Gilmore to raise the matter in another way. I am sure he can.

**Deputy Eamon Gilmore:** I am not trying to change the Standing Orders but who is trying to change measures which were approved by this House?

**An Ceann Comhairle:** We cannot get in this now and Deputy Gilmore knows it as well as I do. There is another way of raising it.

**Deputy Eamon Gilmore:** Do we have a situation whereby the Government tells the public that the banks will be liable if a bank goes under and telling the banks that the public is liable?

**An Ceann Comhairle:** The Tánaiste to reply on the first two questions. There might be a very strong argument for having Leaders' Questions on Thursdays. I do not know, it is a matter for the Members but I cannot have them on Thursday until the Standing Orders say so.

**The Tánaiste:** On the civil union Bill, as Deputy Gilmore rightly stated, the heads have been cleared. We hope to have it finalised as urgently as possible and have the legislation available early next year.

With regard to the Competition Authority, I am in consultation with the Attorney General on this matter and we are examining the wider application of what was decided with regard to the IMO. As I indicated last week and this week in the House, the Competition Act is being reviewed and I hope to have comprehensive legislation which will include the Government's decision.

**Deputy Eamon Gilmore:** Who pays if a bank goes under?

**An Ceann Comhairle:** That question is not in order.

**The Tánaiste:** I can ask the Minister to converse with the Deputy on the banking issue.

**An Ceann Comhairle:** Asking on the Order of Business who pays if a bank goes under — come on Deputy Gilmore.

**Deputy Eamon Gilmore:** It is important.

**An Ceann Comhairle:** Of course it is important, I know it well. I have to operate under Standing Orders and that is the brief I am given.

**Deputy Caoimhghín Ó Caoláin:** It is reported today that the Health Service Executive proposes to establish nine regional authorities. Coming so soon after the establishment of the HSE, it is a clear admission of its failure to deliver quality health care, something I believe we all know in this House. Will legislation be brought before the Dáil to effect this change or will it be done by ministerial order? If it is done by ministerial order, will it be presented to the Dáil to allow for a full Dáil debate? Is it the case that any major change to the structure of the HSE must be addressed in this House given it was this House which established the HSE in the first instance?

Structural changes of themselves may or may not be the full answer. The critical deficiencies are the absence of democratic accountability——

**An Ceann Comhairle:** There cannot be Second Stage speeches on the Order of Business. Is there legislation promised?

**Deputy Caoimhghín Ó Caoláin:** ——from the Minister in the first instance and the opportunities for locally elected voices to raise matters and the need for patient consensus.

**An Ceann Comhairle:** Is legislation promised in this area?

**The Tánaiste:** There is no legislation required for this and none promised. There are no new authorities being created.

**An Ceann Comhairle:** I call on Deputy Ruairí Quinn.

**Deputy Noel Dempsey:** There will be no new authorities.

**Deputy Caoimhghín Ó Caoláin:** If no legislation is required or none planned, the ministerial order or whatever mechanism that will be used for this change——

**The Tánaiste:** There will be no new authorities.

**Deputy Caoimhghín Ó Caoláin:** If there are no new authorities, is it not the case that the structure of the HSE will be changed?

**An Ceann Comhairle:** No secondary legislation has been promised. I call on Deputy Ruairí Quinn.

**Deputy Caoimhghín Ó Caoláin:** I am calling for a debate in the House on the proposed changes to the administrative structure of the HSE. Will the Tánaiste allow for such a debate?

**An Ceann Comhairle:** That is a matter for the Whips.

**Deputy Caoimhghín Ó Caoláin:** Will the Tánaiste accommodate a debate in the House on these changes? Will she answer the question? She has the Minister for Health and Children

[Deputy Caoimhghín Ó Caoláin.]

beside her. Will the House be accommodated with a debate on the structural changes in the HSE?

**An Ceann Comhairle:** It is a matter for the Whips.

**The Tánaiste:** The matter is going before the Joint Committee on Health and Children and it can be discussed there.

**Deputy Ruairí Quinn:** Will the Tánaiste indicate when Committee Stage of the Student Support Bill will be taken?

**The Tánaiste:** That would be a matter for the Whips.

**Deputy Ruairí Quinn:** It is also a matter for the Chairman of the Joint Committee on Education and Science, Deputy Paul Gogarty, but he is gone missing. Does the Tánaiste know where the Deputy is?

*(Interruptions).*

**Deputy Olivia Mitchell:** He will send us an e-mail.

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

**Deputy Bernard J. Durkan:** Perhaps the missing persons Act could be amended as well. Like you, a Ceann Comhairle, I have been wondering how certain promised legislation will be brought to the House. What is the position on the legislation to accommodate the social welfare Bill and the reduced eligibility for qualification for medical cards? It was previously indicated to the House that this would be introduced by two Ministers at the same time, a most unusual but interesting procedure.

**An Ceann Comhairle:** We cannot have a speech on the Order of Business. Will the Deputy ask about the legislation?

**Deputy Bernard J. Durkan:** Will the eligibility reduction be introduced under the social welfare Bill or the health amendment Bill? Will there be one or two Bills?

**An Ceann Comhairle:** We cannot discuss the content of the legislation. When will the Bills be introduced to the House?

**The Tánaiste:** The social welfare Bill will be published on Monday and the health (amendment) Bill will be published as soon as possible prior to 1 January, sometime in November.

**Deputy Bernard J. Durkan:** Will it include the promised legislation?

**Deputy Mary Harney:** Yes.

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

**Deputy Bernard J. Durkan:** Due to the fact that Deputy Paul Gogarty has a serious issue on hand, is it possible the explosives Bill could be brought into the House? This is in view of the Deputy's impending discussions with the Minister for Education and Science, Deputy Batt O'Keeffe, and to protect all concerned.

**Deputy Martin Cullen:** Was the Deputy up all night working that one out?

**An Ceann Comhairle:** When will the explosives Bill be published?

**The Tánaiste:** It will be published next year.

**Deputy James Bannon:** Was a precedent set in the House yesterday when the arrogant and untruthful Minister for Defence——

**An Ceann Comhairle:** Hold on a second now.

**Deputy James Bannon:** ——refused to meet Opposition Oireachtas Members? He gave two fingers to the Army wives yesterday and pulled the shutters on Longford.

**An Ceann Comhairle:** All the best. Good night Deputy James Bannon. I call on Deputy Shane McEntee.

**Deputy Willie O’Dea:** Deputy Bannon flunked it. You flunked it. You are just a straw man. You are just a clown. Go away and resign yourself. Or else take a Valium.

**Deputy James Bannon:** I want to know why the Minister behaved in an arrogant manner. He should be ashamed of himself the way he treated the people of my county yesterday.

**Deputy Martin Cullen:** The Deputy should take a chill pill or else take some Prozac.

**An Ceann Comhairle:** I call on Deputy Shane McEntee.

**Deputy James Bannon:** I must also comment on the two Government Deputies in my constituency for their arrogance and complete contempt for the people of Longford.

**An Ceann Comhairle:** I call on Deputy McEntee.

**Deputy Shane McEntee:** I am half afraid of Deputy James Bannon.

**An Ceann Comhairle:** The Deputy will have to raise the matter another way.

**Deputy James Bannon:** Shame on you all. Shame on the Fianna Fáil Government.

**An Ceann Comhairle:** Deputy Bannon, allow Deputy McEntee.

**Deputy Shane McEntee:** A Cheann Comhairle, he will hit me if I stand up.

**Deputy James Bannon:** Shame on you all again. The door was banged in the face of Senator Nicky McFadden and myself yesterday.

**Deputy Martin Cullen:** A Cheann Comhairle, you better give him a hand there.

**Deputy Willie O’Dea:** He flunked it. He did not even dare come up and see me.

**An Ceann Comhairle:** Deputy Bannon, I must ask you to resume your seat.

**Deputy James Bannon:** On legislation, a Cheann Comhairle, when is the designated housing and development Bill coming before the House? Shame on you all on that side of the House.

**Deputy Willie O’Dea:** You flunked it. You are just a straw man.

**Deputy Tom Hayes:** Deputy O’Dea should leave him alone.

**An Ceann Comhairle:** I call the Tánaiste on the legislation.

**The Tánaiste:** The legislation will be published next year.

**Deputy James Bannon:** Tell the truth Willie——

**An Ceann Comhairle:** Deputy Bannon, I prefer the Standing Order 32 approach.

**Deputy Shane McEntee:** I think I will move away from Deputy Bannon.

**Deputy Charles Flanagan:** You thought Chad was bad, Willie.

**Deputy P. J. Sheehan:** Willie, get your gun.

**Deputy Shane McEntee:** As a former Minister for Agriculture, Fisheries and Food, the Tánaiste will know the past five days have been terrible in counties Louth, Meath, Monaghan and Cavan. There was snow last night.

**An Ceann Comhairle:** We cannot discuss the weather now.

**Deputy Shane McEntee:** Is there any way the Tánaiste can request the Minister for Agriculture, Fisheries and Food to extend the slurry spreading deadline for two weeks?

**An Ceann Comhairle:** We cannot discuss snow nor slurry. The Deputy should ask about legislation.

**Deputy Shane McEntee:** Can there be an extension of two weeks to the slurry spreading deadline?

**Deputy Martin Cullen:** There is plenty of slurry over on that side.

**An Ceann Comhairle:** We cannot bring this up on the Order of Business. If every Member did this, we would never dispense of the Order of Business.

**Deputy Shane McEntee:** The Department payments have not been made. Will there be an extension for two weeks? It must be done.

**Deputy P. J. Sheehan:** There should be an extension to 31 December.

**An Ceann Comhairle:** I am aware of that Deputy Sheehan, it is very interesting.

**Deputy Terence Flanagan:** What is the update on the property services regulatory Bill? On previous occasions when I raised the legislation, I was informed it had been referred to the Attorney General for him to decide whether one or various Bills would be required to regulate the industry.

**The Tánaiste:** There are two Bills to be dealt with. The property services Bill is with the Department of Justice, Equality and Law Reform and will be introduced in this session. The other legislation has not been finalised.

**Deputy Phil Hogan:** Why has the Housing (Miscellaneous Provisions) Bill been withdrawn from the Order Paper and why is it not being taken in this session?

**The Tánaiste:** The Bill is currently in the Seanad.

**Deputy Fergus O'Dowd:** An issue arose in the House last night where the Leas-Cheann Comhairle undertook to report to the Ceann Comhairle's office about gestures and words spoken in the Chamber which were deeply offensive to many people. What is the result of your adjudication on this matter, a Cheann Comhairle? I believe the Minister of State in question, Deputy Conor Lenihan, ought to withdraw those remarks.

**An Ceann Comhairle:** It is a long established ruling of the House that the Ceann Comhairle does not review rulings of the Leas-Cheann Comhairle nor does the Leas-Cheann Comhairle review rulings of the Ceann Comhairle. The position is that action replays are not a matter in which we become involved. I am not in a position——

**Deputy Pádraic McCormack:** The Leas-Cheann Comhairle said last night he would review the matter.

**An Ceann Comhairle:** I am not in a position to go into last night's business nor was I present in the House. That is the position.

**Deputy Fergus O'Dowd:** I contacted your office this morning and I was advised to contact the Office of the Clerk of the Dáil. I know the time was short but it is a serious and fundamental issue. I want to be helpful to the House. It is very important that the gesture made here last night and the intent behind it——

**An Ceann Comhairle:** I do not know anything about it.

**Deputy Fergus O'Dowd:** ——or the words that were spoken would be withdrawn by the Minister of State mentioned. I call on him to indicate that he will speak on this matter.

**An Ceann Comhairle:** If the Minister of State wants to be helpful.

**Deputy Conor Lenihan:** Deputy Coveney knows this morning that I said I would fully retract it if that was his request. I am delighted to retract here on the record. I am also delighted Deputy Varadkar is not as precious as his colleagues over there.

**Deputy Paul Connaughton:** The Deputy is well used to that now.

**Deputy Bernard J. Durkan:** The Minister of State should know when to stop digging.

**An Ceann Comhairle:** I call on Deputy Olwyn Enright.

**Deputy Olwyn Enright:** That was a fairly half-hearted withdrawal.

**An Ceann Comhairle:** I must emphasise that Standing Orders do not allow for retrospective rulings.

**Deputy Simon Coveney:** On a point of order, last night we were given an assurance from the Leas-Cheann Comhairle that he would consult the Ceann Comhairle——

**Deputy Pádraic McCormack:** He said he would consult the record.

**Deputy Simon Coveney:** ——in order to make a ruling on this matter. That is the basis for us requesting the Ceann Comhairle makes a ruling this morning.

**Deputy Finian McGrath:** We could use video evidence.

**An Ceann Comhairle:** No action replays. I call on Deputy Enright.

**Deputy Olwyn Enright:** This morning the Minister of State at the Department of Health and Children, Deputy Máire Hocht, at a meeting of ICOSA that if it had alternative proposals that could be brought to the Minister for Agriculture, Fisheries and Food, they would be considered, “like what is happening in education”, is the phrase that was used. In view of this is the Minister going to re-examine the budget cuts in agriculture?

**An Ceann Comhairle:** I would love to help the Deputy but I cannot, because it is not in order.

**Deputy Olwyn Enright:** It makes a difference to those working in the sector if it is going to be re-examined.

**An Ceann Comhairle:** I cannot do it. Deputy Enright well knows that.

### Private Members' Business.

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### Education Cuts: Motion (Resumed)

The following motion was moved by Deputy Ruairí Quinn on Wednesday, 29 October 2008:

That Dáil Éireann deplores the series of educational cuts announced in the budget and subsequently by the Minister for Education and Science; expresses its serious concern at the damage these cuts will cause to the education system and to the future prospects of our children; and calls on the Government, in particular, to reverse the decision to increase class sizes at first and second level.

Debate resumed on amendment No. 1:

To delete all words after “Dáil Éireann” and substitute the following:

- “— recognises, given the difficult economic circumstances, the necessity to stabilise the public finances and that taking difficult expenditure decisions and choices at this time is essential in order to ensure that public services, including education, can be sustained and improved in the long run;
- notes that the expenditure control measures in the education sector must be considered in the context of the Government’s significant investment in education which has increased spending by over 300% since 1997, which has provided for significant improvements in resources and infrastructure across the sector including:
  - 15,000 extra teachers working in our primary and post-primary schools;
  - the targeting of additional supports and resources for children with special education needs with over 19,000 teachers and special needs assistants now working with these children in our schools;
  - the targeting of additional supports and funding to schools in the most disadvantaged areas under the Department’s DEIS (Delivering Equality of Opportunity in Schools) Action Plan;
  - the significant capital expenditure of over €586 million this year alone for the school building programme compared to just €92 million in 1997;
- notes the long-standing role of partnership in education and the Government commitment to continuing to work constructively with the partners to build on past achievements and improve educational outcomes for all our students;

- acknowledges that the education budget for 2009 shows a 3.2% increase on 2008, despite serious pressures on public finances and major challenges to our economic and social well being; and
- recognises that these expenditure control measures, while necessary in the current circumstances, will be considered further by Government, in the context of prevailing economic circumstances, at the earliest possible opportunity.”

—(Minister for Education and Science).

**Deputy John O’Mahony:** I am delighted to support the motion put down by Deputy Quinn and the Labour Party on the chaos that will be caused in the education sector if the cutbacks announced in the budget and subsequently by the Minister for Education and Science go ahead as planned. I have been a secondary school teacher for more than 30 years and I know at first hand the difficulties that will emerge inside and outside the classrooms of this country once these cutbacks begin to bite in a couple of months time. I have been in contact with every primary and post-primary school in Mayo over the last week. The response was one of anger, dismay and fear about what is going to happen in our primary and secondary schools after 1 January. My colleagues have dealt with many of the issues already but in my few minutes I want to address the effects on the promotion of sport and extra-curricular activities as well as some specific problems in my constituency.

Over the years thousands of teachers have given of their time on a voluntary basis to organise, train, supervise and manage school football teams in inter-college competitions across the length and breadth of the country. Some of the training was done before class in the morning, at lunchtime or after school. Teachers sometimes even drove the pupils home if they missed their school buses. We are talking about a whole range of sports including GAA, rugby and soccer. It is on the playing fields of St. Colman’s, St. Nathy’s, St. Muredach’s, St. Jarlath’s, Coláiste Chríost Rí, St. Kieran’s Kilkenny and others that the future all-stars, All-Ireland medal winners, soccer and rugby internationals are nurtured. It is on those pitches that they learn how to win and lose, how to cope with success and defeat. They learn the meaning of teamwork, loyalty, trust and discipline. As a teacher who trained teams to win All-Ireland competitions at schools level I know how involvement in sport helps to relieve the pressure of the academic points race. I know how self-esteem built on the school pitches helps students in the classroom and the exam hall.

The Minister stated here last night that as regards promotion of sport in our schools we have merely returned to how things were in the early years of this decade. I say to the Minister that the world has changed since 2002. No principal can risk leaving the class of a teacher unattended while he goes to take charge of a football team, as was the case in the past. Colm O’Rourke, a school principal and a top footballer in the past, was right when he stated in his column last weekend: “The days of leaving classes to their own devices while a teacher went to a football game are thankfully long gone.”

**Deputy Brian Hayes:** Hear, hear.

**Deputy John O’Mahony:** We should remember also that the teacher who goes with the team is doing so on a voluntary basis. He must be the minder, trainer, kit-man and medical man. He must get a referee, pay the caretaker and so on. As a teacher I always found that I could get to know my students better on the playing field and therefore got greater co-operation in the classroom. Is the Minister intending to put all that at risk by implementing these cutbacks? If cover is not provided for games there will be a negative impact on the physical and social development of students. This will lead to increased discipline problems in the classroom, as there will be no outlet for students to burn off their aggression.



[Deputy John O'Mahony.]

We all know we are nowhere near meeting the recommendations of the report of the national task force on obesity, which states that every child should have at least 30 minutes of exercise every day. A Fine Gael survey carried out by my colleague Deputy Deenihan showed that students in a quarter of the schools surveyed received less than an hour of PE per week. The obesity crisis and the health problems associated with it will cost the State in the long term.

A couple of years ago nine secondary schools in Mayo which had been in the old DEIS scheme were excluded because of new criteria that were drawn up. Of a total of 43 schools excluded nationally, 25% were from Mayo. A similar story existed at primary level. Due to the upcoming general election, a compromise was reached whereby schools were allowed to keep some of the privileges they had. However, these have now been taken away in the budget. Some schools in Mayo must face not only class size increases but also a loss of posts for disadvantaged areas as well as home-school liaison officers. I have heard from three secondary schools in Mayo alone that they will each lose five teachers if these cuts are implemented. That is among just three schools, yet the Minister stated that only 200 jobs would be lost. How can the Minister justify this?

Last Friday I visited Craggagh national school, a three-teacher school with a wonderful atmosphere and great sense of teamwork. On 1 September 2008 there were 48 pupils on the roll, enough to retain its three teachers, but under the new guidelines this number will be reduced to two. Thus it is losing 33.3% of its staff. Each teacher will have to look after four classes. There is a perception out there that class size will only increase by one, but in this case the number in each class will increase by ten. This is not on. Small rural schools will be hardest hit. I could go on and on.

It has been asked where Fine Gael would find the resources. I do not have time to elaborate on this but I will make one simple point. What about the millions spent on prefabs? One school in Mayo spends €70,000 per year renting prefabs. There is also the perception, with regard to the Fine Gael proposals, that we want to hit teachers' salaries. Our proposal for a pay freeze for those earning more than €50,000 is aimed at protecting the jobs that will be lost under the Minister's cutbacks. I strongly commend the motion.

**Deputies:** Hear, hear.

**Deputy Frank Feighan:** I support the Labour Party motion concerning the cuts to the education system. I ask the Minister to reverse his decision to increase class sizes at first and second level. This budget will possibly go down in history as the worst ever. It is a vicious attack on those over 70, our schoolchildren, the old, the vulnerable and other citizens of this country. Let us not get too confused here. People are saying the budget was rushed, ham-fisted and ill thought out. In fact, this budget was show time once again. There are spin-doctors, wizards and spooks out there who are monitoring what I am saying. They orchestrated the general elections in 2002 and 2007 and every budget in between. It was show time for them. As in the general elections, there were the chorus, the lead singers, the orchestra, the compères and the cheerleaders. There were also the vested interests. In previous budgets we have had everybody texting around the country telling us how good the budget was going to be. Indeed, there was a standing ovation from the members of the Government. What they could not hide, however, was that there was no substance to this budget and that the devil was in the detail. The fiasco of medical cards for the over 70s resulted in a protest outside the Dáil by 15,000 brave citizens who saw through the smoke and mirrors. We had the students, the farmers and many more, and now the principals, teachers, students and parents are protesting again.

There is a list of 32 education cutbacks in budget 2009. I could read them into the record but they have already been read. However, I will mention a few, including the reduction in school building programmes. In Ballinamore in my constituency of Roscommon-South Leitrim, we had nine public meetings attended by more than 300 people. The Minister promised that a school would be delivered in Ballinamore and I expect him to keep that promise. In addition, the grants for school choirs and orchestras have been abolished, as have the early child care centres, and there has been a radical increase in school transport costs. As spokesperson on school transport, I feel this is anti-family and anti-rural. The Minister of State, Deputy Seán Haughey, lives in the constituency of Dublin North-Central which has had its difficulties, certainly in terms of educational challenges, but not when it comes to provision of school transport. Most of the students live within 2.2 kilometres of the school and they have footpaths, cycle lanes, walkways and a good public transport system available to them but that is not necessarily the case in rural Ireland. A total of 140,000 children avail of school transport each day. The cost of school transport for junior cycle students last Easter was €99 per student. That has increased to €300 in less than six months. It now costs parents of two junior cycle students €600, which is an increase of over 203%.

Where were the Green Party Members on this occasion? I welcome the provision of tax relief on the purchase of a bicycle but it is of no use to school children. Parents who have their own transport are not affected but parents with two children who do not have their own transport, and who may have to walk a mile to get to public transport, must pay €600 for those two children. The Green Party wants to take cars off the road but it is now cheaper to drive one's children to school than it is to avail of public transport. That goes against all the policies of Sustainable Ireland and it must be reversed.

**Deputy Michael McGrath:** I wish to share time with the Minister for Communications, Energy and Natural Resources, Deputy Eamon Ryan, and Deputies Blaney, Gogarty, Cregan and Fahey.

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

**Deputy Michael McGrath:** I am pleased to have the opportunity to speak in support of the Government amendment to this Private Members' motion on education. In political commentary here it is often said that three areas should be protected — social welfare, health and education — but that analysis ignores the fact that those three Departments account for 78% of current gross Government expenditure. The reality is that it is impossible to bring the public finances under control without addressing these Departments but notwithstanding that, the Government, in extremely difficult fiscal circumstances, has safeguarded them to the greatest possible extent. They are the only three Departments that have secured an increased budget for next year. Education has been prioritised.

Every Member in this House is at one on the importance of education in our society. All of our experiences of the education system have shaped us as individuals but the debate on this motion cannot be detached from the reality of a €13.41 billion deficit next year or a €4.7 billion deficit on the current side. That must be addressed.

The Government cannot sustain a situation in the coming years where we have a deficit of 6.5% of GDP. We have no choice but to tackle the issue, and every area will have to make sacrifices, but the Minister has done remarkably well to shield the education sector from the worst of the cuts that were necessary. The education budget is increased by 3.2% or €302 million and by any objective measure, investment in our education system in the past ten years at primary, post-primary, third level and in the emergence of fourth level has transformed the educational landscape for the better.

[Deputy Michael McGrath.]

I am proud of the in-class supports we are providing to special needs children in mainstream schools. A total of 19,000 adults now work solely with children with special needs in our schools. There are 10,000 special needs assistants compared to just 2,000 in 1997. Those supports are unrecognisable from the time I and many Members were in the primary education sector.

Class size is probably the most emotive issue that has emerged in the debate in recent weeks and this covers the decision to increase the ratio from 27:1 to 28:1. My son is in primary education, in first class. He is in a class of 30 and is one of only 20% of pupils who are in classes of 30 or more. That is not ideal. Like every other parent I would like my children to be in the smallest class size possible but I would prefer my son to be in a class of 30 than for this Government to take out a mortgage on his future and the future of every other child in the primary education sector because we did not have the political courage to confront the grave economic situation that persists.

I had occasion recently to visit my former primary school in Passage West. When I was in the school there were 35 students in my sixth class; it was a multi-grade class. The Minister has stated on the record that when resources permit, the Government will review the situation and reduce class sizes further. It is disingenuous to suggest that the enormous progress we have achieved since 1997 is being undone in this budget. That is untrue. The staffing schedule changes that have been announced reverts us to the situation that prevailed in the 2006-07 school year.

The Minister put it on the record last night, and I do not believe it was a political point, that when the Opposition was last in power the pupil-teacher ratio was 35:1. That is not a criticism because ten years ago Ireland was a very different country to what it is today. In the past ten years we have reduced that ratio to 27:1 in very good economic times but we are now faced with a crisis in the public finances and a modest adjustment is being made, increasing the ratio back to 28:1. In the circumstances, that is not an unreasonable sacrifice to ask to be made.

On the primary sector, it has been clarified that 900 new posts will be created for the next school year, with 1,100 being removed by virtue of the measures announced in the budget. There will be 200 fewer primary school teachers on the payroll next year, as there is this year.

I welcome the commitment the Minister has made on the capital budget — an increase of 11% to €889 million. I also welcome his commitment to restore the summer works scheme, review the language support teacher provisions on a case by case basis, and the increase in the capitation rate to €200 per pupil.

Our duty to the children of this country is not limited to the time they spend in our education sector. There is an even greater duty on us as public representatives to ensure we do not cripple their future by allowing the public finances spiral out of control, which would condemn them to a future of high taxes to pay the debts we have generated.

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** This debate allows us to address a crucial issue in a time of real change in our country. We must get three things right. We must get our finances in order, both in terms of our own budget and in terms of getting saner and sustainable lending going again; we must get real public sector reform; and we must then start to plot a path to economic recovery to allow us generate the wealth that pays for the social services we all want to see happen.

In regard to the budget and getting our finances right, the Government was faced with a difficult task. The reduction in public finances in terms of the tax income is massive and has been very swift in the change that has occurred. On the response by the Government, the broad parameters in terms of trying to make up some of the €6 billion gap that we had not

expected but that had evolved and had to be dealt with was to see approximately €2 billion in tax revenues raised, mainly in five areas which target the better off. Those are capital gains tax rises, tax on second homes, tax on the higher VAT rate, which does not affect food, clothing, heating and other essential provisions, and a number of other taxes.

A total of €2 billion will be raised in cuts in spending, and €2 billion in increased borrowing, adding to our borrowing requirement. There is clear recognition that the increased borrowing means we are looking at a two or three year path out of the economic crisis we are in. Next year the recommended borrowing requirement will double. We can do that because our overall level of borrowing nationally compared to other countries is low but there is still a very difficult two to three year task that we must set out, and we should be honest with the people as to the nature of that.

When it came to the cuts, it was decided in Government that every Department would play its part but that there would not be cutbacks in real expenditure in education, health and social welfare, despite the fact that approximately 80% of Government spending is accounted for in those three large social areas. In education there is an increase in expenditure of €300 million rather than a real cut. However, the reality is that the wage bill and the increasing number of students coming into the system required the Minister for Education and Science and the Government to collectively agree a series of measures which would allow him operate within that budget. That presents a real difficulty and a challenge but it is something we could not avoid within the context of the overall budgetary arithmetic.

My second point relates to public service reform, which is crucial to the debate. It would be wrong for us not to recognise that in the education sector, as in every other sector of the public service, there is scope for reform. We cannot continue to operate as we have for the past ten years, particularly in light of the changes that have occurred globally. There has been a budgetary increase and if we were to bring about reform in the education sector and achieve efficiencies of 2% or 3% in the context of how things are done, it would give us the resources to provide the services everyone wants to be delivered. The issue of reform goes hand in hand with that relating to budgetary matters.

Like the Minister for Education and Science, Deputy Batt O’Keeffe, I look forward to negotiating with the partners in order to discover the means at our disposal to try to achieve efficiencies. There are simple examples that can be provided which do not help the teachers in their cause. First, there is the inflexibility that exists in the context of an inability to move from one school to another without one’s rights being lost. Second, there is also an inability to move staff from a school where there is an excess of teachers to one where there is shortage. In this moment of real crisis and change, we must alter the way we operate. We must be innovative and efficient in education and every other sector of society. That is the crucial task we face in the context of delivering the services required.

My third point relates to economic recovery and how this might be achieved. An interesting article appeared in one of the newspapers this morning suggesting that what happened in Finland, which underwent a shock similar to that being experienced by Ireland in the early 1990s, is an example of how to proceed. Finland experienced a 6% drop in GDP in 1992 and a 4% drop the following year. The shift was dramatic and came about as a result of changes that had occurred in the Russian Federation.

**Deputy Brian Hayes:** We have all read the article.

**Deputy Eamon Ryan:** Finland invested in research and development and, in particular, education in order to map out a path to recovery. That is the model we should emulate and we are well placed to do so——

**Deputy Joan Burton:** They did not cut the entitlements of primary school children.

**Deputy Eamon Ryan:** —particularly in the context of our research and development budget.

**Deputy Joan Burton:** The Minister should reread the article to discover what the Finnish Government did not do to primary school children. The Minister should get his facts straight.

**Deputy Eamon Ryan:** I am totally committed to working with my colleagues, including Deputy Gogarty, others in government, and Members across the Chamber to create the right financial environment to allow us to invest in education.

**Deputy Joan Burton:** The Finns did not cut the entitlements of primary school children.

**Deputy Brian Hayes:** They spent 7% of their national——

**Deputy Eamon Ryan:** Such an investment is crucial and it can be delivered in the two to three-year framework within which we must operate.

**Deputy Joan Burton:** The Minister should go back and study what happened in Finland.

**Deputy Niall Blaney:** Education has taken centre stage this week. The protests held outside the House yesterday by many people who work in the education sector brought this matter into sharp focus. I regret that this is the case.

I acknowledge the vast contribution teaching staff make to the lives of children. Teaching staff in this country are extremely committed and professional and I commend them on their efforts. Like most other Members, I came through the education system and I fully understand and appreciate the professional service provided in schools throughout the country.

I come from a rural area in County Donegal and I attended a small primary school in which there were two teachers. The big event at our school was the day on which the lorry carrying turf arrived and students were allowed to leave their classes in order to transfer the turf from the roadside to the coal shed at the rear of the building. This was the sum of our extracurricular activities. It is sometimes worth one's while recalling how things used to be. I am still a young man but even if I cast my mind back only a few years, I remember there was little discussion regarding disadvantage or special needs. Unfortunately, many children were left behind because the additional services they required were not available when I attended school.

It is time to acknowledge the services that are available today. There are approximately 19,000 adults in our schools who work solely with children with special needs. I will break that figure down because it is worthwhile discovering the way in which these resources are utilised. Some 10,000 of the adults to whom I refer are special needs assistants, SNAs. In 1997 there were only 300 SNAs in our schools. A further 7,800 are resource and learning support teachers, of whom there were just 2,000 in 1998. Some 1,100 other teachers are involved in supporting children in special schools, while hundreds more work in special classes.

In the budget, €10 million is being provided for children with special educational needs. Among other benefits, this will provide a 33% increase in the money available to the Department's psychological service. As a result, more psychologists will be working with children in our schools during the coming year. It will also provide additional funding for the National Council for Special Education and enhance its capacity to co-ordinate the provision of services at local level for children, parents and schools.

There has been much discussion of cuts to services in recent days. It is important to highlight the vast investment that has been provided for education in the budget. A great deal of anger

has been expressed with regard to increases in class sizes. It is not ideal to be obliged to implement this measure. However, we must recognise that we are rolling back to the position that obtained in 2007, when people were still provided with an excellent level of education.

Some false information has been disseminated during the past week and I wish to correct some of it. Statements have been made to the effect that class sizes in Ireland are the largest in Europe. That is simply not the case. Furthermore, Ireland's performance in international assessments of achievement underlines the fact that the quality of the education system does not merely equate to class sizes. Surveys carried out for the programme for international student assessment, PISA, indicate that Irish 15 year olds have outperformed students in OECD and EU countries where class sizes are significantly lower than in Ireland. Ultimately, however, I wish to stress that we want to be in a position to reduce class sizes. We intend to resume that exercise in more stable economic times.

It is worth noting that €9.6 billion was allocated in respect of education in the budget. This represents an increase of over 300% in the allocation since 1997. It also represents an increase of €302 million on the amount spent on education in the current year. This is an investment in respect of which the Government, which is doing its utmost to prioritise education, should not be derided.

There are difficult times ahead and we must work together to overcome the problems we face.

**Deputy Ruairí Quinn:** Who created those difficult times?

**Deputy Niall Blaney:** If we do so, we can navigate our way through the difficult times.

**Deputy Paul Gogarty:** I wish to begin by telling a story. Approximately one year ago, as Chairman of the Joint Committee on Education and Science, I called an emergency meeting on the water charges issue. It may have been coincidental but when I called that meeting, there was a response from the Government. My aim in calling the meeting was to try to obtain an agreed cross-party motion from the members of the committee, the purpose of which would be to send a strong message to the Government. It became apparent on the day of the meeting that a motion would be tabled by Fine Gael and Labour. This meant a Government counter-motion would have to be tabled. I informed Deputy Quinn that this would lead to the committee's motion being watered down and that, as a result, it would not have the same impact. Deputy Quinn replied, "That is politics, Paul".

I agree with the Deputy, that is politics. That is why the Labour Party tabled the motion before the House. It is also why the Green Party, Fianna Fáil and the Progressive Democrats are tabling an amendment. I praise the Labour Party for tabling the motion because it has provided a good opportunity for debate and exerted pressure on the Government.

**Deputy Emmet Stagg:** The Deputy should vote in favour of it then.

**Deputy Paul Gogarty:** The latter is extremely important, particularly in these straitened economic times.

**Deputy Bernard J. Durkan:** Hear, hear. Well done.

**Deputy Paul Gogarty:** This matter relates to our economic and social well-being and also to our children. I am happy the Labour Party is fulfilling its obligations as a party of opposition. The Green Party is also fulfilling its obligations as a party in government. That is why I am satisfied to stand over the Government amendment which the Green Party played its role in framing.

**Deputy Bernard J. Durkan:** Tadhg an dá thaoibh.

**Deputy Paul Gogarty:** The amendment recognises that we are in tough economic times and that progress has been made in some areas, while cutbacks have been made in others.

**Deputy Paul Kehoe:** Is this a climbdown or a fall down?

**Deputy Paul Gogarty:** However, the amendment also contains a commitment to address these cutbacks at the earliest possible opportunity. The Green Party is fully engaged in that process. I concur with all Members that a response is definitely required. However, I also understand that such a response will come at the appropriate time.

**Deputy Emmet Stagg:** Live horse and you will get grass.

**Deputy Paul Gogarty:** I wish to place on record the fact that I fully support the Minister for Education and Science——

**Deputy Brian Hayes:** I am sure he is glad to hear that.

**Deputy Bernard J. Durkan:** It is very reassuring for the Minister.

**Deputy Paul Gogarty:** ——in his attempts to deal with the difficult circumstances relating to the education budget. I remain a strong critic of education funding in general. The onus is on the Minister for Finance, the Taoiseach, the Cabinet, those on the Opposition benches——

**Deputy Emmet Stagg:** And the Deputy.

**Deputy Paul Gogarty:** ——and the Green Party to try to work to increase that funding.

**Deputy Emmet Stagg:** It cannot happen without the support of the Deputy.

**Deputy Paul Gogarty:** Last year, I criticised the lack of funding for education when times were better. During a debate on a previous Labour Party motion, when I was in opposition, I railed against the lack of commitment on all sides of the House to achieve a real consensus to increase education funding.

**Deputy Frank Feighan:** The Deputy is all things to all men.

**Deputy Bernard J. Durkan:** He is still railing, but he is doing nothing.

**Deputy Paul Gogarty:** We are engaged in that process. I acknowledge that this motion gives us a valuable opportunity. There are lessons to learn. I certainly hope my party has learned those lessons.

**Deputy Emmet Stagg:** The Deputy does not seem to have learned any lessons.

**Deputy Bernard J. Durkan:** He has learned nothing.

**Deputy Paul Gogarty:** I hope all parties will learn lessons. We need a consensus and a vision for education over the next ten years.

**Deputy Emmet Stagg:** The Deputy is running with the hare and hunting with the hounds.

**Deputy Paul Gogarty:** That vision needs to extend beyond the electoral cycle. We should not always be trying to sort things out in advance of a general election and hoping everything will be fine.

**Deputy Bernard J. Durkan:** That is what the Deputy is hoping.

**Deputy Paul Gogarty:** We need a commitment not just from the Government, but also from the Opposition——

**Deputy Paul Kehoe:** Stop.

**Deputy Paul Gogarty:** ——to work in partnership.

**Deputy Emmet Stagg:** The Deputy and his Government colleagues have a majority in this House.

**Deputy Bernard J. Durkan:** They cannot have it both ways.

**Deputy Paul Gogarty:** As I said at the outset when I mentioned the committee motion, one can achieve more if there is a consensus.

**Deputy Frank Feighan:** The Government got us into this mess.

**Deputy Paul Gogarty:** I concur with my colleague, the Minister, Deputy Ryan, who said that the education partners can play a constructive role in this process. All teachers, like everybody else involved with schools, have acknowledged that there are savings to be made.

**Deputy Ruairí Quinn:** Will the Deputy take a point of information?

**Deputy Paul Gogarty:** The Deputy can do so in a second. I am nearly finished.

**Deputy Bernard J. Durkan:** The Deputy is right about that.

**Deputy Paul Gogarty:** Contrary to media reports, the Green Party is neither pulling out of the Government——

**Deputy Emmet Stagg:** What about the e-mail?

**Deputy Paul Gogarty:** ——nor climbing down on the education issue.

**Deputy Paul Kehoe:** The Green Party is falling down.

**Deputy Paul Gogarty:** We remain committed to working within the Government to effect positive change.

**Deputy Emmet Stagg:** They are locked in.

**Deputy Paul Gogarty:** There have been some positive indications over recent days.

**Deputy Frank Feighan:** What does the Minister think?

**Deputy Paul Gogarty:** I assure my colleagues on the Opposition benches that progress will continue to be made. I am glad to be part of the solution.

**Deputy Paul Kehoe:** The Minister might let Deputy Gogarty sit in his chair.

**Deputy Bernard J. Durkan:** That was an appalling apologia for a once-proud party. I am amazed. I do not believe what I have heard.



**Deputy John Cregan:** I commend the Minister on securing an increase, to €9.6 billion, in the education budget this year. That increase is to be welcomed. It is quite commendable. Most of the discussion on the education budget over recent days has centred on the pupil-teacher ratio. Like other Deputies, I regret that the Minister had no option but to revert to the situation that prevailed in 2007, contrary to the commitment in the programme for Government to decrease class sizes. I welcome the Minister's statement that he is totally committed to revisiting this matter at the earliest possible date. As he has said over recent days, the best way to do that is by means of partnership. We need to sit down with all the education partners to see where savings can be made. We need to start working so that progress can be made in the future. The Minister has suggested that we are taking one step back to take two steps forward. He is taking a step back, but I hope he will be in a position to take two steps forward quickly, so the commitment in the programme for Government can be implemented. We can be proud of the fact that every commitment in this area in previous programmes for Government was implemented. All such commitments are based on the availability of resources. We do not have sufficient resources at this time, unfortunately. The Minister had no choice but to try to make savings. He has decided to do so in this manner. I welcome the fact that the Minister has increased the education capital budget, which is an important aspect of any budget, by €79 million this year. It is hugely important.

I would like to mention a school in Kilfinane, which is in my constituency. In recent years, the school's teachers and pupils have had to work and learn in extremely difficult circumstances.

**Deputy Emmet Stagg:** They will be worse as a result of the budget.

**Deputy John Cregan:** There are draconian conditions in the school. That situation will change shortly, as a result of the budget increase in capital funding and the commitment given by the Minister when he visited the school. I welcome that.

**Deputy Jan O'Sullivan:** No commitment has been given.

**Deputy John Cregan:** It is very important. We can argue the points that have been made about the pupil-teacher ratio. Valid points have also been made about the need for children to have a roof over their heads and good conditions.

**Deputy Kathleen Lynch:** Hear, hear.

**Deputy John Cregan:** Many rural schools — as a rural Deputy, I am not sure about urban schools — have availed of the fantastic summer works scheme.

**Deputy Emmet Stagg:** It is gone.

**Deputy John Cregan:** It is not gone.

**Deputy Jimmy Devins:** It is back.

**Deputy Mary Alexandra White:** It is back.

**Deputy Emmet Stagg:** Did the Green Party get it back? Fair play.

**Deputy Trevor Sargent:** Thanks.

**Deputy John Cregan:** It is very much back. I welcome that. Many schools throughout the country have benefited tremendously from the success of the scheme. They replaced windows, improved sewerage facilities and repaired electrical faults, for example. I understand that when

the scheme was suspended, many schools had already gone to the expense of preparing applications and sending them to the Department. I am not sure whether the applications are still in the Department or have been sent back. I would like those commitments to be honoured in the first instance. It is expensive to put applications together. I welcome the fact that this worthwhile scheme has been restored. I regret that the Government and the Minister have found themselves in circumstances in which tough decisions have had to be made.

**Deputy Ruairí Quinn:** Those circumstances have arisen from the Government's budgets and policies over the last four years.

**Deputy John Cregan:** As a member of the board of management of a school in Drumcollogher—

**Deputy Ruairí Quinn:** The nature of the building boom meant that the crash was inevitable.

**Deputy John Cregan:** We increased the old age pension, we built schools, hospitals and roads and we developed infrastructure.

**Deputy Emmet Stagg:** Why are 40,000 children being taught in prefabs?

**Deputy John Cregan:** It was money well spent.

**Deputy Frank Feighan:** The Government did not build a new school in Ballinamore.

**Deputy Ruairí Quinn:** There are 50,000 empty tax-driven houses in Ireland.

**Deputy John Cregan:** It was well spent.

**Deputy Emmet Stagg:** Many schools cannot even get prefabs.

**Deputy John Cregan:** Very little reference has been made to the capital programme, which I strongly consider to be equally important. I welcome the fact that it can be revisited now. We can build new schools and do the work that is needed under the summer works scheme. The devolved grant scheme, under which a departmental grant is given to schools that want to build two or three classrooms, is very important for rural schools. When schools are given a grant of €480,000 under a scheme, they can secure planning permission and employ a contractor without any red tape.

**Deputy Kathleen Lynch:** The lack of regulation was one of the problems with the banks.

**Deputy John Cregan:** They can do successful work in a way that secures tremendous value for money. I welcome the fact the scheme, which will be availed of by many schools throughout the country, is back in place.

**Deputy Frank Fahey:** The Labour Party is engaged in a review of the state of that party following what it considered to be a disappointing result in last year's general election.

**Deputy Emmet Stagg:** It is none of the Deputy's business.

**Deputy Frank Fahey:** If the Labour Party really wants to find out what is wrong, it should review its policy of trying to be all things to all men. Its socialist soul has been laid bare in the last week. Its demand that people over the age of 70 who receive a pension of €2,000 a week, following the changes that were made last week, should be entitled to medical cards is a display of a new brand of political opportunism.

**Deputy Emmet Stagg:** The relevant figure was €200 a week before those changes were made.

**Deputy Frank Fahey:** That is far from social equality.

**Deputy Jan O’Sullivan:** We are in favour of social democracy, which is based on universal entitlement.

**Deputy Frank Fahey:** I listened to the Deputies opposite yesterday evening and today.

**Deputy Emmet Stagg:** The Deputy and his colleagues voted for a threshold of €200 a week.

**Deputy Frank Fahey:** This week, the Labour Party is engaged in a shambolic exercise. It is telling people what they want to hear, rather than providing responsible opposition in this difficult time.

**Deputy Ruairí Quinn:** That is rich coming from a Fianna Fáil Deputy.

**Deputy Frank Fahey:** Deputy Quinn is well respected on all sides of this House. His interview on yesterday’s “Morning Ireland” was far from convincing, however, compared to the solid performance given by the Minister, Deputy Eamon Ryan. When Deputy Quinn was asked if he accepted the cogent case made by the Minister for cuts in public expenditure, he stumbling response was along the lines of “Emm, well, I don’t really accept it”.

**Deputy Frank Feighan:** The spooks are writing speeches again.

**Deputy Frank Fahey:** As a former Minister for Finance, he knows well that the Government’s decisions on the public finances are the correct ones. During the interview in question, Deputy Quinn’s responses clearly indicated that he knows in his heart that what the Government is doing is right.

**Deputy Ruairí Quinn:** No, it is not.

**Deputy Frank Fahey:** When the interviewer asked him where he would find the money, he said that he is not in government.

**Deputy Ruairí Quinn:** Exactly.

**Deputy Frank Fahey:** When he was asked where he would make cuts, and was reminded that he had not given any answers, he repeated that he is not in government.

**Deputy Ruairí Quinn:** Exactly.

**Deputy Emmet Stagg:** Deputy Fahey’s time has almost concluded and he has not yet touched on the subject of the motion.

**Deputy Frank Fahey:** He said: “Sorry, I do not have the facts and figures.”

**Deputy Ruairí Quinn:** The Minister does not have the facts and figures.

**Deputy Frank Fahey:** The Labour Party told us this week that it is preparing for government. I challenge Deputies Gilmore and Quinn, and the other Deputies in the Labour Party, to spell out their policies which would get us out of the difficulties we are in.

**Deputy Emmet Stagg:** The Government created those difficulties.

**Deputy Frank Fahey:** If the Labour Party wants to get into government, it has to explain what it would do. That is what this is all about.

**Deputy Ruairí Quinn:** We would abolish four Minister of State positions, for a start.

**Deputy Frank Fahey:** I challenge the Labour Party to allow the Department of Finance to examine its proposed cuts and tax increases.

**Deputy Frank Feighan:** The Government should abdicate.

**Deputy Frank Fahey:** If the Labour Party does so, it will have some credibility. The Labour Party is in its current state because it is trying to be all things to all men.

**Deputy Emmet Stagg:** Deputy Fahey's concern is touching.

**Deputy Frank Fahey:** The cynical exercise we have seen from the Labour Party, using emotive language about children and old people this week has been disgraceful.

**Deputy Ruairí Quinn:** Deputy Fahey's party invented it.

**Deputy Frank Fahey:** I have much regard for the Labour Party and great regard for Deputy Higgins.

**Deputy Eamon Gilmore:** I do not think it is mutual.

**Deputy Frank Fahey:** However I am sorry to see the weak, opportunist opposition we are getting from the Labour Party in this situation, above all from a man who is well respected, a former Minister for Finance who was in a position where he had to take those decisions.

**Deputy Kathleen Lynch:** Remember Fianna Fáil in Opposition.

**Deputy Willie Penrose:** Deputy Fahey wrote the book on opportunism.

**Deputy Frank Fahey:** He did what was necessary then, but, unfortunately, Labour is running for political cover, trying to be popular with everybody.

**Deputy Ciarán Lynch:** Has Deputy Fahey still got his fishing rod?

**Deputy Michael D. Higgins:** I propose to share my time with Deputies, Kathleen Lynch, Penrose, Stagg, Upton and Ciarán Lynch. I have only five minutes to reply to Deputy Fahey's comments. It tells its own story that when my colleague, Deputy Quinn was Minister for Finance between 1995 and 2000 there was sustained economic growth supported by export performance. Between 2000 and 2005 the growth rate was sustained by the wildest forms of property speculation. If Deputy Fahey wants to discuss the mad property speculation that drove the economy or the multimillionaires who benefited from pension transfers, he will find them in the last five budgets by his colleagues in Fianna Fáil.

Last weekend students from one school in Athenry, a neighbouring constituency of Deputy Fahey's, delivered 500 letters. Interestingly, this school has never expelled or suspended a student and has produced the first Traveller who will emerge from Mary Immaculate in a short period of time. In that school the grant for Travellers' education has been cut. Let us get real about what is happening. If Deputy Fahey decided to go to Claddagh national school, where six teachers deal with language difficulties, he would find that the cut to two teachers will be catastrophic not just for those coming in but students at all levels. For those who sit beside

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students who have difficulties with the English language it will be a disaster. Deputy Fahey need not believe me. He can talk to the teachers and the principal.

If Deputy Ó Cuív takes time from his rambling leithscéal bréagach that he spins on Raidió na Gaeltachta he might like to go to Coláiste Chroí Mhuire, Spiddal, where a parent wrote to me this morning saying:

Tá fíor imní orm faoi na rudaí seo leanas. An méid is a cuimhníos, idir múinteoirí agus daltaí ranga, caillfidh an scoil múinteoir amháin. Caillfear múinteoir eile de bharr an tarraingt siar ar ár stádas faoi míbhuntaiste. Tá na deontais seo a leanas imithe: tíos, fisic, ceimic, ceol, idirbhliain agus scéim iasachta leabhair. Leanann sé ar aghaidh.

It is extraordinary that the Green Party can talk about innovation at the same time as it destroys creativity in the curriculum. With all the money gone for the materials for physics and chemistry, home economics, everything to do with school orchestras, music, art teaching among others, this is a curriculum policy of philistines. The Minister for Communications, Energy and Natural Resources, Deputy Ryan, talks about innovation and sustainability that comes from individualism in society. That form of connection between economy and society is over. Courageous people are talking about new forms of social economy and the kind of creativity that will give several different kinds of economic opportunity. Those on that side of the House must realise what has failed. The old model of unregulated markets has failed internationally. In addition, their wild speculative incentives driving individualist accumulation of profit is also gone. Regarding Deputy Fahey's question on where the money would have come from, why confine themselves to €200 for the second or third house? Why not make it a geometric progression? Deputy Fahey would know all about what would be gained from that.

Many people have come to me, parents, teachers and boards of management members from St. Paul's secondary school in Oughterard and Calasanctius in Oranmore to name but two; there is a long list and I have no time to waste on it. In the *Irish Independent* of 25 October Mr. John Walsh, a distinguished graduate of NUIG, listed what will happen in three schools in three different parts of the country. In the case of a disadvantaged school in Dublin the net loss is that special subjects, transition year, the applied leaving certificate, the junior certificate, home economics, the Traveller grant and special provisions for physics and chemistry will be abandoned. This is not republican and it is not about citizenship or sustainability. It is a slash and burn, ignorant, savage set of cuts that impact on children who are not responsible for the wild, crazy economics for which Deputy Fahey and his party are responsible. They should be ashamed. These are disgraceful cuts. The Minister can flap all he likes and read his letter from Deputy Gogarty — "Dear Batt in China". Let us hope parents, teachers and children give him the answer he needs.

**Deputy Kathleen Lynch:** As a debate goes on people change what they will say and that has clearly happened today. I listened yesterday and today to Deputies on the Government side telling us how they were in classes of 35 when they grew up. One said he was in a class of 40. Let us analyse that because we all know what it is. In here we see those who survived the classes of 35 or 40. We need to find out how many people in such classes left school unable to read and write, how many got a worthwhile job, had to emigrate or never got to enjoy the things we enjoy every day because they cannot participate at a functioning literate or social level. We know the answer because we know how many attend the National Adult Literacy Association, NALA, every year. We know how many people in our communities sign up for literacy courses every week. That is what the Government wants us to go back to.

There is no such thing as withdrawing these cuts in two years time because in two years time a current five year old will be seven or eight. The period in which students learn to read and write is that short span and it will be past. That eight year old child will then be desperately seeking a place with a remedial teacher, who will have doubled his or her numbers and who will have no place for him or her. This is not something we can do for a short period of time and then readjust; we cannot get that time back because a child's life does not stand still. As Barnardos rightly says, a childhood lasts forever. That child will grow into an adult and, if lucky, will have parents and a determined cohort of people around to ensure he or she has the skills to survive into adulthood. However a small group will not get those supports.

This Government insisted children with special needs go into mainstream education, and that is very important, but with supports. It has suspended the Education for Persons with Special Educational Needs Act, which gives children with special needs support in mainstream education. Those children will flounder and their parents will go out there, determined, once again. These parents are tired. They fought and fought and spent years campaigning to have these special needs supports put in place for their children. These have now been suspended. The report has been with the Government since 2006, yet this Government did not see this catastrophe coming down the tracks.

They never had any intention of putting it in place. It is not about this particular crisis — the Government never intended to do it.

What will the Minister for Education and Science say to the schools in Cork that are desperately trying to keep their heads above water? One particular school, where 49% of pupils are in need of English language tuition, is about to lose two teachers. What will he say to the child in the 35-pupil classroom or to the child that Mr. Michael McDowell insists we need because a little bit of inequality is good for us? This Government will ensure that we have that little bit of inequality for the rest of our lives at least.

**Deputy Willie Penrose:** As a teacher recently said to me, it is amazing that at this juncture of our economic cycle, when the Minister for Finance is calling on us all to be patriotic, it is the young, elderly and disadvantaged who are being called upon to be the most patriotic.

The budget will increase class sizes and diminish the learning experience of children for years to come with the staff schedule that has been announced by the Minister. The Government and the Department of Education and Science have asserted that these changes will result in the loss of just 200 teaching jobs at primary and secondary level. However, the INTO claims that changes to staffing schedules, the cap on English language teachers and reduced numbers of teachers for formerly designated disadvantaged schools will result in the loss of up to 1,000 teaching posts at primary level, while the TUI estimates that up to 1,200 jobs could be lost at second level.

The proposed cuts at primary level have the potential to be devastating because they will affect children during their formative years on the educational ladder. The cuts will not simply mean one extra child per classroom, as many have claimed. The changes will mean that children will have to be divided up between classes from September 2009. A school with three teachers for senior infants, for example, will only have two teachers from next year. As Deputy Quinn has pointed out, matters will be exacerbated by the fact that the primary school population is expected to grow by 100,000 over the next seven or eight years.

Education is the ultimate passport for young people. It is a passport to the future, to freedom and liberty, to opportunity and to the workplace. Without the vision and boldness of the former Fianna Fáil Minister for Education, the late Donagh O'Malley, I would never have seen the

[Deputy Willie Penrose.]

inside of a secondary school. I would have fulfilled my destiny as a manual labourer on building sites in Ireland and Britain, as would many like me.

It is important to value our education system as holistic, with more than just the classroom involved. As the late Brother Keegan, who taught in the CBS in Mullingar used to say, “the sharp mind is aided by a healthy, fit body”. He believed that those who succeeded on the playing fields were also likely to progress academically. In that context, games were very important. Mr. Liam Mulvihill, who taught me, used to arrive at school at 8.15 a.m. in his Anglia car, all the way from Kenagh, and bring us out to the training grounds at Ballinacarrigy national school. He went on to become the Director General of the GAA. Indeed, that organisation is up in arms over these cuts because it recognises that they will have a severe impact on children.

As a Deputy, I receive a great many letters but never before have I seen such a tide of correspondence as that generated by these cuts.

**Deputy Ruairí Quinn:** The response is spontaneous.

**Deputy Willie Penrose:** Yes, it is spontaneous. I received a letter from Loreto Convent in Mullingar which outlines that the cutbacks will mean the loss of two teachers, larger class sizes, restricted choice of subjects for students, difficulty providing separate classes for higher, ordinary and foundation level in key subjects, a reduction in language support hours and no substitution. What does no substitution actually mean? It means that there will be no cover for teachers who are on uncertified sick leave or on official school business, for example, at football matches, on field trips to the theatre and so forth. At least two teachers must accompany students to such events in order to comply with health and safety legislation, and rightly so, as well as to comply with insurance obligations. Therefore, such trips will no longer be possible under the current cutbacks because, at Loreto Convent, for example, the teachers would each leave behind up to 30 students for each class period, of which there are nine. That equates to 270 students per teacher, or 540 students without adult supervision during the school day. According to the letter writer, the decision of the Government will have a devastating impact on numerous curriculum related activities in the school and will put an end to the provision of a magnificent range of extra-curricular activities which is such a celebrated feature of the school. As well as all of that, the book grant for eligible students will be abolished, school transport charges will increase and any increase in the capitation grant will be cancelled out by the loss of grants for transition year, leaving certificate applied, home economics, physics, chemistry, Traveller education and for the choirs and orchestra.

A similar situation will pertain at St. Finian’s College, the CBS in Mullingar and every national school in the area. I also received a letter from the most reverend Dr. Richard Clarke, the Bishop of Meath and Kildare, who is involved with Wilson’s Hospital School. He maintains that voluntary Protestant rural schools appear to have been specifically targeted by the withdrawal of support services grants, mid-year, which amounts to a mid-year budgetary seizure of resources. The removal of State grants to Wilson’s Hospital School will mean the loss of €125,000 of its funding. The school was hoping to celebrate 250 years of existence in 2011. However, Dr. Clarke writes that it is “not being melodramatic” to say that it may now, genuinely, not be able to do so. He goes on to say that if the Government wishes to withdraw its commitment to denominational education, it is free to do so, but the destruction of schools such as Wilson’s Hospital School, which is not a socially elitist establishment and which is very liberal in its enrolment policy for those of traditions other than the Church of Ireland, is shameful, particularly without even the courtesy of consultation.

I could go on but if the Minister for Education and Science wants a summary of the impact the cuts will have, he should read the article by Colm O'Rourke in the *Sunday Independent* last week. That article encapsulates the exact impact of the cuts. I salute Mr. O'Rourke, who normally writes a sports article, for using his column to point out the negative impact the cuts will have on the future of our school children. It is time for the Minister to reverse the engines.

**Deputy Emmet Stagg:** In 1997, 2002 and 2007, Fianna Fáil told bare-faced lies to the public about class sizes and has repeated those persistently since. They were not the bad years when we had no money. They were the good years when we had plenty of money. As the Tánaiste said at that time, money was coming out of the Government's ears but it did nothing about class sizes then.

The INTO, in the lead-up to the last election, conducted a fantastic campaign, involving parents and teachers, on class sizes. Unfortunately, however, when Fianna Fáil made another series of false promises to the public about what it would do if re-elected, the INTO swallowed it hook, line and sinker. I warned the INTO at the time that to be fooled once or twice was bad, but to be fooled three times was too much. Unfortunately, though, that is what happened.

I have been in this House for a long time, comparatively speaking, but I have never seen a budget like this before. This budget is aimed at children who have only eight years of opportunity in national school; children between the ages of four and 13 who have only one chance to lay a foundation for the rest of their lives.

**Deputy Michael D. Higgins:** Hear, hear.

**Deputy Emmet Stagg:** The Government will damage that chance and that foundation by what it is proposing here. All of those who vote for the budget proposals — including Deputy Paul Gogarty, who runs with the hare and chases with the hound, and my constituency colleague, Deputy Áine Brady, who is a very fine Deputy — will be damaging these children. Resigning from her teaching post in Celbridge, as Deputy Brady promised to do in the local newspaper, will have no effect at all on this issue. What Deputy Brady needs to do, if she wants to be effective, is vote against the cuts.

In the short time allowed, I wish to refer to teachers, who have been scapegoated in this debate by the Government. I wish to compliment teachers in Ireland on doing their jobs in extremely difficult circumstances. I also wish to debunk the notion that they are paid too much. The reason that 80% of the cost of education in Ireland is wages is that we do not provide the other facilities that the education system needs. Instead, we send parents out to beg in the street to provide such essential services and facilities.

Teachers fought hard for decent conditions for themselves, to which they are entitled. They have well-earned those improved conditions and they have my support. I am not at all supportive of the idea that they should be targeted to fund the mess the Government has made. The scapegoating of teachers' unions and teachers is something I will not support.

In my constituency, before these cuts were announced, 28% or 1,300 children were in classes of more than 30 pupils. In one school in particular, St. Brigid's in Celbridge, there are four classes of 34. That school will lose two teachers under the budgetary proposals. Deputy Áine Brady's school, Scoil na Mainistreach, Celbridge where she is still a teacher, will lose three teachers. She said if it lost any teachers she would resign her job as a teacher. I understood her job was in the House, but that is a matter for her. St. Patrick's national school is a permanent school on a temporary site in the corner of a GAA field, in which 85% of the pupils are newcomers. For this reason it has five language support teachers, but it will now lose three of them.

12 o'clock



[Deputy Emmet Stagg.]

The Government has targeted the poorest people by removing the book grants for children who cannot afford to lose them. It has targeted Travellers who cannot afford these cuts and who need extra support and it has targeted the most vulnerable non-nationals in schools. Shame on the Government. It did not touch the fat cats in the budget. Our proposals are available if the Minister for Education and Science wishes to examine them. Shame on the Minister for this mean-spirited budget aimed at the poorest victims.

**Deputy Mary Upton:** I will try to address all aspects of education including from 4th level down to primary level. Last week I received a brochure with smiling photographs of the Minister for Education and Science, the Tánaiste, and the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Jimmy Devins, called *Towards a Framework for Researcher Careers* which included the following vision statement: “To make Ireland by 2013 internationally renowned for the excellence of its research and to the forefront in generating and using new knowledge for economic and social progress within an innovation driven culture”. In the meantime we heard the budget announcement that the two research councils, namely, the science, engineering and technology council and the humanities and social sciences council, must reduce the number of awards granted. The budget for research and development activities is down by 31%, which reveals much about the Government’s commitment to the knowledge economy. This addresses 4th level education.

In third level education I refer to the capitation fee increases from €900 to €1,500. There is no provision for increases in student maintenance grants, which will force students already on the margins out of a place in third level. The reduction in provision of 500 places on the back to education initiative will exclude people who are struggling to improve their skills in order to get back to employment.

I am bamboozled by the differing versions bandied about by the Minister for Education and Science of the numbers of teachers that will be lost at primary and second level. The numbers have a touch of *Alice in Wonderland* about them. They seem to mean whatever the Minister wants them to mean. However, it is certain that the numbers of teachers at second and primary level will be significantly less next year than this year.

The removal of grants for subjects such as physics, chemistry and home economics and for options such as choirs and orchestras will turn our schools in to, at best, grind schools, with a very narrow spectrum of subjects from which to choose and where survival of the fittest will become the norm. What happens to the schools that have been running such good programmes as the leaving certificate applied and vocational programmes, which concentrate on extracurricular activities, and which recognised and cherished this aspect of learning as part of the development of the student, where values other than academic values have a very important place?

What will happen to sport in schools? Deputy John O’Mahony has already eloquently described the consequences in this area. It will be impossible for schools to run sports programmes with the reduction in teacher numbers. Furthermore, the Minister for Education and Science told me recently that the Department has no fix on the number of schools that have physical education facilities. Why does the Minister not know and why can he not find out? I know the answer to this question, it is because the policy in this area is a sham and many primary and secondary schools do not have even the most basic physical education facilities. In the meantime the Minister, Deputy Batt O’Keeffe, pays lip service to the importance of the development of students’ social skills, their health and fitness and the value of sport in the community.

In some cases the commitments and promises for school buildings were first made more than ten years ago. I realise I sound like a broken record asking about the physical education hall for Loretto College, Crumlin, along with promised extensions for a school in Inchicore, for primary and second level schools in Crumlin, for Templeogue second level schools and class sizes for boys and girls primary schools in Terenure. Instead of meeting any of these promises, the budget will result in an increase in class sizes. Schools will lose teachers, teachers will lose jobs and children will lose their chance of a decent education. There is no sign of a sod being turned anywhere for a new school extension or PE hall in my constituency.

The removal of the book and library grant, the withdrawal of substitution cover, the cap on allocation of language support teachers and support for Traveller children will do irreparable damage to the chances of many children. Parents will be asked for more and more subventions to pay for the supposedly free education of their children. Does the Minister have any idea how difficult it is for schools to ask parents for one more subvention, or how difficult or impossible it often is for parents to come up with the money?

We woke this morning and heard the Green Party stunt man demonstrate how to be in government and in opposition at the same time——

**Deputy Kathleen Lynch:** *Voilà.*

**Deputy Mary Upton:** ——with the opportunistic leak of some supposedly dramatic information. I say to the Green Party there is no need for any more soul searching, or double think. It could simply support the Labour Party motion and prove that it is concerned about the education of the children of this country.

**Deputy Ciarán Lynch:** The question before the House this morning is, simply, does the education of a child have a price or a value that can be measured beyond its cost? According to the Government it does not. Its attitude is save now and let today's child pay the cost later. What are these costs? I will provide an example. In 1999 an OECD report was carried out in Ireland which showed we had one of the worst literacy rates in the developed world. It revealed that one in every four adults lives with a functional literacy difficulty. That means one in four adults must take a back seat when an opportunity presents. It means one in four adults do not seek promotion, because he or she is afraid of the paperwork involved. It means one in four adults do not get involved in a residents' association, because he or she is afraid to fill in the minutes of the meetings. It means one in four adults dread the thought of a child coming home on a daily basis looking for help with homework and, because he or she cannot help the child, he or she sees the problem recycling before his or her eyes.

Earlier this year Mr. Larry Fleming of the Irish Primary Principals' Network said eight out of ten primary schools in the Cork area were wasting valuable teaching energy fundraising to keep afloat and to struggle with the 17 cent per child per day capitation grant. On top of this burden, the Government wishes to laden down these parents and teachers with the cost of sending their children to the most overcrowded classrooms in Europe. I received a text message this morning from a person in my constituency in Cork, saying four teachers are to be laid off from a school in Togher.

Earlier this week, I received correspondence from Bishop Paul Colton, a Church of Ireland bishop for the southern region, which was sent to the Minister for Education and Science. Will the Minister respond to this letter? Bishop Colton says that in 1968 there was an agreement with the Government that Protestant schools would not be classified as fee-paying schools, although fees were charged for boarding and other costs, but classified as schools in a free

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scheme. The classification was appropriate because the schools provide education for Protestants in regions and parts of the country where the State does not. If these schools fold, will the State fund schools under Protestant management? The Minister for Education and Science must address this matter and respond to it when he gets an opportunity.

I recall prior to last year's general election a meeting in the Rochestown Park Hotel attended by Deputy Kathleen Lynch and other Members of the House, including I believe, the now Minister for Education and Science, Deputy Batt O'Keeffe. Some 1,400 parents crowded into a room and there was possibly another 1,000 outside the door as they could not fit. They complained about overcrowding in classrooms in Ireland more than one year ago. Today in the House after a decade of unprecedented wealth, the only ambition the Government can show to these parents is that it wishes to put Ireland at the top of the list for overcrowded classrooms across Europe. The cost of overcrowding is not only measured in bricks and mortar or classroom sizes. It has a cost paid throughout the life of a child into adulthood. It not only relates to overcrowded or combined classrooms which is what will result from these measures.

I read in this morning's newspapers a headline about the Green Party possibly pulling out of Government. I was reminded of the line from Shakespeare that children doing the leaving certificate are probably reading today. It states that the lady — or in this case, the Deputy — does protest too much. We will see how this protester manages himself when he goes through the lobbies later today.

One can only question the Green Party's motivation to be in the Government, given what has happened in the last two weeks. Is it that they see the world in cult-like apocalyptic terms on issues such as climate change? Are issues such as medical cards, decent housing and proper education for our children just worldly things that distract us from salvation from climate change? Is that what the Green Party in Government is all about? Is it all about a single environmental issue, or is it here to be part of a Government that represents the broader needs that provide us with a proper environmental society?

The amendment brought before the House by the Minister wants us to accept that the children of our nation be asked to suspend their right to a decent education. He dresses it up by saying that when the economic crisis is resolved, this matter will be examined. He is actually saying that costs must be saved by the children of our nation to pay the price for the incompetency of his Government. That is what this amendment is about. The amendment means that as a child goes along the milestones of development in what should be a journey of lifelong learning, there is a toll to be paid at each milestone from now on.

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** The Minister for Education and Science unambiguously set out the Government's position on education spending here yesterday evening. The Taoiseach also told the House yesterday that the Government would continue to set out for the people the full realities of the economic and fiscal crisis that has to be managed and that it would continue to take strategic decisions to protect future prosperity, regardless of the implications for political popularity in opinion polls. In the limited time available to me, I want to re-iterate the essential realities of the situation.

The 2009 budget required difficult choices to be made across all areas of public expenditure. These decisions were made to control public expenditure and to ensure sustainability in the long run. In this respect and while protected to a much greater extent than most other areas of public expenditure, education could not be totally spared. Like the Minister, I am concerned at the air of unreality about the debate——

**Deputy Ruairí Quinn:** That is good coming from a Haughey.

**Deputy Seán Haughey:** —on this Private Members' motion that does not reflect the seriousness of the current global economic uncertainty. Prudent management of the Government finances is particularly important at a time when tax revenue has fallen so significantly and when world economic conditions are so serious. Even with the budget measures in place, there will still be a significantly increased borrowing requirement in 2009.

The budget measures mean that education is one of just three Departments that have increased budgets for 2009, but it still required tough decisions to be taken to remain within this funding, especially since over 80% of the Department's current funding goes on the salary costs of teachers, special needs assistants, lecturers and others working across the education sector. The Government's commitment to education is clear from its track record over the past decade in providing substantial additional resources, most notably extra teachers to meet previously unmet needs, and from the programme the Government set when it came into office. Much has changed in the past year and the foremost imperative is that we stabilise the public finances. It is only by doing so that we can shelter gains made and put ourselves in the position of being able to make improvements in the future.

We will do this by building on the substantial achievements of recent years. These include 15,000 extra teachers working in our primary and post-primary schools, the targeting of additional supports and resources for children with special education needs to bring the total number of special education staff to over 19,000, the improvements in the capitation grant, which at primary level is now at €200 per pupil and almost €1,000 per pupil for those in special needs classes and special schools, and the additional €79 million in the Department's capital programme, which will facilitate a summer works scheme in 2009 and build on the record provision in 2008 of about 12,000 new school places at primary level.

The issue of class sizes has dominated this debate and has been presented as a crisis. While important, the position is not as stark as that portrayed by the Opposition. The Minister made clear yesterday that all we are doing in primary schools from next September is proposing to staff schools on the same basis as they were staffed just over one school year ago. When the State was able to afford it, we reduced the basis on which primary teachers are allocated to schools from 35 pupils per teacher down to the current level of 27 pupils. The change to a new average of 28 pupils per teacher has to be viewed in that context. Significant additional support went into schools, particularly in the area of special education. We also reduced class sizes for the most disadvantaged in our DEIS schools to an average of one teacher for every 20 pupils in junior classes and an average of one teacher for every 24 pupils in senior classes. These will not be changing in 2009. When we add up all the teachers in the system there is one teacher for every 16 pupils in our primary schools.

The children of this nation are central to the debate today.

**Deputy Michael D. Higgins:** They are indeed.

**Deputy Seán Haughey:** Of far more importance to their future is not the measures announced in this year's budget, but that when they leave the education system, we have sustainable economic growth so they can work and live in this country as they head into adulthood.

**Deputy Michael D. Higgins:** Based on property speculation.

**Deputy Joan Burton:** I wish to share time with Deputy Eamon Gilmore. One of the great glories of Irish education in recent years has been the phenomenon of a great number of

[Deputy Joan Burton.]

graduates and young people interested in starting a career in education. These teachers have brought new life to many of our new schools in expanding areas, along with the existing teachers. What has not been mentioned by any of the Ministers on that side of the House, be they from Fianna Fáil or the Green Party, is that students expecting to graduate next year and the graduates currently in conversion courses will in many cases no longer have jobs to go to. We will be educating the cream of our young people who are willing to take up a life in education. We will educate them and they will once again emigrate to the UK, Australia and New Zealand, where no doubt their skills will be snapped up.

The McKinsey report shows that the biggest differential on whether a child is successful in school is the quality of the teacher. The OECD reports show that we are at the middle level in literacy and reading skills, but we are far below the average in maths. All the teacher training colleges have concentrated in recent years on new and expanded ways of teaching and interesting children in maths and science. However, those teachers will not now be getting the jobs.

In my area, we have an extraordinary number of diverse schools with a very large international population. Almost every school, whether in a wealthy or less well off area of Dublin West, has an enrolment 30% of which is made up of international children, children with a disability in the mainstream and traveller children. This spells a disaster for a progressive policy of integration that would offer the most marginalised and disadvantaged children a head start in education. Such a head start will last their whole lives, and all the research shows that. I draw the attention of the House to Huntstown national school, a facility in my constituency catering for just under 1,000 pupils. Over the past 20 years, it has pioneered the mainstreaming of international children, children with a disability and Traveller children. The school has been internationally recognised for so doing.

I received a letter from a nine year old girl in fourth class at that school. She stated:

My teacher is Mrs. M. She is a great teacher, but she's not in our school that long and I'm afraid she's going to get sacked. I will be so sad if this happens. Mr. Lenihan came to our school [that is the Minister, Deputy Brian Lenihan] a while ago for a party. Our school is 25 years old and if I had known the people he works for were going to do this, I would have given out to him.

That is how a child puts it. No more than in the case of older people who protested last week, the security of those children is to be put at risk, including the safe, caring world of the school that has been lovingly created for them by the principal, teachers, the board of management and not least by parents' active participation in the school. This is the Government that wanted to offer security to the banks, but it cannot offer security to children or the elderly. It is shameful that Fianna Fáil, which purports to represent the people of no property, has pretensions to make progress in education.

As regards the Green Party, around Hallowe'en in Dublin, children always played a game by knocking on doors and running away. Deputy Paul Gogarty knocked on Fianna Fáil's door and, as far as I can make out, he is still running. I hope he gets to the Hallowe'en party because it is about the price of him. Before the general election, the Greens produced a document called "The 50 Steps to a Better Education".

**Deputy Brian Hayes:** That is right.

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

**Deputy Joan Burton:** As Taoiseach presiding over this shambles of a Government, Deputy Bertie Ahern had the next steps, but where are we now? The rich will be minded by this Government, while children and older people can take the consequences.

**Deputy Eamon Gilmore:** I wish to thank all the Deputies who have contributed to this debate. In particular, I pay tribute to my colleague, Deputy Quinn, for tabling the motion and presenting the Labour Party's case on this issue. As I listened to the debate, I was thinking about a primary school in County Cork that I visited some weeks before the budget. It is a school of 245 pupils, all of them accommodated in prefab buildings because there is no permanent school building. They have been knocked off the school building programme. They have a site and have had architects and engineers there, but no money from the Department of Education and Science. They explained to me that if they could only get a loan, the repayments would be less than what the Department is paying in rent for the prefab buildings.

**Deputy Ruairí Quinn:** Crazy economics.

**Deputy Eamon Gilmore:** One of the things that struck me during that visit was a young teacher who became quite emotional as we stood in his classroom in the prefab building. He tried to explain to me what it is like to be in that room on a cold, wet Monday morning in winter. He had to try to make the children comfortable and get them warm before thinking about teaching them. He told me what it was like to be in that stuffy room on a summer's day with the sun belting in the windows. The Minister has put three or four additional pupils into that teacher's classroom. The answer to that teacher from the Minister for Communications, Energy and Natural Resources, Deputy Eamon Ryan, is to give a precious little homily here——

**Deputy Brian Hayes:** That is right.

**Deputy Eamon Gilmore:** ——about how teachers should be more flexible and change the way they do things. The people who need to change the way they do things——

**Deputy Michael D. Higgins:** The Government.

**Deputy Eamon Gilmore:** ——include the Minister, Deputy Eamon Ryan, who has become more out of touch in 15 or 16 months in Government than Fianna Fáil did in 11 years. I met the principal of that school yesterday evening when she was up here for the protest. I expected her to talk to me about the school buildings, but instead she spoke about school books. Her school was one of the beneficiaries of the book grant. She explained the book lending scheme they had put in place, which is now gone. That is the consequence of the Minister's €7.5 million cut in school books. Just as the budget for school libraries has been cut, so too has the budget for gifted children. In addition, classes at second level have been cut, which will reduce subject choice. There will be consequences in further education where entire courses will go at a time when unemployed people require retraining. At a time when unemployment is rising, how can the Minister justify cutting 500 places from the back-to-education scheme?

**Deputy Michael D. Higgins:** Yes.

**Deputy Eamon Gilmore:** How does he justify cutting 8% from the budget for youth services at a time when society is concerned about what is happening on our streets? We need to provide worthwhile activities for our young people.

[Deputy Eamon Gilmore.]

Deputy Frank Fahey challenged me and the Labour Party about where we would get the money. I have two answers to that. First, the Government is not making savings at all because down the line it will have to pay for this kind of “penny wise, pound foolish” approach to education. If the Government makes it harder for a child to learn in primary school, it will have to pick up the cost in remedial teaching at secondary school. Reducing subject choice at second level makes it more difficult for people to participate in third level. Ultimately, that makes it harder for the economy to recover. Those who fall through the cracks in the education system because of underfunding will end up costing money through additional bills for social welfare, health and justice.

Second, Deputy Fahey should examine the curious arrangement the Government has made with the banks. We had a bail out scheme for the banks which was the talk of the country for weeks. The Taoiseach told us: “Don’t worry about it. It will never be called in because the banks, collectively, will pay for it. If a bank goes to the wall, the other banks will club together and do it.” It was even written into the scheme that banks participating in it would agree to indemnify the Minister in respect of any payments covering liabilities made by the Minister following a claim made under the guarantee. The ink was hardly dry on that scheme, however, when the Government did a sweetheart deal with the same banks. The Department of Finance website published an arrangement whereby a covered institution is not required to indemnify the Minister in respect of any payments made by the Minister under a guarantee given by any covered institution which is not a member of its corporate group.

While this Government is bringing in one of the most savage budgets in the history of the State, it is giving the nod and wink to the banks that it has asked the Irish taxpayer to bail out. It is a nod and wink for the banks, but the lámh láidir for the poor school pupils.

I am not angry at the Green Party, I am just sad about it. I heard the contributions from the Minister, Deputy Eamon Ryan, and from Deputy Paul Gogarty. I saw a party that is just beaten. Deputy Gogarty shrugs his shoulders and says: “That’s politics.” We are all political practitioners and we understand that politics involves compromise, and there can sometimes be a degree of grandstanding. Politics, however, also means standing for something. Unless one stands for something, there is no place for one in politics. I have always identified with what the Green Party has said and stood for, as well as the philosophy behind their politics. I have to ask myself today what does the Green Party stand for. The Green Party went to the people at the last general election saying they were going to look after education and they were going to look after children. They have let them all down. They have failed to honour that pledge and to stand up for education and for the children of the country. If a party cannot stand up for the very issue it put in biggest highlights in its party political broadcast and in its pre-election promises, is it any surprise that such a party drives a motorway through the Hill of Tara——

**Deputy Michael D. Higgins:** Hear, hear.

**Deputy Eamon Gilmore:** ——that it builds incinerators which it told people it was never going to allow build or that it allows prisoners to continue to be rendered through some of our airports? The Green Party is dead; the Green Party is beaten and this is a sad day for this country. However, the Green Party has an opportunity to recover and to redeem itself. The Green Party can make a stand here today. This is a motion which is very simple; a motion calling on the Government to reverse the decision to increase class sizes. The Green Party, like every individual backbench Deputy in Fianna Fáil, has the opportunity in a few minutes time

when the Ceann Comhairle puts this motion to the House to vote with the Labour Party. This is an occasion where politics is about standing for something. It is about standing by the children of the country, by their parents, by the education system. It is about the future of education in this country which is so necessary if this country is going to achieve an economic recovery or it is simply about staying in office, getting further and further out of touch with the reality of people's lives and further away from the promises and pledges that the same party and politicians made to the public a bare 15 or 16 months ago.

Amendment put.

The Dáil divided by electronic means.

**Deputy Emmet Stagg:** Given that the margin of the vote is actually less than the number of Green Deputies in the House and being anxious to accommodate Deputies who want to publicly display their support for the Government's cuts, like Deputy Áine Brady, my constituency colleague, and Deputy Paul Gogarty, in particular, and as a teller, under Standing Order 69 I propose that the vote be taken by other than electronic means.

**An Ceann Comhairle:** As Deputy Emmet Stagg is a Whip, under Standing Order 69 he is entitled to call a vote through the lobby.

Amendment again put.

The Dáil divided: Tá, 80; Níl, 74.

Tá

Ahern, Dermot.  
 Ahern, Michael.  
 Ahern, Noel.  
 Andrews, Barry.  
 Andrews, Chris.  
 Ardagh, Seán.  
 Aylward, Bobby.  
 Blaney, Niall.  
 Brady, Áine.  
 Brady, Cyprian.  
 Brady, Johnny.  
 Browne, John.  
 Byrne, Thomas.  
 Calleary, Dara.  
 Carey, Pat.  
 Collins, Niall.  
 Conlon, Margaret.  
 Connick, Seán.  
 Coughlan, Mary.  
 Cregan, John.  
 Cuffe, Ciarán.  
 Cullen, Martin.  
 Dempsey, Noel.  
 Devins, Jimmy.  
 Dooley, Timmy.  
 Fahey, Frank.  
 Finneran, Michael.  
 Fitzpatrick, Michael.  
 Fleming, Seán.  
 Flynn, Beverley.  
 Gallagher, Pat The Cope.  
 Gogarty, Paul.  
 Gormley, John.  
 Grealish, Noel.  
 Hanafin, Mary.  
 Harney, Mary.

Haughey, Seán.  
 Healy-Rae, Jackie.  
 Hoctor, Máire.  
 Kelleher, Billy.  
 Kelly, Peter.  
 Kenneally, Brendan.  
 Kennedy, Michael.  
 Killeen, Tony.  
 Kirk, Seamus.  
 Kitt, Michael P.  
 Kitt, Tom.  
 Lenihan, Brian.  
 Lowry, Michael.  
 Mansergh, Martin.  
 Martin, Micheál.  
 McDaid, James.  
 McEllistrim, Thomas.  
 McGrath, Mattie.  
 McGrath, Michael.  
 McGuinness, John.  
 Moloney, John.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M. J.  
 Ó Fearghaíl, Seán.  
 O'Brien, Darragh.  
 O'Connor, Charlie.  
 O'Dea, Willie.  
 O'Flynn, Noel.  
 O'Hanlon, Rory.  
 O'Keefe, Batt.  
 O'Keefe, Edward.  
 O'Rourke, Mary.  
 O'Sullivan, Christy.  
 Power, Peter.  
 Power, Seán.



## Tá—continued

Roche, Dick.  
 Ryan, Eamon.  
 Sargent, Trevor.  
 Scanlon, Eamon.

Smith, Brendan.  
 Treacy, Noel.  
 Wallace, Mary.  
 White, Mary Alexandra.

## Níl

Allen, Bernard.  
 Bannon, James.  
 Barrett, Seán.  
 Behan, Joe.  
 Breen, Pat.  
 Broughan, Thomas P.  
 Bruton, Richard.  
 Burke, Ulick.  
 Burton, Joan.  
 Byrne, Catherine.  
 Carey, Joe.  
 Clune, Deirdre.  
 Connaughton, Paul.  
 Costello, Joe.  
 Coveney, Simon.  
 Crawford, Seymour.  
 Creed, Michael.  
 Creighton, Lucinda.  
 D'Arcy, Michael.  
 Deasy, John.  
 Deenihan, Jimmy.  
 Doyle, Andrew.  
 Durkan, Bernard J.  
 English, Damien.  
 Enright, Olwyn.  
 Feighan, Frank.  
 Ferris, Martin.  
 Flanagan, Charles.  
 Flanagan, Terence.  
 Gilmore, Eamon.  
 Gregory, Tony.  
 Hayes, Brian.  
 Hayes, Tom.  
 Higgins, Michael D.  
 Hogan, Phil.  
 Howlin, Brendan.  
 Kehoe, Paul.

Kenny, Enda.  
 Lynch, Ciarán.  
 Lynch, Kathleen.  
 McCormack, Pádraic.  
 McEntee, Shane.  
 McGinley, Dinny.  
 McGrath, Finian.  
 McHugh, Joe.  
 McManus, Liz.  
 Mitchell, Olivia.  
 Morgan, Arthur.  
 Naughten, Denis.  
 Neville, Dan.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Donnell, Kieran.  
 O'Dowd, Fergus.  
 O'Keefe, Jim.  
 O'Mahony, John.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Penrose, Willie.  
 Perry, John.  
 Quinn, Ruairí.  
 Rabbitte, Pat.  
 Ring, Michael.  
 Shatter, Alan.  
 Sheahan, Tom.  
 Sheehan, P. J.  
 Sherlock, Seán.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Stanton, David.  
 Timmins, Billy.  
 Tuffy, Joanna.  
 Upton, Mary.  
 Wall, Jack.

Tellers: Tá, Deputies Pat Carey and John Cregan; Níl, Deputies Paul Kehoe and Michael Ring.

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

The Dáil divided by electronic means.

**Deputy Emmet Stagg:** Given the importance of the issue at hand and the closeness of the vote, as a teller, under Standing Order 69 I propose that the vote be taken by other than electronic means.

**An Ceann Comhairle:** As Deputy Emmet Stagg is a Whip, under Standing Order 69 he is entitled to call a vote through the lobby.

Question again put.

## The Dáil divided: Tá, 78; Níl, 72.

## Tá

Ahern, Dermot.  
 Ahern, Michael.  
 Ahern, Noel.  
 Andrews, Barry.  
 Andrews, Chris.  
 Aylward, Bobby.  
 Blaney, Niall.  
 Brady, Áine.  
 Brady, Cyprian.  
 Brady, Johnny.  
 Browne, John.  
 Byrne, Thomas.  
 Calleary, Dara.  
 Carey, Pat.  
 Collins, Niall.  
 Conlon, Margaret.  
 Connick, Seán.  
 Coughlan, Mary.  
 Cregan, John.  
 Cuffe, Ciarán.  
 Cullen, Martin.  
 Curran, John.  
 Dempsey, Noel.  
 Devins, Jimmy.  
 Dooley, Timmy.  
 Fahey, Frank.  
 Finneran, Michael.  
 Fitzpatrick, Michael.  
 Fleming, Seán.  
 Flynn, Beverley.  
 Gallagher, Pat The Cope.  
 Gogarty, Paul.  
 Gormley, John.  
 Grealish, Noel.  
 Harney, Mary.  
 Haughey, Seán.  
 Healy-Rae, Jackie.  
 Hoctor, Máire.  
 Kelleher, Billy.

Kelly, Peter.  
 Kennedy, Michael.  
 Killeen, Tony.  
 Kirk, Seamus.  
 Kitt, Michael P.  
 Kitt, Tom.  
 Lenihan, Brian.  
 Lowry, Michael.  
 McDaid, James.  
 McEllistrim, Thomas.  
 McGrath, Mattie.  
 McGrath, Michael.  
 McGuinness, John.  
 Mansergh, Martin.  
 Martin, Micheál.  
 Moloney, John.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M. J.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 O'Brien, Darragh.  
 O'Connor, Charlie.  
 O'Dea, Willie.  
 O'Flynn, Noel.  
 O'Hanlon, Rory.  
 O'Keefe, Batt.  
 O'Rourke, Mary.  
 O'Sullivan, Christy.  
 Power, Peter.  
 Power, Seán.  
 Roche, Dick.  
 Ryan, Eamon.  
 Sargent, Trevor.  
 Scanlon, Eamon.  
 Smith, Brendan.  
 Treacy, Noel.  
 Wallace, Mary.  
 White, Mary Alexandra.

## Níl

Allen, Bernard.  
 Bannon, James.  
 Barrett, Seán.  
 Behan, Joe.  
 Breen, Pat.  
 Broughan, Thomas P.  
 Bruton, Richard.  
 Burke, Ulick.  
 Burton, Joan.  
 Byrne, Catherine.  
 Carey, Joe.  
 Clune, Deirdre.  
 Connaughton, Paul.  
 Costello, Joe.  
 Coveney, Simon.  
 Crawford, Seymour.  
 Creed, Michael.  
 Creighton, Lucinda.  
 D'Arcy, Michael.  
 Deasy, John.  
 Deenihan, Jimmy.  
 Doyle, Andrew.

Durkan, Bernard J.  
 English, Damien.  
 Enright, Olwyn.  
 Feighan, Frank.  
 Ferris, Martin.  
 Flanagan, Charles.  
 Flanagan, Terence.  
 Gilmore, Eamon.  
 Gregory, Tony.  
 Hayes, Brian.  
 Hayes, Tom.  
 Higgins, Michael D.  
 Hogan, Phil.  
 Howlin, Brendan.  
 Kehoe, Paul.  
 Kenny, Enda.  
 Lynch, Ciarán.  
 Lynch, Kathleen.  
 McCormack, Pádraic.  
 McEntee, Shane.  
 McGinley, Dinny.  
 McGrath, Finian.

Níl—*continued*

McHugh, Joe.  
 McManus, Liz.  
 Mitchell, Olivia.  
 Morgan, Arthur.  
 Naughten, Denis.  
 Neville, Dan.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Donnell, Kieran.  
 O'Dowd, Fergus.  
 O'Keeffe, Jim.  
 O'Mahony, John.  
 O'Shea, Brian.  
 O'Sullivan, Jan.

Perry, John.  
 Quinn, Ruairí.  
 Rabbitte, Pat.  
 Ring, Michael.  
 Shatter, Alan.  
 Sheahan, Tom.  
 Sheehan, P. J.  
 Sherlock, Seán.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Stanton, David.  
 Timmins, Billy.  
 Upton, Mary.  
 Wall, Jack.

Tellers: Tá, Deputies Pat Carey and John Cregan; Níl, Deputies Paul Kehoe and Michael Ring.

Question declared carried.

### **Prevention of Corruption (Amendment) Bill 2008: Order for Second Stage.**

Bill entitled an Act to amend the Prevention of Corruption Act 1906 and the Prevention of Corruption (Amendment) Act 2001, and to provide for related matters.

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** I move: "That Second Stage be taken now."

Question put and agreed to.

### **Prevention of Corruption (Amendment) Bill 2008: Second Stage.**

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** I move: "That the Bill be now read a Second Time."

The purpose of this short Bill is to strengthen the law on bribery of foreign public officials and to give fuller effect to certain provisions of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, which was adopted in 1997.

*1 o'clock* The Bill broadens the existing legislation on the prevention of corruption and is designed primarily to ensure Ireland's full compliance with the OECD convention, which was ratified by Ireland in 2003. The Minister wishes to make sure that all of our international commitments and obligations in matters relating to foreign bribery and corruption in both the public and private sectors are addressed by way of legislation and are fully met.

The OECD is carrying out an evaluation of Ireland's compliance with the terms of the convention, which includes examining awareness of issues relating to bribery among the public and private sectors, as well as the relevant legislation. This evaluation, which commenced in 2002, is a process that all parties to the convention undergo. A team from the OECD visited Dublin in October 2006 to carry out the phase 2 evaluation of the application of the convention by the State, including examination of the relevant legislation. On foot of this visit a number of recommendations were made by the OECD evaluation team which were intended to ensure that Ireland met its phase 2 monitoring obligations more fully, and a report of the recommendations was published in 2007. Following the publication of the phase 2 report, as well as the new legislative proposals, Ireland took rapid steps to develop a number of initiatives to

raise awareness of the foreign bribery offence, which I will discuss in more detail below after I have set out the key provisions in the legislation.

The Prevention of Corruption (Amendment) Bill 2008 broadens the existing legislation on corruption. It extends certain definitions; for instance, the term “consideration” has been broadened to make clear that as well as monetary gain, the conferral of all types of advantage comes within the terms of this offence. With regard to corruption occurring outside the State, jurisdiction for this offence has been substantially extended to cover virtually all persons having a connection with the State, including companies and corporate bodies. The range of foreign public officials coming within the scope of the legislation has also been extended to include persons under the direct or indirect control of a foreign government as well as representatives of a wider section of international organisations. The Bill also provides new protection for whistleblowers, a term which covers employees and other persons who report suspected corruption offences in good faith.

In order to raise awareness of anti-corruption legislation, one of the Government’s initiatives is the creation of an anti-corruption website, *www.anticorruption.ie*, by the Department of Justice, Equality and Law Reform. The website is intended to increase knowledge of the OECD convention and of our obligations in this regard. Although set up by the Department of Justice, Equality and Law Reform, the site represents a cross-departmental approach by the Government in raising awareness of the convention. It informs members of the public about the consequences of bribery and corruption for individuals and for companies working in an international business environment.

This year, the Government demonstrated its commitment to fulfilling all our obligations under the OECD anti-bribery convention by inviting the OECD examination team to carry out a further on-site evaluation in Ireland. The examination took place over a week-long period in June. The visit of the evaluation team on this occasion was characterised by the attendance and participation of a wide range of delegations, including representatives from all Departments, Members of the Houses of the Oireachtas and members of An Garda Síochána and the Bar Council as well as representatives from civil society, NGOs, trade unions and others. The OECD is on record as stating it was very pleased with the level of co-operation and participation by the Irish authorities during their evaluation, and a report by the OECD evaluation team of their visit is expected to be published by the end of the year or early in 2009.

In addition to ensuring greater compliance with the OECD anti-bribery convention, the provisions of the anti-corruption legislation being put before the House today will contribute in no small way to the ratification process of the United Nations Convention against Corruption. The text of this convention was adopted by the United Nations General Assembly at its 58th session in October 2003 and opened for signature in December 2003. The convention was signed at that time by Ireland following approval by the Government. The UN convention is a comprehensive anti-corruption treaty whose stated purposes are to promote and strengthen measures to combat corruption more efficiently and effectively; to promote, facilitate and support international co-operation and technical assistance in the prevention of and fight against corruption; and to promote integrity, accountability and proper management in public affairs and public property. The provisions before the House regarding bribery of foreign public officials and the protections in the Bill for whistleblowers will also satisfy some of the key requirements of the UN convention, which the Government is committed to ratifying.

We already have a sophisticated body of anti-corruption legislation dating back to the late 19th century, which has frequently been updated, most recently by the Prevention of Corruption (Amendment) Act 2001.

**Deputy Charles Flanagan:** That was the first time. It has only been updated once.

**Deputy Peter Power:** The legislation being considered by the House today proposes amendments, in particular, to the Prevention of Corruption (Amendment) Act 2001.

I will now set out more fully the provisions of the Bill, which amends section 1 of the Prevention of Corruption Act 1906 as amended by section 2 of the Prevention of Corruption (Amendment) Act 2001. Section 1 contains a single definition, specifying that the Prevention of Corruption (Amendment) Act 2001 is referred to in the Bill as the “Act of 2001”. Section 2 of the Bill amends section 1 of the Prevention of Corruption Act 1906 as amended by section 2 of the Act of 2001 in a number of ways; in particular, at subsection (2) by the substitution of the term “consideration or advantage” for the term “or consideration”. The OECD has suggested that the term “consideration” be expanded to ensure that it describes other forms of advantage which might be used as an inducement to someone to commit an offence under the legislation. The words “or advantage” have been added to clarify that as well as monetary gain, all types of advantage come within the offence.

In section 2, the Minister also proposes to expand the definition of “agent” to ensure the provisions of the Bill apply to people working for or on behalf of the public administration of any other country, including persons who may be under the direct or indirect control of another state. The term “agent” is also expanded to apply to agents of an organisation established by an international agreement to which Ireland is not a party. It is understood that the OECD would favour the omission of terms such as “agent” altogether from the Irish anti-corruption legislation, which it considers retains implications inherent to the agent-principal relationship, in other words, that it implies subordination and a relationship of trust. However, the Government is advised that by expanding the definition of the term “agent” in the 2001 Act and by expanding on it further in this Bill, there is therefore no real difficulty presented by the use of the term “agent” in the context of this legislation. There is now an extremely broad definition of this term within the legislation.

A further amendment contained within this section is the insertion of a definition of the term “state”, meaning a state other than the Irish State. The term “state” denoting a foreign jurisdiction will include, first, a territory, whether in the state or outside it for whose external relations the state or its government is wholly or partly responsible; second, a subdivision of the government of the state, and, third, a national regional or local entity of the state. The effect of this is to extend the jurisdiction and scope of the legislation.

Section 3 makes two drafting amendments in subsection (1) by inserting the phrase “(whether or not a person is an agent)” after “where a person” in line 1 and by substituting the words “relevant section” to replace “section 1 (inserted by section 2 of this Act) of the Act of 1906”.

Section 3 also deals with the issue of extra-territorial jurisdiction in regard to the offence of bribery of foreign public officials. Normally, Irish law is territorial in its jurisdiction and applies only to acts done in Ireland. The intention here is to ensure that an act which could constitute a corruption offence in this State is also an offence if committed outside of Ireland, which in most instances is likely to be the case in the context of bribery of foreign officials. The provision, as it is currently set out, will allow this State to exercise jurisdiction in circumstances where the benefit of the relevant offence is derived by an Irish citizen or someone who is ordinarily resident in this State, a company registered under the Companies Acts, any other body corporate established under the laws of the State, or any legal person that has its head office in this State.

The issue of the exercise of extra-territorial jurisdiction arises increasingly frequently in the context of a variety of our legislative provisions. Since the publication of this Bill, the Department of Justice, Equality and Law Reform has received comprehensive advice from the Office of the Attorney General on the question of the application of extra-territorial jurisdiction

generally. These advices were not furnished specifically in regard to this proposed Bill. However, in light of this advice, the Minister is giving consideration to the application of a more consistent approach to the issue in a number of legislative proposals. The Minister would like to give notice to the House, therefore, that he may look further at the extra-territorial jurisdiction provision in this Bill with a view to a possible amendment on Committee Stage. The Minister is also of the view that the OECD may favour a broader exercise of extra-territorial jurisdiction than is currently outlined in this Bill.

In section 3, which expands jurisdiction for the corruption offence, subsection 2(d) includes, among other categories, any other body corporate established under the laws of this State. In the course of discussions between the Department of Justice, Equality and Law Reform and the OECD on this issue, it was suggested by the evaluation team that a specific reference to unincorporated bodies to encompass registered clubs, and other such bodies might also be included. The Minister intends to look at this issue again in consultation with the Office of the Attorney General and, if it is considered necessary and if the House permits, will give consideration to an official amendment on this point on Committee Stage to address the OECD concerns in this regard.

Section 4 amends the Act of 2001 by inserting a new section 8(A) in that Act. This amendment provides for the protection of persons reporting offences under the Prevention of Corruption Acts, 1889-2008, which is the proposed collective citation of the anti-corruption legislation, following enactment of this measure. The new provision provides immunity for any person who reports in good faith offences under this legislation to an appropriate person, and sets out that an individual shall not be liable in damages should they report, in writing or otherwise, their opinion that an offence under the Acts has been or is being committed.

The protection applies unless it is proven that the person making the report has not acted reasonably or in good faith. The section also contains a provision whereby an employer shall not penalise or threaten an employee who makes a report of his or her opinion that an offence under the Acts is being committed. Examples of the penalisation in respect of which redress may be sought include the following: first, suspension or lay-off or dismissal within the meaning of the Unfair Dismissals Acts 1977-2005; second, demotion or loss of opportunity for promotion; third, transfer of duties or change of location and place of work; and, fourth, unfair treatment including selection for redundancy.

Section 5 amends section 9(1) of the Act of 2001. That section enables responsibility for an offence under the Corruption Acts 1889 to 2005, where committed by a corporate body, to be attributed to certain of its officers so that individuals, as well as the corporate entity, can be held liable for the offence in particular circumstances. The new provision substitutes the collective citation "Prevention of Corruption Acts 1889 to 2008" to ensure that the provision in respect of offences by corporate bodies also applies to offences under this Bill.

Section 6 relates to the protection for persons reporting offences as set out at section 4, and contains a Schedule providing redress for employees penalised if adverse action is taken against an employee reporting an offence under the Acts in good faith. The procedures set out in the Schedule include complaints to a rights commissioner, and there is provision for an appeal of the commissioner's decision to the Labour Court by the parties concerned.

Section 7 is a standard technical provision providing that the Prevention of Corruption Acts 1889 to 2005 and this Bill may be read together as one.

The Department of Justice, Equality and Law Reform has been working closely with the OECD evaluation team on the development of this legislation. The Minister has asked me to take this opportunity to place on the record his acknowledgment of the constructive input of the OECD into this process. Officials will continue to work with the OECD in the future to

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ensure full compliance with the Convention on Bribery of Foreign Public Officials in International Business Transactions.

Where it was felt it was appropriate to do so, the Department of Justice, Equality and Law Reform took into account the views expressed by the OECD and drafted these legislative amendments accordingly. However, there was not always agreement with the views of the evaluation team in every case. In some instances the legal advice received from the Parliamentary Counsel was at variance with views expressed by the evaluation team. We have also retained for the present in these amendments some of the terminology that was a feature of the earliest anti-corruption legislation which perhaps the OECD evaluation team might have preferred to have been omitted.

The evaluation team has expressed the view that the various anti-corruption measures on the statute would benefit by being harmonised. The OECD has expressed the view in its evaluation report on Ireland, which was published last year, that, for example, it would wish to see a harmonisation between elements of various statutes. However, our advices indicate that this issue does not present any practical difficulty from a prosecution point of view.

The Minister has no fundamental objection to the consolidation of the anti-corruption legislation in the future, thereby putting all of the related anti-corruption legislation under one cover, as it were. It is understood that the Law Reform Commission has completed the restatement of all anti-corruption legislation. The Minister expects to have an opportunity to examine the Law Reform Commission's work and will then give consideration to the question of consolidation.

It is expected the OECD examiners may recommend in their forthcoming evaluation report that the Government should support the work of the Criminal Law Codification Advisory Committee, with which the Department of Justice, Equality and Law Reform is involved, in conjunction with University College Dublin, towards the codification of all corruption offences. Consolidation and restatement of the legislation is an essential prelude to the codifying process. The Department of Justice, Equality and Law Reform is fully supportive of the codification project which it was instrumental in establishing. While it is early days yet in the work of the Criminal Law Codification Advisory Committee, the House can be assured that the Department will work closely with that body if and when it comes to consider codification of the various anti-corruption statutes. I commend this Bill to the House.

**Deputy Charles Flanagan:** On behalf of the Fine Gael Party, I welcome this legislation. We will be supporting the Bill, although we may consider submitting amendments on Committee Stage.

I had understood that the timing of this debate was to suit the Minister for Justice, Equality and Law Reform. I am aware that he had other engagements this morning but I was of the view that the debate had been timed to suit his diary. I am surprised, therefore, that the Minister of State at the Department of Foreign Affairs has come before the House to deal with the matter of criminal law reform. However, I do not wish to cast aspersions on either the man or the office he holds. I hope the Minister for Justice, Equality and Law Reform will contribute to the debate before it concludes.

It is a refreshing change to have Fianna Fáil associated with corruption in a positive sense. It is good to see that party introducing anti-corruption measures and engaging in the fight against corruption rather than, as we have become accustomed to, being associated with dodgy deals and corrupt practices. The Minister of State referred to the codification of the law, thereby giving the impression that there is a major corpus of law which must be brought together and that existing legislation is elaborate, lengthy and complex in nature. As regards

the latter, nothing could be further from the truth. The Minister of State indicated that the legislation has been amended over the years. That is not really the case. In 2001 there was an amendment to an enactment that came about in 1906.

We have been particularly slow to legislate on ethical or whistleblower-related issues or matters relating to corruption. One could argue that this legislative deficit was partially responsible for the culture of corruption which characterised aspects of the planning process for many years and which was particularly associated with the Fianna Fáil Party and its cronies. Indeed, Fianna Fáil holds the record for the number of Deputies that have been expelled or resigned from senior positions due to allegations of corrupt practices. The culture under which the making of large payments was deemed acceptable stems from an arrogance at being in power for too long. There is a particular philosophy which permeates Fianna Fáil to such an extent that the party's entire *modus operandi* has been the attainment and retention of high office above all else. Under the philosophy to which I refer, the exercise of power seems to be an end in itself.

The legislation before the House is not the brainchild of Fianna Fáil or of the coalition Government of which it is a member. Rather, it arises on foot of a highly critical OECD report and repeated criticism from a globally renowned group, Transparency International. Successive Fianna Fáil-led Governments have shown their contempt for good governance by delaying, procrastinating in respect of and removing proposed legislation on corruption and ethics in public life. The whistleblowers Bill 1999 was on the legislative programme for seven years before being removed in 2006. Ireland has signed but not yet ratified the United Nations Convention against Corruption. The criminal justice Bill to ratify the convention has not yet been published. However, the A list of promised legislation indicates that it is to be published before the end of the year, that is, in the coming weeks. We will see if that happens.

In the Ethics in Public Office (Amendment) Act 2007, the then Minister for Finance and current Taoiseach, Deputy Cowen, ignored the recommendations of the Standards in Public Office Commission and instead focused entirely on the provision of gifts to ministerial and parliamentary office holders and raised the value of a gift to be declared from €650 to €2,000. Fianna Fáil-led Governments have consistently failed to show any leadership on the very serious matters of bribery, corruption and the acceptance of dodgy money. It is only after being embarrassed by the OECD and having its commitment to fighting corruption and bribery questioned that the Government has introduced this Bill.

The Bill will amend the Prevention of Corruption Act 1906 and the Prevention of Corruption (Amendment) Act 2001. It will somewhat strengthen the law on bribery and corruption and will finally make Ireland fully compliant with the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. It also provides a modicum of protection to whistleblowers who report cases of corruption in good faith. I fully endorse this part of the Bill because there has been no compulsion to date on Irish companies to protect persons who report transactions of a corrupt or dubious nature.

Fianna Fáil has shown a determined reluctance to give legislative protection to whistleblowers. This issue has arisen on many occasions in different sectors such as health and justice. A confidential recipient has only recently been appointed within An Garda Síochána. This followed six years of revelations at the Morris tribunal and eight reports detailing the consequences of allowing a culture of indifference and unaccountability not only to emerge but also to fester for many years.

I hope the Minister for Justice, Equality and Law Reform has on this occasion, unlike the last, consulted the private sector on the Bill's provisions. His predecessor failed to do so in respect of the Prevention of Corruption Act 2001. If the Bill before the House is to be taken



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seriously and enforced as strictly as should be the case, it is vital that all public and private sector businesses must be made fully aware of the procedures relating to reporting corrupt transactions and also of the consequences of reporting such transactions. The Minister of State referred to a website. A public information campaign should involve much more than merely setting up a website.

The Bill will allow the Garda and the Director of Public Prosecutions to bring more prosecutions against individuals or companies that are alleged to be involved in corrupt foreign transactions. Enforcing this law will be difficult. Will the Minister for Justice, Equality and Law Reform indicate before the conclusion of the debate the additional resources that will be provided to the Garda Síochána for report gathering in respect of such offences?

As already stated, the Bill came about as a result of an important OECD report, published in March 2007, on Ireland's implementation of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. That report was scathing in its criticism of the Government's attempts to meet its obligations under the convention. The OECD was of the view that the Government did not take its obligations seriously and levelled three main charges against it. First, it indicated that there was a very low attendance by officials from key Departments and bodies who were invited to meet representatives of the OECD while they were in Ireland. There seemed to be a reluctance on the part of the Government to either reply to invitations or to attend meetings. This made it very difficult for the OECD team to properly assess Irish efforts to comply with the convention. When requests were made in respect of information on the implementation of the convention, much of that information was not provided. The lack of attendance cast serious doubts in the minds of those on the OECD team as to the commitment of the Government to the implementation of the convention.

Second, officials from the Department of Justice, Equality and Law Reform informed the OECD officials that no awareness campaigns on the convention had taken place or that information had not been targeted towards the private sector. The departmental officials stated that there were "no plans to make [the foreign bribery offence] more widely known than at present". Enterprise Ireland, part of the role of which is to offer advice and support to Irish exporters, felt it was "not responsible for raising awareness of the myriad of Government legislation" in this area. What is the point of legislating against the bribery of foreign public officials in international business transactions if Irish companies are not aware that a law exists and if said law is not enforced?

Third, the OECD also criticised the Government's failure to put in place adequate whistleblower protection for both public and private sector employees. The report notes the Government's "miserable" attempt to introduce a whistleblowers' protection Bill into the legislative programme in 1999. Rather than acting on that intention, two successive Fianna Fáil-led coalitions ignored the legislation for seven years before dropping it in 2006 in favour of what was described as a "sectoral approach". By providing for these matters to be considered on a case-by-case basis, the Government is leaving the door open for corruption, bribery and dubious transactions and engagements to continue. I understand that the only case in which this approach has been taken to date relates to the Garda Síochána, undoubtedly as a direct result of the findings of the Morris tribunal. The belated inclusion in this legislation of a section on whistleblowers may represent an acceptance by the Minister that the protection of such people has been woeful up to now. Is the Minister indicating we should expect to see new appropriate legislation to provide comprehensive protection for whistleblowers in all sectors of Irish life and business?

The OECD report recommended the introduction of legislation to fully implement the Convention on Combating Bribery of Foreign Public Officials in International Business Trans-

actions. It proposed that an awareness campaign be organised to accompany the legislation. The Department of Justice, Equality and Law Reform responded by saying there was a “general perception that legislation in place was sufficient”. All we got was a typical response from a tired Government and a poor initiative from an arrogant Minister. According to the Garda, when the OECD report was published in March 2007, no cases of foreign bribery had been brought before the Irish courts, although five investigations had been initiated. I would like the Minister to update the House on the status of the five investigations. Where do they stand now? Why did no prosecutions take place? Was the lack of resources part of the problem? I am sure the Minister will comment on the current position. I assume that prosecutions did not take place partly as a result of jurisdictional matters. If the Garda requires additional resources, I hope they will be provided. The penalties for foreign bribery — up to ten years of imprisonment and an unlimited fine — are severe. When this legislation has been passed, the law on foreign bribery and corruption will need to be enforced. The Government needs to assure the House that prosecutions will take place and due process will be resourced rather than obstructed.

I am aware that an official anti-corruption website, *www.anticorruption.ie*, was launched in May 2008. What other mechanisms has the Government put in place to ensure this Bill can be a success? Can the Minister brief the House on the measures, if any, he proposes to take in this regard? When the former Minister for Justice, Equality and Law Reform, Michael McDowell, was still in office, he said he intended to establish a committee of officials from Government bodies and agencies who were to be responsible for monitoring compliance with the requirements of the convention. I assume the committee is up and running and is in contact with the OECD on a regular basis. The OECD evaluation team was supposed to return to Ireland for another review in March of this year. Did this review take place? Is a report on the evaluation available? What is the position with regard to the interdepartmental senior official compliance committee? How does the Minister propose to raise awareness of our obligations under the various international treaties to which we have signed up? How can he keep this matter in the public eye? I understand that OECD reports and examinations are normally subject to oral reporting on an annual basis, with a written review every two years. Can the Minister clarify where the latest reports stand?

The Minister referred to the Prevention of Corruption (Amendment) Act 2001, which provides for a presumption of corruption when a public official or candidate for public office does not declare a political donation. Fianna Fáil’s coalition partners in successive Governments, the Progressive Democrats, clearly failed to prevent corruption and bribery by those in public political life during that time. Now that the Green Party has taken on the watchdog role assumed by the PDs before its demise, perhaps it will have better luck in keeping an eye on Fianna Fáil. The signs are not good, however, as the Greens have behaved like a lapdog to date, which does not inspire confidence. I refer to the vote that took place in this House within the last hour, for example.

Any analysis of political corruption, dodgy dealings and questionable behaviour in Irish public life will show that Fianna Fáil is the clear leader when it comes to low standards in high places. Over the last 15 years, the State has been rocked by sleaze and scandal on a massive scale, with Fianna Fáil politicians in the driving seat on almost every occasion. We all remember the Al Masri passports affair. Politicians such as Haughey, Lawlor, Foley, the two Flynns, Burke and most recently, the former Taoiseach, Deputy Bertie Ahern, were frequently aided and abetted by Mr. Frank Dunlop. Mr. Dunlop, who fuelled the engine of planning corruption in this country for many years, was strongly associated with Fianna Fáil at all times. He was the ringmaster extraordinaire in a tangled web of deceit and profiteering. Perhaps Mr. Dunlop’s

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only saving grace was that he eventually agreed to lay bare to the Mahon tribunal some of the detail of some of his activities.

Is it any wonder that many of our citizens are disillusioned and indifferent to this country's politics, public affairs and politicians? This disillusionment is compounded by the yawning gap the Government has created between itself and the people. In the recent budget, the Government ensured that its cronies will be well looked after, come what may. At the same time, it decided to remove the automatic entitlement to a medical card of people over the age of 70. The mobilisation of 15,000 people, most of them elderly, after this outrageous and ill-thought-out move showed that the public feels it has to march on the streets if it is to communicate with Fianna Fáil, which has truly lost touch with reality and the people it serves. When Deputy Bertie Ahern was Taoiseach, he spent more of his time coming up with a strategy for the Mahon tribunal than keeping his eye on the ball with regard to our economic plight. We have to thank him, in large measure, for the mess we are in.

I would like to mention a statement that was made by the former Fianna Fáil Senator, Mr. Des Hanafin, who guarded that party's purse strings for many years. When speaking about protracted public tribunal hearings, he said:

This demoralises, shakes confidence in politics and public servants, and even destabilises the State. All politicians and public servants are smeared and held up to public odium.

While there may be an element of exaggeration in that statement, it rightly points to the importance, in any democracy, of ensuring that politicians are not seen as removed from, or superior to, the people. Despite the actions of a handful of politicians, most of them from Fianna Fáil, it is important that those of us involved in this profession are not all branded as dodgy, corrupt or in it for ourselves. The actions of Deputy Bertie Ahern, Liam Lawlor and Ray Burke etc., have damaged democracy in this country by undermining people's faith in their public representatives. It is incumbent on us all to rebuild the trust between politicians and those we represent. A package of robust measures emanating from this House is the starting point in that respect. While this legislation is a start, it is no more than that. As the Minister of State said, it is a small measure. Further action is needed. My colleague, Deputy Varadkar, is promoting the Public Appointments Transparency Bill 2008 to that end. I propose a reduction in the dissuasively high fees charged when requests are made under the Freedom of Information Acts, which should be acting as a bulwark of transparency but, more often than not, are choked by the bureaucratic nature of the process. We need to protect and reward whistleblowers. We should ensure that whistleblowing legislation provides for comprehensive arrangements in the public and private sectors.

Fianna Fáil has been quick to make commitments on ethics but has found it impossible to stand by its promises. In 1997 the Fianna Fáil-Progressive Democrats Government promised, in its programme for Government, to "restore public confidence in public life through a credible policing mechanism for ethical issues". In its manifesto of the same year, Fianna Fáil looked forward to restoring "people's confidence in the process of government" and to address the demand to eradicate all unethical conduct from public life.

This House set up the Tribunal to Inquire into Certain Planning Matters and Payments, chaired by Mr. Justice Flood. However, when allegations arose about the most senior members of its own Government, Fianna Fáil yet again failed to show any leadership or responsibility on the issue, and instead backed its people instead of the people of Ireland. As already mentioned, Fianna Fáil holds the dubious record for the number of Deputies who have been expelled or have had to resign from senior positions, and it continues to allow that self-centred mentality within its ranks.

Fine Gael condemns the conduct of former Fianna Fáil Deputy Ray Burke and the failure of the former Taoiseach to properly investigate the allegations against him. There were many warnings given to the then Taoiseach about Mr. Burke but he decided to ignore them. Former Taoiseach, Deputy Bertie Ahern appointed a marked man to high political office and, when challenged, stood by his man, come what may. The Taoiseach could not even bring himself to ask Mr. Burke a direct question. He instead chose the current Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern, to make inquiries on his behalf. It is a pity the Minister is not here to elaborate on his role and function in the Burke affair.

The Minister, Deputy Dermot Ahern, initiated inquiries on behalf of the Taoiseach, the Government and the party. The former Taoiseach's investigation of the Burke allegations was a total sham. In May 1998 he said, "I tried to find out the truth but got nowhere". This was  
2 o'clock after what he described as "every tree in north Dublin" had been look at and after his colleague the Minister, Deputy Dermot Ahern, had investigated the matter "to the best of his ability". The ability of the Minister for Justice, Equality and Law Reform, Dermot Ahern, is somewhat limited given that Mr. Burke was later successfully prosecuted in the courts. The then Taoiseach, Deputy Bertie Ahern, in his handling of that affair, brought the highest public office of the land into ill repute.

The Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern, recently made an unwarranted political attack on a former and a current Member of the Oireachtas who reacted in an appropriate manner to information they received by bringing it to the appropriate person, the former Minister for Justice, Equality and Law Reform and current Ceann Comhairle, Deputy O'Donoghue. They could have given it to the media but did not. They acted in good faith and history will judge them to have acted fairly, honestly and to have done all they could within the limited resources they had. The Minister, Deputy Dermot Ahern, shamelessly attacked former Deputy Jim Higgins and Deputy Brendan Howlin, now in the Chair. In doing so, he showed how partisan and narrow-minded he is. For him, as in the Burke investigation, Fianna Fáil always comes first, he closes ranks, and the public interest comes second. He showed it regarding the Morris tribunal and Mr. Burke, and he continually shows it.

The late Deputy Liam Lawlor was the only sitting Fianna Fáil Deputy to have landed himself in prison. In October 2000, following four orders to attend the Flood tribunal he refused to give evidence on everything from planning and Century Radio to his own finances. The tribunal was preparing to investigate eight allegations made against him. Deputy Harney called in this House for his resignation and was supported by all other parties. Mr. Lawlor quit Fianna Fáil in disgrace and four months later was before the High Court for refusal to co-operate with the tribunal. Having been told to co-operate fully, he blatantly refused to do so. He was sentenced to three months in prison, fined £10,000 and made pay the costs. After spending a week in prison, he was questioned on the burning of papers in a bonfire in his back garden and sent back to prison for another week. He again failed to make full disclosure and was finally sent to Mountjoy for a month. He made a mockery of the tribunal process and brought politics into disrepute.

All this took place against a backdrop of firm Government support for the work of the tribunals and the then Taoiseach, Deputy Bertie Ahern's assertions, in statements in this House on political donations on 28 May 1998, on "the need for financial propriety and probity in the conduct of our public affairs". However, when push came to shove, Fianna Fáil left the tribunal, which it contributed to establishing, out in the cold, in support of its less than honourable members.

When the Flood tribunal was established, the former Taoiseach Deputy Bertie Ahern said, "the tribunals we have established are, in my opinion, the best vehicle for following up any

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new disclosure if they can be brought within their jurisdiction and we should not try to prejudice, pre-empt or cut across their work". He did not foresee himself coming before the tribunal and that he would become one of the key players who would try to prevent and stall its work.

The then coalition Government deliberately set out to delay the passing of the Courts and Courts Officers Act so that, among other things, extra judges needed for the Flood tribunal could be appointed. Fine Gael demands that the Bill be prioritised were ignored. The Government delayed because it was afraid of the revelations the tribunal would make, once again implicating Fianna Fáil representatives at every level in less than acceptable behaviour bordering on sleaze and scandal.

In March 2002, Mr. Justice Flood had to go to the extraordinary length of writing to the Clerk of the Dáil, informing the Oireachtas that delay in passing the Bill prevented the appointment of new judicial members to the tribunal and this could, "adversely affect the tribunal's ability to progress to the next phase of the inquiry as intended." Only after great public and political pressure was applied did the Government move on the Bill.

No-one foresaw that a tribunal of inquiry would be still investigating allegations of bribery, corruption and unethical payments ten years later and that there would be substantial costs involved. Neither did we foresee Cabinet Ministers, particularly former Deputy Michael McDowell and Deputy Roche, arguing about costs and timeframes and publicly contradicting Judge Mahon as they squabbled with the tribunal's Chairman in a bid to stop its revelations in the run up to the 2007 general election. The then Minister for Justice, Equality and Law Reform, Deputy McDowell, was almost hysterical in his efforts to undermine the tribunal and prophesied that it would cost €1 billion. We learned yesterday that the tribunal is to cost €300 million, the figure Judge Mahon calmly supplied to former Deputy McDowell in advance of last year's election. There may be added costs with that but the costs of the tribunal would have been far lower had witnesses co-operated. Therefore, blame should be laid at their door rather than at that of tribunal employees over the past decade.

In its 2006 annual report, the Standards in Public Office Commission included a chapter on recommendations for legislative change to improve the oversight of standards in Irish politics. This has largely been ignored. The commission wanted clear standards of acceptable behaviour and the power to initiate inquiry. Regarding standards in State bodies it recommended that the Minister for Finance introduce regulations applying the obligations of the Ethics Acts to board members and specified senior employees of each newly established public body from the date on which the body is set up. The commission also wanted broader applicability, for the Act to cover other Members of this House not currently included.

Instead of taking these considered suggestions on board by its own statutory agency headed up by Mr. Justice Matthew Smith, the Ethics In Public Office (Amendment) Bill 2007, published by the Department of Finance under Deputy Brian Cowen's stewardship, focused entirely on the provision of gifts to ministerial and parliamentary office holders, raising the value of a gift, but did little on taking on board the recommendations.

I welcome the extension of existing anti-corruption legislation to include persons acting on behalf of states other than Ireland. It is a strengthening of our corruption laws. I endorse the whistleblowers section and we can return to this later. However, a tougher approach needs to be taken. A message must be sent to those who are involved in unethical behaviour that Ireland has changed and that unethical practices are no longer acceptable or tolerated in either the public or private sectors.

I am sorry I do not have more time now, but such is the order of the House. I look forward to engaging in further debate with the Minister for Justice, Equality and Law Reform on Committee Stage.

**Deputy Pat Rabbitte:** On behalf of the Labour Party, I too welcome the Bill before the House, in so far as it goes. I have a bit of a will-o'-the-wisp relationship with the Minister for Justice, Equality and Law Reform. I present at a committee on legislation, expecting him to be there, and I find a Minister of State in his stead. I come into the House, expecting him to introduce this Bill, and again I find a Minister of State. While I do not wish to reflect on any Minister of State, there are certain matters for which the senior Minister ought to be present. He ought to present his own arguments for the Bill but that is not happening in this case.

There are three items of legislation that precede independence dealing with this issue and when we enact this Bill, there will be three items of legislation post-independence dealing with corruption. The 1889 Act did not make any reference at all, good, bad or indifferent, to central government. Essentially, it dealt with local government. It is very interesting to see the kinds of issues that were raised at that time. My colleague, Deputy Michael D. Higgins, who did some work on this once, advises me that the outstanding authority is K. Theodore Hoppen and that the prevalence of lemons to be squeezed into whiskey to induce people to vote was one of the major matters addressed. We have come a long way since then.

**Deputy Jimmy Devins:** I wonder if we have.

**Deputy Pat Rabbitte:** I would be amused, were it not so serious, at the section of the Minister of State's speech which states that "we already have in this country a very sophisticated body of anti-corruption legislation dating back to the late 19th century, which has been frequently updated since then". How in the name of heavens does the record show that the legislation has been frequently updated? The legislation has most emphatically not been frequently updated. Until the rainbow coalition Government introduced the Ethics in Public Office Act in 1995, the matter had been untouched since 1916, pre-independence.

If one came into this House as an innocent, one would take the ministerial script as saying that this Bill is broadening the legislation as it relates to the prevention of corruption; that it brings us into compliance with the OECD convention; that the latest inspection by the OECD indicates that it is very happy with us; that everything is above board; and that we have been frequently updating the legislation from 1916. That is a very seriously inaccurate picture of what has taken place. In fact, the dominant party in the State, Fianna Fáil, has shown no stomach at all for addressing this issue or for updating the law, not to mention updating the law "frequently", as is claimed in the ministerial script. That is not the situation at all.

While I do not want to go over the territory covered by Deputy Charles Flanagan, this legislation is before the House today because of the embarrassment caused by OECD criticisms. The embarrassment caused by Transparency International criticisms, although nuanced differently, is also very interesting and very pertinent to the culture that obtains in Ireland in this area. The OECD criticisms obviously had to be dealt with, but I am puzzled as to why we are dealing with them in such a piecemeal fashion. We now have six items of legislation and towards the end of the ministerial script, it is asserted that the OECD essentially shares the position of my party, which is that if we are expected to these items of legislation as a code in this area, then the sensible thing to do is to codify the legislation and bring it up to date. The script states:

The evaluation team has expressed the view that the various anti-corruption measures on the statute would benefit by being harmonised. The OECD has expressed the view in its evaluation report on Ireland which was published last year, that it would for example wish to see a harmonisation between elements of various statutes. However, our advices indicate that this issue does not present any practical difficulty from a prosecution point of view.

[Deputy Pat Rabbitte.]

That is to quibble with the desirability of codifying the legislation, but I ask the Minister or Minister of State in his reply to tell me what prosecutions there have been to date. I would like to hear the number of prosecutions taken, whether convictions have been secured and so forth because, clearly, it does not present an obstacle to prosecution if there have not been any prosecutions.

The Minister's script seems to hint that, at some ill-defined stage in the future, he is prepared to examine the whole business of putting all related anti-corruption legislation under one cover. That is desirable and is what lawyers and others would expect and require.

It is a coincidence that we are discussing this Bill on the day in which we learn that the Mahon tribunal has concluded its public hearings. It is not our business in this House to draw conclusions for Judge Alan Mahon. He and his two colleagues will presumably do that in due course. However, it cannot be gainsaid that what we have endured for the past 11 years has done serious damage to politics and to public confidence in politicians. It is very difficult to read the evidence, day after day, before the Mahon tribunal without concluding — and without trying to draw conclusions for Judge Alan Mahon — that there was corruption and, indeed, may still be corruption, in the planning process.

Any of us addressing this issue should probably pay tribute to the remarkable patience and endurance of Judge Mahon and his colleagues while at the same time say that there must be a more speedy and economical way to address corruption in our society. A statute enacted in 1921, which precedes the foundation of the State, is scarcely the most appropriate way to probe corruption. Rather than frequently updating the legislation, we have been slow enough to address this issue.

Why is there not an expert unit in the Garda to which many of these matters can be transferred? Why can we not ask an appropriately equipped unit of the Garda to do much of the work, which takes such a long time to complete and must have due regard to keystone decisions such as the *In re Haughey* judgment, if one is going to pursue the matter by way of public inquiry under the 1921 Act? Is there any reason why forensic accountants could not be added to such a Garda unit? Could members of the Garda be equipped with such a mix of skills, given that it is possible in the Criminal Assets Bureau? Can we have a mix of skills in a unit of the Garda designed to probe white collar corruption? We have been very slow in attending to this area.

There is no wish to link the anti-corruption legislation to which I have referred with the electoral Acts and to tie them in a fashion that will give us greater protection. The former Minister for Justice, Equality and Law Reform, Mr. Michael McDowell, presented an initiative in respect of the commission of investigation facility which was an improvement on the instruments available beforehand. However, it is not adequate. One can predict the response from the dominant party in the country, namely, Fianna Fáil when the Mahon tribunal produces its report. It will be focussed on the cost, which will be significant. However, a storm about the cost will be created as a diversion. The cost may represent a substantial amount of money at a time when we are enduring a recession, but it is within the capacity of the House to produce a more efficient, speedy and economic means of investigating white collar corruption.

Why is the House and the Government so reluctant to re-establish inquiry by parliamentary committee? Given the nature and the narrow scope of this Bill, which involves the pursuit of misuse of public money and public procurement, inquiry by parliamentary committee is appropriate in some cases. However, by conventional wisdom it is taken that this method of inquiry collapsed with the *Abbeylara* judgment. This ought not to be the case as there were particular circumstances obtaining in the *Abbeylara* inquiry, which would not necessarily be present in

most types of inquiry overseen by a Dáil committee dealing with pursuing the misuse of public money. Since the DIRT inquiry, there is no appetite on the part of the Government to carry out an inquiry by parliamentary committee. However, the DIRT inquiry retrieved just under €1 billion for the State and it cost just over €1 million. It is beyond me why there is reluctance to re-boot inquiry by parliamentary committee.

The Minister of State at the Department of Foreign Affairs, Deputy Peter Power, referred in his speech to provision in respect of whistleblowers and Deputy Flanagan referred to the Labour Party Bill which I introduced. Deputy Power stated: “The Bill also provides new protection for whistleblowers, a term which covers employees and other persons who report suspected corruption offences in good faith”. There has been a remarkable reluctance by the Government to deal with this issue. The Labour Party brought forward a Bill which the Government approved on Second Stage. With the benefit of hindsight this was an act of deception and dishonesty, as the Government only wished to avoid the perception that it would vote down a whistleblower’s Bill as a general election approached. The Government gave the Bill the nod on Second Stage and then buried it in committee from where it has never resurfaced. There has been much talk about introducing whistleblower’s protection on the basis of a sectoral approach, but there has never been a coherent argument advanced outlining why that is a better option.

Reference was made to the arrangements put in place for the Garda, but it is too early to evaluate the experience of the Garda, it has not been long enough in operation. Public representatives ought to have access to the confidential receiver appointed for the Garda. The Garda is a special and particular case and there are good reasons why individual members of the Garda may be concerned about making the approach themselves, which is a weakness.

I cannot pass over the whistleblower matter without being reminded of what happened in the House. There was a very inadequate, truncated debate on the eight reports from the Morris tribunal. The more I consider the matter the more angry I become with the position of the Minister for Justice, Equality and Law Reform. A retired High Court judge applied himself diligently to the task given by the House of producing eight painstaking reports. He unearthed matters experienced by the State of the most acute concern about the operation of some elements of the Garda. People were coerced into signing confessions to a murder that never took place. Gardaí planted explosives and claimed credit when they were uncovered, as it might assist their careers. There was a litany of other incidents contained in the reports.

In his 15 minute contribution to the debate on the tribunal, the Minister for Justice, Equality and Law reform devoted nine minutes to criticising a Member of the House and a former Member of the House, referring to a particular remark by Mr. Justice Morris which indicated they might have engaged in more investigation. It took Mr. Justice Morris, with all the resources of the State, a long number of years to come to his conclusions. It is rich of the Minister for Justice, Equality and Law Reform to lecture any Member of the House on how to investigate allegations, given his track record of investigation. The then Taoiseach, Deputy Bertie Ahern, sent him to London to investigate whether any of the allegations in the ether about former Deputy Ray Burke were true. The Minister, Deputy Dermot Ahern, came back to the House to report to the Taoiseach that there was no truth in these allegations. The Minister does not have a good enough record as an investigator to lecture people in this House about the steps they should take in causing investigations to be held into matters of public interest that are brought to their attention.

The reason this subject is important is because the reputation of the State is vital in terms of our ability to conduct international trade and commerce and do business with other countries. It cannot be a matter of satisfaction to anybody here that an organisation like Transparency



[Deputy Pat Rabbitte.]

International ranks this country as low as it does. Therefore, it is critical that we, as a modern western democracy, are in the good books of the OECD on the issue of our capacity to do business with other countries. After all, we do not have a big stake in any military industrial complex, we do not do business with the Saudis and we are not involved with large companies that supply other countries with a terrible record of corruption. That is not to say that the issues and the criticisms raised by the OECD are not especially important and we should show the will of this House by dealing with them.

In times of affluence, people tend to turn away from politics. In terms of recession, when things are more difficult, people begin to engage with politics again. We have seen that in the past few months. In that regard, it is regrettable that the standing of politicians has been lowered in the last decade due to the conduct of a small number of very senior politicians, former Members of this House. The damage done has caused public cynicism towards politics, which is very serious.

When the 2001 Bill was introduced, the then Minister was in full flight lecturing us on this subject. Former Deputy Jim Higgins, to whom I referred in a different context, produced the following quotation:

I staunchly supported Mr. Haughey. I admired Mr. Haughey greatly, and few men of this century were more committed to this country and its people than Charlie Haughey. There is a song which says follow the fellow who follows a dream, and Mr. Haughey had a vision of this country with which I could identify. A lot of people at grassroots level of Fianna Fáil could identify with it. It was a vision of a republic, of a just society, of a society which made up its own rules and did not ape and copy the rules of any other country for the sake of doing so.

The former Deputy's point was that the quote was taken from an interview in *The Voices of Kerry* with the then Minister for Justice, Equality and Law Reform, who was introducing the 2001 Bill and lecturing us on the subject of corruption, yet that was his view.

There is a need for us to revisit the pieces of anti-corruption legislation that are now on the Statute Book. At that time, the Minister summarised it as follows:

At present, the law relating to corruption is governed mainly by the Corruption Acts 1889-1916. There was some updating to these made by the Ethics in Public Office Act 1995. Under these Acts, various activities are criminalised as corrupt practices. For example, the 1889 Act, as amended by the 1995 Act, makes it an offence for a person holding a public office, a special adviser or a director of, or occupier of, a position of employment in a public body, to corruptly solicit or receive any reward as an inducement for acting or refraining from acting in accordance with the individual's duty. It is also an offence for a person to offer such an individual any reward for acting or refraining from acting in accordance with his or her duty.

That summary is fair enough, but we have learned that the Ethics in Public Office Act 1995 is in need of updating. There is a need for us to draw the necessary connections between the anti-corruption Acts on the Statute Book and the electoral law. That needs to be done as does the codification to which I referred earlier.

I would like the Minister to tell us about the instances of prosecution under the legislation so far. If it is the case that the instances are few, as I suspect, then the House needs to be reassured that we are not just going through the motions here and putting yet another amendment to an amendment on anti-corruption on the Statute Book, but it is never really the

intention to invoke it or enforce it. What is being done in the Minister's Department to make resources available to enforce the provisions of the existing legislation?

There is a definite connection between the recession in which we find ourselves and the culture that dominates politics in this country, as well as the party that dominates politics in this country. If it were not for the unhealthy nexus between 30 or 40 major developers and the dominant party in this country, then we would not be in the depths of recession. People cried out for the Government to intervene in the cost of building land and to terminate the incentives that were there to drive the building industry. We continued the tax incentives to boost output in the construction industry at a time when we knew the bubble was going to burst and we were going to be left with too much property. There has since been a collapse in the revenues coming into the State and, as a result, the hole in the public finances is much larger than it would have been otherwise. That is partly because of the unhealthy nexus in the culture of Irish politics involving some of the leading developers, whereby the major party, Fianna Fáil, made decisions in the interests of financiers rather than voters.

**Deputy Joe Carey:** I welcome the opportunity to speak on this important Bill, which is finally before the House. It is ironic that a Fianna Fáil-led Government is introducing this Bill, given the long list of Deputies who have fallen foul of corruption charges. The Bill was drafted because of a damning report from the OECD. At every opportunity, Fianna Fáil has chosen to delay the introduction of anti-corruption legislation. A good example concerns the whistleblowers legislation in 1999. The Bill before us will effectively amend the 2001 legislation, providing for more anti-corruption laws. Hopefully, it will bring Ireland into line with the convention on the bribery of foreign public officials in international business transactions.

I particularly welcome the section which allows whistleblowers some protection in reporting cases of corruption in Irish companies. It is essential that the Minister should have all parties on board for this legislation and all private and public sector business must be made fully aware of its implications and provisions. There is no point in placing legislation on the Statute Book if it is not going to be implemented.

Deputy Rabbitte referred to the ethics in public office legislation introduced by the rainbow coalition, but how many people will be prosecuted as a result of the legislation currently before us? It is incumbent on the Minister to report to the House on the workings of the legislation, including the number of prosecutions arising from it.

The Bill before the House will allow the Director of Public Prosecutions, in response to Garda investigations, to bring more prosecutions against companies and individuals who engage in corrupt foreign transactions. This places a big onus on An Garda Síochána and for that reason more resources must be forthcoming from the Government to allow the legislation to work.

The OECD report of March 2007 was most critical of the Government's attempts to deliver on its commitments under the convention on bribery of foreign public officials in international business transactions. We need to pull up our socks in this regard. The OECD report pointed to a number of areas in which we are falling down. The OECD was disappointed at the low attendance by key Departments and bodies, despite being invited to meet OECD officials on this matter. It gives a poor impression of Ireland when departmental bodies did not even have the courtesy to turn up to the OECD meetings. The Department of Justice, Equality and Law Reform informed the OECD that no awareness campaigns on the convention had taken place for the private sector. How in God's name is legislation supposed to work if companies have not been informed or consulted? In drawing up this legislation, I hope the Minister for Justice, Equality and Law Reform has consulted with all private and public sector companies.

[Deputy Joe Carey.]

The OECD was also critical of the absence of whistleblower protection for private and public sector employees. All these issues must be fully addressed in this legislation and there is no room for short-cuts in this respect.

I welcome the section of the Bill dealing with whistleblowers, which is not before time. Will the Minister now consider more favourably the introduction of a more comprehensive Bill concerning whistleblowers? Such legislation is badly needed.

Many of this Bill's provisions result from the recommendations of the OECD in its report last year. That report criticised the Government's failure to put in place adequate protection, both for public and private sector whistleblowers. This is interesting in light of the response by the Minister for Justice, Equality and Law Reform to the Morris tribunal's report last week, which was debated in the House. It has been well documented how the Minister and one of his backbenchers spent quite an amount of their speaking time attacking the performance of former Deputy Jim Higgins and the current Leas-Cheann Comhairle, Deputy Howlin. They tried to deal with an issue which at the time could potentially have been interpreted as one of corruption. In that instance, the Minister largely chose to ignore the substantial conclusion of the Morris tribunal, trying instead to muddy the waters once again by questioning the integrity of Members of this House. What message does that send out? Can we have faith that the Minister believes in this type of legislation, or is he merely going through the motions? The fact that he is not here to introduce the Bill, despite the order being in place to facilitate him, speaks volumes.

Exposing corruption is never easy. It is a lonely place for individuals trying to redress wrongs. They run the risk of ridicule and estrangement. The least one would expect is the acknowledgement and support of the State through legislation and attitude in the initial stages. The Minister is a figurehead regarding all these types of issues. If last week's performance is anything to go by, however, there must be an element of hypocrisy involved in bringing this legislation before the House.

We should consider the record of the main Government party in dealing with corruption over the years. It took Fianna Fáil a full 16 months to implement a mandatory code of ethics for public representatives following an assurance in 1998 that such a code would be introduced. At the time, that party did not comprehend that it was doing something wrong. It took 16 months for it to act on this fundamental legislation. Former Deputy Ray Burke whom the then Taoiseach, Deputy Bertie Ahern appointed to a very senior Cabinet position, received a large donation of money, the sum of €38,000. The former Taoiseach, Deputy Bertie Ahern, initially claimed he had carried out extensive inquiries regarding the bona fides of Ray Burke but these inquiries were so casual and superficial that they were tantamount to a cover up. This is what has been going on in this country and what has been allowed to go on from the very top down, from a Taoiseach. This sends out a completely wrong message to every citizen and to every person in this State who does his or her job and pays taxes. This behaviour has been allowed to continue from the top down.

Mr. Tom Gilmartin handed over €50,000 to the former EU Commissioner, Pádraig Flynn in the late 1980s in order to secure planning permission and again with the knowledge of Bertie Ahern. The Government changed its line on five separate occasions, just like in the case of the medical card debacle last week when the Government changed its tune. In the case of Mr. Gilmartin, they stated that no one in Government knew the man. Second, the then Taoiseach said it would be entirely wrong to comment. Third, he said he had only one brief meeting with Mr. Gilmartin. Fourth, he then found records of two or more meetings but said he could not recollect them. Finally, he admitted there might after all have been telephone conversations

with Mr. Gilmartin and mention of money to Mr. Flynn may have been made but he could not remember.

The long line of Fianna Fáil people in and out of the tribunals down through the years is an indictment and these matters must be addressed by society. We must ensure that people in public office live up to high standards. This is the very reason this legislation is not before time and it is welcomed by Fine Gael.

The purpose of this Bill is to extend the categories of persons to whom the 2001 Act applies, extending the extra-territorial application of the 2001 Act and creating the protection for whistleblowers. The whistleblowers provision included in the Bill will allow employees of companies who wish to report corrupt actions and offer them protection from any sanction from their employers and this is welcome. Fine Gael notes that it is a welcome, though very late acceptance by the Minister for Justice, Equality and Law Reform, of the need for whistleblower legislation. He might now bring forward a more thorough Act on the subject in the coming months.

I refer to the recommendations of the 2006 annual report of the Standards in Public Office Commission. The report included a chapter on recommendations for legislative change to improve the oversight of standards in Irish politics. The commission pointed out that it had made many of these recommendations previously on an *ad hoc* basis but that none of them had been given consideration by the Government. The commission had made specific recommendations that could have been included in the Ethics in Public Office (Amendment) Bill 2007 but these were ignored. These included a clear standard of acceptable behaviour, the power to initiate inquiry and standards in State bodies. All these issues need to be addressed by Government.

The country is currently facing a recession, principally because Fianna Fáil-led Governments have based all their budgets on a housing bubble that could not last. Major developers have done well out of this but the ordinary person has not. It was remarked to me recently that in many parts of Ireland the Celtic tiger was no more than a castrated cat when it visited the west and I agree with that sentiment. Areas such as west and east Clare have not seen high employment figures. Another focus is needed other than the culture of nod and wink politics and the paper bag. The Government just looks away and does not try to address the problem. This comes from the top down and it is stomach-churning. This Bill is the sort of legislation that is needed. We need to see leadership from the top down, from the new Taoiseach down. It is most important that we as the body politic, as elected public representatives of the country, as Members of Dáil Éireann, stand up and be honest and up-front with people. We must be anti-corruption at every crossroads. For that reason I support this legislation.

Enough damage has been done to politics down through the years. If nothing else, we are sending out a clear message that maybe finally, Fianna Fáil has learned a lesson from the past, that corruption is not good for the country and is not good for the image of the country. Unfortunately, what happened in the past has tarred all politicians with the same brush. I support the provisions of this Bill and its passage through the House.

Debate adjourned.

### **Business of Dáil.**

**Acting Chairman (Deputy Charlie O'Connor):** Before I call on Deputy D'Arcy, the Chair wishes to allow the Government Chief Whip, Deputy Pat Carey, to make a statement.

**Minister of State at the Department of the Taoiseach (Deputy Pat Carey):** I move:

[Deputy Pat Carey.]

That, notwithstanding anything in Standing Orders, the Dáil shall sit later than 4.45 p.m. today, and the proceedings on No. 2a (on Supplementary Order Paper) Mental Health Bill 2008, Order for Second Stage, Second and Remaining Stages shall, if not previously concluded, be brought to a conclusion after 80 minutes and the following arrangements shall apply:

(i) the proceedings on the Second Stage shall, if not previously concluded, be brought to a conclusion after 50 minutes; the speeches shall be confined to a Minister or Minister of State and to the main spokespersons for the Fine Gael Party and the Labour Party, who shall be called upon in that order and who may share their time, and shall not exceed 15 minutes in each case; and a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed 5 minutes;

(ii) the proceedings on the Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion after 30 minutes by one Question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Health and Children.

Question put and agreed to.

### **Prevention of Corruption (Amendment) Bill 2008: Second Stage (Resumed).**

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

**Acting Chairman (Deputy Charlie O'Connor):** The next speaker is Deputy Michael D'Arcy who has 20 minutes.

**Deputy Michael D'Arcy:** I was not aware I had 20 minutes but I will see how it goes. It is good to see the Minister of State, Deputy Hctor, here in one piece following her ordeal with the pensioners last week.

When I started looking up information on this Bill I came across the following quote from a Roman historian by the name of Tacitus which I thought was relevant: "In a state where corruption abounds, laws must be very numerous". In the context of this legislation the laws were not numerous and we have very little option but to extend them in line with many other countries and with the OECD.

Previous speakers have referred to contact with the OECD and Government bodies and agencies when it became clear there were deficiencies evident within the previous legislation dating back to 1906 and the 2001 Acts. Deputy Rabbitte dealt with them in much greater detail.

There has been significant corruption within this State. It gives me no pleasure to say so. I always see myself as somebody who tries to be positive and it is not always easy to be positive in dealing with matters when people were so very much off-side.

Within our State, in comparison to other jurisdictions, nobody seems to ever go to prison for any version of corruption or white-collar crime. That is because we have always had the nod and wink mentality which perhaps dates back to the period when we were being ruled by another nation and we were quite happy for that to continue. Now that we have been ruling ourselves for the best part of 100 years, on every occasion that corruption occurs, and on every occasion that it is allowed continue, we are only fooling ourselves and we are only doing ourselves or, more often than not, the State out of income that could be used for significant

State funding rather than borrowing, which looks likely to be the natural course of action for the next number of years.

It is important to look at what happened in the United States. Anybody who was around in the early part of this decade will be aware of what happened within Enron, which was one of the Fortune 500 companies in the US. Enron staff made up its balance sheets as they went along. They created new accounting practices and did so just to keep the share price up. When they hoped it would stay up when it was obvious it would not, they created more new instruments to pretend that the company was doing well and was stable and steady, but it was not. In the meantime, directors and those people who knew what was going on within the corporation sold out. It was a pyramid house of cards that could only possibly fall down, and fall down it did.

3 o'clock However, the difference is that the people who perpetrated that fraud upon the corporate body and upon the investors were imprisoned. My point is one may draw a contrast between here, where we do not imprison people for such matters, and the US where they do. In the United States there were congressional hearings and those who perpetrated that act were brought to justice.

More recently, in the case of banking in the United States, there have been a number of investment banks, particularly the Wall Street investment banks, which have found the going very tough. This is because of practices which, while I would not call completely corrupt, were very irresponsible. They eventually leached their way down to the lending institutions within the United States banking sector, which gave out loans to those who could not possibly repay them and those who should never have got any sort of loan whatsoever.

This has a great deal to do with this Bill because we do not prosecute white collar crime. We have brought in a number of agencies to oversee such matters but, in truth, nothing at all has happened. In Ireland, there has not been a single criminal conviction for white collar crime or tax evasion. Deputy Rabbitte spoke about the DIRT inquiry bringing in over €1 billion in lost revenue and penalties from people from within this State and that it cost only €1 million to proceed with the inquiry from within the jurisdiction of the Houses of the Oireachtas. Later I will touch upon some of what has happened with some of the Members within the House and which has been particularly disappointing.

The whistleblower section of this Bill can only be welcomed. Somebody from within the financial sector made a valid point to me, that 90% of embezzlement is found not by internal auditors but when somebody eventually gets the gumption to say, "Hold on a second, that is not on. That is illegal. What you are doing is incorrect". In the past we did not have the benefit of the immunity that an employee can use as a defence if he or she has acted in good faith. If the person acts in good faith and believes what he or she is saying, the immunity issue must be considered. We — by which I mean the business community of which I am a part — pay significant sums to have accounts done for our sole traders or to have internal auditors, whether within the banking sector or corporate bodies, but they do not find such matters because more often than not the embezzlers are more capable of hiding them than the internal auditors are capable of finding them. Whistleblowing is a matter to which this legislation will give protection.

I want to touch upon how one defines corruption. It has often been stated that corruption will flourish when good men do nothing. There is not a truer statement. For far too long within this State we have had people within many different sectors who have been getting away with incorrect practices. When these practices are brought to the attention of the people in charge, whether it be a State body or an agency, we do not take the correct course of action. If, to expand upon that, somebody within a Department, a school or one of the Government agencies is acting incorrectly and it is a matter for the management to take deal with that person, there

[Deputy Michael D'Arcy.]

is practically no sanction. The ultimate sanction of course is for the person to lose his or her job, but the truth is that does not happen in this State. Practically nobody, if he or she is acting incorrectly, loses his or her job. The best example of this is found within some schools. Given that most schools are managed by a board of management and patrons, the Department is able to use a hands-off approach by saying it is a matter for the board of management or the patron to deal with. The truth is it is the Department which pays the wages and it should be able to move in.

What would happen, however? A deal would be struck so the person could retire early or would be able to move away or resign but do so with an unblemished record. The truth is that far too often the State or those operating on its behalf do not take the correct action, which is that the person should be removed from his or her position and the record should be very clear as to what happened. That is a difficult thing to say and perhaps it is difficult to achieve. It would require a removal from the *entente* position that exists between unions, management and the State. Until such time as we get around to dealing with this type of issue, corruption will continue to flourish because far too often good men do nothing.

This legislation expands the definition of a bribe. I remember once speaking to a man who worked in a builders providers' yard. We were discussing the definition of a bribe and he told me that if he helps someone to load a tonne of cement onto a truck, and that person gives him a few euro, that is a tip. However, if he is given €50, it is no longer a tip but a bribe, and the person who gives it would want a few extra bags of cement thrown in for free. I thought this was about as good an analogy as one could give to define a bribe.

It is good that the Bill provides that the definition of a bribe will be that it is an "advantage". An advantage can be expanded into many areas that may not have a monetary value. That advantage can be knowledge, such as knowledge which allows a person to win a tender contract that will in time give a pecuniary advantage. While the corruption may be that the information is passed from one person to another and on to a corporate body, that body may benefit significantly from the information or the knowledge. This measure can only be welcomed.

I wish to refer to an issue that is quite raw in this House. Great work has been done over the decades and generations by so many people within this Chamber and by those who have left this Chamber. Deputy Carey's father was a Deputy, as was my father and the Minister of State, Deputy Haughey's. Unfortunately, some people sullied the reputation of the very large majority who become Members of the House to protect the vulnerable and serve people who are in need of protection. Those who have sullied the reputation of the House have done a disservice to those of us who are here to serve the people. It is unfortunate but it has happened. This Bill will deal with some of the possible future activities. There are significant penalties under the 2001 Act but further penalties are introduced under this Bill, which must be welcomed.

I touched on the DIRT inquiry. One of the things I found bordering on the ridiculous was that a member of the committee investigating the offshore funds, former Deputy Foley, had an Ansbacher account. It was the most ridiculous thing most people had heard.

We have done well in terms of attracting foreign direct investment over the years. We have brought in significant funds to set up businesses in the State. The countries with which we are in competition and which have taken much good business away from us have proven to be better than us in this regard, although that business was won by competition so the best of luck to them. With the OECD drive to ensure this legislation is passed, we have to accept that those other countries seem to have better practices than ours in regard to corruption. Switzerland has shown a remarkable ability to attract foreign direct investment, one of the main reasons

for which is that it charges a 0% corporation tax. Some of the Scandinavian countries have also done exceptionally well, again, because they seem to have a better position with regard to the prevention of corruption.

Deputy Rabbitte spoke about the reason the body politic must be seen to operate on behalf of the State without that body politic being compromised in any way. While in times of affluence members of the public are not that interested and tend to be more interested in where they will go on holiday or how they can spend funds — what I would describe as the good stuff — we are now in a different economic climate and they are more interested in politics and much of what goes on in this Chamber suddenly becomes relevant.

For example, I recently spoke with the brother of a friend's wife, who told me he was shocked to find he was watching the news and not "The Simpsons" — it should not be that shocking. While I was not aware "The Simpsons" was on television at the same time as the news, all of a sudden what is happening in this Chamber is seen to have a bearing on the public whereas in the past this was not the case.

My final point concerns the Minister, Deputy Dermot Ahern's, performance last week in regard to the Morris tribunal. I am glad the Minister is present in the House because I am satisfied to say this directly to him rather than say it when he is not present. His performance was nothing short of a shambles and a disgrace. I know Deputy Brendan Howlin for 25 years although I do not know former Deputy Jim Higgins so well. What they brought forward were allegations and they acted in good faith, which is relevant to this Bill. While the tribunal statement suggested they should have investigated further and perhaps they should have done, they did not have the resources to do so — the Morris tribunal ran for years, after all. The Minister chose to blacken the name of two good men, which was reprehensible.

I am glad the Minister is here while I say this. I am not someone who would say it behind his back. Life is a learning process and we all learn. Deputy Ahern is a senior Minister and I am a junior Member of this Parliament. I hope the Minister has learned that last week he did a particular disservice to the entire House, not just to a former and sitting Member.

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I will respond to what the Deputy stated and to what I understand Deputy Rabbitte stated earlier. I apologise for not being here but I had another appointment. I do not in any way regret what I stated last week and as I said at the time, it would have been a dereliction of duty if I did not refer to a substantial part of the report on how this interacts with whistleblowing issues. I said no more or no less than what was in the report.

The more I listen to some of the comments made by the Opposition, the more the term "shooting the messenger" comes to mind. We gave a job to Mr. Justice Morris to investigate not only the allegations made in Donegal but also how these allegations came about particularly in the context of a number of people who did not or could not have had a voice, such as Assistant Garda Commissioner Carty.

Deputy Rabbitte raised my involvement in the Ray Burke affair. I was asked by the then Taoiseach, Deputy Bertie Ahern, to ask a question as to whether a Mr. Joseph Murphy gave money to Ray Burke. I received an answer and relayed it. I did no more and no less than what I was asked to do. In the context of trying to link it with the Morris tribunal report last week, which clearly criticised two Members of this House, Mr. Justice Flood issued a report into my rather peripheral involvement in that sorry episode and vindicated it.

**Deputy Charles Flanagan:** I do not think the Minister's boss said it was a peripheral involvement.



**Deputy Dermot Ahern:** I can criticise and make the point with regard to the Morris tribunal.

**Acting Chairman (Deputy Charlie O'Connor):** I ask Deputy Flanagan to allow the Minister to speak.

**Deputy Dermot Ahern:** I challenge Deputy Flanagan to examine the conclusions of Mr. Justice Flood in his report on the issue. He clearly and totally vindicated any involvement I had with regard to any inquiry I made.

I acknowledge this is amending legislation. It is intended primarily to comply with international commitments. It is peripheral to many of the matters which the Deputies raised. Its main purpose is to strengthen the law on corruption and ensure fuller compliance with the OECD convention on bribery for foreign public officials in international business transactions. As I stated, it is helpful in progressing the ratification of the UN convention against corruption.

This Bill is not designed to deal with the issue of domestic corruption, to which most of the Deputies referred. In this jurisdiction we already have modern and effective anti-corruption legislation such as the Prevention of Corruption Act 1906 and the Prevention of Corruption (Amendment) Act 2001, both of which are further amended by this Bill. We also have the Ethics in Public Office Act 1995 and the Criminal Justice (Theft and Fraud Offences) Act 2001.

Deputies Rabbitte and Joe Carey raised the question of the number of convictions during recent years. With regard to corruption related offences in the Republic, the statistics I have to hand with regard to convictions for offences including fraud, embezzlement and corruption are that in 2004 there were 26, in 2005 there were nine and in 2006 there were six.

Recently, the Law Reform Commission restated the body of anti-corruption statutes. Therefore, we will have an opportunity to consider the question of possible consolidation of all of this legislation in the future and we must decide further on this. Furthermore, Ireland has ratified a range of international instruments on the issue of corruption and this is the context in which the Bill is presented to the House. Ireland is also party to a significant number of important international agreements on corruption.

The provision in the Bill to protect for whistleblowers is important. It provides protection against liability for damages, penalisation by an employer of persons who report in good faith an opinion that an offence under the Prevention of Corruption Acts has been or is committed. The OECD was of the view that such a provision should be included in the Bill and the Government readily agreed. This type of protection is not new in Irish law. A similar provision is contained in the Employment Law Compliance Bill 2008 and a provision to regulate for similar protection is contained in the Garda Síochána Act 2005. We work closely with the OECD on compliance with this important convention and we will continue to do so.

To return to the issues raised by Deputies Joe Carey and Charles Flanagan, the most recent visit of the OECD, which happened at our invitation, was a number of months ago and meetings took place with a wide variety of groups including Departments, lawyers, NGOs, trade unions and many representatives from the private sector. The OECD stated it was satisfied with the meetings it had and I assure Deputies that the report will be published soon.

With regard to the points made by Deputy Charles Flanagan, we understand that matters have greatly improved since the 2007 report and that this will be confirmed in the OECD report. Information dissemination initiatives are being organised by the Department of Enterprise, Trade and Employment in conjunction with the private sector. A website has been created by my Department in this respect. The interagency senior officials compliance committee has been established and is in operation. The OECD has expressed great satisfaction with

its establishment and has asked that it be kept in operation when this legislation has been enacted and I can give this undertaking.

Deputies Charles Flanagan and Rabbitte stated there is a deficit of legislation in this area. I do not accept this and I have already instanced the extensive body of legislation, particularly dealing with the domestic scene. This Bill is an addition to the existing prevention of corruption legislation which I outlined earlier.

A number of recent measures taken at our own initiative include the creation of the website to which I referred and the senior officials compliance committee. The Government will continue to review all legislative and resource requirements needed to combat corruption at all levels. The globalisation of financial services and business generally has meant the international dimension to the issue of corruption has become more complicated and is likely to continue to do so. This is why we must continue to work closely with bodies such as the OECD, the United Nations, the EU and the Council of Europe to meet these challenges. The passing of the Bill will play a significant part in this process and I thank the Deputies for their constructive comments.

Question put and agreed to.

### **Prevention of Corruption (Amendment) Bill 2008: Referral to Select Committee.**

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** 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.**

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#### **Farm Retirement and Installation Aid Schemes.**

1. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if, in view of an estimated 92% of farmers who are over the age of 35, he will introduce measures to address the increasingly mature age profile of Irish farmers; and if he will make a statement on the matter. [37773/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Data from the CSO's Farm Structures Survey 2005 estimated that 8% of farm holders were under the age of 35. This figure is in line with the EU average and reflects the broad range of incentives in place to encourage the early transfer of family farms. These incentives include extensive tax reliefs that allow for family farms to be transferred without incurring stamp duty, capital gains tax and capital acquisitions tax.

I point out that stamp duty relief, which is specifically aimed at young farmers under the age of 35 who have attained certain agricultural qualifications, has been renewed in budget 2009 for four years until 31 December 2012. This is a very valuable relief that focuses on young farmers who are committed to pursuing a career in farming, and its renewal for a full four-

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year period reflects this Government's commitment to these farmers and their desire to enter the industry.

Stamp duty relief together with capital acquisitions tax (agricultural relief) and capital gains tax (retirement relief) ensures the majority of early farm transfers are exempt from tax. Several adjustments were made in the Finance Act 2007 to help overcome technical issues such as an adjustment to capital acquisition tax (agricultural relief) to allow for outstanding borrowings on an off-farm principal private residence when determining whether the recipient is eligible for agricultural relief.

Full capital gains tax (retirement relief) is available on disposals to family members, while relief is available on disposals to third parties up to the value of €750,000 and marginal relief on disposals above this threshold. An adjustment in the Finance Act 2007 allows farmers who had their farmland leased out prior to its disposal to a child to avail of capital gains tax (retirement relief), subject to certain conditions.

The 100% rate of stock relief for young farmers was also renewed in this year's budget for two years until 31 December 2010. This scheme is focused on new entrants who are building up the value of their herds.

In addition to the above measures, which are specifically aimed at new entrants, there are several other major incentives aimed at encouraging greater levels of land mobility. These include an income tax exemption for rental income received from the long-term lease of farmland. The substantial rental income exemptions are €12,000 on leases between five to seven years, €15,000 on leases between seven and ten years and €20,000 on leases over ten years.

Stamp duty relief for farm consolidation was renewed in budget 2009 for two years until 30 June 2011. It is available where a farmer is consolidating his or her holding through the purchase and sale of a parcel or parcels of land, subject to conditions set out in farm consolidation guidelines. This encourages farmers to swap land parcels to decrease the level of farm fragmentation and increase economic efficiency.

All these measures combined with the reduction in the top rate of stamp duty for agricultural land from 9% to 6% should help improve mobility of agricultural land and are substantial in reducing the set-up cost for young farmers. This extensive range of measures helps to improve the age profile of farming through early farm transfer or by encouraging greater levels of leasing, land swaps or farm consolidation allowing younger, more productive farmers to enter the industry.

**Deputy Michael Creed:** The Minister's decision to withdraw installation aid and the early retirement scheme is disgraceful. He accepts that 8% of farm holders under the age of 35 is an acceptable EU norm at a time when large global challenges face farming. Nearly 50% of the farm-owning population are of an age to qualify for the early retirement scheme.

I will give the Minister a word of warning. The Minister is going to Tullamore this evening to talk about the sheep industry. While I accept the sheep industry is in crisis, if he were to attempt to create a nest egg to fund another pet scheme by robbing Peter to pay Paul, farmers will not stand for it.

Will the Minister accept that in the absence of installation aid and the early retirement scheme, the availability of the stamp duty relief on the transfer of family farms will be irrelevant? The number of farmers availing of the stamp duty exemption will come to a standstill. Without installation aid and the early retirement scheme, the stamp duty exemption is useless. These schemes comprised a three-pronged attack to address the age profile issue in farming.

In one fell swoop the removal of these two schemes will undermine the effort to get younger people into agriculture.

**Deputy Brendan Smith:** We are not robbing Peter to pay Paul. Resources available to the Department are being allocated. Next year, in excess of €9 million will be paid out in new installation aid scheme approvals. Those are applications that are in hand at present and will be processed and approved in 2009. Up to €48 million will be paid out under the early retirement scheme. The position is that both schemes have been suspended for new applicants. I have stated clearly in meetings with Deputies from all parties and the farming organisations that we will be reviewing the suspension of both schemes when financial resources allow us to do so.

**Deputy Michael Creed:** Those young people whose parents may have been transferring the farm had legitimate expectation, to use legal terminology. What about those cases where a young person enrolls this year at agricultural college to do a green certificate or the case of a farmer with a lease signed but waiting for the Revenue to stamp it? Notwithstanding the Minister's budget day announcement of the suspension of the two schemes, will applicants who have legitimate expectation be accommodated? Has the Minister taken legal advice from the Attorney General on this matter?

**Deputy Brendan Smith:** The decision to suspend both schemes to new applicants was due to budgetary constraints. I have already indicated that those people who have had their completed applications with the Department — there are approximately 600 — will be processed. When they meet the necessary criteria and are approved, funding is in place——

**Deputy Michael Creed:** The Minister is avoiding the issue and the question. It is not about the applications already in but the people who have legitimate expectations. I am asking about those people, who through no fault of their own, were waiting for leases to be stamped by Revenue or are completing a green certificate at agricultural college and believed they could avail of the scheme.

**Deputy Brendan Smith:** I have outlined clearly that both schemes are suspended for new applicants. The limiting of the suspension of the schemes will be considered at the earliest opportunity but with regard to the current budgetary constraints. In 2009 in excess of €9 million will be allocated and approved for the young farmer installation aid scheme and €48 million will be paid out in the early retirement scheme.

**Deputy Michael Creed:** The Minister is avoiding the issue.

**An Leas-Cheann Comhairle:** We will move to Question No. 2 in the name of Deputy Seán Sherlock.

**Deputy Seán Sherlock:** I will get the same answer that Deputy Michael Creed got.

**An Leas-Cheann Comhairle:** It will be a shorter one.

**Deputy Michael Creed:** It will probably be more relevant.

**Deputy Brendan Smith:** The last question was relevant. If the Deputy wants to dismiss——

**Deputy Michael Creed:** With all due respect, it was not very relevant. It was cold comfort to people who were hoping to avail of the schemes.

**An Leas-Cheann Comhairle:** Deputy Creed, please allow Deputy Sherlock's question to be answered.

2. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food if he will reverse the decision to cut €10 million from the early retirement scheme and installation aid scheme which have been shut down to new applicants; and if he will make a statement on the matter. [37719/08]

**Deputy Brendan Smith:** Against the background of the deterioration in public finances, my approach in preparing the 2009 Estimates for the Department was to focus available resources on the measures that allow us to maintain and grow the productive capacity of the agrifood sector.

There has been a high level of investment in developing this sector in recent years, with the commitment of significant financial resources to areas such as the rural environment scheme, where the rates of grant had been increased by 17%, the new suckler cow scheme and the farm waste management scheme. Expenditure for the farm waste management scheme in 2008 will exceed €375 million following the recent provision of an additional €195 million. The first payments under the new suckler cow scheme will issue later this year.

As I have chosen to protect expenditure in certain areas, expenditure in other areas has to be curtailed. I have made provision of €56.7 million to meet current commitments in the early retirement from farming and the young farmers' installation aid scheme. This level of funding means that, for the present, new applications for these schemes are suspended.

**Deputy Seán Sherlock:** It is clear from the earlier reply to Deputy Michael Creed that the Minister will not budge on this issue. Today, a recently widowed lady contacted me whose son wishes to take over the family farm holding. He would have been an ideal applicant for these two schemes. However, as they were going through a process of grant of probate, he was not in a position to send his application before 14 October. The legal instrument went against him and took longer than anticipated. Will the Minister allow for some degree of discretion and fairness for those who were in the process of applying? On 14 October the two schemes were cut down in one fell swoop without any notice period. That did not allow individuals, such as those I have just mentioned, to have some fairness in submitting their applications. If they had some notice, they might have come into the scheme. Cutting the schemes off on 14 October was the wrong way to go about it. Will the Minister revisit his decisions for the sake of equity and fairness?

**Deputy Brendan Smith:** Like Deputy Sherlock, I have spoken to people who were in the process of preparing their applications, whether under the early retirement scheme or the young farmers' installation scheme, and I know of the disappointment and the break in planning for handing on the farm to the next generation that results. There is never an easy time to suspend or, as has happened in the past, to abolish schemes. This is a suspension of the scheme. When speaking to public representatives, farm organisations and individual farmers I indicated to them that I have asked the Department to bear in mind that when we are in a position to reopen the scheme, the people who had been in the process of preparing applications for submission to the Department should be the first to be processed and considered.

Over the past few months there has been a considerable increase in the number of applications submitted under the young farmers' installation scheme. As Deputy Sherlock knows, there have been a number of early retirement schemes, in the first of which more than 10,000 people participated, while there have been a few thousand participants in the more recent

scheme. The figure of €48 million to be paid out next year under the early retirement scheme is significant, as is the €9 million that we have——

**An Leas-Cheann Comhairle:** Deputy Sherlock for a brief supplementary.

**Deputy Seán Sherlock:** Nobody questions the validity of the scheme or its success. We all agree that Government policy has been sound in this regard. What we are asking for is some degree of discretion. There should be an extension beyond 14 October to allow these people to make their applications. There must be some degree of flexibility on this issue. As has already been said, those people who were on the point of making their applications had a reasonable expectation, because they had gone through the process of applying, that they would be within the timeframe. The Minister has carried out a miserly and mean-spirited act towards those who set out in good faith to participate in the scheme. It is a sad indictment of current Government policy.

**Deputy Brendan Smith:** I do not accept Deputy Sherlock's contention. I can empathise fully——

**Deputy Seán Sherlock:** The Minister should tell that to the widow I mentioned.

**Deputy Brendan Smith:** I have spoken to as many people as Deputy Sherlock who are disappointed that the scheme has been suspended for the present. In the past, when the Deputy's own party was in Government, a scheme was suspended even for those whose applications were with the Department. In this scheme, only entry for new applicants has been suspended, and all applicants who have submitted their completed application forms will be processed and approved if they meet the necessary criteria. I do not think anybody has tried, as the previous Deputy did, to dismiss the fact that €65 million has been forgone in taxation measures which are of benefit to young farmers. It is important to put that on the record of the House.

**Deputy Michael Creed:** There will be nobody availing of it without the installation aid.

**Deputy Tom Sheahan:** On a point of order——

**An Leas-Cheann Comhairle:** On a point of order, Deputy Sheahan.

**Deputy Tom Sheahan:** In this scheme, as the Minister has said——

**An Leas-Cheann Comhairle:** That is not a point of order.

**Deputy Tom Sheahan:** Yes.

**An Leas-Cheann Comhairle:** This is a priority question and is confined to the Deputies whose names appear on it. Unless the Deputy has a point relating to the order of the House, I must proceed.

**Deputy Tom Sheahan:** With no date for the resumption of this——

**An Leas-Cheann Comhairle:** That is not a point of order.

**Deputy Tom Sheahan:** The scheme has been put back. The applicants could be 40 years of age by the time the scheme is resumed.

### **Industrial Disputes.**

3. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the nature

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of an ongoing industrial dispute relating to his Department (details supplied); if this dispute will have an impact on the prompt delivery of REP scheme payments; and if he will make a statement on the matter. [37774/08]

**Minister of State at the Department of Agriculture, Fisheries and Food (Deputy Trevor Sargent):** Agricultural officers in my Department who are members of the IMPACT union commenced industrial action on 6 October. IMPACT alleges that the Department has acted in breach of Towards 2016 by not informing the union in advance of changes in work practices. IMPACT has instructed its members to work to rule; not to undertake overtime; not to undertake tasks or functions associated with posts which have not been filled; not to participate in or co-operate with activities connected to what IMPACT terms “imposed changes”; and not to attend meetings with sectional management. It has also been indicated by IMPACT that other phased action is being planned.

My Department has indicated its readiness to avail of the conciliation and arbitration processes provided for in Towards 2016. However, IMPACT is unwilling to engage in this process, citing the need for additional expertise over and above that available under the conciliation and arbitration scheme. The assistance of the National Implementation Body has been sought on the matter and a meeting will take place tomorrow as a matter of urgency. My Department is also monitoring the effect of the industrial action on the processing of REPS payments and is seeking to ensure prompt delivery of these payments.

**Deputy Michael Creed:** I appreciate that an issue as complex as industrial relations will not be resolved on the floor of the House, although I do hope it can be resolved promptly. I seek an assurance from the Minister of State that REPS 4 applicants who applied before 15 May and are now caught in the crossfire will not have their payments delayed unduly.

On a related matter, which probably goes to the heart of the industrial dispute, will the Minister comment on the EU audit inspection of REPS payments in Ireland? Will he confirm to the House that the State is facing a fine which was originally predicted to be €100 million but may be revised downwards to around €60 million? Has budgetary provision been made in the Department this year for such an eventuality?

**An Leas-Cheann Comhairle:** That is slightly outside the scope of the question.

**Deputy Michael Creed:** It is related to the dispute because this issue is at the heart of it.

**An Leas-Cheann Comhairle:** I will allow the Minister of State to explain, but the information may not be available to him.

**Deputy Trevor Sargent:** It is a complex issue and I am not quite sure it is at the heart of the dispute. There may be other consequences arising from the dispute. In fact, we are dealing with more than 100 schemes here. Obviously, REPS and the farm waste management scheme are two of the highest profile schemes and we do not want to see any delays in these. I am hopeful that resolution of the dispute will ensure that payments under these two schemes in particular, as well as all the other schemes, are issued in a timely manner. This is one of the reasons for the importance of resolving this dispute as quickly as possible. Under EU requirements, no REPS 4 payments can be made until all 11,400 applications submitted in 2008 have been checked. As matters stand, some two thirds of all applications have not yet been processed to finality, and the current action is a major factor in this regard. Hence, the Deputy will agree it is vital that all involved enter into this dialogue in as positive a frame of mind as possible,

because we do not want collateral damage arising from this dispute to make life even more difficult than it already is for farmers who are awaiting payments.

The Deputy mentioned REPS compliance inspections. All I can say is that the inspections ceased in 2008 and IMPACT has since sought their reintroduction on the grounds that their discontinuation without prior consultation was a breach of the provisions in Towards 2016. To date, the Department has refused to reintroduce the inspections on the basis that their reintroduction cannot be justified given the findings of the EU auditors. The Deputy could say we are caught in a dilemma as we are trying not to go against the EU auditors while remaining positively disposed to dealing with the grievances that have been articulated. With more than 100 schemes in question, the union's request that it be informed of every change in the manner sought does raise practical issues. We must approach this in a practical manner.

**Deputy Michael Creed:** I am alarmed by the Minister's response, which indicated that at this late stage two thirds of REPS 4 applicants have yet to be processed and that this will delay all REPS 4 payments. The Minister needs to recognise the urgency of the situation and to assist in every way possible in bringing about a resolution. Farmers should not be used as a bargaining chip between the trade unions which have a grievance and the Department, which is the employer of the technical agricultural officers.

I ask the Minister again about the EU audit and the fines to be imposed on the State. I cannot accept that the Minister would not have this information available to him, as it is a directly related issue. What provision is in the agriculture Estimate this year for that likely outcome? Will he quantify the amount of the fine?

**Deputy Trevor Sargent:** I reiterate that this matter is being dealt with. The Deputy is right. It is an urgent matter but in working on this draft today the reply has changed in the time since I first saw it. It referred to arranging a meeting as a matter of urgency and now, as I have been able to tell the Deputy, the meeting will take place tomorrow. I understand it will be at 2 p.m. but I ask the Deputy not to hold me to that. It has to happen, and the national inspection body chaired by the Government Secretary General, Dermot McCarthy, is to ensure that meeting goes ahead. The urgency of it is beyond question, and I hope that can be taken as such.

All I can say to the Deputy is that audits take place all the time. The figure he cited is news to me. I am not sure what his source of information is but if it was to be mentioned I would have been given information of that sort. The reply I have read is the reply I have been given.

**Deputy Michael Creed:** Will the Minister come back to me with the detail on it?

**Deputy Trevor Sargent:** I will find out if there is missing information.

### **Agriculture Sector.**

4. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food his views on whether the future of the agricultural sector is under threat in some areas of the country, particularly those designated as areas of disadvantage; and if he will make a statement on the matter. [37775/08]

**Deputy Brendan Smith:** The 2009 Estimates provide over €1.8 billion for the Department of Agriculture, Fisheries and Food and, when combined with EU funding of €1.4 billion, that means that total expenditure in 2009 by the Department will amount to over €3.2 billion.

While difficult decisions had to be taken in light of the situation of the public finances, account also had to be taken of the very high level of investment by the Government in recent years, when significant additional financial resources were committed to areas such as the rural



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environment scheme, where the rates of grant had been increased by 17% cent, the new suckler cow welfare scheme, the farm waste management scheme, and the 8% increase in rates under the disadvantaged areas scheme introduced last year.

With regard to the 2009 disadvantaged areas scheme, I decided to reduce expenditure for 2009 by reducing the maximum area limit to 34 hectares, which approximates to 84 acres, and by a small increase in the minimum stocking density requirement. While overall expenditure will fall, almost 67,000 farmers will not suffer any reduction in their payments as a result of the introduction of the 34 hectare limit. Furthermore, these farmers, as well as all claimants under the scheme, will continue to benefit from the substantial increase of 8% in the rate of aid introduced by the Government in 2007. In addition, of the 102,500 farmers who benefit under the disadvantaged areas scheme, in excess of 50,000 of these also benefit under the rural environment protection scheme, REPS, while in excess of 47,000 also benefit under the suckler welfare scheme, which introduces a new stream of payments to farmers this year. It should also be taken into account that in addition to the payments under these schemes, a further €920 million was paid to farmers with disadvantaged area lands under the 2007 single payment scheme. The total amount payable of €220 million to farmers under the disadvantaged areas scheme is part of the overall substantial injection of funds paid to farmers situated in the areas, and the scheme continues to be one of the best well funded disadvantaged areas schemes in the European Union.

Notwithstanding the difficulties in the public finances and the decisions I have taken against that background, the position is that in excess of €3.2 billion will be spent next year by the Department in support of agriculture, fisheries and food. It is important to get through this challenging period and continue towards achieving the full potential of our most important indigenous industry when the economy begins to grow again.

**Deputy Michael Creed:** In light of what has happened in this House and outside it since budget day, will the Minister accept the budget is, in effect, merely a discussion document? The Minister for Finance was able to do a U-turn on the 1% levy. The Minister for Social and Family Affairs was able to do a U-turn today on the issue of entitlement to disability benefit for 16 year olds. We have had the U-turn on the medical card issue.

Is the Minister in a position to go to his Cabinet colleagues and deliver a better deal on this discussion document than his predecessors? This morning in Buswells Hotel, the Minister of State with responsibility for older people, God love her, Deputy Hoctor, asked the ICOSA to give her the list of issues and she could arrange, through the Minister's good offices, for those to be dealt with and reconsidered.

In respect of disadvantaged area payments, the Minister is hitting the most vulnerable people who are farming the most marginal land. That payment was introduced for the specific purpose of maintaining the link between farmers in difficult disadvantaged areas and ensuring they could remain in farming. How can the Minister justify hitting the most vulnerable people in farming and taking €1,000 on average out of every one of those farmer's pockets? Will he go back to his Cabinet colleagues on this specific issue for those farmers who are the most marginalised and who are taking a bigger hit than any other sector in the economy in terms of the suckler cow scheme, the early retirement scheme, installation aid, and the disadvantaged areas scheme? We are talking about disadvantaged farmers. Will the Minister go to his Cabinet colleagues and tell them he also made a mistake, and that he will revisit this decision?

**Deputy Brendan Smith:** I dismiss Deputy Creed's suggestion that the budget is a discussion document.

**Deputy Michael Creed:** They are all doing U-turns.

**An Leas-Cheann Comhairle:** The Minister, without interruption.

**Deputy Brendan Smith:** Deputy Creed might listen for a change. He misquoted Deputy Máire Hocht, the Minister of State at the Department of Health and Children. The Minister of State did not say any such thing at the meeting with the ICOSA.

**Deputy Michael Creed:** The Minister was not there.

**Deputy Brendan Smith:** I checked it with the Minister of State and she gave me the accurate report. She outlined clearly to a spokesperson for the ICOSA that of all the contributions she had heard in the room, nobody had suggested alternatives in terms of how funding could be transferred from one subhead to another. The Minister of State, Deputy Hocht, has been misrepresented, as the Deputy has done just now. She said no such thing.

**Deputy Michael Creed:** Is the Minister prepared to reconsider this issue?

**An Leas-Cheann Comhairle:** Allow the Minister to answer the question, Deputy.

**Deputy Brendan Smith:** When somebody is misrepresented in the House, I want to correct it. I stated here that we had to make difficult decisions. This Department did not take a bigger hit than any other Department.

**Deputy Michael Creed:** Look at the figures.

**Deputy Brendan Smith:** The reality is not what the Deputy tried to portray. If one takes into account a Supplementary Estimate on the capital side that was extremely high — €195 million——

**Deputy Michael Creed:** Does the Minister have enough for next year?

**Deputy Brendan Smith:** Yes, I have enough.

**Deputy Michael Creed:** We will see. Are you saying you will not be coming back with a Supplementary Estimate?

**Deputy Brendan Smith:** Deputy Creed issued a statement in August to the effect that nobody would be paid from thence on.

**Deputy Michael Creed:** As a result you got up off your backside and introduced a Supplementary Estimate.

**An Leas-Cheann Comhairle:** Please allow the Minister to answer the question. Supplementary questions should be put through the chair.

**Deputy Brendan Smith:** The reality is that in the coming year the following payments will be made to farmers: the single payment scheme, €1,300 million; REPS, €355 million; disadvantaged areas scheme, €220 million; and suckler cow welfare scheme, €44 million. A total of €33 million is being paid out under the suckler cow welfare scheme, which will be paid later this year. That is a new payment.

**Deputy Michael Creed:** Some €40 per cow next year.

**Deputy Brendan Smith:** No. Deputy Creed is misrepresenting the situation again. He is obviously not prepared to listen and hear the facts. We had to reallocate some expenditure. I decided reluctantly to reduce the expenditure on the disadvantaged areas scheme. I have already outlined that the vast majority of people in the disadvantaged areas scheme will not have their payment affected. It is people with hectareage above 34 hectares who will be affected. Everybody will be paid up to the rate of 34 hectares.

I want to give the Deputy some facts. The total area that will not be payable under the new limit is 204,000 hectares in the cases of more severely and less severely disadvantaged lands, while the area reduced in the case of mountain type grazing is 102 hectares. There was some misrepresentation that that latter category with the biggest hectareage would be affected. That is not correct.

**Deputy Michael Creed:** Where stands the commitment of the Minister, his Department and the Government to social partnership? These were schemes signed off in good faith less than 12 months ago, in respect of the suckler cow welfare scheme, when the Minister had or should have had full knowledge of the budgetary situation, if he was not asleep at the wheel. What about the commitment to an €80 payment per suckler cow and €90 next year? Where stands social partnership, which made arrangements recently for the disadvantaged area payments?

**Deputy Brendan Smith:** This year, as last year, an 8% increase was paid by the Department under the disadvantaged areas scheme. Deputy Creed refers to the suckler cow welfare scheme. It was agreed in the partnership agreement, Towards 2016, that a five year, €250 million suckler cow scheme would be introduced. That commitment will be honoured and no amount of misrepresentation by the Deputy——

**Deputy Michael Creed:** Some €80 per cow. Deferred payments in 2009——

**Deputy Brendan Smith:** Deputy Creed does not want to listen to the facts. The Government gave a commitment and no misrepresentation on the part of the Deputy or others will deflect attention from the fact that it is honouring that commitment, which relates to the payment of €250 million through a new five-year suckler cow scheme. The commitment will be honoured.

**Deputy Michael Creed:** Will the Minister, like his Government colleagues, do a U-turn and revisit the disadvantaged areas scheme?

### Sheep Sector.

5. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food the steps he will take to support the sheep industry; the specific resources that will be allocated in respect of the sheep industry in 2009; and if he will make a statement on the matter. [37776/08]

**Deputy Trevor Sargent:** The sheep sector is an important part of the overall agrifood sector and its future depends on its ability to meet the needs of the market. The sheep industry strategy development group and the subsequent implementation group set the blueprint for the sector's future development. Most of the recommendations fall to be implemented by the industry. However, the Department and the State agencies under its aegis are also playing an active role. Good progress is being made and the following is a summary of the main actions taken: payments of an additional €6 million to qualifying sheep farmers were issued under the national reserve; the Department secured European Commission approval for a new supplementary measure in REPS 4 to promote the mixed grazing of cattle and sheep and under this a farmer can qualify for an annual payment of up to €1,000 in addition to his or her basic REPS payment; the pedigree sheep breeding prog-

4 o'clock

ramme, as operated by my Department in co-operation with the sheep breed societies, is being transferred to Sheep Ireland, a sister company of the Irish Cattle Breeding Federation and an interim sheep board has been established to manage and oversee the transfer; a trial to examine the feasibility of mechanical carcass classification for lamb — the results of which are expected shortly — was conducted earlier this year and it is hoped that the system will allow for the accurate and objective mechanical classification of lamb carcasses and that it will gain universal industry support; the lamb quality assurance scheme, which was established in 2007, has led to some 6,500 farms being registered to date; Bord Bia is continuing to organise strategic marketing campaigns in selected European markets and in conjunction with its French and British counterparts, it is undertaking a three-year generic lamb promotion on the very important French market to promote lamb to younger consumers; and Teagasc has developed a comprehensive plan to restructure its sheep support services, including a programme for technology evaluation and transfer farms, which includes hill and lowland areas.

These measures complement those to be taken by the industry in the implementation of the Malone Report. I am satisfied that our Department is dealing satisfactorily with the areas of the report within its remit.

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

Turning to the resources that will be available to the sector in 2009, it is worthwhile first to recall that €27.5 million approximately was paid under the sheep headage scheme and €107.5 million was paid under the ewe premium scheme in 2000 and 2004, respectively — the last years of operation of such coupled payments. Those schemes are now incorporated into the disadvantaged areas and single farm payment schemes and sheep farmers will continue to benefit under these subject to compliance with the relevant conditions.

I will now outline other financial provisions that will benefit the sheep sector. In the case of REPS, sheep farmers can qualify for the mixed grazing supplementary measure of up to €1,000 and, where appropriate, qualify for the increased payment rates on Natura 2000 land, non-Natura 2000 commonage and on designated NHA land. Some €355 million has been allocated to REPS for 2009.

Under the 2005 national reserve, some 500 hill sheep farmers benefit to the amount of €400,000 annually or €2.8 million over the period until 2012. In addition, a special category was included under the 2007 national reserve for sheep farmers whose existing single payments are less than €10,000 and where individual entitlements are less than the district electoral division, DED, average. Allocations are capped at the DED average value of entitlements or a total single payment of €10,000, whichever is the lesser, and allocations to successful applicants will not exceed €1,000. It is estimated that this measure will be worth some €6 million annually or €42 million over the period until 2012.

The pedigree sheep breeding programme as operated by my Department, in co-operation with the sheep breed societies, is being transferred to Sheep Ireland, a sister company of the Irish Cattle Breeding Federation, ICBF. An interim sheep board has been established to manage and oversee the transfer. To facilitate this transfer and to allow for redevelopment of the breeding programme, funding of €163,000 has been provided to date in 2008. My Department will provide further financial support to ICBF in 2009 for sheep breeding.

A trial to examine the feasibility of mechanical classification for lamb was conducted earlier this year at a cost of €135,000. Additional funding at a similar level may be made available to carry out additional feasibility work, if required, in 2009.

The lamb quality assurance scheme operated by Bord Bia has 6,500 participants and it is hoped to expand this by a further 6,000 in 2009. This could involve spending of up to €1 million

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depending on uptake. In addition, Bord Bia will spend in the region of €1 million on the promotion of sheep and lamb at home and abroad in 2009.

Teagasc allocated approximately €1.5 million in 2007 and 2008 on sheep research activities and these will be continued into 2009. This also covers specialist staff for the sheep programme established following the sheep strategy group's report. It does not include additional funding related to the advisory service, some of which would be directed towards sheep.

Finally, the problems facing the sheep sector are well known at EU level. The Minister's predecessor ensured they were discussed at the EU Agriculture Council of Ministers in March. This was followed by the Aylward report to the European Parliament and a conference hosted by the French Presidency of the EU in September. These initiatives have kept the sheep sector's concerns to the forefront and, in the context of the current CAP health check discussions, we continue to pursue possible solutions.

**Deputy Andrew Doyle:** The Minister of State referred to wonderful schemes, feasibility studies, marketing tools, etc. Why have sheep numbers decreased by 50% in the past ten years and 240,000 on the most recent 12-month calculation? The disadvantaged areas scheme provides sheep farmers with a direct fillip in the context of their incomes. The owner of a 45-hectare sheep farm comprising mountain-type land will lose €1,055 on foot of the cuts in disadvantaged areas scheme payments. A PAYE worker would want to be earning €100,000 and be charged a levy at 1% to incur the same loss.

The REPS 4 measure to which the Minister of State referred involves €28 million. In May, only €9,000 of it had been drawn down. The measure is unworkable and the Minister of State is well aware of that.

The Minister, Deputy Smith, stated that Peter would not be robbed in order to pay Paul. What will happen to the single farm payment modulation in the context of the proposed sheep welfare scheme? I guarantee those opposite that a proposal will be made to take that money and pay it out directly by way of some measure relating to sheep. The long-term aim is to end the disadvantaged areas scheme and transfer the moneys relating to it to some rural development fund under the control of the Department of Community, Rural and Gaeltacht Affairs.

**An Leas-Cheann Comhairle:** The Deputy should ask a question.

**Deputy Andrew Doyle:** I am doing so. In light of the statistics to which I refer in respect of sheep, how can the Minister of State say that everything is being done to protect the industry? What he said just does not add up.

**Deputy Trevor Sargent:** There will be an increase of 8% in disadvantaged areas scheme payments.

**Deputy Michael Creed:** The Minister of State is taking, on average, €1,000 off these people.

**Deputy Trevor Sargent:** That amount might not be as much as people might like. However, we are doing our best within budgetary restraints that exist. We are not doing what the Deputy is attempting to do, namely, create a negative impression.

**Deputy Michael Creed:** The Minister of State is not increasing it, he is decreasing it.

**Deputy Trevor Sargent:** Deputy Doyle inquired as to why sheep numbers have decreased and he probably knows the answer to that question. As stated earlier, there is an issue to be addressed as regards the demand for sheepmeat. We must ensure that this demand increases.

**Deputy Michael Creed:** Why is Bord Bia's budget being cut?

**Deputy Trevor Sargent:** The situation is not helped by the fact that since the advent of single farm payments, farmers are no longer required to retain sheep for premia purposes. There was, therefore, a support based on numbers rather than on the areas in which the people affected were living.

Prices for the year are up by approximately 5% on last year. There has been a drop in recent weeks. This is a market-driven situation and the difficulties relating to it will not be solved by——

**Deputy Michael Creed:** What about the €28 million?

**Deputy Trevor Sargent:** ——the provision of the kind of supports to which the Deputy refers. We must co-operate in respect of this matter.

**Deputy Michael Creed:** What about the €28 million?

**An Leas-Cheann Comhairle:** Deputy Creed should cease interrupting. He did not table this question.

**Deputy Trevor Sargent:** I travelled to Paris in order to assist Bord Bia in its promotions because the French market is extremely important to Ireland. The reality is that sheepmeat is primarily being bought by older customers. We must try to bring about a change in that regard. This is the challenge we face. If Deputy Doyle has any useful suggestions to make, I would be more than happy to listen to them.

**Deputy Andrew Doyle:** I received a reply to a parliamentary question I tabled yesterday regarding the number of sheep being slaughtered in Irish plants that originate in Northern Ireland, Scotland or England.

**An Leas-Cheann Comhairle:** The Deputy is supposed to ask a question.

**Deputy Andrew Doyle:** I am about to do so. In the reply I received yesterday, it is stated that in week 34 of 2006 some 3,964 animals were slaughtered, while 6,165 were slaughtered in the corresponding week in 2007. Does the Minister of State have any proposals to control the way in which the price in the Republic is controlled and managed by the processors in the context of the ebb and flow of the supply of meat they receive from countries outside the jurisdiction? It is a cartel.

**Deputy Trevor Sargent:** I am aware of the reply to which the Deputy refers. There is no restriction with regard to sheep movements between the North and the South.

**Deputy Andrew Doyle:** On a point of order, there are restrictions. It is not possible to export breeding sheep.

**An Leas-Cheann Comhairle:** The Minister of State should be allowed to reply.

**Deputy Trevor Sargent:** In terms of animals for slaughter, the Deputy is aware from the reply in question that Bord Bia promotes Ireland as the "Food Island".

**Deputy Michael Creed:** Bord Bia's budget has been cut.

**Deputy Trevor Sargent:** We do not have in place the restrictions that would be required if a problem arose. However, there is no such problem. We market the island as the “Food Island” and sheepmeat comes into the equation in that regard.

**Deputy Andrew Doyle:** Not all of that meat originates on this island. Some of it comes from Scotland.

**Deputy Trevor Sargent:** I take the Deputy’s point. There may be a need to contact the authorities in Northern Ireland or Scotland in that regard. As already stated, however, we take a “one-island” approach.

The Malone report must be the point of focus for——

**Deputy Michael Creed:** The provision of €28 million would be of more assistance.

**Deputy Andrew Doyle:** There is also the issue of modulation.

**Deputy Trevor Sargent:** ——the industry, the Department and agencies such as Bord Bia. We are working through the recommendations contained in that report and this is where progress will be made.

**Deputy Andrew Doyle:** It will be too late. There will be no industry left.

**Deputy Michael Creed:** I hope the Minister for Agriculture, Fisheries and Food, Deputy Smith, will have more to say when he visits Tullamore.

### Other Questions.

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### Departmental Policies.

6. **Deputy Emmet Stagg** asked the Minister for Agriculture, Fisheries and Food the agricultural policies as outlined in the programme for Government which have been implemented to date; and if he will make a statement on the matter. [37476/08]

**Deputy Brendan Smith:** There are 94 commitments in the programme for Government for which my Department has direct responsibility. In the first year of the Government’s five-year term, 67% of these commitments have been implemented or are, by their nature, being implemented on an ongoing basis. A detailed report on progress achieved is published on the web site of the Department of the Taoiseach, [www.taoiseach.gov.ie](http://www.taoiseach.gov.ie). The following is a list of examples of major commitments that are being implemented.

The assignment to my Department of overall responsibility for the development and promotion of the agrifood sector is being strategically progressed through high-level inter-departmental groups and proactive sectoral policies. For the first time, the value of food and drink exports from Ireland reached €9.2 billion in 2007. The resources made available to Bord Bia have enabled it to exceed the Government target of doubling food exports to Asia two years ahead of target.

Grant assistance of €114 million is being provided for capital investment for the dairy processing sector. This will generate an estimated capital spend of about €286 million. Investment of €30 million has been put in place for innovative initiatives in the prepared consumer foods sector.

Significant funding has been provided to develop the competitiveness and sustainability of the overall agriculture, forestry and fisheries sector through the proactive implementation of the rural and national development plans. Payment levels under the rural environment protection scheme have increased by 17%. The average annual payment has grown from €6,170 to €7,220. Total payments in 2007 and 2008, to date, amount to €525 million. The provision for 2009 has been increased to €355 million. Almost €114 million was provided under the farm waste management scheme in 2007. Over €375 million will be spent on the scheme in 2008. This compares well to the agreed total allocation under the Towards 2016 agreement. The relevant section of that agreement states:

Payments under the new Farm Waste Management measure will be financed, at the rates already announced, from this funding package. A total of €350 million will be allocated for farm waste and other on-farm investment measures.

Advance payments of €532 million have already been issued under the 2008 single payment scheme, six weeks ahead of the normal commencement date. Balancing payments will commence on 1 December next and will continue as individual cases are cleared. In 2007, payments worth approximately €1.3 billion were issued under the scheme. A similar level of payment is expected under the 2008 scheme. The value of annual forestry premiums has been increased by 15%. The 100% establishment grants and 20-year payment period have been retained. Some €230.9 million has been spent on afforestation initiatives in 2007 and to date in 2008. The forestry provision for 2009 has been increased by 6% to €128 million. Some €42 million has been allocated for the voluntary fishing fleet decommissioning scheme to assist fleet restructuring and increase the level of fish quotas available for those remaining in the industry. In excess of €18 million was spent in 2007 on improving fisheries infrastructure and landing facilities under the fishery harbour and coastal infrastructure programme. A further €17 million has been provided to make progress with this work in 2009. This is an impressive list of achievements by any standards. It demonstrates the Government's commitment to the agri-food sector. We are keen to make progress with the commitments set out in the five-year programme for Government.

**Deputy Seán Sherlock:** The original question was based on the premise that budgetary cuts have been applied across the board in the agriculture sector. This is the only opportunity available to me to highlight some of those cuts. For example, investment in research and training has decreased by 13%. Similar reductions have been applied in areas like food safety, health and welfare, plant health, income and market supports and income supports for disadvantaged areas. When one examines the Department of Agriculture, Fisheries and Food's entire programme of expenditure, one has to conclude that the Government's ability to implement the programme for Government is seriously hampered. Those of us responsible for the agriculture brief have not been given any legislation to consider since the last election. When will the animal welfare Bill be published, in line with the commitment in the programme for Government? The extensive consultation period in that regard does not seem to have come to a conclusion. On what date will it be concluded? I would also like to ask about the proposed establishment of an all-Ireland GM-free zone. When does the Department envisage that this process will be concluded and this policy will be implemented?

**Deputy Michael Creed:** That will be interesting.

**Deputy Seán Sherlock:** When does the Minister envisage that the target of dedicating 5% of acreage to organic farmland will be reached? The European Commission recently announced that it does not envisage that mandatory country of origin labelling will be introduced. The



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programme for Government states that mandatory country of origin food labelling will be extended to sheep, pig and poultry meat. Will that measure be implemented?

**Deputy Brendan Smith:** The forestry Bill is being prepared. The Minister of State, Deputy Killeen, who cannot be with us this afternoon because he has another commitment, has done extensive work on that Bill. Deputy Sherlock has asked about the animal welfare Bill on the Order of Business on a number of occasions. He is aware that a great deal of work has already been undertaken in that regard. Significant progress has been made with the drafting of the proposed animal health and welfare Bill. It is intended that the legislation will give effect to a number of the commitments outlined in the programme for Government.

The Deputy mentioned the process of public consultation on the draft Bill, which was initiated earlier this year. Almost 400 submissions, containing wide-ranging observations, were received during that process. They are being examined in the Department of Agriculture, Fisheries and Food. If people go to the trouble of making detailed submissions and observations, it is only fair that they be given detailed and appropriate consideration. A number of those who made submissions subsequently contacted the Department to ask for meetings to be arranged to give them an opportunity to elaborate further on them. The drafting of the legislation is continuing. It is obvious that all the submissions will be taken into account during that process.

When I met representatives of various organisations, such as the Veterinary Council of Ireland and Veterinary Ireland, they indicated that they would like to meet departmental officials to elaborate further on their daily professional experience. I mention those two groups because I met delegations from them recently to discuss other matters. The representatives of the various bodies are keen to attend meetings so that these matters can be scrutinised in greater detail than is possible by means of written submissions of the type we all receive and sometimes make ourselves. I assure the House that substantial progress has been made with this important and complex legislation.

The Minister of State, Deputy Sargent, is actively promoting organic farming throughout this jurisdiction. The rural environment protection scheme makes provision for organic farming. Deputy Sherlock did not mention the substantial increase in expenditure under the scheme when he listed some of the matters which are covered in the Book of Estimates. The Minister of State has done exceptional work to encourage organic production in all parts of the country. Deputies will be aware that there have been huge attendances at the various farm walks and seminars which have been arranged to promote organic farming.

Deputy Sherlock also spoke about the issue of labelling. The Department of Agriculture, Fisheries and Food, in conjunction with the Food Safety Authority of Ireland and the Department of Health and Children, has undertaken extensive work on the matter over recent years. The Department of Health and Children, on behalf of the Government, has provided detailed submissions on the issue to the European Union. Our proposals have not been approved, unfortunately.

### **Common Agricultural Policy.**

7. **Deputy Joe Carey** asked the Minister for Agriculture, Fisheries and Food if he will provide a status report on the Common Agricultural Policy health check negotiations; the potential impact the proposals will have on the agricultural sector here; and if he will make a statement on the matter. [37503/08]

**Deputy Brendan Smith:** The Common Agricultural Policy health check dossier was presented to Ministers at the informal Council meeting that was held in May. A full first round examination of the text of the dossier has been completed by the working groups. Most of the technical and linguistic issues have been addressed. Trilateral meetings took place at the meeting of the Agriculture and Fisheries Council on 29 and 30 September to identify three main priorities for each member state. It is intended that the debate on the political issues will commence in October, at the special committee on agriculture and at a series of high-level working groups. Further trilateral discussions took place at a meeting of the Agriculture and Fisheries Council in Luxembourg on Monday night and Tuesday morning of this week. The discussions aimed to further refine the outstanding political issues. The negotiations are entering a decisive phase. The French Presidency remains confident that the proposals will be adopted as a package at the November meeting of the Agriculture and Fisheries Council. The health check proposals, which have been described as a fine tuning of the 2003 reform of the Common Agricultural Policy, concentrate on three areas. The implementation of the single payment scheme is being reviewed. Various market management measures, including the milk quota regime, are also being reviewed. The Union is working on its response to the new challenges of climate change, bioenergy, water management and biodiversity.

The impact of this package of measures on Irish agriculture will depend on what is agreed at the end of the negotiations. During that process, I will try to achieve the best possible outcome for Ireland and for our agriculture sector. I outlined the issues which are of concern to Ireland to the Commissioner, Ms Fischer-Boel, the French Presidency, Commission officials and to my colleagues in other member states. I will continue to take an active role in the discussions at every opportunity and to reiterate our priorities.

During the meeting of the Agriculture and Fisheries Council in Luxembourg on Tuesday of this week, I had a productive and constructive private meeting with the Commissioner, Ms Fischer-Boel, and the President of the Agriculture and Fisheries Council, Mr. Barnier. We discussed Ireland's main priorities during the Common Agricultural Policy health check. I explained that my key concerns pertain to milk quotas and additional modulation. I stressed the need for a genuine soft landing in the milk sector when milk quotas come to an end. A predictable set of steps will have to be followed at that stage to allow farmers, and the industry as a whole, to plan for the future. I emphasised the need for progressive quota increases. I specifically requested that additional quota allocations for Ireland be front-loaded, in light of Ireland's capacity to increase production progressively. I asked the Commissioner to make adjustments to the butter fat calculations to facilitate the release of higher levels of quota in 2009.

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

I outlined to the Commissioner my opposition to the substantial increase in modulation that is proposed. I sought an increase in available EU funding for special sectoral measures to assist farmers. Many member states, including Ireland, cannot fully utilise the funding allocated for the single farm payment scheme because of the complex and restrictive rules governing it. Therefore, I am seeking greater national discretion in the use of these funds. If agreed, this would release these unspent funds, in effect, and provide additional money for necessary measures to assist farmers. A consultative process with key stakeholders was established to advise on the main issues arising in the health check. The output from this will feed into Ireland's position in the negotiations.

**Deputy Michael Creed:** I see Mr. Barnier has indicated an anxiety to complete the health check during the French Presidency. Does the Minister think that is realistic? Does the Minister

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agree with what is on the table regarding modulation? I am interested in this particularly in the context of the Irish sheep sector. I suspect a nod and wink game is being played between the Minister and the Commissioner; the Minister will publicly oppose the increased modulation, but on the basis that it will salvage the sheep sector, he will take credit for it out of the other side of his mouth. No robbing Peter to pay Paul is acceptable in the context of the single farm payment modulation proposals. We need something for the sheep industry but not by taking from one farmer's pocket to put it into another's. Returning here and hiding behind Commissioner Fischer Boel's coat tails on modulation will not be acceptable.

My second question is serious and coming from where he does in terms of the milk industry and processing companies in his area the Minister will be very familiar with it. Global dairy markets are in a tail spin. While much of the debate on the CAP health check is on increased quotas, would the Minister agree that the political imperative is to put some kind of floor price on dairy produce? Skimmed milk powder and butter prices are down almost 50% in 12 months. It is an alarming situation and predictions on price per litre will cause carnage not just at farm gate but also in the processing industry. Will the Minister use the health check to advance that agenda of imposing a floor price on dairy produce?

**Deputy Brendan Smith:** On the French Presidency's optimism or expectations on when the health check should be completed, there was an Agriculture and Fisheries Council on Monday and Tuesday of this week. The next meeting is on 18 and 19 of November and we have pencilled in another day for the end of November, around the last Friday of November. From speaking to other member states and the French Presidency, their expectation is that very substantial progress will be achieved by 19 November. We have all been advised for some time of the expectation of another council meeting before the end of November should the health check discussions not be finalised on 19 November. Earlier in the week we had our second trilateral meeting with Commissioner Mariann Fischer Boel and with the Presidency, as have all other member states. The first meeting took place a few weeks earlier. We clearly outlined our total opposition to the proposals contained in the Commission papers for a very serious rise in modulation rates. We have consistently outlined our position, both in the Council of Ministers at the full plenary meetings and in our trilateral discussions.

In discussions officials of my Department and I have had with the dairy industry, processors and farming organisations, the views of the farming organisations diverge on the need for additional milk quota. Unfortunately, demand for dairy products in Europe has decreased, which has resulted in lower prices for farmers. That has arisen due to increased exports from the US and New Zealand. Another ingredient in the decreasing prices has been currency fluctuations. I believe, and we have argued strongly with the Commission, that Ireland has the capacity to use additional milk quota. The processors and the dairy industry, apart from the dairy farmers, are——

**An Leas-Cheann Comhairle:** I want to allow another supplementary question.

**Deputy Michael Creed:** What about getting a floor price rather than more quotas?

**An Leas-Cheann Comhairle:** The Minister might answer that with the next supplementary question.

**Deputy Seán Sherlock:** On the modulation issue, I am reassured to a certain extent by the Minister's statement on the move from pillar one to pillar two. Is there a political appetite in the Council of Ministers for the rate of change from pillar 1 to pillar 2 as envisaged by the Commission proposal? My second question is on climate change proposals. There is a view

that the basis of measurement of greenhouse gas emissions from agriculture is predicated on a faulty methodology. Will the Minister examine that methodology and request an independent, scientific analysis of it? It will have far-reaching effects on Irish agriculture and that is the reason for my question.

**Deputy Brendan Smith:** On Deputy Creed's earlier point on the market mechanism measures, the Commission has strongly pushed for their removal. We have argued trenchantly that the aids to private storage and intervention measures are absolutely essential to ensure that this mechanism will kick in should there be a surge in supply from other continents or a dramatic reduction in demand. In our trilateral discussions we highlighted that issue, that the dairy industry needed those market mechanisms because it gives some stability to the industry in planning. In recent times, say last year, thankfully those measures were not needed.

Either Deputy Sherlock or one of his Labour Party colleagues has a question on climate change. At a recent Council of Ministers meeting I asked that a specific item be included on climate change as it affects agriculture. I spoke to Deputy Sherlock's colleague, Deputy McManus on this issue. A significant demand is being made on agriculture. The Department provided substantial funding through the stimulus of the FIRM fund where widespread research has been undertaken in the past few years and is undertaken. Teagasc, with other authorities, has done extensive research in this area. It goes into the whole area. There has been substantial progress in recent years in reducing emissions but that may not always be given the currency it should.

#### **Disadvantaged Areas Scheme.**

8. **Deputy Seymour Crawford** asked the Minister for Agriculture, Fisheries and Food the amount by which he intends to cut the disadvantaged area payment; if this will be on a once off basis; and if he will make a statement on the matter. [37550/08]

**Deputy Brendan Smith:** My approach in preparing the 2009 Estimates for my Department was to focus available resources on the measures that allow us to maintain and grow the productive capacity of the agri-food sector. While difficult decisions had to be taken in light of the situation of the public finances, account also had to be taken of the very high level of investment by the Government in recent years, when significant additional financial resources were committed to areas such as the rural environment protection scheme, REPS, where the rates of grant had been increased by 17%, the new suckler cow welfare scheme, the farm waste management scheme and the 8% increase in rates under the disadvantaged areas scheme, which has been paid in 2008 and was introduced in 2007.

I decided to reduce expenditure on the disadvantaged areas scheme for 2009 by reducing the maximum area limit to 84 acres, 34 hectares, and by a small increase in the minimum stocking density requirement. While overall expenditure will fall, almost 67,000 farmers will not suffer any reduction in their payments as a result of the introduction of the 34-hectare limit. These farmers, as well as all claimants under the scheme, will continue to benefit from the substantial increase of 8% in the rate of aid introduced by the Government in 2007. Of the 102,500 farmers who benefit under the disadvantaged areas scheme, in excess of 50,000 of these also benefit under REPS, while in excess of 47,000 also benefit under the suckler welfare scheme, which introduces a new stream of payments to farmers in 2008. It should also be taken into account that in addition to the payments under these schemes a further €920 million was paid to farmers with disadvantaged area lands under the 2007 single payment scheme.

The total amount of €220 million payable to farmers under the disadvantaged areas scheme is part of the overall substantial injection of funds paid to farmers situated in those areas. The

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scheme continues to be one of the best-funded disadvantaged areas schemes in the European Union.

Notwithstanding the difficulties in the public finances and the decisions I have taken against that background, more than €3.2 billion will be spent next year by my Department in support of agriculture, fisheries and food. It is important to get through this challenging period and continue towards achieving the full potential of our most important indigenous industry as economic conditions improve.

**Deputy Tom Sheahan:** What 8% increase in disadvantaged area payments is the Minister talking about when all the farming bodies have been informed that the average farmer in a disadvantaged area will lose €1,055?

**Deputy Brendan Smith:** What I stated to the House — I may have stated it twice — is that in 2007 the rate of payment was increased by 8%, and that rate of payment was continued in 2008. Obviously, that payment is continuing for all eligible applicants in next year's scheme. That 8% increase in payment is being continued. As the Deputy is aware, there is now a cut-off point of 34 hectares for payments, which was introduced due to budgetary constraints. The disadvantaged and severely handicapped areas are familiar to me. I am fully aware of the type of farming carried on there, the difficult terrain and so forth. This was one decision I was very reluctant to take but if I did not reduce expenditure in this area, some other worthy scheme would have had to suffer.

**Deputy Tom Sheahan:** Does the Minister accept that, whatever way he wishes to camouflage it, he is taking an average of €1,055 from the majority of farmers in my constituency, where so much of the land is heaped up in mountains and hills? The most disadvantaged people are losing an average of €1,055 through the Minister's budgetary measures.

**Deputy Brendan Smith:** My information indicates that the majority of farmers in County Kerry do not come into the category to which Deputy Sheahan refers.

**Deputy Tom Sheahan:** Does the Minister accept that the average loss will be €1,055?

**Deputy Brendan Smith:** No, it is less——

**Deputy Michael Creed:** Is the average loss €905?

**Deputy Brendan Smith:** Less than 50% of farmers in County Kerry are affected, according to my——

**Deputy Michael Creed:** Those already in the scheme are losing in the region of €1,000.

**Deputy Brendan Smith:** Nationally, over 60% of farmers are not affected by this scheme because their acreage is under the cut-off point of 34 hectares. The reduction in the maximum area payable from 45 hectares to 35 hectares will result in the payments of 35,162 farmers being reduced, but in excess of 102,000 farmers are in receipt of disadvantaged area payments.

**Deputy Tom Sheahan:** There are 7,412 farmers in Kerry losing an average of €956 under the disadvantaged area payments scheme. How does that equate to an 8% increase?

**Deputy Brendan Smith:** My understanding is that the total number of farmers in disadvantaged areas in County Kerry is 7,666, over 3,000 of whom will be affected by this particular

decision. I can double check those figures for Deputy Sheahan, but I am confident that they are accurate.

**Deputy Tom Sheahan:** Where is the 8% increase?

**Deputy Brendan Smith:** As I have already said, and this will be the fourth time, that —

**Deputy Michael Creed:** Eaten bread is eaten bread.

**Deputy Brendan Smith:** I am just pointing out that over the past number of years there have been increases in different programmes. When resources were available, decisions were made to increase the level of funding towards particular programmes. Deputies may wish to dismiss an 8% increase as insignificant but I would not regard it as so for those in receipt of such payments.

### **Beef Industry.**

9. **Deputy Willie Penrose** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the report by the Food and Veterinary Office recording ongoing failures by Brazil to meet EU standards. [37461/08]

**Deputy Trevor Sargent:** The Deputy asks if our attention has been drawn to the report by the Commission's Food and Veterinary Office recording ongoing failures by Brazil to meet EU standards. I am aware of the report to which the Deputy refers. The Commission's Food and Veterinary Office recently published its final report of a follow-up mission carried out between 25 February and 13 March 2008 to evaluate measures that the Brazilian authorities introduced to address serious shortcomings on cattle traceability with regard to exports to the EU.

As the Deputy will be aware, the Commission proposed severe restrictions on Brazilian imports with effect from February of this year. However, the former Minister for Agriculture and Food, Deputy Coughlan, directed Department officials attending the standing committee to vote against the Commission's proposal and to call for an outright ban on beef imports from Brazil. While a complete ban was not agreed, the effect of the Commission's proposals was to limit exports of beef from Brazil to a relatively small number of herds. Based on this latest report, I have arranged for my Department to write to the Commission to have this matter urgently discussed at the European Commission's standing committee on the food chain and animal health.

**Deputy Seán Sherlock:** It is clear that there are still issues of concern relating to Brazilian. While I welcome the Minister of State's reply and acknowledge that beef exports from Brazil are confined to a small number of herds, the amounts within those herds would probably far outweigh the Irish national herd. The numbers in question are still significant.

I welcome the Minister of State's reply and accept that the Department has chosen the correct course of action in the circumstances.

**Deputy Trevor Sargent:** It is important to provide as much information as possible to Deputies and, in that context, it is interesting to note the up to date figures for EU beef imports. Brazilian beef imports to the EU have gone down considerably and much of the imports that are now coming from that country are of cooked meat, which was not affected by the Commission's decision. Last year, 5,123 tonnes of beef were imported into Ireland from Brazil, compared to 1,448 tonnes this year, which is quite a considerable drop in volume. It is important to bear in mind that Brazil's misfortune is other countries' opportunity. New Zealand beef imports have increased from a very low base to quite a significant amount of tonnage, at

[Deputy Trevor Sargent.]

108 tonnes. Similarly, Uruguay has also gone up from a very small base of just over 13 tonnes to 1,954 tonnes. That is the kind of dynamic that is going on at present. In the meantime, we obviously have an opportunity here in Ireland because of the increase in beef prices.

It is important to state that an outright ban on Brazilian beef imports is by no means a foregone conclusion. The European Commission has been assisting with advice and training of officials in the Brazilian authorities to ensure that auditing and evaluation would extend to local officials. That is as they are required to do. If they have a problem, they are required to indicate the nature of that problem and also what needs to be done in order for trade to resume.

Brazil is marking time and getting its house in order. In the meantime, we will have a meeting at EU level. I hope the report will be on the agenda of the next meeting of the standing committee on the food chain and animal health but I am not sure if that is the case.

### **Disadvantaged Areas Scheme.**

10. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Fisheries and Food if he will review the decision to cut €37 million from the critical and long-standing disadvantaged areas scheme; and if he will make a statement on the matter. [37433/08]

**Deputy Brendan Smith:** Does Deputy Sherlock want to take that as the same question?

**Deputy Seán Sherlock:** Am I to take it that the answer is the same as that given for Question No. 8?

**Deputy Tom Sheahan:** Farmers are losing money and there is no way for the Minister to dress that up.

**An Leas-Cheann Comhairle:** Shall we move on to Question No. 11?

**Deputy Seán Sherlock:** I wish to ask a supplementary question.

**An Leas-Cheann Comhairle:** The Deputy may do so and we will take the answer as read.

**Deputy Brendan Smith:** That is fine.

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

My approach in preparing the 2009 Estimates for my Department was to focus available resources on the measures that allow us to maintain and grow the productive capacity of the agrifood sector. The 2009 Estimates provide over €1.8 billion for my Department, and, when combined with EU funding of €1.4 billion, total expenditure in 2009 by my Department will amount to over €3.2 billion.

While difficult decisions had to be taken in light of the situation with the public finances, account also had to be taken of the very high level of investment by the Government in recent years when significant additional financial resources were committed to areas such as the rural environment scheme, where the rates of grant had been increased by 17%, the new suckler cow welfare scheme, the farm waste management scheme and, indeed, the 8% increase in rates under the disadvantaged areas scheme itself, introduced in 2007.

With regard to the 2009 disadvantaged areas scheme, I decided to reduce expenditure for next year by reducing the maximum area limit to 34 hectares, or 84 acres and by a small increase in the minimum stocking density requirement. While overall expenditure will fall, almost 67,000 farmers will not suffer any reduction in their payments as a result of the introduc-

tion of the 34-hectare limit. Furthermore, these farmers, as well as all claimants under the scheme, will continue to benefit from the substantial increase of 8% in the rate of aid introduced by the Government in 2007. In addition, of the 102,500 farmers who benefit under the disadvantaged areas scheme, in excess of 50,000 of these also benefit under REPS, while in excess of 47,000 also benefit under the suckler welfare scheme, which introduced a new stream of payments to farmers in 2008. It should also be taken into account that, in addition to the payments under these schemes, a further €920 million was paid to farmers with disadvantaged area lands under the 2007 single payment scheme.

The total amount payable of €220 million to farmers under the disadvantaged areas scheme is part of the overall substantial injection of funds paid to farmers situated in the areas and the scheme continues to be one of the best well funded disadvantaged areas schemes in the European Union.

Notwithstanding the difficulties in the public finances and the decisions I have taken against that background, the position is that in excess of €3.2 billion will be spent next year by my Department in support of agriculture, fisheries and food. It is important to get through this challenging period and continue towards achieving the full potential of our most important indigenous industry when the economy begins to grow again.

**Deputy Seán Sherlock:** I will take the answer as read but I wish to state that money is being taken out of farmers' real income here. Some of the measures that have been implemented in this budget, including this one, will bring about a further demise in agricultural productivity.

**Deputy Brendan Smith:** As I outlined in previous responses, this particular payment is one of a number that are made by the Department. Some agricultural programmes are funded by the Exchequer, while others are funded by the European Union. In 2009, some €44 million will be provided for the suckler cow welfare scheme, €220 million for the disadvantaged areas scheme, €355 million for the rural environment protection scheme and €1.3 billion in respect of the single payment scheme. They are all very substantial payments. There is also a substantial programme of investment in on-farm facilities. In the partnership programme agreed in 2006, agreement was reached that funding of approximately €350 million would be provided in respect of on-farm investment schemes for the duration——

**Deputy Seán Sherlock:** The Department has ridden roughshod over some of those programmes since then. The Minister is being very selective, with all due respect.

**Deputy Brendan Smith:** Deputy Sherlock queried, understandably, the level of financial commitment to the agricultural industry. All of those schemes are important. This year alone €377 million was devoted to the farm waste management scheme. These are all important measures for farmers. We cannot ignore the substantial funding both from the Exchequer and from the European Union this year, which will continue next year. These are all important schemes.

**Deputy Seán Sherlock:** The farm waste management scheme is a result of obligations under European Commission rules which had to be implemented.

**Deputy Brendan Smith:** Unfortunately we had to make a decision to reduce——

**Deputy Michael Creed:** Lest the impression be created that farmers seek a special deal, they do not. Farmers and the farming organisations I have consulted acknowledge the difficult financial circumstances and say they are prepared to shoulder their fair share of the burden.

Previously I remarked on budgetary U-turns and said we should treat this budget as a work-in-progress. The Minister for Finance, Deputy Lenihan, has exempted minimum wage recipi-



[Deputy Michael Creed.]

ents from the 1% levy. Since the Minister has the Teagasc farm income survey at his fingertips, will he consider exempting anyone in receipt of farm assist, which is top-up payments from the Department of Social and Family Affairs or the Department of Community, Rural and Gael-tacht Affairs? Will the Minister, Deputy Smith, consider exempting any farmer in receipt of farm assist from the reduction in disadvantaged area payments? The Minister can talk about increases, but remember that behind all these figures are farm families subsisting on annual incomes of less than €20,000. These payments make up a substantial part of that income. Even those on such minimum wages say they are prepared to shoulder their fair share of the burden. However, this is not a 1% levy on farm incomes, it is a significant proportion of their income. There are farmers throughout the country loosing between €5,000 and €6,000. Those in disadvantaged areas are set to loose on average €1,000. Will the Minister exempt those in receipt of farm assist for a start?

**Deputy Brendan Smith:** There are 102,000 farmers in the disadvantaged area scheme.

**Deputy Tom Sheahan:** We have heard all of this before.

**Deputy Brendan Smith:** This measure or reduction in the payment applies to farms greater than 34 hectares. The average size of a family farm in Ireland is 31 hectares. The reduction in expenditure kicks in at——

**Deputy Michael Creed:** The Minister is aware that extensive holdings in the west are not as fertile as the golden vale.

**Deputy Brendan Smith:** I am fully aware of that. The decision was made and will result in a loss to those individuals.

**Deputy Michael Creed:** It is disproportionate and unfair.

**Deputy Brendan Smith:** More than 60,000 will not be affected by this measure.

**Deputy Seán Sherlock:** These measures will further undermine the rural economy and that is the bottom line.

**Deputy Brendan Smith:** Every sector wishes to contribute at a time when there are particular difficulties, but I have not heard any suggestion of an alternative from anyone here or anywhere else.

**Deputy Michael Creed:** We did provide a suggestion.

**An Leas-Cheann Comhairle:** We have only two minutes left. I will allow two Deputies speak briefly, namely, Deputies Doyle and Sherlock.

**Deputy Andrew Doyle:** Will the Minister review the whole matter? The Minister says there will be savings in administration of 1% or €3.9 million of a total budget of €311 million. The Minister is either suspending or closing programmes. There is some €215 million in the development programmes and some €37 million in the disadvantaged areas programme.

**An Leas-Cheann Comhairle:** The Deputy is giving information.

**Deputy Andrew Doyle:** Will the Minister review the matter?

**An Leas-Cheann Comhairle:** I call Deputy Sherlock.

**Deputy Andrew Doyle:** It is no more than a 1% reduction in administration costs.

**Deputy Brendan Smith:** At least two Deputies referred to the 1% levy. In the aftermath of the budget I discussed the issue with individual farmers, colleagues in the Oireachtas and farm organisations. I then spoke to the Minister for Finance, Deputy Brian Lenihan, about the imposition of the 1% levy and how it might affect the farming community. The issues of taxation and the 1% levy will be finalised in the Finance Bill 2008. I have already conveyed to the Minister for Finance the issues raised by the farm organisations. I have also discussed with the Minister for Finance measures which could be considered in the Finance Bill 2008 that may affect new and young entrants to agriculture.

*Written Answers follow Adjournment Debate.*

### **Adjournment Debate Matters.**

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Joe Costello — the need to take appropriate measures to ensure that churches that have been deconsecrated are secured and maintained as part of the national heritage; (2) Deputy John O'Mahony — the closure of Harristown House, addiction treatment facility, Castlerea, County Roscommon; (3) Deputy Thomas P. Broughan — the need to provide key social, economic and public transport infrastructure, including an integrated planning system, in the north fringe urban quarter of Dublin; (4) Deputy Terence Flanagan — the need for the Health Service Executive to fund specialised compression vests for sufferers of cystic fibrosis; (5) Deputy Caoimhghín Ó Caoláin — the need for the Minister for Health and Children to revisit the fundamentally flawed community child care subvention scheme; (6) Deputy Kieran O'Donnell — to ask the Minister for the Environment, Heritage and Local Government, Deputy John Gormley, to give a commitment on the precise levels of and timing of Government funding to the Limerick regeneration project; and (7) Deputy Joan Burton — the financial consequences to the State arising from the guarantee scheme to banks and credit institutions.

The matters raised by Deputies Joan Burton, Terence Flanagan, Joe Costello and Thomas P. Broughan have been selected for discussion.

### **Mental Health Bill 2008: Order for Second Stage.**

An Act to confirm certain unexpired and expired renewal Orders made under Section 15(2) or (3) of the Mental Health Act 2001; to permit such unexpired renewal Orders to be replaced by Orders made under this Act; to provide that such new Orders shall take effect as if they were renewal Orders made under Section 15(2) or (3) of the Mental Health Act 2001; and to provide for related matters.

**Minister for Health and Children (Deputy Mary Harney):** I move: "That Second Stage be taken now."

Question put and agreed to.

### **Mental Health Bill 2008: Second Stage.**

**Minister for Health and Children (Deputy Mary Harney):** I move: "That the Bill be now read a Second Time."

I am grateful to the House for facilitating early discussion of the Bill. I approached the Opposition parties about this matter in the afternoon. While it was not my intention to bring

[Deputy Mary Harney.]

the legislation to the House in such a speedy fashion, given the circumstances with which we may be confronted it is essential we proceed with it as a precautionary measure.

A person in a private psychiatric hospital in Ireland, who has been a patient in that hospital since the summer of 2007 and who is involuntarily detained, sought a judicial review of her detention in June 2008. The case was heard before the courts in October. I was informed today that a decision will be made by the judge in the case at 12.30 p.m. tomorrow. While the case seemed to involve particular circumstances relating only to that patient, it transpired during the hearing in October that there may be wider implications for up to 209 or 210 patients who are involuntarily detained in both public and private psychiatric hospitals in the country. If the case of the Mental Health Commission is lost tomorrow on a technical issue, with which I will deal presently, there could be implications for all of those involuntarily detained. If any of these people in the coming days were to use *habeas corpus* and discharge themselves, there could be serious implications for that patient's health.

Involuntary detention is a sad but necessary part of mental health services and a decision to detain involuntarily a patient is not easily taken. Under the Mental Health Act 2001 a patient must first be referred by his or her general practitioner. A psychiatrist must then admit that person to an institution. An independent psychiatrist appointed by the Mental Health Commission and a tribunal consisting of a consultant psychiatrist, a lawyer and a lay person must review the decision to involuntarily detain that person within a 21 day period.

The issue which arose in this case concerns the form that the Mental Health Commission used under the Mental Health Act 2001. The Act refers to a prescribed form which is the responsibility of the Mental Health Commission. The view has been advanced in this case that because the form has three boxes with reference to not exceeding three months, not exceeding six months and not exceeding 12 months, it does not give sufficient discretion to the consultant psychiatrist. There is no question of psychiatrists acting inappropriately from a clinical perspective or not acting in good faith. However, the procedure seems to involve these forms. It has been advanced in this case that these forms are invalid. If that is found to be the case tomorrow, it puts at risk the 209 patients involuntarily detained. This is a situation we cannot support. People are only involuntarily detained because they are a danger to themselves, possibly a danger to others, or because detention is vital for appropriate medication to be administered. Of the 3,000 psychiatric patients in the country, less than 10% are patients that are involuntarily detained.

We had the option not to bring this Bill before the House until next week and to await the decision of the court tomorrow. However, if even one patient's care was put at risk, then it is not option that we should pursue. On balance, we have decided to bring the Bill forward today. There was also an option to discharge all of these patients if the case was lost and to readmit them. The trauma that would cause for the individual patients and their families would be completely unwarranted, aside from the administrative difficulties that would arise. On the advice of the Attorney General on 24 October, all of these patients' renewal admittances have been reviewed. In 99% of cases, the period of detention has been upheld.

The Bill does two things. It states that notwithstanding any errors there might be in the form filling, these detentions are not invalid. They may be invalid for other reasons, but they are not invalid by virtue of the renewal forms that are used by the consultant psychiatrists. Second, within five working days of the enactment of the Bill, new renewal orders will have to be made in respect of all these patients.

Issues arise as to the retrospective nature of the Bill. It does not affect the patient who has initiated the proceedings, nor any other patient that may have initiated proceedings, although

we do not believe there is any such patient who has done so. The legislation could not affect their particular circumstances. The State has previously brought in legislation in advance of court decisions as a precautionary measure. I understand that one such case was related to EU directives, while another was related to the asylum process. Other legislation with a retrospective nature dealt with the failures in the appointment of a trial judge and the decisions made by that judge were retrospectively made legal.

The Bill is short lived. It only applies to these particular patients and they will all have to go before a new tribunal established by the Mental Health Commission in the 26 days following the enactment of the Bill. There are five days to make the renewal order and 21 days to go through the procedures under the Mental Health Act 2001.

I appreciate that the Opposition parties have had very little time to consider the Bill, which was approved by the Government at around 2 p.m. today. The Attorney General took advice from his own office and from independent counsel, and he has been working on this Bill as a precautionary measure over the past few days. It was his advice that all of these cases should be clinically reviewed to make sure that nobody is being detained for a longer period than is absolutely necessary. It is a very serious decision to remove the liberty of any citizen, and therefore it must be done in accordance with the law.

The judgment call that had to be made today was whether we should await the determination of the court tomorrow and act then, or sometime next week. There is a risk to 209 very sick, vulnerable patients that have been clinically examined and found to be in need of involuntary detention, and we felt that it was a risk not worth taking. I commend the Bill to the House and I look forward to responding to the issues raised by the Opposition parties.

**Deputy Dan Neville:** I want to raise some concerns about the Bill. The first concern is the fact that it has been rushed. It is only 40 minutes since I received this detailed Bill, containing five pages and eight sections. For a non-legal person who needs a full examination of the detail of the Bill, that is of great concern to me. Rushed legislation is often bad legislation. The reserved judgment was on 16 October, yet it is the day before the decision of the court that the Minister has decided that the Bill is necessary and must be rushed through the Dáil. She could have brought it before the House at any stage since 16 October and allowed us time to examine fully the contents and their implications, rather than take the approach she is taking today. Can the Minister explain why she has delayed since the reserve judgment? As I have been unable to research this, I have had to take much of what the Minister says on trust. I am concerned about that, because it is our duty to probe the legislation, but I accept the difficulties that she is facing at the moment.

This was an administrative cock-up that should not have happened. Serious questions need to be answered when very vulnerable patients have been put in a situation where they are now being addressed by a Bill in the Dáil. There are legal implications about their safety and their continued treatment in the foreseeable future. We are concerned about the patients and their safety if they are discharged into the community, because we know that 80% of those who die by suicide are suffering from psychiatric illness. Not all patients who are involuntarily detained are suicidal; in fact it is only a minority of them. However, we must worry about the safety of any that might be discharged. Due to the serious conditions from which these patients suffer, there is probably a higher level of suicide among them than within normal psychiatric patients.

We are also concerned about the small number that might be a danger to other people if they were discharged. This is a small number and we do not want to send out the message that we are concerned about 209 people being a danger to the public. This is not so. It is a very small minority of those patients who may be a danger to other people. We must protect those other people, but we must not stigmatise all 209 patients with the idea that they represent a

[Deputy Dan Neville.]

danger to everybody. From the 2001 Act, we know that those patients who are detained involuntarily are admitted because it is in the best interests of the patient that this happens. It is in their long-term well being and chances of recovery that the clinicians decide that these patients should be involuntarily detained.

We have some concerns about the constitutionality of the Bill. If the High Court finds tomorrow that the basis of the woman's detention is unlawful due to an error in the procedures for renewing her detention, how will the enactment of this legislation make her detention lawful until the procedural error is fixed? Article 40 of the Constitution provides a mechanism whereby the legality of a detention can be challenged. It is one of the most important rights in our legal and political system, or in the legal system of any democracy. The State does not have the power to unlawfully detain its citizens. The 1982 case of the State (Ahern) v Cotter demonstrates the importance of this right. In his judgment, Mr. Justice Walsh stated that the application to challenge the legality of the deprivation of someone's personal liberty is enshrined as a constitutional right in respect of which the whole procedure is set out in the Constitution.

The judgment tomorrow may find a flaw in the detention of the patient, which would result in the consequent setting at liberty of the patient herself. There are 209 patients that will be affected by this ruling. If the judge finds for the applicant in the case and the Oireachtas passes this legislation this evening, are we still going to see a rush of applications down to the High Court central office tomorrow afternoon to lodge Article 40 proceedings against the State for their continuing unlawful detention? Is the Minister sure it is within the competence of the Oireachtas to enact legislation to continue the unlawful detention of any person? Is she sure that legislation would rightfully enjoy the presumption of constitutionality? Will the Minister set our minds at rest that she is sure that it is within the competence of the Oireachtas to enact legislation to make lawful retrospectively the otherwise unlawful detention of a patient or any other person?

We have seen examples of rushed legislation in this area before, most recently with the Government's response to the C case, which still raises concerns. I ask the Minister to convince the Opposition that there is no constitutional difficulty arising from this case and that we will not have a situation over the weekend whereby this legislation, that we are rushing through the House, will be found to be unconstitutional. I hope the Minister understands my concerns about this.

In general, the Mental Health Act has worked well in its first year of operation, with 25% fewer involuntary admissions. We must welcome that. It is a serious decision of the Mental Health Commission and its servants to withdraw somebody's freedom of movement. We understand why it has to be done and we also know there are concerns about the 2001 Act. We have repeatedly asked when the necessary amendments to that legislation will be made. What has happened today may be a prompt for the Minister to inform us when she plans to introduce the necessary amendments to the 2001 Act. Hopefully, it will be in the very near future.

It is interesting to note the some 11% of detentions were revoked by the mental health tribunal. In the time remaining, I ask the Minister for information from the HSE concerning proposed cuts in psychiatric services. I appreciate, however, that the Minister may not be able to provide that information this evening. The mental health alliance says the cuts amount to €70 million, but I cannot see where that will come from.

**An Leas-Cheann Comhairle:** The Deputy is straying beyond the terms of the Bill.

**Deputy Dan Neville:** Yes but I do not have this opportunity very often, so I am asking the Minister if we can get general information on this matter.

We have concerns about the rushed legislation and are critical of the fact that a procedural approach by the Mental Health Commission could cause this issue. Our concern is for the patient involved, as well as for the other 208 patients to whom the Minister referred. We have concerns for the safety of the patients and others. It is in the best interests of patients that they should remain in hospital, but we are seriously concerned about the constitutionality of the Bill itself.

**Deputy Jan O'Sullivan:** I wish to share time with Deputy Ó Caoláin.

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

**Deputy Jan O'Sullivan:** Like Fine Gael, the Labour Party has serious concerns about this legislation. We appreciate the fact that it is urgently required, as the Minister has assured us and therefore we will not stop it from proceeding through the Houses of the Oireachtas. We do so with reluctance, however. As the Minister has acknowledged, we have had very little time in which to obtain any legal advice on the legislation. We were only told about it at lunchtime today and were briefed this afternoon at 2.30 p.m. We are now seeking to respond to it as comprehensively as we can. In addition, we are doing our duty as legislators to protect the public interest and, particularly, to protect vulnerable people. Clearly those concerned in this matter are vulnerable; they are detained against their will in psychiatric institutions and there is a duty to ensure that they are protected in whatever way possible. It is therefore in that spirit that we raise issues concerning the legislation, although we do not seek to obstruct it. We have serious concerns nonetheless.

At our briefing with the Minister, I specifically asked her about the constitutionality of the legislation and whether she had been assured that it complied with the Constitution. She assured me that she had obtained the advice of the Attorney General and that further legal advice had been obtained from another source. Obviously, we must take the Minister's word and assurances on this matter, although we did get our own legal advice, which suggested that there may well be constitutional issues concerning the legislation. There are serious concerns in this regard. Sections 3, 4 and 5 are all predicated on the Minister's conclusion that the retrospective aspect of this legislation will be constitutionally sound. While the Bill deals primarily with the current procedure under which people are detained, the renewal of that procedure within five working days, as proposed in the Bill, will also assume that they are not invalidly detained in the first place. The validity of this legislation is important therefore in terms of future detentions as well, at least as I understand it. Perhaps the Minister will respond to that point.

The other issue I want to raise concerns the fact that the case was considered in the High Court on 15 and 16 October and it was clearly stated that judgment was reserved. That judgment could well have been made before now, even though it has not been. I still do not understand why the Minister's Department was only made aware of this ten days ago, as the Minister told us, which is three days after the case ended. As I understand it, following the C case, Mr. Eddie Sullivan — who also did the report today — did the report on the procedures that were to be put in place in the Attorney General's office when there was any case that might have constitutional implications. Under that new consultation procedure, all legal papers in such cases were to be copied to senior civil servants in the potentially affected Departments. In her reply, will the Minister explain why her Department was not given earlier notice of this matter?

[Deputy Jan O'Sullivan.]

I accept what was explained to us earlier today, that the case turned out in fact to be more significant in constitutional terms than was originally expected. Nevertheless, I would have thought that under the procedures that were put in place in the Attorney General's office, the Department of Health and Children should have been forewarned earlier. We should all have had more time to deal with this urgent legislation.

The Attorney General was a notice party in this case, so his office should have been aware all along of the permutations that were happening in the case. I wonder why this procedure has not been working in this particular case.

The Human Rights Commission was also a notice party. In the brief time available this afternoon, I made a telephone call to the commission, which does not appear to have been asked to give any judgment concerning this case. I would have thought the commission should have been consulted. Under the Human Rights Commission Act 2000, one of its functions is to keep under review the adequacy and effectiveness of law and practice in the State relating to the protection of human rights. The people involved in this case clearly need their human rights to be protected. I accept the Minister's point that she is bringing forward this legislation in order to protect them, but nevertheless there are other issues of human rights protection on which I would have thought the Human Rights Commission would have been consulted.

Although the Minister did not say so in the briefing, I think she said subsequently that 99% of the cases were not altered in the clinical review. Will she explain why the figure is 99% and not 100%? Does that 1% refer to somebody in whose case it was in some way decided that the detention was not appropriate? We in the Opposition all have serious concerns about being asked to deal with this legislation in such a short period of time without sufficient time to consult and without sufficient time to consider drafting amendments. I have a draft amendment here which was considered but I will not table it because the whole Bill is predicated on the Attorney General's advice being correct, that this is not unconstitutional. There is little point in putting forward an amendment that would suggest that all other parts of the Act are deemed to be effective if it is found to be unconstitutional in certain parts. The whole Act is tied and is predicated upon it being constitutional. I hope the Minister's advice is correct and that we are not doing something we should not be doing. Normally we would put a timeframe on this kind of legislation and we would insist there would be a time beyond which this legislation would no longer be valid and would have to be reintroduced. However, because it has its own timeframe written into it, we are not going to do this because as I understand, the timeframe is that within five working days, there will be a new order and the Bill will fall and will no longer be valid. I ask the Minister to reassure me on that point in her reply. Those are the main concerns.

I refer to the short notice given to the House. While the case was proceeding and while the focus of the case was turning to something which has now required this urgent legislation, why was there no procedure in place for the Attorney General's office to alert the Minister and her Department to the situation?

I refer to a reply given by the former Taoiseach to the leader of the Labour Party, on 21 November 2007, when he stated, "As Deputy Gilmore is aware, 19 measures were adopted from the Sullivan report to minimise the risk of a recurrence of that serious event". The serious event referred to was the fact that the Attorney General's office was not aware of serious events taking place in a court case. It is important we use the opportunity today to signal that while there was a great deal of publicity at the time that the Attorney General's office was going to reorganise itself and would alert the political system if issues of concern arose in court cases, this does not appear to have been put into effect in this case. For that reason, the House

is in the position of rushing through legislation which I hope will be constitutional but I have no guarantee of that. We do not have time to seek proper legal advice and therefore with reluctance the Labour Party will not oppose the legislation.

**Deputy Caoimhghín Ó Caoláin:** I am greatly discomfited by the proposition before the House. This Bill comes before the Dáil in what can only be described as extraordinary circumstances. Speaking with my colleagues following the Minister's briefing this afternoon, I cannot recall an instance over my 11 years in this House where legislation was passed in this way in advance of a court case and in anticipation of the outcome of that case.

This Bill is clearly anticipating the outcome of a court case due in literally a matter of hours. As always with such emergency legislation and as other speakers have stated, the Government has the advantage of the advices of the Attorney General and his legal team of experts. On the other hand, I am neither legally trained nor do I have instant access to legal and constitutional experts but this Bill raises major questions for me. I have to ask whether it cuts across the right of access to the courts of this and other citizens in similar circumstances to the woman in question or indeed the right of all citizens. On the face of it, it suggests that it may very well do. If the High Court case is won by the woman in question tomorrow, the Oireachtas will have put in place legislation to nullify the judgment of the court. Where does this place the separation of powers between the Judiciary and the Oireachtas? This legislation would bar the way for others taking a similar course or following on from the judgment, if it is successful, by seeking a similar outcome by way of a *habeas corpus* application. As other colleagues have asked, what are the constitutional implications of this legislation?

Referring to the principles for the protection of persons with mental illness adopted by the General Assembly of the United Nations on 17 December 1991, which states clearly that every person with a mental illness shall have the right to exercise all civil, political, economic, social and cultural rights, as recognised in the Universal Declaration of Human Rights. Where does all that stand if this legislation is adopted? Most important, what are the implications of this emergency legislation for the rights of people with mental illness? In the very limited time since the Minister's briefing this afternoon at 2.30 p.m. it has not been possible to get to the kernel of the matter nor has all the salient information been shared. How has this situation arisen? It seems extraordinary that this situation should have arisen because the forms used to address these matters do not apparently conform with the requirements under the Mental Health Act 2001.

This matter was not part of the earlier briefing and I did not have prior sight of the article which other elected colleagues had at the briefing meeting. I ask the Minister to please follow me on this. The woman herself states that the only reason she is in the institution where she is currently detained is because the HSE is failing to provide adequate support and accommodation. She has claimed that her doctors believe she would fare best in supported accommodation outside hospital and that she remains detained against her will in the hospital here in Dublin because there is no supported accommodation available for her. This is a huge issue. Obviously what we would like to see is the HSE and the Minister and her Department moving with the same alacrity as she has demonstrated in bringing forward this legislation to provide the particular care that patients such as this woman require. We were told in the course of the briefing that the psychiatrists involved in the assessment have all confirmed that it is in the best interests of the patient concerned that she continue to be detained in the hospital named. Is this the case — because this was not a detail shared?

I would be greatly disturbed if it is the case that this woman is being detained there, not because it is where she is best kept in the view of the clinicians who have made the assessment but because the State has failed to provide the appropriate accommodation and care she



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requires and that this legislation is forcing a further period of detention on this woman in what is not viewed allegedly — I ask the Minister to clarify — by those who would have the professional wherewithal to make that determination as the alternative accommodation I have described. On a general point, this situation emphasises the need for rights-based disability and mental health legislation and for a root and branch user-led review of mental health services in this State. I hope this experience, at the very least, would prompt all of that to happen. I would appreciate the Minister's responses and hopefully the assurances that the House clearly needs.

**Minister for Health and Children (Deputy Mary Harney):** I appreciate the difficulties for the Opposition because the timeframe for dealing with this legislation has been difficult for us. I will outline the precise dates as I was inaccurate at the earlier briefing. My Department became informed of this case on 10 October. I was recalling from memory about ten days ago. It was actually 10 October.

The case concluded on 17 October. Originally, when the case for judicial review was taken against the decision of the Mental Health Commission to detain involuntarily this patient, the view was taken that the circumstances were solely around this particular individual. It was only during the hearing of the case, which ended on 17 October, that it became apparent that it had wider implications around the form-filling of the consultants of the form prescribed by the Mental Health Commission. Initially, it was felt the circumstances of the case were particular to only one patient, but the possible wider implications — I emphasise “possible” because we do not know yet what the outcome of the court decision will be tomorrow — of the prescriptive nature of the form that does not allow sufficient discretion were advanced during the case. The Attorney General has been considering this matter over the past two weeks or so. He advised that all of these patients should be clinically reviewed. He advised that it was important in advance of any legislation that each of these patients would be clinically reviewed to ensure that all of the involuntary detentions were valid.

Deputy O'Sullivan asked why was 99% held to be valid and 1% was not. I suppose that proves that on examination a detention can at any time be revoked by the consultant psychiatrist. Under section 28 of the Mental Health Act a consultant psychiatrist can at any stage review the detention period of his or her patient, and it is not the case that the patient is only seen every three months, six months or 12 months. The patient engages frequently with his or her clinical team during a period of involuntary detention.

Second, in answer to Deputy Neville, section 7 of the Bill makes clear that this legislation does not, and cannot, have any effect on the current case. The current case will be determined tomorrow and this Bill, if passed into law, cannot affect that patient's rights. Neither can it affect the rights of any other patient who has initiated proceedings, although we do not believe there is any such proceedings.

Clearly, I would not be advancing legislation here unless the Attorney General and his office were satisfied the legislation we were advancing was constitutional. We could not promote legislation here that was not believed to be fully constitutional.

Deputy Ó Caoláin asked for previous examples of when legislation was introduced in advance of a court hearing. I understand there was legislation in relation to the Aliens Act and to EU Directives. If my officials have details of the precise legislation I will make that clear during Committee Stage. However, it is not unusual that we have had legislation pass through the Oireachtas in previous circumstances in advance of a court hearing. In fact, the Immigration Act 2004 was introduced in the interregnum between High Court and Supreme Court pro-

ceedings. That legislation was passed by the Oireachtas also to avoid considerable difficulties that could arise. This is one such piece of legislation.

The Bill is time-framed to this extent, that after five working days from its enactment, it no longer has any effect because if the court finds tomorrow that these forms are invalid, then the Mental Health Commission will have new forms, all new renewals for involuntary detention will be under the new procedures and the new forms, and clearly, all of these 209 cases will be reviewed over the next five working days and they will go through the new procedure as well. In that sense, the legislation is time-limited. It is not legislation that will have effect beyond these 209 cases and five working days from now.

The 2001 Act is not defective. The possible difficulty that may arise here is the nature of the form that the Mental Health Commission introduced on foot of the requirement to produce such a form.

I say to Deputy Ó Caoláin that the decision to involuntarily detain somebody is a very serious matter and nobody should be in such a situation unless it is absolutely necessary. No matter what other extraneous circumstances may be advanced, the decision is not made lightly. It is not made that often, relatively speaking. It is only made after quite a number of consultant psychiatrists have reviewed the patient, and it is done in the patient's interests. I see this legislation as in the patients' interests. The clinical view is that these patients need to be in involuntary detention and that, from a Minister's perspective, must come first.

I am sure we will get an opportunity to go through the particular issues that arise.

The Attorney General advised me this morning that the decision of the court would be tomorrow at 12.30 p.m. He advised that there was a possibility of the case being lost on these grounds. In that case legislation would be necessary. We could wait until tomorrow or next Tuesday to pass the legislation, but in the intervening period any one or more of the 209 patients could go to the courts and under *habeas corpus*, be discharged, but clinically and medically that would not be in the interests of the patient. This is very much about putting the interests of the patient first.

**An Leas-Cheann Comhairle:** In accordance with the order of the Dáil, I must put the question, "That the Bill be now read a Second Time." Is that agreed? Agreed.

Also in accordance with a resolution of this day, we now move immediately on to Committee Stage. I advise the House that Third, Fourth and Fifth Stages must be concluded in 30 minutes.

### **Mental Health Bill 2008: Committee and Remaining Stages.**

Sections 1 and 2 agreed to.

#### SECTION 3.

Question proposed: "That section 3 stand part of the Bill."

**Deputy Dan Neville:** While I do not want to delay, I again refer to Article 40 of the Constitution on the legality of a detention if the detention is challenged. As I stated earlier, it is one of the most important rights in our legal and political system. The State does not have the power to detain unlawfully its citizens. Could the Minister address exactly how she sees the constitutionality in light of *The State (Aherne) v. Cotter* of 1982?

**Deputy Caoimhghín Ó Caoláin:** I presume dealing with unexpired renewal orders applies in the specific cases at the centre of the court case the result of which is to be announced tomorrow. I again ask because it is important in proceeding stage by stage. I have not opposed the

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passage of Second Stage and it is not my intention to be obstructive. However, I am anxious to know factually the situation and to know at least as much as we can ascertain from the Minister.

Can she clarify for us that renewal orders have been issued? I understand this woman has been detained since August 2007 over which period four renewal orders have been signed, which means the options clearly were not 12 month in terms of those ticked, as we were informed earlier, by the consultant psychiatrists concerned.

The claim she makes is that the doctors have indicated that the best place for her clinically in their renewal orders was not in the institution where she is presently in Dublin but in supported accommodation. I ask again about her claims, as reported in *The Irish Times* of Friday, 17 October, that the only reason she is being detained in this hospital is because the HSE is failing to provide adequate supported accommodation. If that is the case and if there are 209 or 230 involuntary detentions in psychiatric institutions, as was confirmed earlier, how many of those should not be in the care of institutions but who are there only because the State and the HSE have jointly failed to provide the appropriate accommodation which the respective psychiatrists have confirmed as the most appropriate? It is important the Minister would clarify the position in this regard.

**An Leas-Cheann Comhairle:** I gave some latitude on that. It is not particularly germane to the general point.

**Deputy Caoimhghín Ó Caoláin:** I am dealing with renewal orders. I appreciate the latitude from the Leas-Cheann Comhairle. I will not ask for more.

**Deputy Jan O'Sullivan:** I wish to point out my concerns with regard to the constitutional aspect of this issue. Section 3(1) states: "An unexpired renewal order shall be deemed to be valid and always to have been valid". This is of concern because it is retrospective. Whether one can retrospectively take away a person's right to freedom under the Constitution is the nub of the issue and we need to hear again from the Minister in this regard.

I wish to again raise an issue under this section which I raised on Second Stage. The Human Rights Commission was a notice party and presumably was present with the Office of the Attorney General in the court, or it was entitled to be present. Has the Minister sought in any way to get the views of the commission on the legislation, particularly this section?

**Minister for Health and Children (Deputy Mary Harney):** In response to Deputy Neville, section 7(1) states: "Nothing in this Act shall prejudice any right or entitlement of a patient under or relating to section 28 of the Act of 2001." That is in regard to the effect on this particular patient and, as I said, this legislation cannot affect this patient.

Deputy Ó Caoláin took the view that perhaps this person is only involuntarily detained because there is no alternative suitable accommodation. The criterion under the Mental Health Act 2001 that must be met in order for a person to be involuntarily detained is so serious, because it is a very serious issue to take away a person's liberty and involuntarily detain them in a psychiatric institution, that one could not meet that if one did not satisfy the very strict basis on which a decision is made if alternative accommodation was more suitable.

As I said earlier, the admitting psychiatrist has to make the decision to admit. This is reviewed within a 21-day period by an independent psychiatrist appointed by the Mental Health Commission. Also, within that 21-day period a tribunal is held consisting of a lawyer, a layperson and a different consultant psychiatrist to review the case. In approximately 10% of cases, the tribunal makes a decision not to involuntarily detain the person and in approximately 90% of cases it confirms the involuntary detention.

Those thresholds and criteria are so serious that there is no question, in our view, that somebody could be involuntarily detained simply because there was no alternative in place. That would be unthinkable, and to take away somebody's liberty on that basis would not be warranted and would not be stood over by the Mental Health Tribunal. This is why, under the Act, the detention must be reviewed constantly for periods not exceeding three months, six months or 12 months. It cannot be a decision that is made today and not considered again for a considerable time.

The Mental Health Commission includes patient advocates in its membership. Schizophrenia Ireland and many other patients groups are represented on the commission, not just those from the clinical psychiatric community. We are very proud of this legislation, which is modern, progressive and in compliance with the European Convention on Human Rights. I am advised the Human Rights Commission was not in attendance during the course of the court hearing, although it was a party to the proceedings.

With regard to the renewal orders, if the case is not lost on these grounds, it may well be found tomorrow that this legislation was completely unnecessary. However, having listened to the advice of the Attorney General, even if one person's health was put at risk by virtue of a decision tomorrow, not to act today was a risk we were not prepared to take in the interests of patient safety. These are the most vulnerable patients in any health system — mentally ill people who must be detained against their will in order to have appropriate medical treatment. Therefore, it was not worth taking the risk even if it only affected one patient.

In any event, if the judgment is that the procedures were faulty, then it is better that we do this today than wait until next week. On balance, that is the right decision. I acknowledge the rushed circumstances in which the Opposition is agreeing to this legislation. Perhaps tomorrow we will know whether it was necessary. In any event, its sell-by date is effectively five working days from its enactment because all of these patients will have to have a new renewal order made in regard to their detention.

Question put and agreed to.

#### SECTION 4.

Question proposed: "That section 4 stand part of the Bill."

**Deputy Dan Neville:** The Minister has put on record that she is satisfied that five working days is adequate to undertake the necessary examination of patients and the necessary procedure to continue legal involuntary detention in the psychiatric hospital. Has she any comment to make on the fact that this occurred and that the procedure introduced by the Mental Health Commission was not up to the standard required? We are now in a position where we must enact the Bill. While it will hopefully not be necessary by tomorrow, it could well be.

**Deputy Caoimhghín Ó Caoláin:** With regard to the period of five working days, I presume, if we are counting the clock, that we are talking in real terms about expiry by this day next week, 6 November.

With regard to Deputy Neville's question about carrying out the further replacement renewal orders and the assessment of all of the 200-plus clients, the Minister stated that the Attorney General had pressed for a further examination of all of these patients in advance of the introduction of this legislation. If I remember correctly what the Minister indicated earlier, the Attorney General sought this almost a fortnight ago. How long did it take to carry out the clinical examination in regard to each of the patients concerned? Will this be a proper reassessment of each of the patients or is it simply to go through the motions in order to meet with

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the detail of the legislation now presenting and the five day requirement? Will this be a genuine clinical re-evaluation of each of the patients concerned, albeit within a very short time following the carrying out of the Attorney General's request in advance of the introduction of this legislation?

If this was flagged by the Attorney General a fortnight ago, it underscores the very irregular way in which we are dealing with this legislation, which was rushed here this evening. As the Minister has already admitted, the dates of all of this go further back than she believed when she gave us a briefing at 2.30 p.m. It is most regrettable that this had not been done in a more thought-out and programmatic way, and that we did not have better time and opportunity to inform ourselves to properly engage with the legislation now presented.

**Deputy Mary Harney:** It was this morning that the Attorney General advised me that emergency legislation was desirable in this particular set of circumstances. When we became aware of this case about 10 October, we were made aware of the possibility of a decision of this kind. The view was that in event of this happening, we would perhaps appeal the case. A view was expressed that in this event all of these patients could be discharged and readmitted. Various options were examined and as I stated earlier the trauma of discharge and readmission for these patients and their families was such that it was not a prospect we could have put patients through. This was alongside the considerable administrative difficulties, particularly with regard to the approximately 16 patients in the Central Mental Hospital.

The Attorney General advised a robust clinical review of all of these patients and work began on this last Friday, 24 October, and was completed yesterday. The President will sign the Bill into law tonight or tomorrow morning and five working days from then will bring us to next Thursday or Friday. We believe we have the clinical capacity to complete the review within this time, given that this has happened in any event during the past four or five days because Monday was not a working day as it was a bank holiday. We believe we have the capacity to do so fairly, honestly and openly.

A view was not held on 10 October, or on 17 October when the case concluded, that legislation of this type was required. This view was only advanced in recent days. Outside counsel was consulted and the Attorney General has given considerable consideration to this matter. The potential of what might happen tomorrow is the reason for introducing this legislation. It may well be that tomorrow we will find it was not necessary. The legislation was drafted on the advice of the Attorney General this morning and considered by the Government at approximately 2 p.m.

Question put and agreed to.

#### SECTION 5.

Question proposed: "That section 5 stand part of the Bill."

**Deputy Jan O'Sullivan:** Will the Minister clarify what is covered in section 5? Reference is made to expired renewal orders so I presume it concerns people already discharged into the community.

**Deputy Mary Harney:** The Deputy is correct. It can also cover a person whose renewal order expired yesterday, today or during the past week. When we began discussing these issues, 230 cases were involved and this has been reduced to approximately 209. Patients involuntarily detained for a period of time are discharged all the time.

Question put and agreed to.

Sections 6 to 8, inclusive, agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

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

**Minister for Health and Children (Deputy Mary Harney):** I am deeply grateful to the Deputies on the opposite side of the House and to the staff of the Houses for the facilitation of this Bill at extremely short notice.

**Deputy Dan Neville:** I thank the staff of the Minister's office for the briefing they gave today. It was necessary and extremely helpful.

**Deputy Jan O'Sullivan:** I also thank the staff of our political parties for assisting us at short notice.

**Deputy Dan Neville:** I thank the staff of the Fine Gael legal and support services for getting to grips with the Bill within a half an hour.

**An Leas-Cheann Comhairle:** Does Deputy Ó Caoláin wish to compliment his staff?

**Deputy Caoimhghín Ó Caoláin:** I do not want to leave out the secretary general or the staff. Heaven forbid.

Question put and agreed to.

### **Adjournment Debate.**

**An Leas-Cheann Comhairle:** Although Deputy Joan Burton's matter is listed first, the Minister for Finance intends to be present and, with the tolerance of the Deputy, it will be taken later in the debate to allow the Minister to be here.

### **Medical Aids and Appliances.**

**Deputy Terence Flanagan:** I thank the Leas-Cheann Comhairle and the Ceann Comhairle for the opportunity to raise this matter. I know the Minister has other business in the Houses this evening but I am disappointed she is not here to take this extremely important matter.

The HSE must immediately reverse a decision it has made and provide high-frequency chest compression vests to those families seeking them for their young children. The decision by the HSE to stop funding the vests is wrong and unjust. We should listen to carers and parents who look after their children.

A constituent contacted me with regard to her two young children, one aged 2 and a half years and the other aged ten months, who suffer from cystic fibrosis and get great benefit from the vests. My constituent advises me that the vest is a godsend and should be supported. Daily physiotherapy sessions for this woman's daughters take approximately one hour using the vest. This is in comparison to taking at least two and a half hours if she were to use conventional methods such as chest clapping. Without the vest the physiotherapy would have to be given in sequence as only one adult is available to provide it. With the vest, physiotherapy can be provided to both children simultaneously which results in a much shorter session.

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My constituent's children prefer this form of physiotherapy as they can continue to play, draw or watch television when the vest is being worn rather than being tugged and moved about into various positions which is particularly annoying for young children. The vest also means fewer hospital admissions. It has eased stress in my constituent's household and allowed the girls live more normal lives. This will result in a higher life expectancy for the children.

The children's consultant and the Cystic Fibrosis Association of Ireland endorse the vests but they cannot help to fund them. Two types of vest exist, one costs €7,000 and the other costs €12,000, exclusive of VAT. In the United States, the vests are provided by private health insurance companies. It is in their interests to do so because on average it saves them \$20,000 per annum due to the decreased need for hospitalisation and medication.

In Ireland, the life expectancy of children with cystic fibrosis is a mere 23 years, which is ten years less than the life expectancy of children born in the North. Various reasons exist for this, but we should be a world leader in this matter. Research in the United States shows these vests are highly effective and we should support and give hope to the adults and children affected by cystic fibrosis and their families.

The Government has let down the country with regard to this matter. Dr. Ron Pollock produced a report in 2005 and the cystic fibrosis working group has recommended a report. However, this has not been publicly produced which is shameful. Medical evidence may not exist that these vests help and improve the children but a case can be made for providing them to families where a number of children suffer from cystic fibrosis. It is less stressful for the family, particularly if there are several children awaiting physiotherapy. The Government should put its money where its mouth is in this case. We constantly hear the Government claiming it is standing up for the vulnerable, the young and the elderly. This is a prime opportunity for the Minister of State, Deputy Michael Finneran, to give us the good news this evening that the HSE will make an exception for families with several children suffering from cystic fibrosis. Otherwise, it would be cruel and callous, badly reflecting on the Government.

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** I am taking this matter on behalf of the Minister for Health and Children, Deputy Mary Harney.

The Minister has identified the need to improve services to persons with cystic fibrosis in the Estimates process over recent years. Since 2006, additional revenue funding of €6.78 million has been allocated to the Health Service Executive to develop services for patients with cystic fibrosis.

The Health Service Executive has received several requests to fund the provision of high frequency chest compression, HFCC, vests to assist in the treatment of cystic fibrosis. A preliminary review undertaken by the Health Service Executive in early 2008 did not provide a sufficient evidence base in terms of effectiveness to recommend the use of the vest.

Following on from this, a more substantive review process was conducted to enable the Health Service Executive evaluate more comprehensively the benefits, or otherwise, of HFCC vests in the treatment of cystic fibrosis. Suitable expertise in the field of cystic fibrosis was identified and a cross-directorate group, including expertise from the Health Information and Quality Authority, was established by the Health Service Executive early this year. The evaluation group submitted its report last month. It found there was not sufficient evidence at this point to recommend the HFCC vest as an adjunct therapy in the treatment of cystic fibrosis. It concluded there was no significant benefit for the vest over conventional physiotherapy.

Based on the recommendations of this group, the Health Service Executive decided the HFCC vest could not be endorsed at this time for use in the treatment of cystic fibrosis. However, the Health Service Executive is open to reviewing this evaluation should relevant evidence-based information become available.

**Deputy Terence Flanagan:** That is unsatisfactory.

**Acting Chairman (Deputy Charlie O'Connor):** Thank you Deputy.

### **Architectural Heritage.**

**Deputy Joe Costello:** The last part of my Adjournment matter submission reads “those who perpetrated the vandalism on the Methodist church on Jones’s Road, Dublin 3, are prosecuted and made to restore the church to its pristine condition”.

It is unbelievable to think that in this day and age a developer could on the night 14 October use a bulldozer to begin to demolish the beautiful old Methodist church on Jones’s Road in the heart of Dublin city. The local authority enforcement section served an order on the developer to desist from further demolition. Instead of desisting, he returned the following morning at 6 o’clock and proceed to continue with the demolition. The local residents were incensed and called the Garda. When the Garda arrived, the driver of the bulldozer ran away and the gardaí on the scene were unable to catch him.

It is a case of absolute vandalism and must be treated in that fashion. The local residents are up in arms that this happened. They certainly want to see this matter dealt with in a comprehensive manner. They want to ensure the church is restored to its original condition, for which there is a precedent. They also want to ensure the local authority proceeds with a civil action in this case. I understand the local authority will ensure the owner of the church is levied the cost of protecting and securing the building from any further attempt at demolition.

A prosecution of a criminal nature should take place. However, there is a problem in this regard. The maximum fine that can be imposed in these cases is only €1,904, a derisory fine. It can, however, include a prison sentence. This must be considered as well. In 2006 a similar event occurred when the Presentation Convent on Terenure Road was demolished by a developer. The local authority ordered that it be reinstated. When it was not, the matter went to court and the individual in question was fined a minuscule €1,000. The developer purchased that site for €15 million, so it was quite clear, it was worth his while to flout the law. We must ensure this is not replicated in the Jones’s Road case. We must ensure this particular developer does not get away with the same act of vandalism and the same intent to make a killing on the property.

In Dublin and other parts of the country, there are many places of worship such as synagogues and churches of various denominations, which are surplus to use for their particular congregations. It is time to put a system in place to oblige local authorities to ensure every one of these places of worship is listed for protection. There should also be an audit of such churches to be recorded as protected structures. The Department of the Environment, Heritage and Local Government should examine establishing trusteeships with funding to maintain these surplus buildings and ensure their appropriate use in keeping with the dignity of what they once were. This would be better than the current system where any developer can purchase the site and demolish the building, if it is not listed.

I am seeking that this particular case is prosecuted to a satisfactory outcome with proper sanctions being imposed and mechanisms put in place to prevent this happening again.



**Deputy Michael Finneran:** The role of the Minister for the Environment, Heritage and Local Government is to ensure the regulatory framework is robust and adequate to underpin the protection and conservation of our built heritage and to encourage best practice in this area.

Part IV of the Planning and Development Act 2000 provides the primary legislative framework for the care and protection of the architectural heritage. Its main features include a clear obligation for planning authorities to create a record of protected structures and a provision for the Minister to make recommendations to a planning authority concerning the inclusion of particular structures in its record of protected structures.

The architectural heritage protection guidelines, published by the Department, provide a practical guide for planning authorities who must comply with Part IV of the Planning and Development Act 2000. Chapter 5 of these guidelines contains provisions for places of public worship, including the redundancy of a building as a place of public worship. Guidance is provided on several issues including retention of the redundant building for other uses or the loan or sale of the building to another religious denomination. My Department also funds a number of annual grant schemes through its built heritage capital programme, including the civic structures conservation grant scheme, the significant places of public worship scheme, the local authority architectural conservation grant scheme and the Heritage Council buildings at risk scheme. Grant assistance under the relevant scheme or schemes may be available to places of public worship and to those that are no longer in use as places of public worship.

The Planning and Development Act 2000 imposes a number of statutory obligations on a planning authority with regard to genuine complaints regarding unauthorised development, including investigating such unauthorised developments, issuing enforcement notices and informing complainants of its decision. The maximum fines for unauthorised development have been greatly increased under the 2000 Act. In addition, the planning regulations were changed with effect from 2 July 2008 to amend the exemptions with regard to demolition. The amendment identifies various categories of demolition and site clearance works that are to be exempted from the requirement to obtain planning permission, but the associated conditions and new lower thresholds for demolition afford greater protection to public buildings. Since 2 July last, the demolition of the building referred to by the Deputy required planning permission.

I understand from Dublin City Council that there was no planning permission for the demolition of this building and that the unauthorised demolition commenced on 14 October. Dublin City Council received a complaint on 15 October, visited the site immediately and directed the contractor carrying out the demolition to cease. The contractor complied with that direction. That evening the council served a formal enforcement notice prohibiting further demolition on the occupier and a person they believed to be one of the owners. The following morning a vehicle entered the site and struck the front gable of the building, causing a further collapse. The Garda was informed and its investigation is ongoing. The council is also investigating the matter with a view to determining who was responsible for this unauthorised demolition and initiating legal proceedings. I understand the council has acted in a timely manner in this case and is taking appropriate enforcement action under the relevant legislation.

I note with interest the Deputy's suggestion for an audit of buildings and their uses and I will convey this to the Department.

### **Credit Institutions Guarantee Scheme.**

**Deputy Joan Burton:** It is now some weeks since the enactment of the Credit Institutions (Financial Support) Bill 2008, which was introduced to rescue the banks, and it has been some days since the publication of the guarantee scheme. This Act has given extraordinary unilateral

powers to the Minister for Finance, basically to do what he likes. Although he set out certain conditions which were to apply to banks joining the scheme, it would appear from notices on his own Department's website that those conditions have changed. He told us in the House that in the event of a bank going under, the first recourse would be to the bank itself, followed by the other banks in the scheme, and that there would be no recourse to the taxpayer. He repeatedly told us the scheme would be cost free as far as the Irish taxpayer was concerned. However, a notice on the Department's website indicates that apparently, arising from understandable objections by some of the bigger banks in the scheme, the banks entering the scheme were advised they would not have to unilaterally guarantee defaults by other banks in the scheme. Other Members of the House have mentioned a report to that effect in the *Financial Times*.

The Minister's depiction of the scheme was that it was cost free. The market take on the scheme can be seen from the fact that Irish bank shares are still tanking and have lost tremendous value. We should remember these institutions are the lifeblood of most businesses and, indeed, most house purchasers in this country. I draw to the Minister's attention the fact that NIB, which is a Danske Bank subsidiary, has written off a significant amount of bad debt. NIB added €69 million to its impairment charge in its third quarter accounts following a review by Danske Bank. While NIB holds 4% of the total amount of Danske Bank group loans, it represents 30% of its impaired loans. This raises major concerns about banks in the scheme which have more aggressive lending practices and risk having more toxic debts, particularly with regard to the construction sector.

What is the situation now? Is there a recourse to the Irish taxpayer, or are all the banks in the scheme essentially guaranteeing that any bank in the scheme will have second recourse to the other banks in the scheme? Is the Irish taxpayer now carrying the can, as stated in the note on the Department's website, for the financial markets? Will the Minister publish the terms of reference of the appointment of PricewaterhouseCoopers and the review it is conducting for IFSRA? I repeat the question I asked previously — what is the review considering? Is it examining the issue of the accounting treatment of possibly impaired bank loans given for construction purposes, in which the interest has been rolled up or expressed in shares in the company?

My next question is about the disclosure at the weekend of possible directors' loans of €288 million given by Quinn Insurance to a related company within the group which, in turn, may have been used either by individuals or by related companies to purchase or pay for shares in Anglo Irish Bank which were being acquired through contracts for difference. Anglo Irish Bank is one of the companies included in the credit institutions scheme. I called publicly for the Minister to make a statement on this at the weekend. When did he know about this? It appears the regulator has known about it for months as a consequence of the work of the auditors. Is the regulator only now requiring monthly financial stability reports from insurance companies? Insurance companies are similar to banks and need to carry very large reserves of cash in order to pay claims.

I remember the Minister telling me when he was appointed Minister for Finance that he had a qualification in company and commercial law as part of his barrister's training. He told me he was quite expert in commercial law. Irish company law frowns heavily on the device of directors' loans. They are subject to special disclosure requirements and may also give rise to benefit-in-kind issues from a tax point of view. The Minister needs to make the position clear in the House because ultimately it is the Irish taxpayer who is underwriting all of this.

**Minister for Finance (Deputy Brian Lenihan):** Deputy Burton has raised the issue of the serious financial consequences to the State arising from the guarantee scheme to banks and

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credit institutions. In the course of her contribution she raised a number of issues which do not arise within the terms of the Adjournment matter. However, I will be pleased to deal with these by way of a reply to a parliamentary question.

There can be no doubt as to the extent and depth of upheavals in international financial markets. The objective of the credit institutions guarantee scheme is to reinforce the strength of the Irish economy and the financial sector and, in particular, to protect the long-term interests of the taxpayer. Maintaining a stable banking system is at the heart of the functioning of our economy and the daily lives of everyone living in our country. The scheme is not about protecting the interests of the banks; it is about safeguarding of the economy and everyone who lives and works in this country. This support is being provided in the public interest to maintain the stability of our financial system and hence to protect the real economy from the consequences of the severe financial disruption that would otherwise arise.

In accordance with the principles of the legislation, the scheme is designed to safeguard the interest of taxpayers. The guarantee to covered institutions is being made available at a significant charge to the institutions that avail of it. The terms of the scheme will also allow the State to reclaim from a covered institution any payments under a covered institution's guarantee.

It is currently estimated that the State will be remunerated by the covered institutions for the guarantee by an amount of at least €500 million per year for each of the two years of the guarantee. The charge is risk-adjusted and is set at a level that is based on the long-term cost to the Exchequer of providing the guarantee. Moreover, the scheme is designed to be self-financing and any financial support under the relevant legislation is intended to be recouped from the institution concerned.

The charge has taken account of Government funding costs. The giving of the guarantee is assumed to increase the cost of borrowing by the State by between 15 and 30 basis points. This is estimated to amount to approximately €1 billion on the cost of ten year funding. If the cost to the Exchequer were to exceed €1 billion, the charge to the covered institutions will be adjusted accordingly.

It is clear, therefore, that the Government scheme is structured to cover taxpayer costs. This is not a free lunch for the banks. However, it is in no one's interest to impose a charge at a prohibitive level that undermines the long-term sustainability and commercial viability of our financial institutions. A balance must be struck between ensuring that the Exchequer is reimbursed for the cost of the scheme and the financial sector is safeguarded at a time of extraordinary financial upheaval. The scheme strikes the necessary balance.

The charge on covered institutions will be substantial but not prohibitive, and will be differentiated to reflect the realistic level of risk in different covered institutions. The covered institutions also indemnify the Minister for Finance in respect of any payments made as a result of claims made under the guarantee and in respect of any costs, claims, losses or liabilities incurred by the Minister for Finance as a result of providing the guarantee. The principle as stated in the scheme is that any costs would be recouped from the sector by the State over time in a manner consistent with its long-term viability and sustainability.

I note that there has been some inaccurate comment in regard to the scheme in recent days. The scheme agreed by the Oireachtas has not been changed. The market notice published by my Department stated that no legal guarantee was required under the scheme from one covered institution in respect of any other outside its group.

**Deputy Joan Burton:** That is not what the Minister said.

**Acting Chairman:** The Minister, without interruption.

**Deputy Brian Lenihan:** As the Taoiseach and I have made clear on a number of occasions, if it was the case that a call was made under the guarantee for an institution and not recouped from that institution, the Government would ensure that any loss experienced by the taxpayer was recouped in a manner consistent with the covered institutions' long-term viability and sustainability. That general principle is reflected in the scheme——

**Deputy Joan Burton:** A big change.

**Deputy Brian Lenihan:** No. That general principle is reflected in the scheme, and if Deputy Burton examines the scheme with care she will see that the general principle as stated, that in regard to the specific indemnification it is restricted to the particular institution, holds. That is the provision of the scheme. That was always the provision of the scheme and the market notice does not change that in any way.

The covered institutions have provided an indemnity to the Minister in connection with any payments made under the guarantee given in respect of the particular covered institution's liabilities. The indemnity does not extend to amounts owing by other covered institutions to the Minister in circumstances where the Minister is required to make a payment on a guarantee given in respect of that other covered institution's liabilities. There is no cross-indemnity. It is up to the Minister to decide how best to achieve all of the objectives of the scheme in light of the relevant factors over time.

As I have emphasised on several occasions, the over-arching objective of the scheme is to remedy the serious disturbance that might have otherwise unfolded for the economy. It is about taking whatever steps are necessary to ensure that we have a banking system that as a whole works effectively, efficiently and competitively in facilitating all the day to day ordinary economic transactions of commercial, business, family and social life. The Financial Regulator has extensive regulatory powers to supervise the conduct of credit institutions' affairs. Our company law provides a strict legal framework governing the performance of the fiduciary responsibilities of boards and executives. The Government is satisfied that alongside the powers provided directly under the scheme the relevant public bodies, and in particular the Financial Regulator, have the authority and legal power to take whatever steps are necessary to continue to look after the interests of all depositors and customers, as well as that of the State and the taxpayer, which now arises on account of the guarantee.

Deputies will be aware that in order to promote the public interest covered institutions will be required under the scheme to appoint non-executive directors from a panel approved by me. I will shortly announce the membership of this panel. Deputies will also be aware that the scheme provides protection against excessive remuneration of directors and senior executives. I will be moving shortly to appoint the members of the independent covered institution remuneration oversight committee which will oversee remuneration plans in accordance with the scheme.

### **Urban Development Project.**

**Deputy Thomas P. Broughan:** The news last week that the developers Stanley Holdings are not proceeding with the proposed new town square at Belmayne-Clare Hall is a devastating blow to the constituents I represent in the north fringe region of Dublin North-East. The proposed location of this new town square linking with the long boulevard stretching eastwards to Clongriffin town centre was to be a centrepiece of the whole north fringe new urban project. The extraordinary collapse of the deal for the 9.3 hectare site for the proposed town square is typical of the poor planning and management of the new north fringe and the continuing

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serious deficit in social, economic, public transport, security and other essential infrastructure of this development.

Although the huge north fringe new urban quarter stretching from Clonshaugh through Belcamp, Belmayne, Clongriffin, Donaghmede, Baldoyle and Portmarnock to the sea was to encompass 25,000 or more housing units and massive ancillary commercial development, the district is not a statutory strategic development zone, unlike Adamstown, Hansfield, Balgaddy and other much smaller new towns.

A core problem of this vast project is that it is developer-led with the two local authorities concerned, Dublin City Council and Fingal County Council, and all other agencies scrambling to keep up and insisting on the delivery of very belated public services. The area is split geographically between the administrative districts of Dublin City Council and Fingal County Council and, regrettably, there has been generally poor and only belated co-operation between the two local authorities in ensuring the delivery of key social infrastructure for this new city.

On my own proposal nearly seven years ago, the informal stakeholder body called the North Fringe Forum was established and its quarterly meetings have been helpful in chasing developers and agencies to provide essential services. Yet new residents and constituents are still waiting over five years for our new DART station at Clongriffin, our new primary health care centre, a Garda station, and a wide range of shopping, service and leisure facilities which were to be located on sites such as the new Belmayne town square.

The astonishing news that Stanley Holdings, the primary developers of Belmayne, are not now proceeding with the purchase and development of the 9.3 hectare site is another disgraceful example of the absence of integrated planning in the north fringe of Dublin city. I am informed by the Dublin City Council development manager, Mr. Declan Wallace, that the price of the site rose to €60 million under an amended section 183 provision agreed by the city council with the developer in August 2006. North central area councillors of Dublin City Council were informed in July this year that a non-refundable €5 million option clause on the site was being considered by Stanley Holdings but it appears now that the company can meet neither the full price of €60 million for the site nor even the possible down payment of €5 million.

Stanley Holdings have subsequently made an extraordinary and ludicrous proposal that they would spend €2 million in drawing up plans for a possible approved planning permission should the market take an upturn.

The Belmayne town square debacle is another shocking milestone in planning failures in the north fringe of Dublin city. The credit crunch is becoming an empty excuse for many of those failures, including the derelict and partly built district at St. Samson's, which is just north of Belmayne. The main victims of this appalling failure by a developer to discharge his responsibilities are our new residents and constituents in Belmayne, Clongriffin and adjoining areas, as even a cursory glance at the residents' message board, [www.balgriffin.com](http://www.balgriffin.com), will show.

I do not have time to refer to the ongoing pyrites infill problem with which many hundreds of householders in the adjoining areas of Clongriffin and the coast are still wrestling. The appalling situation faced by young householders with defective infill problems is one of the greatest scandals in recent Irish history. The Minister for the Environment, Heritage and Local Government, Deputy Gormley, has refused my continuing pleas to take responsibility for and action on this issue. That exacerbates the planning debacle which is the main subject of my contribution. I predict that the fallout from the pyrites catastrophe, in terms of the State's finances, will be greater than the cost to the State of the banking disaster we discussed earlier.

Even at this late stage I ask the Minister of State to ask the Minister, Deputy Gormley, to take a strong line and end the planning failures of the north fringe. This is by far the biggest

urban development project in the history of the State. The Acting Chairman's own constituency was developed in a similarly haphazard way 30 years ago and he has spent his entire career trying to remedy the deficiencies of that time. I am in the middle of a similar debacle on the north side. Will the Minister, even at this late stage, call in the county manager, Mr. David O'Connor, the city manager, Mr. John Tierney, and all the relevant stakeholders and proclaim the north fringe as a strategic development zone, including, if necessary, bringing legislation before this House to take charge of the completion of the north fringe and the provision of all the key, and still missing, infrastructure? In particular, the Minister of State must ensure that development of one of the two main town squares at Belmayne proceeds. People should not have to look at hoardings and a derelict site and it is completely unacceptable that those who paid €400,000 or €500,000 for their homes are being obliged to do so.

**Acting Chairman:** I thank the Deputy and I appreciate the endorsement.

**Deputy Michael Finneran:** I thank Deputy Broughan for raising this matter.

While specific responsibility for the planning and delivery of the north fringe development rests with the local authorities involved, namely, Dublin City Council and Fingal County Council, at a national policy level, the achievement of sustainable communities is a key objective for the Government. New development must be more than just the provision of housing. Key infrastructure such as roads, water and waste water services, together with essential social, economic and amenity infrastructure and facilities, must anticipate and not follow the delivery of new housing.

The north fringe framework development plan, which was prepared by Dublin City Council in 2000, sets out the objectives for the area, the site context and the urban design framework. The plan emphasises the need for a quality bus service and the provision of community facilities, including schools, a library, sports and community facilities and public spaces, which will serve the anticipated 30,000 or so people who will ultimately live in the area. Planning permissions in the north fringe have been granted in line with the framework plan and, as such, it is clear that the provision of the community facilities mentioned in tandem with the housing development is seen as key in the development of the area.

Latest reports from the councils indicate that approximately 2,000 units are occupied and that a further 500 will be ready for occupation by the end of the year. The overall roll-out and timing of these private developments will be guided by the demand for housing and other market forces.

In these challenging economic times, the Government is determined to identify more joined-up and cost-effective ways of ensuring that developing areas benefit from the range of physical and social infrastructures that are critical to securing sustainable communities. Under my developing areas initiative, I am supporting work at central and local government level to ensure better co-ordination and timely delivery of key infrastructure and services, in parallel with housing, in fast growing strategic locations within the national spatial strategy, NSS, gateways and hubs. For example, community service shared campuses where people can easily access schools, library, sports and community services, should be located at the heart of new communities. While the public sector can deliver the joined-up thinking to make this happen, partnership with the private sector is critical in making it viable and deliverable as part of a broader roll-out of services.

In conjunction with this initiative, my Department has produced a suite of planning guidance measures to promote the highest possible standards in residential development and ensure access to the requisite range of public services and facilities. Guidance documents such as "Quality Housing for Sustainable Communities" and new draft planning guidelines on sus-

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tainable residential development in urban areas focus on the process surrounding the delivery of quality housing for sustainable communities and the promotion of better place-making through integrated planning and the delivery of quality neighbourhoods and homes.

A north fringe cross-authority-agency forum has been established to monitor progress in the north fringe. Membership of this forum includes senior officials from the two councils and representatives from local residents' groups and from statutory bodies such as the HSE, the Department of Education and Science, An Garda Síochána and public transport providers. I understand Deputy Broughan is also a member of the forum. Agreement has been reached, through the forum, on delivery of a broad range of public and community services such as the identification of sites for schools, a health centre and a Garda station. This is a viable and effective approach to ensure that development of the north fringe continues to integrate social and economic infrastructure and creates sustainable communities for the future.

As the Minister of State with responsibility for developing areas, I will visit the area in question in order to investigate the situation that obtains there. I will discuss the matter further with the Deputy.

**Deputy Thomas P. Broughan:** The Minister of State will be most welcome.

The Dáil adjourned at 6.25 p.m. until 2.30 p.m. on Tuesday, 4 November 2008.

## Written Answers.

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**The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].**

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*Questions Nos. 1 to 10, inclusive, answered orally.*

### **Farm Waste Management.**

11. **Deputy Kathleen Lynch** asked the Minister for Agriculture, Fisheries and Food his views on the recent report published by the Food and Safety Authority of Ireland recommending the banning of septic tank residual sludge on grassland and untreated sludge in agriculture; and if he will make a statement on the matter. [37453/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The use of septic tank residual sludge on grassland and untreated sludge in agriculture is controlled by the Waste Management (Use of Sewage Sludge in Agriculture) Regulations, 1998 to 2001. At present, residual sludge from septic tanks may be used on grassland provided that the grassland is not grazed within six months following such use. Untreated sludge may only be used in agriculture if it is previously injected or otherwise worked into land.

The FSAI report recommends that the use of untreated sludge in agriculture and the application of residual sludge from septic tanks on grassland should cease. The quantities of these materials used in agriculture are small and there are strict controls in place, particularly under the 1998 Regulations. However, any revisions of the Sewage Sludge Regulations considered necessary as a result of the recommendations in the FSAI report are a matter in the first instance for the Minister for the Environment, Heritage and Local Government.

### **Greenhouse Gas Emissions.**

12. **Deputy John Deasy** asked the Minister for Agriculture, Fisheries and Food the progress made within his Department in relation to the reduction of agricultural carbon emissions; if he will bring forward specific new measures on foot of the recent publication of the carbon budget; and if he will make a statement on the matter. [37518/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The agricultural sector is already contributing to the reduction of carbon emissions. The Kyoto Protocol allowed for an increase in Ireland's emissions of 13% over 1990 levels by 2012. The Environmental Protection Agency's analysis of September 2008 projects that emissions from the agriculture



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sector in the period up to 2012 will fall to 18.95 million tonnes or 4.3% below 1990 levels. The EPA's most recent figures on actual emission levels indicate that emissions from agriculture decreased by 3.8% in 2007 on the previous year's figures continuing the downward trend since 1998.

The continued implementation of the Nitrates Regulations is having and will continue to have an impact, as it results in better use of nutrients with consequently less nitrogen applications and therefore less nitrous oxide emissions. Measures under the Rural Environment Protection Scheme are also expected to contribute to greenhouse gas abatement. These measures encourage the use of minimum tillage, the use of clover swards and the adoption of low emission trailing shoe technology for slurry spreading. In terms of reduced fertiliser use and consequent emissions, organic farming will also have a role to play and is supported through my Department's Organic Farming Scheme. The forestry sector is very important in addressing climate change, as it removes carbon dioxide from the atmosphere and is also a valuable source of renewable energy, thereby displacing emissions from fossil fuels. My Department continues to promote planting under the Afforestation Grant Scheme. I believe that the contribution of forestry has to be recognised in the EU's Climate Change package.

Energy crops can play a role in mitigating greenhouse gas emissions. To encourage cultivation, my Department introduced a National Energy Crop Premium of €80 per hectare in 2007 to supplement the EU Premium of €45 per hectare. A new Bioenergy Scheme was also launched offering establishment grants worth €1,450 per hectare to plant willow and miscanthus. Land planted with energy crops can also benefit under the Single Payment Scheme as well as REPS and the Disadvantaged Areas Scheme.

My Department continues to examine various abatement options in close liaison with Teagasc. There has been a significant commitment of €15.5 million to climate change research projects since 2005 under the Research Stimulus Fund operated by my Department. This includes research into areas such as more efficient slurry application, increased use of clover, which would reduce nitrogen usage, non-inversion tillage and increasing length of grazing season.

However the European Commission's target of a 20% reduction on 2005 levels by 2020 poses very significant difficulties for the Irish agriculture sector. If the target were to be applied pro rata to agriculture it could not be achieved without considerable downward pressure on animal numbers, particularly in the suckler herd. At a time when world-wide demand for beef is growing, and alternative supplies come from regions where farming practices are much less sustainable in terms of climate change emissions and the environment generally, I do not believe that such an approach would be consistent with the fundamental objectives of the global climate change strategy. I have made my views known at a recent meeting of the EU Agriculture Council.

### **Food Industry.**

13. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food if specific funding will be ring-fenced for seafood marketing following the transfer of the promotional functions of Bord Iascaigh Mhara to Bord Bia; and if he will make a statement on the matter. [37521/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The seafood marketing and promotion element of Bord Iascaigh Mhara is to be merged with An Bord Bia. The Government's initiative in transferring the seafood marketing and promotion functions to Bord Bia will ensure the strengthening of seafood marketing as part of a more cohesive overall food

marketing effort, while allowing BIM to focus all its energies in developing the seafood industry in line with the Cawley Strategy — Steering A New Course.

The integration of seafood marketing with the State's domestic and international food marketing body will deliver synergies and opportunities for seafood producers where Bord Bia can draw on its expertise in the food sector to identify key future trends and opportunities for growth while pre-empting and reacting to market, competitors and global changes. The amalgamation of the promotion and market development functions of BIM with Bord Bia, will enable one single agency to manage Ireland's food and drink marketing effort on domestic and international markets. This will facilitate a more effective and efficient marketing effort. It will include the merging of the agencies presence internationally, which overlap in the four markets where BIM currently has a presence.

My ambition is that the transfer will be effective from early in 2009 subject to the appropriate legal instruments being in place. In this regard, I am planning that the budget for seafood marketing and promotion currently within BIM's Estimates allocation will be transferred to An Bord Bia in respect of 2009. Bord Bia determines funding priorities and allocations within its Estimate and I am confident that the Board recognises the importance and opportunities available within the seafood sector and will provide the necessary funding in order to maximise the potential of the sector for 2009 and future years.

### **World Trade Negotiations.**

14. **Deputy Alan Shatter** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the recent study produced by Teagasc on the impact of World Trade Organisation negotiations on Irish agriculture and the particularly negative impact proposals would have on the beef industry and consequently agricultural income; and if he will make a statement on the matter. [37500/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** FAPRI-Ireland, in association with its research partner Teagasc, launched two reports on 29 September, 2008, one of which is an analysis of the impact of a possible WTO deal, and, a second report, which provides an outlook for Irish and EU agriculture markets using 2008 as the baseline and assuming a status quo policy view over the next ten years. FAPRI's report presents an analysis of the possible impact of a World Trade Organisation (WTO) deal along the lines of the proposals made last February by the Chairman of the WTO agriculture Committee and assesses the likely impact of such a deal by comparing what would happen if there was a deal with what would happen without it in the period up to 2017.

They looked at two possible WTO deals — one where beef was declared a sensitive product, and therefore had a tariff cut of 23%, and another where beef suffered the full 70% tariff cut. The key findings are that Irish farmers would have suffered an income loss of 5% (€128m) per annum if beef was declared sensitive or 13% (€319m) if it took the full tariff cut. Unsurprisingly, they found that the sectors experiencing the biggest losses from the tariff reductions were beef and sheepmeat. They estimate that beef production would be 507,000 tonnes in 2017 without a WTO deal but this would fall to 502,000 tonnes if there was a deal with sensitive product status, or 491,000 tonnes with the full tariff cut.

The FAPRI reports provide very thorough, independent analysis on the impact of a WTO deal on Irish agriculture and on the outcome for agriculture in the absence of a deal. It is clear that the analysis and econometric model used has some limitations but the reports are very credible and professional pieces of work. As the member will be aware, no WTO agreement was reached in the July Ministerial and it is a widely held view that it will be difficult to conclude a deal in 2008 or 2009. As to the current position in relation to the beef sector, while

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Irish beef prices have risen considerably in 2008, due to the effective ban on Brazilian beef imports in the EU, it would appear that the absence of Brazilian beef from the EU market is set to continue into 2009, and in the short term it is expected that this will support EU and Irish cattle prices at levels close to those in 2008.

### **Farm Waste Management.**

15. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food his views on the recently published report by the Food Safety Authority of Ireland on the impact of land-spreading of organic materials on land used for food production; and if he will make a statement on the matter. [37508/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The FSAI Report concluded that the current practice of landspreading of organic agricultural materials on agricultural land for food production is beneficial and should continue, with one exception. The exception relates to the spreading of untreated organic agricultural materials on land to be used for ready-to-eat food crops. The quantity of organic agricultural materials used in the production of ready-to-eat crops in conventional agriculture in Ireland is very small. Fertilisation of these crops is generally with chemical fertilisers. There are strict controls in place on the use of organic and chemical fertilisers in agriculture under the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006.

The use of other materials such as treated or untreated sludge in agriculture is controlled by the Waste Management (Use of Sewage Sludge in Agriculture) Regulations, 1998 to 2001. Any revisions of the Sewage Sludge Regulations considered necessary as a result of the recommendations in the FSAI report are a matter in the first instance for the Minister for the Environment, Heritage and Local Government.

### **Afforestation Programme.**

16. **Deputy Pat Rabbitte** asked the Minister for Agriculture, Fisheries and Food if he will provide additional funding to the forest grant scheme; and if he will make a statement on the matter. [37464/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Substantial funding has been provided by the Government to support forestry grant and premium schemes for 2009. Almost €128 million has been allocated to forestry and bioenergy under Budget 2009. This significant investment in forestry will allow for the operation of a range of forestry schemes next year and demonstrates the commitment of the Government to the future of forestry in Ireland.

### **Emergency Slaughter of Animals.**

17. **Deputy Mary Upton** asked the Minister for Agriculture, Fisheries and Food if he will implement with immediate effect the regulations that were meant to allow for on-farm slaughter of casualty animals; and if he will make a statement on the matter. [37479/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Under the European Food Hygiene Regulation (EC) 853/2004, specific requirements are provided for in relation to Emergency Slaughter of animals outside the slaughterhouse. Meat from such animals may not be placed on the market unless it bears a special health mark which cannot be confused with the oval health and identification marks that normally apply to meat that may be exported. My Department has finalised Regulations to introduce new diamond-shaped health and identifi-

cation marks to be applied in such circumstances, and these Regulations will be signed into law when the notification procedure required by Directive 98/34/EC of the European Parliament and European Council has been satisfied.

### **Afforestation Programme.**

18. **Deputy Ruairí Quinn** asked the Minister for Agriculture, Fisheries and Food the supports his Department has in place for agroforestry initiatives; and if he will make a statement on the matter. [37463/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** State Aid approval for the afforestation schemes, including an agroforestry scheme, was received from the European Commission in September 2007. However, there are no immediate plans to introduce a specific agroforestry scheme. Within the Afforestation and Native Woodland Schemes that have already been introduced, it is open to landowners to combine farming and forestry in that establishment grants and 20-year premiums are available to landowners to plant trees on a minimum of 0.1ha. of their land.

### **Proposed Legislation.**

19. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food the status of the Animal Welfare Bill; and if he will make a statement on the matter. [37477/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** A good deal of work has already been undertaken and significant progress has been made on drafting the proposed Animal Health and Welfare Bill, which is intended to give effect to a number of commitments, in the area of animal health and welfare, contained in the Programme for Government. Following the public consultation process initiated earlier in the year on the draft Bill, almost 400 submissions were received containing wide-ranging observations and these are now being examined. A number of those who contacted the Department asked that they be given an opportunity to elaborate further on their submissions before finalisation of the draft legislation and these requests are under consideration. Drafting of the legislation is continuing and this will have regard to all submissions received.

### **Sheep Production.**

20. **Deputy Brian O'Shea** asked the Minister for Agriculture, Fisheries and Food his views on the proposals contained in the Aylward report for a sheep maintenance payment on a per ewe basis, to arrest decline in numbers; and if he will make a statement on the matter. [37457/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The report for the European Parliament by Mr. Liam Aylward MEP on the sheep sector in Europe has called for the introduction of an environmental maintenance scheme for ewes to arrest the decline in sheep production. This recommendation and others in the Aylward Report were considered in detail at a special conference on the sheep sector that was held in Limoges by the French Presidency at the beginning of September. In the context of the current Health Check of the Common Agricultural Policy, I have continually emphasised the need to support the sheep sector. I will continue to do so in the ongoing discussions that are expected to conclude in the coming weeks.

### **Departmental Schemes.**

21. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if he has

[Deputy Michael Creed.]

received legal opinion on the decision to suspend the early retirement scheme and the installation aid scheme; and if he will make a statement on the matter. [37379/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Against the background of the deterioration in public finances, my approach in preparing the 2009 estimates for my Department was to focus available resources on the measures that allow us to maintain and grow the productive capacity of the agri-food sector. Because I had chosen to protect expenditure in certain areas, expenditure in other areas had to be curtailed. In relation to the Scheme of Early Retirement from Farming and the Young Farmers' Installation Scheme, I have made provision of €56.7 million to meet current commitments but this level of funding means that for the present, new applications for these schemes are suspended. As my decision to suspend entry to the schemes was taken on the basis of the current budgetary situation, I have not taken legal advice in relation to any hypothetical case.

### **Common Agricultural Policy.**

22. **Deputy Lucinda Creighton** asked the Minister for Agriculture, Fisheries and Food the position regarding the latest CAP health check as proposed by the EU Commission; if agreement will be reached by the November 2008 Council meeting; the implications of this for agriculture here; and if he will make a statement on the matter. [33992/08]

43. **Deputy Jack Wall** asked the Minister for Agriculture, Fisheries and Food the money he has secured in the health check of the CAP; and if he will clarify if the money is new or recycled funds; and if he will make a statement on the matter. [37481/08]

79. **Deputy Fergus O'Dowd** asked the Minister for Agriculture, Fisheries and Food if it is his intention to support EU Commission proposals in the CAP health check to increase modulation to fund either rural development or the sheep sector. [37384/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I propose to take Questions Nos. 22, 43 and 79 together.

The CAP Health Check dossier was presented to Ministers at the Informal May Council. A full first round examination of the texts has now been completed by the Working Groups and most of the technical and linguistic issues have been addressed. Tri-lateral meetings took place at the Agriculture Council on 29/30 September to identify the three main priorities for each Member State with a view to commencing debate on political issues at the Special Committee on Agriculture and at a series of high-level working groups to take place in October. Further tri-lateral meetings took place at the Agriculture Council in Luxembourg earlier this week to further refine the political issues outstanding. The Presidency remains confident that the proposals will be adopted as a package at the November Council of Agriculture Ministers.

The Health Check proposals are described as a fine-tuning of the 2003 reform of the Common Agriculture Policy (CAP); there are three areas (i) a review of the implementation of the single payment scheme (SPS), (ii) a review of market management measures including the milk quota regime and (iii) a response to the so-called new challenges of climate change, bio-energy, water management and bio-diversity. The impact of the whole package of measures on Irish agriculture, including the financial impact, will clearly depend on what is agreed at the end of the negotiations. My aim in the negotiations will be to achieve the best possible outcome for Ireland and for agriculture. I have already outlined the issues of concern to Ireland to Commissioner Fischer Boel and the French Presidency, to Commission officials and to colleagues in other Member States. I will continue to take an active role in the discussions at every

opportunity and to reiterate our priorities. Our priorities for the health check negotiations include:

- Seeking sufficient milk quota increases and appropriate market management arrangements to ensure a “soft landing” in preparation for the expiry of quotas in 2015.
- Ensuring clear, predictable decisions are taken on milk quotas to give policy certainty to producers and to industry.
- Opposing the substantial increases in compulsory modulation proposed by the Commission.
- Seeking further simplification of the single payment scheme and cross compliance.
- Ensuring national discretion in the adjustment of the single payment scheme and the operation of specific supports funded from the single payment ceiling.

A consultative process with key stakeholders was established to advise on the main issues arising in the Health Check and the output from this will feed into Ireland’s position in the negotiations.

As regards modulation in particular, as I have already indicated I am opposed to the Commission proposals. I believe that they run counter to the legitimate expectations of Irish farmers who have accepted full decoupling just three years ago and who are still adapting to this fundamental change. While Ireland strongly supports Pillar 2 of the CAP and has provided a high level of national funding for rural development I believe that any additional funding to address the so-called new challenges must be on a voluntary basis.

#### **Domestic Abattoirs.**

23. **Deputy John O’Mahony** asked the Minister for Agriculture, Fisheries and Food the level of uptake of grant aid for the development of abattoirs; and if he will make a statement on the matter. [37485/08]

83. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food the numbers of applications received under the grant aid scheme for the development of local abattoirs, since the beginning of the scheme in view of the importance of local abattoirs to local food production; the amount of money allocated to date under the scheme; and the way information on the scheme has been published. [37591/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I propose to take Questions Nos. 23 and 83 together.

Under my Department’s capital investment scheme for the marketing and processing of agricultural products, a total of 51 eligible applications were received in respect of small slaughterhouses and low throughput meat establishments. The applications are going through a competitive assessment and evaluation process in which the strengths of the various proposals are being assessed and ranked in line with the objectives of the Scheme together with applications in the horticulture and marts areas. The assessment has involved, in a number of cases, seeking additional information from the applicants in terms of business plans, financial information and technical drawings. The evaluation process is nearing completion.

#### **Disadvantaged Areas Scheme.**

24. **Deputy Ciarán Lynch** asked the Minister for Agriculture, Fisheries and Food his plans

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to assist those availing of the disadvantaged areas payments which have been cut by 14% as part of budget 2009 and will hit low income farmers with limited resources; and if he will make a statement on the matter. [37450/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My approach in preparing the 2009 Estimates for my Department was to focus available resources on the measures that allow us to maintain and grow the productive capacity of the agri-food sector. The 2009 Estimates provide over €1.8 billion for my Department, and, when combined with EU funding of €1.4 billion, means that total expenditure in 2009 by my Department will amount to over €3.2 billion. While difficult decisions had to be taken in light of the situation of the public finances, account also had to be taken of the very high level of investment by the Government in recent years, when significant additional financial resources were committed to areas such as the rural environment scheme, where the rates of grant had been increased by 17 per cent, the new suckler cow welfare scheme and the farm waste management scheme and, indeed, the 8% increase in rates under the Disadvantaged Areas Scheme itself, introduced in 2007.

With regard to the 2009 Disadvantaged Areas Scheme, I decided to reduce expenditure for 2009, by reducing the maximum area limit to 34 hectares (84 acres) and by a small increase in the minimum stocking density requirement. While overall expenditure will fall, almost 67,000 farmers will not suffer any reduction in their payments as a result of the introduction of the 34-hectare limit. Furthermore, these farmers, as well as all claimants under the Scheme, will continue to benefit from the substantial increase of 8% in the rate of aid introduced by the Government in 2007.

In addition, of the 102,500 farmers who benefit under the Disadvantaged Areas Scheme, in excess of 50,000 of these also benefit under REPS, while in excess of 47,000 also benefit under the Suckler Welfare Scheme, which introduces a new stream of payments to farmers in 2008. It should also be taken into account, that in addition to the payments under these Schemes a further € 920 million was paid to farmers with Disadvantaged Area lands under the 2007 Single Payment Scheme. The total amount payable of €220 million to farmers under the Disadvantaged Areas Scheme is part of the overall substantial injection of funds paid to farmers situated in the areas and the Scheme continues to be one of the best well funded Disadvantaged Areas Schemes in the European Union.

Notwithstanding the difficulties in the public finances and the decisions I have taken against that background, the position is that in excess of €3.2 billion will be spent next year by my Department in support of agriculture, fisheries and food. It is important to get through this challenging period and continue towards achieving the full potential of our most important indigenous industry when the economy begins to grow again.

### **Sheep Imports.**

25. **Deputy Michael D. Higgins** asked the Minister for Agriculture, Fisheries and Food the number of sheep and lambs from Great Britain slaughtered in the six lamb factories here (details supplied) for 2006, 2007 and to date in 2008 with a monthly or weekly breakdown; and if he will make a statement on the matter. [37443/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The majority of imported sheep presented for slaughter in Irish plants come from or through Northern Ireland and a small number of these would have originated in Great Britain or beyond. All imported sheep are accompanied by veterinary certification. While the identification and certification of imported sheep is checked at the plants prior to slaughter, records of these are not maintained at central level in the Department. The table shows the total number of sheep imported from

and through Northern Ireland that were slaughtered in the six named factories for the period requested. I cannot supply a breakdown for each of the named plants individually as this information is a commercial matter.

Sheep from Northern Ireland slaughtered in six named lamb factories by week 2006-2008

Week No.	2006	2007	2008
1	6,392	2,697	5,123
2	4,869	4,393	5,512
3	4,469	4,389	6,347
4	3,226	4,027	4,662
5	4,492	3,282	4,584
6	4,433	4,006	4,242
7	4,628	3,103	5,626
8	3,900	3,449	4,003
9	3,849	4,395	3,402
10	2,561	3,283	3,527
11	2,229	4,092	4,439
12	2,735	2,854	4,626
13	2,134	3,123	3,653
14	1,847	3,032	3,036
15	1,976	3,242	3,409
16	690	3,923	3,733
17	3,098	2,152	3,602
18	1,317	2,272	3,282
19	2,478	2,409	2,354
20	1,810	2,211	3,853
21	2,417	3,114	2,203
22	2,802	3,811	3,479
23	1,766	4,500	2,237
24	4,544	3,918	3,893
25	4,245	4,528	3,216
26	3,629	2,270	2,838
27	5,877	4,875	4,067
28	2,627	3,509	2,420
29	4,946	2,236	2,635
30	5,068	2,810	4,980
31	5,149	3,022	5,869
32	4,827	2,704	4,119
33	4,241	3,005	5,496
34	4,845	3,282	6,165
35	4,210	3,353	6,911
36	4,251	5,506	8,361
37	4,279	6,111	7,001
38	4,524	6,896	7,406
39	7,080	5,306	6,762
40	6,353	7,127	5,079
41	5,502	5,350	6,037
42	5,906	6,195	5,978
43	5,393	7,092	



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Week No.	2006	2007	2008
44	5,535	5,448	
45	4,817	5,853	
46	3,752	7,454	
47	4,316	5,424	
48	4,543	5,650	
49	4,156	5,992	
50	5,111	3,865	
51	3,049	5,471	
52	2,604	1,977	
Totals	205,497	213,988	190,167

### Food Labelling.

26. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the steps he has taken to ensure properly authenticated food labelling with a view to ensuring that food imports into this country reflect precisely their origin, production history and nutritional value; and if he will make a statement on the matter. [37588/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** EU legislation stipulates that food products of animal origin imported from an EU source must come from an approved food business establishment and be accompanied to its destination by a commercial document or a health certificate signed by an official veterinarian of the competent authority of the Member State of origin. In the case of importation from third countries they must originate in a country approved by the EU for trade in such products, have been produced in an approved establishment, be appropriately labelled and transported and must be accompanied by a veterinary health certificate in accordance with the models laid down by Community legislation. Checks to ensure that imported products comply with EU legislation are carried out by my Department.

All consignments from third countries must first be landed at a Border Inspection Post (BIP) operated by my Department that has been approved by the Food and Veterinary Office of the EU (FVO) and there undergo documentary, identity and physical checks. These latter are carried out at frequencies laid down in EU law. In Ireland BIPs approved for the processing of imports of animal products are located at Dublin Port and Shannon Airport. The FVO carries out monitoring and inspection of each Member State's BIPs to ensure the conditions for import of animal products into Europe, provided under the harmonized legislation, are being correctly applied.

Once it has been established that imported animal product has met all the required conditions it is released for free circulation within the community. Copies of the BIP clearance document and the health certificate must accompany the consignment to its destination. Imports failing to comply with these veterinary control checks may be detained for further examination. If non-compliance is established they are returned to the exporting country or destroyed.

### Grant Payments.

27. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the number of farmers in County Roscommon and County Leitrim who will see their suckler cow

scheme payments cut as a result of the budget 2009 announcement; the number of applications submitted in each county in 2008 and the potential payments involved; the value of payments that will be lost in each county as a result of the budget 2009 changes; and if he will make a statement on the matter. [37429/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** In the “Towards 2016” Partnership Agreement, a provision was made to provide €250 million in support of a suckler scheme over five years 2008-2012. This is being honoured. In order that the scheme is continued within the €250 million funding budget, it will, on current levels of participation be necessary to reduce the rate of payment in future years.

Almost 54,000 farmers have joined the scheme nationally. The number of farmers in County Roscommon who joined the scheme is 3,187. The number for County Leitrim is 2,127. The payment rate for 2008 will be €80 per cow and the total amount for the year will be determined by the number of eligible cows that calve in the calendar year 2008 and go on to fulfil the various measures under the scheme. The rate of payment in the remaining years of the scheme will be determined by reference to the continuing rate of participation in the scheme. The rate applicable to 2009 will be advised to participating farmers before the end of this year.

#### **Single Payment Scheme.**

28. **Deputy Eamon Gilmore** asked the Minister for Agriculture, Fisheries and Food the amount of funding allocated to the national reserve in 2005, 2006 and 2007; the number of farmers who have benefited under each category; and if he will make a statement on the matter. [37440/08]

59. **Deputy Joe Costello** asked the Minister for Agriculture, Fisheries and Food the value of entitlements in the national reserve; and if he will make a statement on the matter. [37439/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I propose to take Questions Nos. 28 and 59 together.

The EU regulations governing the Single Payment Scheme provided for the setting up of a National Reserve. In Ireland’s case reducing each farmer’s individual Single Payment by 1.82% created the Reserve. The total amount of money available for distribution under the 2005 National Reserve was some €22.5m. A further €6.5m was added representing the value of payment entitlements not activated (claimed) in 2005 bringing the total fund to some €29m. Over €23m was allocated under the 2005 National Reserve with the balance of €6m carried forward to the 2006 National Reserve. Some €4m was then added to the 2006 National Reserve (representing mainly reserve deductions applied to Dairy Premium, surplus Dairy Premium, deductions applied to the Sugar Beet and unused National Reserve entitlements in 2006) bringing the total funds available for 2006 to €10m.

The total cost of the 2006 National Reserve was €2.6m leaving a carryover of some €7.4m to the 2007 National Reserve. This allowed my Department to introduce two new categories to the National Reserve in 2007 one of which was a significant measure that catered for the sheep-farming sector. To date some €6m has been allocated from the 2007 National Reserve leaving a balance of €1.4m. The 2007 National Reserve fund has been further replenished with the addition of €4.6m from deductions applied to Sugar beet; unused National Reserve entitlements in 2007 and unused standard and setaside entitlements which were not used in the three-year period (2005, 2006, 2007). The funds going forward for the 2008 National Reserve amounted to €6m and the expected allocations in 2008 is €1m. When account is taken of entitlements

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that remained unused in the three-year period 2006, 2007 and 2008 it is estimated that some €7m will be available for distribution under the 2009 National Reserve.

The National Reserve is therefore a scarce resource created by reducing the entitlements of existing farmers and will only be replenished by the addition of any entitlements that remain unused.

The purpose of the National Reserve was to try and minimise the impact on farmers who, for a variety of reasons, found themselves disadvantaged in the transition to the new decoupled support regime as a result of changes in their businesses during or since the reference period. Categories of farmers to be catered for under the National Reserve were set out in EU regulations and, in 2005, included those who inherited land that was leased out during the reference period (Category A) those who made investments in production capacity or purchased or leased land on a long-term basis (Category B) or who converted from dairying to a sector for which a direct payment would have been payable during the 2000-2002 reference period (Category C). New entrants to farming after 2002 were also catered for under the National Reserve (Category D).

Certain sheep farmers with commonage land and a relatively low stocking density were prevented from increasing ewe numbers during the reference period pending the publication of commonage framework plans. A special category was created for these farmers under the 2005 National Reserve. In addition, a category was included under the 2007 National Reserve for sheep farmers whose existing Single Payment is less than €10,000 and where individual entitlements are less than the District Electoral Division (DED) average. A separate category was also introduced under the 2007 National Reserve to cater for off-shore island farmers with low value entitlements.

The tables below outline the number of farmers who have benefited under the National Reserve in 2005, 2006 and 2007.

#### 2005 National Reserve

Category	A	B	C	D	Hill Farmer	Total
Farmers	378	7392	868	648	492	9778

#### 2006 National Reserve

Category	A (land leased out during the reference period)	B (New Entrants)	C (Top-up in line Dairy Premium increase)	Total
Farmers	82	154	868	1104

#### 2007 National Reserve

Category	A (land leased out during the reference period)	B (New Entrants)	C (Sheep Farmers with low value entitlements)	D (off-shore island farmers)	Total
Farmers	54	103	6,216	115	6,488

### **Proposed Legislation.**

29. **Deputy Simon Coveney** asked the Minister for Agriculture, Fisheries and Food his views on the state of the foreshore legislation; the person who currently has responsibility for updating this legislation; his views, in the context of his plans to expand offshore wind capacity here, on whether such an updating is needed; his plans to work with the Department of the Environment, Heritage and Local Government on this issue; and if he will make a statement on the matter. [28230/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My Department has responsibility for foreshore functions under the Foreshore Acts 1933 to 2005. When considering applications under the Foreshore Acts, including offshore energy projects, the role of my Department is to ensure the protection and sustainable development of the foreshore.

A consolidation and streamlining of the Foreshore Acts has been under consideration for some time. This is intended to provide a modern, effective and integrated legal framework for the management of the State's foreshore estate in the future. Preparation of these proposals will take account, among other things, of the EU Public Participation Directive, the principles in the EU Recommendation on Integrated Coastal Zone Management, the outcome of the EU Maritime Green Paper and the EU Marine Strategy Directive.

The Government decided on 2 October 2007 that responsibility for certain foreshore licensing functions under the Foreshore Act 1933 including in respect of all energy related developments would transfer to the Department of the Environment, Heritage and Local Government. This requires primary legislation which is currently being prepared. My Department is currently putting in place the necessary arrangements, including the assignment of additional staff from within its overall resources, to ensure the efficient and effective transfer of the appropriate legislation and associated functions.

In the interest of efficiency and effectiveness it is considered appropriate that the review of the Foreshore Acts should await the completion of the transfer of the relevant elements of the Foreshore functions to the Department of the Environment, Heritage and Local Government. This is particularly important in view of the fact that both departments will have responsibility for different aspects of Foreshore management.

My Department will continue to work closely with the Department of the Environment, Heritage and Local Government in the context of progressing the various elements required to develop the appropriate coastal zone legislative and management framework.

### **Common Fisheries Policy.**

30. **Deputy Tom Hayes** asked the Minister for Agriculture, Fisheries and Food his views on the future reform of the EU Common Fisheries Policy; and if he will make a statement on the matter. [37533/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An informal discussion to mark the start of the debate on the reform of the Common Fisheries Policy was held with Fisheries Ministers on the margins of the Agriculture and Fisheries Council on the 29th September 2008. The Common Fisheries Policy was formally established in 1983, and has since then been subject to revision every ten years. The latest Reform was agreed in 2002, and is up for review in 2012 at the latest. Our aim is for a Common Fisheries Policy which results in a strong, sustainable and profitable seafood industry and, most importantly, which provides economic activity for our coastal communities, as set down for Ireland in the Cawley Strategy — Steering A New Course.

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I am concerned that there is some pressure at this early stage in the debate for a change in the policy that would promote an Individual Transferable Quota (ITQ) regime at European level. I will not support such a policy which promotes the concentration of activity and benefits in the hands of a small number of large companies. Our aim is for a policy which maximises the development of all our coastal communities and for this reason it is vital that quotas and their management are retained under national competence and not moved to a market based mechanism.

This debate on the reform of the Common Fisheries Policy is at a very early stage. The Commission will bring forward a Green Paper for discussion next year. I will continue to work closely with the FIF (Federation of Irish Fishermen) to progress all matters of importance to the Irish fishing industry and have our national priorities taken on board as far as possible in the discussion on the Reform of the CFP following the publication of the Green Paper.

### **Alternative Energy Projects.**

31. **Deputy Liz McManus** asked the Minister for Agriculture, Fisheries and Food the supports available to farmers who wish to introduce renewable energy initiatives on their farms; and if he will make a statement on the matter. [37455/08]

58. **Deputy Brian O'Shea** asked the Minister for Agriculture, Fisheries and Food the initiatives in place to encourage farmers to grow crops for fuel which will not only assist in the reduction of greenhouse emissions but also assist in rural development by providing and sustaining new enterprise and employment; and if he will make a statement on the matter. [37456/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I propose to take Questions Nos. 31 and 58 together.

The development of renewable energy in Ireland, including solar, thermal, wind and bioenergy are matters in the first instance for the Minister for Communications, Energy and Natural Resources. My Department's role is to support the supply side of the bioenergy market by encouraging farmers and foresters to produce biomass feedstocks.

In this regard, my Department is implementing the agri-related initiatives in the National Bioenergy Action Plan to increase the share of renewable energy derived from the agriculture and forestry sectors. A number of these measures assist farmers in growing energy crops. For example, my Department introduced a National Energy Crop Premium worth €80 per hectare to supplement the EU premium available under the EU Energy Crops Scheme. A Bioenergy Scheme was also launched to provide establishment grants of €1,450 per hectare to farmers interested in planting willow and miscanthus. So far some 1,700 hectares have been planted under the Scheme. Areas planted with energy crops can also qualify for the Single Payment.

Aid is also provided for research projects that relate to bioenergy and energy crops through the Department's Research Stimulus Fund Programme. Over the past three years, some €6.4 million in research assistance has been made available for 13 projects encompassing a broad range of agri-energy topics including energy crop production.

As regards on-farm projects, my Department is supporting the development of anaerobic digestion facilities by providing grant aid to farmers for pilot projects under the Scheme of Investment Aid for Demonstration On Farm Waste Processing Facilities. In 2007, ten projects were awarded grants under the Scheme. On the forestry side, the Wood Biomass Harvesting Scheme provides up to 40% grant aid for the purchase of specialised wood machinery. Other

supports for forestry include 100% grants and annual premiums to encourage increased afforestation.

The exploitation of bioenergy resources can provide an extra source of income for farmers and rural communities along with reduced carbon emissions and enhanced energy security. My Department will play its role in realising the multifaceted opportunities that the sector has to offer.

### **Aquaculture Licences.**

32. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food the progress made in relation to the awarding of aquaculture licences in the past 12 months; and if he will make a statement on the matter. [37484/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** There is a substantial backlog in licence applications at present. This is due in large measure to the fact that many of the existing licences were granted for a period of 10 years on foot of the Fisheries (Amendment) Act 1997 and are therefore falling due for renewal at present. In addition, many of the outstanding aquaculture licence applications are located in Natura 2000 sites.

My Department is working actively with the National Parks and Wildlife Service of the Department of the Environment, Heritage and Local Government and the European Commission to develop a methodology acceptable to the EU Commission to enable these aquaculture licences to be renewed in compliance with the Habitats and Birds Directives. A sum of €1.4m has been set aside in the Department of Agriculture, Fisheries and Food Vote for 2009, to assist environmental compliance activities in relation to aquaculture and sea fishing activities in Natura 2000 sites.

Reaching early agreement with the EU Commission on how to enable licence renewals in Natura 2000 sites in compliance with the Birds and Habitats Directives will greatly assist reducing the backlog of aquaculture licence renewals. The application process has become increasingly complex since the Fisheries (Amendment) Act 1997 was enacted due to increased activity and demands in the coastal zone and involves a range of intermediate measures before a recommendation and decision can be made in any one case. I can assure the Deputy that everything possible is being done to reduce the backlog of applications while at the same time ensuring that the process is in compliance with relevant EU legislation.

### **Food Labelling.**

33. **Deputy Eamon Gilmore** asked the Minister for Agriculture, Fisheries and Food the regulations and controls in place and the checks carried out by his officials in the meat factories on lamb imports and specifically the labels attached or placed on importers' labels when leaving factories here; and if he will make a statement on the matter. [37441/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Minister for Health and 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 Agency, the Health Service Executive, the Local Authorities and the National Consumer Agency.

General food labelling legislation, as set out in Directive 2000/13/EC on the labelling, presentation and advertising of foodstuffs does not require a declaration of origin of food. However declaration requirements exist in legislation for some food products including beef, and some

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imported poultry in specific circumstances such as when raw and imported from a non-EU country. There is a clear requirement that consumers should not be misled by food labelling. Manufacturers may voluntarily declare a country of origin, and consumers should not be misled by that declaration.

The competent authority with responsibility for enforcement of labelling legislation in retail establishments is the Health Service Executive through its Environmental Health Officers under contract to the FSAI. Labelling checks are also carried out by officials of my Department as part of the routine official checks in meat establishments under the Department supervision. Checks are conducted on a random, risk based frequency and cover labelling, traceability, origin, identification of animals, and the labelling of carcasses, meat, mince meat and meat products.

Lamb imported from within the European Union is checked to ensure that it complies with the labelling and hygiene requirements. Lamb imported from a third country is checked at a Border Inspection Post on its arrival into the EU to confirm that its veterinary certification is correct, that it is correctly labelled and identified and the meat is checked to ensure that it is fit for human consumption. All lamb imported into Ireland must comply with the same labelling requirements as Irish lamb when sold in supermarkets in Ireland. There is no legal requirement to indicate the country of origin for lamb.

#### **Proposed Legislation.**

34. **Deputy P. J. Sheehan** asked the Minister for Agriculture, Fisheries and Food the progress made on the Forestry Bill; when he will be in a position to publish the Bill; and if he will make a statement on the matter. [37487/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** A comprehensive review of the Forestry Act 1946 has been completed and the draft Scheme of a new Forestry Bill has been prepared which will update and consolidate the 1946 Act. The draft Heads of the new Bill will be submitted to the Government shortly for approval to be sent to the Office of the Parliamentary Counsel for drafting. It is not possible at this stage to indicate a date for publication.

#### **Departmental Schemes.**

35. **Deputy Ulick Burke** asked the Minister for Agriculture, Fisheries and Food the loss in income to farmers in County Galway following his withdrawal of the area aid in disadvantaged areas, the calf to suckler scheme and the installation aid; and if he will make a statement on the matter. [37377/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My approach in preparing the 2009 Estimates for my Department was to focus available resources on the measures that allow us to maintain and grow the productive capacity of the agri-food sector. The 2009 Estimates provide over €1.8 billion for my Department, and, when combined with EU funding of €1.4 billion, means that total expenditure in 2009 by my Department will amount to over €3.2 billion.

While difficult decisions had to be taken in light of the situation of the public finances, account also had to be taken of the very high level of investment by the Government in recent years, when significant additional financial resources were committed to areas such as the rural environment scheme, where the rates of grant had been increased by 17 per cent, the new

suckler cow welfare scheme and the farm waste management scheme and, indeed, the 8% increase in rates under the Disadvantaged Areas Scheme itself, introduced in 2007.

With regard to the 2009 Disadvantaged Areas Scheme, I decided to reduce expenditure for 2009, by reducing the maximum area limit to 34 hectares (84 acres) and by a small increase in the minimum stocking density requirement. While overall expenditure will fall, almost 67,000 farmers will not suffer any reduction in their payments as a result of the introduction of the 34-hectare limit. Furthermore, these farmers, as well as all claimants under the Scheme, will continue to benefit from the substantial increase of 8% in the rate of aid introduced by the Government in 2007.

In addition, of the 102,500 farmers who benefit under the Disadvantaged Areas Scheme, in excess of 50,000 of these also benefit under REPS, while in excess of 47,000 also benefit under the Suckler Welfare Scheme, which introduces a new stream of payments to farmers in 2008. It should also be taken into account, that in addition to the payments under these Schemes a further €920 million was paid to farmers with Disadvantaged Area lands under the 2007 Single Payment Scheme. Under the 2008 Disadvantaged Areas Scheme, there are 3,485 farmers in County Galway who declared, and were paid, for in excess of 34 eligible hectares.

The total amount payable of €220 million to farmers under the Disadvantaged Areas Scheme is part of the overall substantial injection of funds paid to farmers situated in the areas and the Scheme continues to be one of the best well funded Disadvantaged Areas Schemes in the European Union.

Notwithstanding the difficulties in the public finances and the decisions I have taken against that background, the position is that in excess of €3.2 billion will be spent next year by my Department in support of agriculture, fisheries and food. It is important to get through this challenging period and continue towards achieving the full potential of our most important indigenous industry when the economy begins to grow again.

The Suckler Welfare Scheme has not been withdrawn. The commitment in the “Towards 2016” Partnership Agreement was that €250 million would be provided over five years 2008 — 2012 and this commitment is being honoured. There are almost 54,000 farmers currently participating in the scheme and in order to remain within the €250 million budget, it will be necessary to reduce the rate of payment in future years by reference to the actual level of participation. In the case of the Young Farmers’ Installation Scheme, all fully completed applications from County Galway received by my Department up to and including 14 October 2008 will be processed and, if in order, payment will be made.

### **Disadvantaged Areas Scheme.**

36. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the number of farmers in County Roscommon and County Leitrim who will see their disadvantaged area scheme payments cut as a result of the budget 2009 announcement; the value of payments that will be lost in each county; and if he will make a statement on the matter. [37428/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My approach in preparing the 2009 Estimates for my Department was to focus available resources on the measures that allow us to maintain and grow the productive capacity of the agri-food sector. The 2009 Estimates provide over €1.8 billion for my Department, and, when combined with EU funding of €1.4 billion, means that total expenditure in 2009 by my Department will amount to over €3.2 billion.

While difficult decisions had to be taken in light of the situation of the public finances, account also had to be taken of the very high level of investment by the Government in recent



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years, when significant additional financial resources were committed to areas such as the rural environment scheme, where the rates of grant had been increased by 17 per cent, the new suckler cow welfare scheme and the farm waste management scheme and, indeed, the 8% increase in rates under the Disadvantaged Areas Scheme itself, introduced in 2007.

With regard to the 2009 Disadvantaged Areas Scheme, I decided to reduce expenditure for 2009, by reducing the maximum area limit to 34 hectares (84 acres) and by a small increase in the minimum stocking density requirement. While overall expenditure will fall, almost 67,000 farmers will not suffer any reduction in their payments as a result of the introduction of the 34-hectare limit. Furthermore, these farmers, as well as all claimants under the Scheme, will continue to benefit from the substantial increase of 8% in the rate of aid introduced by the Government in 2007.

In addition, of the 102,500 farmers who benefit under the Disadvantaged Areas Scheme, in excess of 50,000 of these also benefit under REPS, while in excess of 47,000 also benefit under the Suckler Welfare Scheme, which introduces a new stream of payments to farmers in 2008. It should also be taken into account, that in addition to the payments under these Schemes a further €920 million was paid to farmers with Disadvantaged Area lands under the 2007 Single Payment Scheme. Under the 2008 Disadvantaged Areas Scheme, there are 1,585 farmers in County Roscommon and 1,058 farmers in County Leitrim who declared, and were paid, for in excess of 34 eligible hectares.

The total amount payable of €220 million to farmers under the Disadvantaged Areas Scheme is part of the overall substantial injection of funds paid to farmers situated in the areas and the Scheme continues to be one of the best well funded Disadvantaged Areas Schemes in the European Union.

Notwithstanding the difficulties in the public finances and the decisions I have taken against that background, the position is that in excess of €3.2 billion will be spent next year by my Department in support of agriculture, fisheries and food. It is important to get through this challenging period and continue towards achieving the full potential of our most important indigenous industry when the economy begins to grow again.

#### **Fallen Animal Collection Scheme.**

37. **Deputy Pádraic McCormack** asked the Minister for Agriculture, Fisheries and Food his views on whether the inevitable increase in charges for fallen animals will place an unnecessary additional burden on farmers already financially stretched; and if he will make a statement on the matter. [37542/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The allocation for the Fallen Animals Scheme in 2009 is reduced to €14m. An adjustment of the burden sharing of this Scheme is now appropriate with the sectors involved taking a greater share of the costs. The reduced funding will be implemented through reduced rates under the Scheme, which will be discussed with the various interests over the next few weeks.

#### **Organic Farming.**

38. **Deputy Jim O'Keeffe** asked the Minister for Agriculture, Fisheries and Food his views on whether sufficient staff have been allocated to deal with applications from those who seek to establish themselves as organic farmers; and if he will arrange to allocate additional members of staff to the organic unit in Johnstown Castle, Wexford. [37370/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** While there has been a significant increase in the number of applications received this year under the Schemes of Grant Aid for the Development of the Organic Sector, I remain satisfied that the current staffing levels in the Organic Unit of my Department are sufficient to provide applicants with an appropriate level of service.

#### **Farm Waste Management.**

39. **Deputy Michael D. Higgins** asked the Minister for Agriculture, Fisheries and Food his views on giving farmers more flexibility in the spreading of slurry and farmyard manure for the remainder of 2008 owing to the wet weather recently; and if he will make a statement on the matter. [37442/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The spreading of slurry and farmyard manure is governed by the European Communities (Good Agricultural Practice for Protection of Waters) Regulations made by the Minister for the Environment, Heritage and Local Government. In view of the poor weather conditions in recent months, with the exceptional rainfall making land unsuitable at times for the spreading of livestock manures, I obtained the agreement of the Minister, Deputy Gormley, to an extension of the spreading period for slurry to 31 October, though I am conscious of the continuing difficulties being experienced by farmers to spread slurry.

#### **Fisheries Protection.**

40. **Deputy Dinny McGinley** asked the Minister for Agriculture, Fisheries and Food the position regarding the appointment of a complaints officer to deal with fishermen's complaints by the Sea Fisheries Protection Authority; when this person will be appointed; the terms of their appointment; and if he will make a statement on the matter. [37545/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** This is a matter for the Sea-Fisheries Protection Authority (SFPA), an independent authority, which was established under the Sea Fisheries and Maritime Jurisdiction Act 2006 on January 1st 2007. The Act clearly provides that the appointment of a complaints officer is solely a matter for the Authority. I understand that a person has been appointed to this role and I have asked the SFPA to revert directly to the deputy with details of the appointment.

#### **World Trade Negotiations.**

41. **Deputy Fergus O'Dowd** asked the Minister for Agriculture, Fisheries and Food the status of the green box payments in the context of the World Trade Organisation talks. [37385/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Green Box payments, in the context of the WTO Agreement on Agriculture, are defined as payments, which have no, or at most minimal trade distorting effects or effects on agriculture production. These payments are exempt from reduction commitments and can even be increased without any financial limitation under the WTO. Almost €2 billion in payments are made annually to Ireland under the Common Agriculture Policy, which are currently classified as Green Box.

During the most recent WTO Ministerial meeting in July, a number of trading partners pressed for changes to the legal definition of the Green Box which had the potential, to call into question the compatibility with WTO rules of the EU system of direct payments to farmers. We were supported by ten other Member States with similar concerns about the future of the

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Green Box. In the absence of an agreement in the World Trade talks, the current wording of the Green Box remains.

### **Dairy Exports.**

42. **Deputy Terence Flanagan** asked the Minister for Agriculture, Fisheries and Food his views on the position of Irish dairy products on global markets in view of falling milk prices; and if he will make a statement on the matter. [37530/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Ireland has been successful in building EU and world market trade over a sustained period. This has been supported by consistent efforts to promote and market Ireland's dairy produce in these markets by Irish operators. Over 80% of Irish dairy production is exported to EU and world markets. 2007 was another successful year for the Irish Dairy Sector with exports up 13% to €2.36bn. This was achieved despite challenges brought about by reduced export refunds, subsidies and aids, increased energy costs and a weakening of the US dollar against the Euro. The increase in dairy exports amounted to €270 million, 65% of the total rise in food and drink exports, and half of this growth came from Asian Markets.

Market forces have a large and increasing influence on the price paid for milk. As a consequence of tightness of supply on EU and World Markets, prices for dairy products increased considerably in 2007 and prices reached record levels in the autumn. Due to this market buoyancy, internal aids and export refunds in the milk sector were suspended. Prices have fallen back from those high levels and this has been reflected in the milk price currently being paid to farmers. My Department closely monitors developments in the dairy market on an ongoing basis. I will continue to recommend that the Commission utilise the various support measures when market conditions warrant it.

*Question No. 43 answered with Question No. 22.*

### **Organic Farming.**

44. **Deputy Richard Bruton** asked the Minister for Agriculture, Fisheries and Food if he will give assurances on the safety of organic food in view of the recent report of the Food Safety Authority on the use of organic fertilizer. [37380/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The FSAI Report concluded that the landspreading of organic agricultural materials on agricultural land for food production is beneficial and should continue, with one exception. The one exception relates to the spreading of untreated organic agricultural materials on land to be used for ready-to-eat food crops.

The safety of organic food is not compromised by these findings. Organic farming already has very strict controls in place for manure management and application. Non-composted manures are not spread on land which is being used for ready-to-eat food crops. Sewage sludge and effluent based composts are not permitted in organic farming.

### **On-farm Investment Schemes.**

45. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food the measures he will put in place to encourage young farmers to remain in agriculture in view of his recent announcement to suspend both the farm installation aid and farm retirement scheme; and if he will make a statement on the matter. [37405/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** A number of measures have been put in place in Budget 2009 to encourage young farmers to both enter agriculture and to increase their investment in farming. Most importantly, stamp duty relief for young trained farmers has been renewed in Budget 2009 for a further four years, until 31 December 2012. This means that, in combination with Capital Acquisitions Tax (Agricultural relief) and Capital Gains Tax (Retirement Relief), the vast majority of early farm transfers are exempt from tax.

In addition, there is the renewal of stamp duty relief for farm consolidation for two years from 1 July 2009 to 31 June 2011; the renewal of the young trained farmers' rates of stock relief for a further two years; and the extension of the accelerated capital allowance for necessary farm pollution control facilities from 31 December 2008 to the 31 December 2010. When combined these farm tax measures from Budget 2009 are estimated to be worth over €65 million in a full year. The top rate of stamp duty on agricultural land transactions is being reduced from 9% to 6% on amounts over €80,000 with effect from 15 October. This should reduce the cost of agricultural land to purchasers and encourage a higher number of transactions. All these measures help young farmers to improve land mobility, increase the level of land swaps and achieve higher environmental standards.

### **Beef Imports.**

46. **Deputy Ruairí Quinn** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the report by the Food and Veterinary Office recording ongoing failures by Brazil to meet EU standards; and if he will make a statement on the matter. [37462/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I am aware of the report the Deputy is referring to. The Commission's Food and Veterinary Office recently published its final report of a follow-up mission carried out between 25 February and 13 March 2008 to evaluate measures that the Brazilian Authorities introduced to address serious shortcomings on cattle traceability with regard to exports to the EU. As the Deputy will be aware the Commission proposed severe restrictions on Brazilian imports with effect from February of this year. However Minister Coughlan directed DAFF officials attending the Standing Committee to vote against the Commission's proposal and to call for an outright ban on beef imports from Brazil.

While a complete ban was not agreed the effect of the Commission's proposals limited exports of beef from Brazil to a relatively small number of herds. Based on this latest report I have arranged for my Department to write to the Commission to have this matter urgently discussed at the European Commission's Standing Committee on the Food Chain and Animal Health.

### **Farm Waste Management.**

47. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food his plans to meet with the EU Agriculture Commissioner before the end of December 2008 to seek an extension to the farm waste management scheme; and if he will make a statement on the matter. [37406/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I have no plans to meet with the EU Agriculture Commissioner before the end of this year to seek an alteration to the terms of the EU state aid approval for the revised Farm Waste Management Scheme introduced by my Department in March 2006.

### **Afforestation Programme.**

48. **Deputy Róisín Shortall** asked the Minister for Agriculture, Fisheries and Food if he will introduce a broadleaf thinning scheme which is vital to ensure the production of high quality crop; and if he will make a statement on the matter. [37472/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I understand that there is demand within the forestry sector for a broadleaf thinning scheme. The overall forestry situation is being reviewed in the light of the allocation under the 2009 Budget to ensure that the available funds are put to best use. The allocation of funding to specific schemes will be on a basis of strict prioritisation of programmes.

### **Greenhouse Gas Emissions.**

49. **Deputy Richard Bruton** asked the Minister for Agriculture, Fisheries and Food his plans for the agricultural sector to reduce, as required, its emissions of CO<sub>2</sub>. [37381/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The agricultural sector is already contributing to the reduction of carbon emissions. The Kyoto Protocol allowed for an increase in Ireland's emissions of 13% over 1990 levels by 2012. The Environmental Protection Agency's analysis of September 2008 projects that emissions from the agriculture sector in the period up to 2012 will fall to 18.95 million tonnes or 4.3% below 1990 levels. The EPA's most recent figures on actual emission levels indicate that emissions from agriculture decreased by 3.8% in 2007 on the previous year's figures continuing the downward trend since 1998.

The continued implementation of the Nitrates Regulations is having and will continue to have an impact, as it results in better use of nutrients with consequently less nitrogen applications and therefore less nitrous oxide emissions. Measures under the Rural Environment Protection Scheme are also expected to contribute to greenhouse gas abatement. These measures encourage the use of minimum tillage, the use of clover swards and the adoption of low emission trailing shoe technology for slurry spreading. In terms of reduced fertiliser use and consequent emissions, organic farming will also have a role to play and is supported through my Department's Organic Farming Scheme.

The forestry sector is very important in addressing climate change, as it removes carbon dioxide from the atmosphere and is also a valuable source of renewable energy, thereby displacing emissions from fossil fuels. My Department continues to promote planting under the Afforestation Grant Scheme. I believe that the contribution of forestry has to be recognised in the EU's Climate Change package.

Energy crops can play a role in mitigating greenhouse gas emissions. To encourage cultivation, my Department introduced a National Energy Crop Premium of €80 per hectare in 2007 to supplement the EU Premium of €45 per hectare. A new Bioenergy Scheme was also launched offering establishment grants worth €1,450 per hectare to plant willow and miscanthus. Land planted with energy crops can also benefit under the Single Payment Scheme as well as REPS and the Disadvantaged Areas Scheme.

My Department continues to examine various abatement options in close liaison with Teagasc. There has been a significant commitment of €15.5 million to climate change research projects since 2005 under the Research Stimulus Fund operated by my Department. This includes research into areas such as more efficient slurry application, increased use of clover, which would reduce nitrogen usage, non-inversion tillage and increasing length of grazing season.

However the European Commission's target of a 20% reduction on 2005 levels by 2020 poses very significant difficulties for the Irish agriculture sector. If the target were to be applied pro rata to agriculture it could not be achieved without considerable downward pressure on animal numbers, particularly in the suckler herd. At a time when world-wide demand for beef is growing, and alternative supplies come from regions where farming practices are much less sustainable in terms of climate change emissions and the environment generally, I do not believe that such an approach would be consistent with the fundamental objectives of global climate change strategy. I have made my views known at a recent meeting of the EU Agriculture Council.

### **Farm Household Incomes.**

50. **Deputy Willie Penrose** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the latest profit monitor report showing that only the top one third of suckler farmers generated a profit in 2007 while the bottom two thirds were forced to subsidise their farms with premium payments; and if he will make a statement on the matter. [37460/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The profit monitor analysis system is a service provided by Teagasc to farmers. It enables farmers to measure the physical and financial performance of their farms, to compare it with farmers nationally and to plan for improvements to be made in specific areas in order to improve profitability. The profit monitor results for 2007, which were launched in September 2008, show a range in profitability on suckler farms throughout the country. A wide range in margins has been demonstrated between the top third and the bottom third in terms of overall profitability.

Taking the situation net of farm support payments, the top third of suckler farmers generated a net profit with the average and bottom third of farms not generating a profit. There are however significant levels of payments being obtained by farmers on top of any profit from their stock including the Single Farm Payment, the Rural Environment Protection Scheme, and the Disadvantaged Area Scheme. The suckler herd is the source of much of our high-quality beef and the results highlight that there is huge scope for many suckler farms to increase profits by improving farm efficiency. The report indicates a number of key areas where efficiency can be increased. These include:

- Better grassland management
- higher on farm stocking rate
- better breeding using the Irish Cattle Breeding Federation cattle breeding services
- better nutrient management

I would encourage more farmers to make use of the results of the profit monitor service to make improvements to the technical efficiency of their farms and therefore, increase their profitability levels.

### **Animal Diseases.**

51. **Deputy Jack Wall** asked the Minister for Agriculture, Fisheries and Food his plans for brucellosis free status here; and if he will make a statement on the matter. [37482/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I can confirm that, because of the dramatic reduction in the incidence of Brucellosis over the past ten years and

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because there has been no confirmed outbreak of this disease here since April 2006, I intend to apply to the EU for officially Brucellosis-free status for Ireland next April.

This is a very significant development and is another important measure of the high disease status of our national herd. The successful eradication of this disease is due to a number of factors, not least the full cooperation of all stakeholders with the eradication regime, which included comprehensive testing and depopulation arrangements, the tightening up on illegal cattle movements, the regulation of dealers and appropriate follow up of breaches and failures to comply with animal disease and identification regulations.

In addition to the obvious benefits to the farming sector, the eradication of Brucellosis brings considerable public health benefits, as the risk of a disease that was once a significant threat to the health of farmers, vets and others in agriculture has now greatly diminished.

Securing officially brucellosis-free status for Ireland will enable me to reduce some of the control elements of the eradication programme over the coming years. A gradual reduction in the level of testing will, over time, lead to lower testing costs for farmers. However, we need to take a cautious approach with a controlled reduction in the programme over a period of years, based on risk assessment, following the achievement of disease free status for the country. My Department has begun the process of consultation with the farm organisations and other stakeholders with a view to settling a roadmap for the gradual scaling down of the programme in the years following the attainment of the status. I will take a definitive decision on the roadmap in light of these consultations.

Notwithstanding the current position, it is essential that farmers continue to adopt appropriate replacement policies and effective bio-security measures. Where farmers have to buy in replacement stock, including young female stock, they should do so only from known sources. Some calves and young female stock can carry Brucellosis without showing any signs and without it showing up in blood tests until they calve or abort later in the herd. Furthermore, farmers should continue to apply sensible bio-security arrangements on their premises and report any abortions to their vet or to the Department. I must caution that any new outbreaks of the disease between now and April next could jeopardise the attainment of officially-free status.

#### **Farm Retirement Scheme.**

52. **Deputy Ulick Burke** asked the Minister for Agriculture, Fisheries and Food the number of applications, from County Galway, received by him in respect of the early retirement scheme; the stage in the process these applications are at; if the applications received by him prior to the budget 2009 decision will be completed; and if he will make a statement on the matter.

[37376/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** 24 applications under the Early Retirement Scheme (ERS3) 2007 were received in my Department from County Galway. Of these, 14 have been approved for payment, 9 are being processed and 1 application has been withdrawn. Applications received in my Department up to and including the date of the budget, 14 October 2008, will be processed.

#### **Tax Code.**

53. **Deputy Damien English** asked the Minister for Agriculture, Fisheries and Food the communications he or his Department has had with the Minister for Finance or with officials in the Department of Finance in the past seven days regarding changes to the 1% income levy

that will be charged on gross income earned by farmers up to €100,000 gross; his views on approaching the Minister for Finance with the view to introducing an exemption for this levy on up to the first €17,542 earned by farmers to bring them in line with recent measures taken for the PAYE sector; and if he will make a statement on the matter. [37427/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I have discussed the 1 per cent levy with the Minister for Finance and I understand that the farm organisations have conveyed their concerns to the Minister. The arrangements for the application of the levy will be confirmed in the forthcoming Finance Bill. My officials and I will be in further contact with the Minister for Finance and his Department in relation to a number of tax issues, including the income levy, in the context of the preparation of the Finance Bill.

### **Dairy Industry.**

54. **Deputy Seymour Crawford** asked the Minister for Agriculture, Fisheries and Food the steps he is taking to promote the sale of milk and milk products; if he is satisfied that the price being passed on to farmers will retain an industry for the future; and if he will make a statement on the matter. [37551/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Irish Dairy Board and the National Dairy Council are the main bodies responsible for promoting the sale of dairy products. The Irish Dairy Board is a commercial co-operative that markets Irish Dairy products internationally and is jointly owned by the milk processors who sell their products through it. Of course, the dairy processing firms also take a lead role in the marketing of their products on international markets. The National Dairy Council plays a key role in supporting growth in consumption of milk and dairy products in Ireland. Over the years it has been the main voice promoting the benefits of dairy products to Irish consumers. Last year, dairy exports increased by 13% to €2.36 billion, an increase of €270 million on the previous record achieved in 2006.

Dairy farmers incomes are comprised of the market price paid for milk and direct income support from the EU. Market forces have a significant and increasing influence on the price paid for milk. World market prices determine the returns received by dairy processors and these in turn are reflected in the price paid to farmers. In essence, farm gate prices normally reflect the returns from international markets of dairy product sales.

The key challenges in the medium term will be to ensure that Irish farming and the agri-food sector is at the heart of an evolving high-value food market, which is focussed on quality and innovation. This is at the core of Government strategy, evidenced by the National Development Plan 2007-2013, AgriVision 2015 and the Partnership Agreement Towards 2016. A key element of this strategy was the Dairy Investment Fund launched in 2007. My Department provided funding of €114 million towards investment in dairy processing and a total of 19 capital investment projects were approved and awarded Government grant assistance under the Fund, which will generate an estimated capital spend of €286 million at full production. The purpose of the Fund is to increase the efficiency of the main dairy outputs by supporting the upgrading of plant and buildings. This will assist operators in capturing new business in global markets and in developing new valued added products.

At EU level, one of the CAP Health Check proposals is to increase milk quotas in order to provide a 'soft landing' towards the abolition of quotas in 2015. This will provide Irish and EU dairy farmers with a new opportunity to respond to global demand. I have consistently pressed for increased quotas to ensure a soft landing and to allow Irish dairy farmers to avail of those opportunities to increase production and capture new market share.



### Departmental Schemes.

55. **Deputy Dan Neville** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the damage to the future development of agriculture by the decision to axe the early retirement scheme and installation for young farmers; and if he will reverse the decision and ensure the continuation of these schemes. [37404/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Given the public finances situation, my approach in preparing the 2009 estimates for my Department was to focus available resources on the measures that allow us to maintain and grow the productive capacity of the agri-food sector. Having chosen to protect expenditure in certain areas, savings had to be found in other areas to meet current budgetary requirements. In relation to the Scheme of Early Retirement from Farming and the Young Farmers' Installation Scheme, I have made provision of €56.7 million to meet current commitments but this level of funding means that for the present, new applications for these schemes are suspended.

I am pleased to see that a number of farm tax measures worth over €65 million have been renewed in Budget 2009 to bring about improvements in land mobility. In addition, the top rate of stamp duty on agricultural land transactions is being reduced from 9% to 6% on amounts over €80,000 with effect from 15 October 2008.

56. **Deputy Jim O'Keeffe** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the problems caused for those who had taken steps to enter the farm retirement scheme and who now find that the scheme has been suspended without notice; and if he will review his decision. [37369/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Against the background of the deterioration in public finances, my approach in preparing the 2009 estimates for my Department was to focus available resources on the measures that allow us to maintain and grow the productive capacity of the agri-food sector. Because I had chosen to protect expenditure in certain areas, expenditure in other areas had to be curtailed. In relation to the Scheme of Early Retirement from Farming I have made provision to meet current commitments but, for the present, it has been necessary to suspend new applications to the Scheme.

### Food Industry.

57. **Deputy Joan Burton** asked the Minister for Agriculture, Fisheries and Food if the seafood promotion element of Bord Iascaigh Mhara is to be merged with Bord Bia; if so, the timescale in relation to same; and if he will make a statement on the matter. [37435/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** As announced in the Budget I confirm that the seafood marketing and promotion element of Bord Iascaigh Mhara is to be merged with An Bord Bia. My ambition is that the transfer will be effective from early in 2009 subject to the appropriate legal instruments being in place.

*Question No. 58 answered with Question No. 31.*

*Question No. 59 answered with Question No. 28.*

### World Trade Negotiations.

60. **Deputy Liz McManus** asked the Minister for Agriculture, Fisheries and Food his views on sensitive produce status for Irish beef by the EU; and if he will make a statement on the matter. [37454/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The final decision as to what products will be declared as sensitive in the context of a trade deal in the World Trade Organisation has not been made. However, at this stage there is a recognition by EU Member States and other trading partners that beef and, indeed, poultry will almost certainly be declared as sensitive, with a number of other products under consideration. The actual selection process of sensitive products at EU level will be carried out in association with Member States, following agreement within the WTO negotiation on the level and treatment of such products. Ireland's position in relation to which products should be declared as sensitive has been arrived at following consultation with our stakeholders, including the producers and processors.

The mechanisms and detailed rules for the treatment of sensitive products are still under discussion in the WTO negotiations. Under the current proposals the selection of beef as a sensitive product would reduce the tariff cut by two thirds to 23%. In compensation for this reduction, the EU would be required to establish a tariff rate quota for beef imports of the order of 290,000 tonnes at much reduced rates of duty.

### **Disadvantaged Areas Scheme.**

61. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the reason disadvantaged farmers are being specifically targeted by him for income reduction; and if he will reconsider this measure in view of the dependence of many farmers on this payment and the likelihood that this will force many out of farming. [37378/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My approach in preparing the 2009 Estimates for my Department was to focus available resources on the measures that allow us to maintain and grow the productive capacity of the agri-food sector. The 2009 Estimates provide over €1.8 billion for my Department, and, when combined with EU funding of €1.4 billion, means that total expenditure in 2009 by my Department will amount to over €3.2 billion.

While difficult decisions had to be taken in light of the situation of the public finances, account also had to be taken of the very high level of investment by the Government in recent years, when significant additional financial resources were committed to areas such as the rural environment scheme, where the rates of grant had been increased by 17 per cent, the new suckler cow welfare scheme and the farm waste management scheme and, indeed, the 8% increase in rates under the Disadvantaged Areas Scheme itself, introduced in 2007.

With regard to the 2009 Disadvantaged Areas Scheme, I decided to reduce expenditure for 2009, by reducing the maximum area limit to 34 hectares (84 acres) and by a small increase in the minimum stocking density requirement. While overall expenditure will fall, almost 67,000 farmers will not suffer any reduction in their payments as a result of the introduction of the 34-hectare limit. Furthermore, these farmers, as well as all claimants under the Scheme, will continue to benefit from the substantial increase of 8% in the rate of aid introduced by the Government in 2007. In addition, of the 102,500 farmers who benefit under the Disadvantaged Areas Scheme, in excess of 50,000 of these also benefit under REPS, while in excess of 47,000 also benefit under the Suckler Welfare Scheme, which introduces a new stream of payments to farmers in 2008. It should also be taken into account, that in addition to the payments under these Schemes a further €920 million was paid to farmers with Disadvantaged Area lands under the 2007 Single Payment Scheme.

The total amount payable of €220 million to farmers under the Disadvantaged Areas Scheme is part of the overall substantial injection of funds paid to farmers situated in the areas and the

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Scheme continues to be one of the best well funded Disadvantaged Areas Schemes in the European Union.

Notwithstanding the difficulties in the public finances and the decisions I have taken against that background, the position is that in excess of €3.2 billion will be spent next year by my Department in support of agriculture, fisheries and food. It is important to get through this challenging period and continue towards achieving the full potential of our most important indigenous industry when the economy begins to grow again.

### **Poultry Industry.**

62. **Deputy Arthur Morgan** asked the Minister for Agriculture, Fisheries and Food the assistance offered to Cappoquin chickens following news of its liquidation in early September 2008. [30837/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Michael D O'Connor, Sons & Co Ltd has been liquidated and a new company, Cappoquin Poultry Ltd, has been registered and will continue to process poultry in the former O'Connor's premises. Approximately 120 people will be employed. Following the announcement of the appointment of a liquidator to O'Connor's, a meeting was held on 19 September 2008 in Dungarvan involving Enterprise Ireland, FÁS, LEADER, the County Enterprise Board, Waterford County Council, the Department of Social and Family Affairs and the Industrial Development Authority for the purpose of arranging for the provision of assistance to the company's employees in locating alternative employment or training.

An official of Enterprise Ireland has met a representative of the new company for the purpose of outlining the types of financial assistance available to poultry processors. Under the Common Agricultural Policy there is no financial intervention in the EU single poultry market other than import duties and export refunds on certain trade with non-EU countries. Veterinary supervision of processing activities at Cappoquin by my Department is continuing.

### **Food Labelling.**

63. **Deputy Arthur Morgan** asked the Minister for Agriculture, Fisheries and Food his plans to review issues surrounding sell-by dates and labelling procedures on imports and Irish produce as raised by a number of Irish producers following the closure of Cappoquin chickens. [30838/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The labelling of imported and Irish-produced poultry is checked on an ongoing basis by inspectors of my Department in accordance with European Communities legislation on the marketing standards for poultrymeat. For example, around 1,300 such inspections were conducted in 2007. The legislation requires, inter alia, that the use-by date be displayed on fresh poultry and that the country of origin be displayed if the poultry has been imported from a non-EU country. Any non-compliances are followed up by means of direction to the operator to correct the deficiency or, if warranted, seizure of the product.

An issue raised of late has been the procedure for correctly setting the use-by date when gas-flushed packs of poultry are opened in retail premises. This subject falls under the competence of the Food Safety Authority of Ireland. The Authority has written to retailers advising them of the necessity to have the use-by date correctly established in accordance with its guidelines. It has also asked its inspectors to verify compliance with this point when conducting

checks in retail premises. My Department intends to meet poultry importers shortly to discuss various labelling issues including the setting of use-by dates for opened gas-flushed poultry.

### **Farm Waste Management.**

64. **Deputy Frank Feighan** asked the Minister for Agriculture, Fisheries and Food if he made a formal request to the European Commission to extend the 31 December 2008 deadline for completion of works under the farm waste management scheme. [37383/08]

68. **Deputy Joe McHugh** asked the Minister for Agriculture, Fisheries and Food if he or his Department has made approaches to the European Commission seeking an extension of time for those who have been approved for a farm waste management grant; and if he will make a statement on the matter. [37547/08]

89. **Deputy Kathleen Lynch** asked the Minister for Agriculture, Fisheries and Food if he will take the necessary steps to extend the deadline for completion of works under the farm waste management scheme; and if he will make a statement on the matter. [37452/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I propose to take Questions Nos. 64, 68 and 89 together.

The deadline of 31 December 2008 for completion of work by farmers under the revised Farm Waste Management Scheme introduced by my Department in March 2006 is a condition of the EU state aid approval for the Scheme. The European Commission has since reaffirmed that it expects Ireland to respect this deadline strictly.

### **Sheepmeat Sector.**

65. **Deputy Emmet Stagg** asked the Minister for Agriculture, Fisheries and Food when he will introduce a table of sheep prices similar to that produced for beef; and if he will make a statement on the matter. [37475/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Sheep Strategy Implementation group recommended an agreed price reporting system for sheep to give full information to producers on prices achieved in different plants on a quality graded basis. This is however contingent on the implementation of an agreed pricing grid which is an important element in building producer confidence in the production of better quality animals. This is currently under discussion by producer and processor representatives.

I would hope that a transparent grid for pricing can be agreed between the processors and suppliers in the near future. At that stage, I would consider publishing detailed price information with the agreement of producers and meat plants. Such a development would ultimately help suppliers to tailor their supply to the requirements of the marketplace and increase the returns available for better quality product.

### **Rural Environment Protection Scheme.**

66. **Deputy Dan Neville** asked the Minister for Agriculture, Fisheries and Food if he will review the regulation in the REP scheme whereby miscanthus can only be grown on ten hectares or 25% of land holding in view of the fact that this condition is discouraging growers from entering into the REP scheme; and if he will make a statement on the matter. [37552/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** REPS is an agri-environmental measure, and for that reason payments to farmers must be costed and justified

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on the basis of quantifiable environmental benefits that go beyond keeping land in good agricultural and environmental condition and observing the statutory management requirements of the Single Payment Scheme. No element of the REPS payment can be justified on the basis of a production support, nor can a farmer be compensated for the same action twice. REPS is not a support scheme; it is a voluntary scheme open to all farmers and payments under the scheme are not entitlements as of right. Participants who agree to be bound by the scheme conditions qualify for payment.

The maximum area of miscanthus permitted on REPS farms is 10 hectares or 25% of the REPS contract area, whichever is the greater. This area limitation is in order to maintain landscape diversity. It would not be desirable or acceptable in an agri-environmental scheme to have whole farms, or a major portion of the lands, devoted to the growing of an introduced species monoculture. Existing levels of flora and fauna need to be sustained, and if possible improved, on all REPS farms and the large-scale growing of miscanthus is not consistent with this objective.

### **Afforestation Programme.**

67. **Deputy Joan Burton** asked the Minister for Agriculture, Fisheries and Food the reason EU financing was not sought for the sustainable forestry programme; if he will review this decision in view of changed economic realities; and if he will make a statement on the matter. [31340/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The provision of 100% grants for the establishment costs of afforestation has been a key element of national forestry policy and is considered essential to overcome the traditional reluctance to plant and in recognition of the long-term commitment of land to forestry. However, the maximum grant aid available to applicants in Ireland for any afforestation scheme co-funded from EU and Exchequer funds under the Rural Development Regulation 1698/2005 is 80% and it was decided, therefore, not to include the forestry measures under the RDP. However the EU has no objection to Member States paying a higher rate of aid on a national basis. In fact, the EU makes specific provision in its state aid rules for a 100% rate of aid, by countries like Ireland, where forest cover is particularly low. The possibility of Member States providing top-ups to the 80% co-funded rate, through national exchequer funding, was not allowable.

The overall amount of EU support for rural development in Ireland for the period 2007 to 2013 was fixed at €2.339 billion in 2006. The full amount of EU funding is already committed to various schemes in Ireland's Rural Development Programme. The maximum level of draw-down will be achieved as a matter of course over the period 2007 to 2013 through the roll-out of these schemes. Therefore the decision not to include the forestry programme in the Irish Rural Development Programme has no bearing on the total amount of EU support for rural development in Ireland. All available EU funds will be fully drawn down by the end of the period in 2013.

*Question No. 68 answered with Question No. 64.*

### **Departmental Staff.**

69. **Deputy Damien English** asked the Minister for Agriculture, Fisheries and Food the number of staff who have been employed in 2008 specifically to administer the early retirement scheme and the installation aid for young farmers; the number of these who will not be required to work in his Department as a result of the removal of the two schemes; his plans to redistrib-

ute these staff within his Department; his plans to redistribute these to other Government Departments; his plans to offer early retirement to these staff; and if he will make a statement on the matter. [37426/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** There are some 52 staff in my Department engaged in administering the Early Retirement and Young Farmers' Installation Schemes. My Department has reduced staff numbers by over 500 staff in the last four years and has redeployed another 500 from declining and discontinued schemes to new areas of work. Furthermore, my Department is committed to reducing overall numbers by another 250 to reach a staffing complement of 3,974 by the end of 2010. Staffing requirements in all areas, including the Early Retirement and Young Farmers' Installation Schemes, will continue to be actively reviewed on an ongoing basis in my Department to achieve the required reduction. The Department is satisfied it can, as in the past, achieve this target through natural wastage and by redeployment to other Government Departments.

#### **Single Payment Scheme.**

70. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Fisheries and Food the amount of single farm payment paid out in each of the years 2005, 2006 and 2007; and if he will make a statement on the matter. [37434/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The following is the value of payments issued in respect of the Single Payment Scheme for the years 2005, 2006 and 2007:

- 2005: €1,193 billion;
- 2006: €1,249 billion;
- 2007: €1,240 billion.

Payments under the Single Payment Scheme are governed by a number of factors: while payment entitlements were initially calculated by reference to scheme participation of individuals during one or more of the three reference years, farmers were subsequently free to trade entitlements, some farmers obtained additional entitlements from the National Reserve, others forfeited entitlements to the National Reserve because of non-usage, while others were awarded entitlements following the incorporation of the Dairy Premium and compensation granted to sugar beet growers following the EU Reform of the Sugar Sector.

#### **Bovine Disease Controls.**

71. **Deputy Jan O'Sullivan** asked the Minister for Agriculture, Fisheries and Food if he will implement with immediate effect the changes to the age at which cattle must be tested for BSE at slaughter to ease the financial burden on farmers; and if he will make a statement on the matter. [37458/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The requirements in relation to BSE testing of cattle are provided for in Regulation (EC) No.999/2001 of the European Parliament and of the Council which lays down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies. The current prescribed age for testing cattle that are being slaughtered for human consumption is 30 months and I do not have the discretion to raise that age.

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However, the Regulation contains a provision that allows for the possibility that the Commission may provide for a higher age and I have been pressing the Commissioner to have the necessary actions taken and finalised to provide for this in our case. The Deputy will be aware that I have warmly welcomed the recent agreement of the Commissioner to a proposed increase in the minimum age for BSE testing of both animals slaughtered for human consumption as well as emergency slaughtered and fallen animals to 48 months. This decision is warranted in view of the improved BSE situation and the control measures that remain in place will deliver significant savings to farmers who currently pay for testing in the case of slaughter animals over 30 months. This has been a particular priority of mine since my appointment and I am confident that the new testing regime will be in place from January 2009.

### **Fishing Fleet Protection.**

72. **Deputy Shane McEntee** asked the Minister for Agriculture, Fisheries and Food if he will report on his progress regarding the proposed rescue package for fisherman; and if he will make a statement on the matter. [37544/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Ireland submitted a detailed, costed set of proposals to the EU Commission on 12th September. In keeping with my previous stance on the matter, and supported by the Commission's policy document of 8 July, these proposals sought additional EU funding of €32m to support the restructuring of the fishing fleet in line with the provisions of EU Regulation 744/2008 instituting a temporary specific action aiming to promote the restructuring of the European Community fishing fleets affected by the high fuel prices. We are actively pursuing the case at both Council and Commission level.

The Irish Plan was the subject of a lengthy bilateral meeting at official level with the European Commission in Brussels on the 30th September. At that meeting the current situation of the Irish Fishing industry was outlined to the Commission and it was made clear that the Plan cannot be implemented unless the Commission secures and allocates the necessary funding to Ireland. Minister Killeen raised the matter at the September Fisheries Council and pressed for Commission proposals to enable the implementation of the plan in Ireland at an early date. We will continue to push Ireland's case over the coming period with a view to the Commission bringing forward proposals without delay.

### **Departmental Expenditure.**

73. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food if he will review the budgetary impositions in respect of agriculture with particular reference to the need to incentivise, encourage and modernise the agri-sector in the face of international marketing and competition conditions; and if he will make a statement on the matter. [37589/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Despite the deterioration in the public finances, funding of €1.8 billion gross is provided for my Department in the 2009 Budget. When combined with EU funding and co-funding of about €1.4 billion next year, this represents very substantial funding for the support and development of the agri-food sector. Nevertheless, difficult choices had to be made in allocating the resources available to me in 2009. I made these decisions in the best interests of the sector following detailed analysis of my Department's programme of expenditure and careful consideration of the options available.

My priority in framing the 2009 Budget for the Department was to focus available resources on protecting the most productive elements of the agriculture, food, forestry and fisheries

sectors and to ensure that they will continue to develop. I decided that the major developmental schemes which are intended to facilitate the strategic development of the sector will continue. I also provided for liabilities expected to mature for payment in 2009 under various schemes. My objective is to continue to develop the sector within the budgetary constraints to ensure that it is well positioned to achieving its full potential and to benefitting from future economic growth. I will monitor all aspects of my Department's expenditure in 2009 and, in the normal course, I will review spending priorities in the context of the preparation of the 2010 Estimates.

### **Farm Waste Management.**

74. **Deputy Ciarán Lynch** asked the Minister for Agriculture, Fisheries and Food if he will ensure all payments due under the farm waste management scheme are paid in line with commitments outlined in the charter of rights; and if he will make a statement on the matter. [37451/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My Department endeavours to ensure that, as far as possible, payments under the Farm Waste Management Scheme are made to farmers in line with the commitments set out in the Charter of Rights to Farmers 2005-2007.

### **Flood Relief.**

75. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food the steps he has taken to assist farmers, particularly tillage farmers, who were affected by the recent flooding; and if he will make a statement on the matter. [37468/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I am keenly aware of the problems being encountered by farmers as a consequence of the bad weather, particularly the harvesting of this year's cereal crops. In recognition of these problems, I wrote to the Commissioner for Agriculture and Rural Development, Ms Fischer Boel, seeking approval for the early payment of the 2008 Single Payment. My request was for advance payment at a rate of 50%, payable from 16 October 2007.

The reason for my request was based on the very adverse weather conditions being experienced in Ireland. These weather conditions are causing significant hardship to farmers. Many arable farmers, in particular, are in danger of suffering severe losses while the conditions have also negatively impacted on beef and dairy farmers with instances of animals having to be housed. I am pleased to say that the European Commission has responded favourably and on 24 September approved the advance payment of 50% of the Single Payment effective from 16 October. I believe that these advance payments will go some way in alleviating the difficulties faced by farmers due to the exceptional weather conditions this summer and early autumn.

### **Sheepmeat Sector.**

76. **Deputy Joe Costello** asked the Minister for Agriculture, Fisheries and Food the breakdown of the number of sheep from Northern Ireland slaughtered in the six named lamb factories here (details supplied) for 2006, 2007 and to date in 2008 with a monthly or weekly breakdown; and if he will make a statement on the matter. [37438/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The table shows the number of sheep from or through Northern Ireland slaughtered in the six named factories for the period requested. A small number of these would have originated in Great Britain or



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beyond. I am not in a position to supply a breakdown for each of the named plants individually as this is a commercial matter.

The trade in sheep between both parts of the island of Ireland is a long-standing feature of the sheep industry in Ireland and enables producers on both sides of the border to benefit from the advantages of competition in the marketplace. Trade takes place in both directions and is influenced by geographical factors, currency fluctuations and market conditions generally.

Sheep from Northern Ireland slaughtered in six named plants by week 2006-2008

Week No.	2006	2007	2008
1	6,392	2,697	5,123
2	4,869	4,393	5,512
3	4,469	4,389	6,347
4	3,226	4,027	4,662
5	4,492	3,282	4,584
6	4,433	4,006	4,242
7	4,628	3,103	5,626
8	3,900	3,449	4,003
9	3,849	4,395	3,402
10	2,561	3,283	3,527
11	2,229	4,092	4,439
12	2,735	2,854	4,626
13	2,134	3,123	3,653
14	1,847	3,032	3,036
15	1,976	3,242	3,409
16	690	3,923	3,733
17	3,098	2,152	3,602
18	1,317	2,272	3,282
19	2,478	2,409	2,354
20	1,810	2,211	3,853
21	2,417	3,114	2,203
22	2,802	3,811	3,479
23	1,766	4,500	2,237
24	4,544	3,918	3,893
25	4,245	4,528	3,216
26	3,629	2,270	2,838
27	5,877	4,875	4,067
28	2,627	3,509	2,420
29	4,946	2,236	2,635
30	5,068	2,810	4,980
31	5,149	3,022	5,869
32	4,827	2,704	4,119
33	4,241	3,005	5,496
34	4,845	3,282	6,165
35	4,210	3,353	6,911
36	4,251	5,506	8,361
37	4,279	6,111	7,001
38	4,524	6,896	7,406

Week No.	2006	2007	2008
39	7,080	5,306	6,762
40	6,353	7,127	5,079
41	5,502	5,350	6,037
42	5,906	6,195	5,978
43	5,393	7,092	
44	5,535	5,448	
45	4,817	5,853	
46	3,752	7,454	
47	4,316	5,424	
48	4,543	5,650	
49	4,156	5,992	
50	5,111	3,865	
51	3,049	5,471	
52	2,604	1,977	
Totals	205,497	213,988	190,167

### Greenhouse Gas Emissions.

77. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food if, in view of his commitment and expressed concern for the impact of carbon emission impacts on the future of grass-based agricultural production here, he has asked the Council of Agriculture Ministers to request a report from the Commission on this issue; if he has requested a report from his Department or its agencies on this issue; and the timeframe for reports requested. [34617/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** In January 2008, the European Commission published an impact assessment of the three key policy proposals for the implementation of a new, post Kyoto, climate change and renewable energy package. The assessment considered, inter alia, the impacts of a proposal relating to the sharing of efforts to meet the Community's independent greenhouse gas reduction commitment, in sectors not covered by the EU emissions trading system, including the agriculture sector. As part of the review of the EU Emissions Trading Directive, the Commission is currently conducting an analysis of sectors likely to be at significant risk of carbon leakage.

At a recent Agriculture Council the issue of climate change was included in the agenda at my request. While I emphasised that Ireland fully supports the goals agreed at the 2007 Spring European Council for a reduction in the EU's greenhouse gas emissions by 2020, I voiced my concerns about the challenge which the Commission's effort-sharing proposals posed for the agriculture and agri-food sectors in Ireland. I pointed out that if the 20% target set for Ireland's non-trading sector were to be applied pro rata to agriculture, it could not be achieved without considerable downward pressure on animal numbers, particularly in the suckler herd. At a time when world-wide demand for beef is growing, and alternative supplies come from regions where farming practices are much less sustainable in terms of climate change emissions and the environment generally, I do not believe that such an approach would be consistent with the fundamental objectives of global climate change strategy.

I am firmly of the view that reducing Ireland's agricultural production in order to meet greenhouse gas targets will not reduce global emissions. Ireland's pasture based agricultural production systems are very efficient in terms of the ratio of greenhouse gas per unit of food

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produced. Any fall in Irish beef and dairy output will probably be replaced, on the European and global markets, by food from countries where production systems are far less sustainable and where the carbon footprint of that food is significantly higher than food produced in Ireland.

These issues have been examined extensively within my Department with the assistance of Teagasc. My officials have had direct discussions with the Commission at very senior level and I have raised the issue at meetings of the Cabinet Sub-Committee on Climate Change and Energy Security.

#### **Afforestation Programme.**

78. **Deputy Dinny McGinley** asked the Minister for Agriculture, Fisheries and Food if he will set out the main effects of budget 2009 in relation to forestry; the revised targets for the next five years; and if he will make a statement on the matter. [37546/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Almost €128 million has been allocated to the forestry and bioenergy budget for 2009 which will allow for the operation of a range of forestry schemes next year. This substantial investment in forestry reflects the recognition by the Government of the importance of the forestry sector in terms of its contribution to the economic, environmental and social fabric of this country. The allocation demonstrates the commitment of the Government to a strong future for forestry in Ireland. The overall forestry situation is being reviewed in the light of the allocation under the 2009 Budget to ensure that the available funds are put to best use. The allocation of funding to specific schemes will be on a basis of strict prioritisation of programmes.

*Question No. 79 answered with Question No. 22.*

#### **Single Payment Scheme.**

80. **Deputy Mary Upton** asked the Minister for Agriculture, Fisheries and Food his position on proposals for increases in modulation; and if he will make a statement on the matter. [37480/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The present provisions provide for the deduction of 5% modulation on all payments made under the Single Payment Scheme. The funds raised by this measure are transferred to Pillar II of the EU Budget and used to finance Rural Development measures. The Regulations require that Member States subsequently refund that element of modulation related to the first €5,000 of each payment. I welcome the abolition of the €5,000 franchise proposed in the EU Health Check as this means that the requirement to deduct the modulation from all payments and refund it at a later stage will no longer apply. This means that farmers no longer have to wait for the payment of the refund and the proposed change will also simplify the administration of the Single Payment Scheme. I am opposed to the increases in the modulation deductions from 2009 proposed by the EU Commission as part of its Health Check proposals and I have made this position clear during the on-going negotiations on the proposals.

#### **Installation Aid Scheme.**

81. **Deputy Olwyn Enright** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the hardship caused by the instant suspension of the installation aid scheme; the action he will take to alleviate same particularly for persons who had a legitimate

expectation that they would be able to make an application; and if he will make a statement on the matter. [37269/08]

90. **Deputy Olwyn Enright** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the hardship caused by the instant suspension of the installation aid scheme; if he will introduce a degree of flexibility particularly for persons who had been in the process of making applications and had a legitimate expectation that they would be able to make an application; and if he will make a statement on the matter. [37268/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I propose to take Questions Nos. 81 and 90 together.

All fully completed applications made under the Young Farmers' Installation Scheme and received by my Department up to and including 14 October 2008 will be processed and, if in order, payment will be made.

### **Decentralisation Programme.**

82. **Deputy P. J. Sheehan** asked the Minister for Agriculture, Fisheries and Food the status of the decentralisation plan for his Department; the number of civil servants and sections planned to be moved to another location; the target date of same; the number of civil servants and sections who have relocated; the number of his original departmental employees who were involved in these relocations; when the programme of decentralisation will be completed in his Department; the number of civil servants who will remain in Dublin; the percentage of the staff of his Department that will represent; and if he will make a statement on the matter. [37488/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The original Government decision on the decentralisation of my Department was that 600 headquarters posts would move to Portlaoise; some 100 posts in the local offices in Cork city would move to Fermoy; and up to 100 posts in the laboratories in Cork and Limerick would move to Macroom. Fisheries joined the Department in 2007 and the move of that function of my Department to Clonakilty is now substantially complete with 84 posts having moved there since the programme began. The decision regarding state agencies was that Bord Bia would move to Enniscorthy and Bord Iascaigh Mhara (BIM) would move to Clonakilty.

Following the decentralisation announcement in the Budget 2009, the moves to Portlaoise and Clonakilty (including BIM) were approved by Government to proceed. The moves to Fermoy, Macroom and Enniscorthy have been deferred pending a review in 2011.

My Department's original Decentralisation Implementation Plan allowed for a phased move to Portlaoise and the 2005, 2006 and 2007 advance phases of decentralisation to Portlaoise were completed on schedule. To date, the Department has met its targets as set out in its original plan and in total, since the programme was announced, there has been an increase of 297 full-time posts in Portlaoise bringing the total number there to almost 500. The Office of Public Works (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 planning permission for the new building has now been granted. 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. An additional advance phase has been agreed and planning and preparations for this phase are currently underway.

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In total there has been an increase of 297 full-time posts in Portlaoise and 84 in Clonakilty since the programme was announced. Of the 297 staff that transferred to Portlaoise, 128 who originally worked in my Department were relocated under the programme. The completion of the programme depends on the availability of the permanent accommodation and we are in discussion with OPW regarding the timescale for delivery of the building. The Government decision on my Department is that the headquarters, which is currently in Dublin, will move to Portlaoise.

*Question No. 83 answered with Question No. 23.*

### **Departmental Schemes.**

84. **Deputy Simon Coveney** asked the Minister for Agriculture, Fisheries and Food the rationale behind ending the installation aid programme and the farm retirement scheme in budget 2009. [37561/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Against the background of the deterioration in public finances, my approach in preparing the 2009 Estimates for my Department was to focus available resources on the measures that allow us to maintain and grow the productive capacity of the agri-food sector. Because I had chosen to protect expenditure in certain areas, expenditure in other areas had to be curtailed. In relation to the Scheme of Early Retirement from Farming and the Young Farmers' Installation Scheme, I have made provision of €56.7 million to meet current commitments but, for the present, it has been necessary to close these Schemes to new applications.

### **Food Labelling.**

85. **Deputy Frank Feighan** asked the Minister for Agriculture, Fisheries and Food the progress made to date on the introduction of country of origin labelling. [37382/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Minister for Health and Children has overall responsibility for the general food labelling legislation. Under the general labelling Directive (2000/13/EC), the place of origin of the foodstuff must be given only if its absence might mislead the consumer to a material degree. The European Commission is currently undertaking a major review of all food labelling legislation. As part of this process, Ireland has sought mandatory origin labelling for all meats. Prior to this overall review the Deputy will be aware of the measures taken in relation to the labelling of beef both at retail level and within the catering sector. Ireland introduced regulations extending the origin labelling requirement for beef to the catering sector, thereby ensuring that origin labelling for beef covers all sales to consumers.

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.

My Department, in conjunction with the Department of Health and Children, drafted regulations that would require the country of origin to be indicated on pigmeat, poultry and sheepmeat. This was notified to the EU Commission in December 2007 as required by legislation. The Commission was not prepared to adopt the draft regulations in their present format on the grounds that the proposed legislation is not in compliance with EU food labelling regulations.

In March, the EU Commission delivered a negative opinion on the regulations but afforded Ireland an opportunity to provide further information in support of them. In the meantime, the Department provided additional details including the current misleading labelling practices and evidence of consumers' desire for country of origin labelling. The EU Commission has considered this additional information in the context of the EU Labelling Directive but considers that it does not justify the introduction of national legislation. At the relevant standing committee meeting on food law on 13th October, the EU Commission outlined its decision not to agree to Ireland's proposed regulations.

The EU has 36 specific marketing standards covering fresh fruit and vegetables. Apart from quality criteria these standards also set down strict provisions regarding labelling, including country of origin. The EU Commission is currently reforming the Common Organisation of the market for fruit and vegetables. As part of this process a number of the existing specific standards will be replaced by a general standard which will cover a wider range of fruit and vegetables.

### **European Council Meetings.**

86. **Deputy Shane McEntee** asked the Minister for Agriculture, Fisheries and Food if he will report on the most recent Agriculture Council meeting in Luxembourg; and if he will make a statement on the matter. [37543/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The most recent Agriculture Council meeting took place in Luxembourg on Monday and Tuesday of this week and dealt with both agriculture and fisheries issues. As regards fisheries, the Council reached political agreement on proposals for Council Regulations fixing fishing opportunities and associated conditions for certain fish stocks in the Baltic and Black Seas for 2009 and for fishing opportunities for Community fishing vessels for certain deep-sea fish stocks for 2009 and 2010. The Council also had an exchange of views on the bilateral fisheries agreement with Norway and on preparation of the Community position for the forthcoming meeting of the International Commission for the conservation of Atlantic tuna.

As to agriculture, the Commission made a first presentation of its proposals establishing obligations for traders concerning the marketing of timber and timber products. This is part of the ongoing effort to combat illegal logging. The Council also held a policy debate on a Commission proposal making provision for school fruit schemes on an EU-wide basis. In this regard, Ireland's "food dude" scheme has been praised by the Commission and other Member States as an ideal template.

On the Health Check of the CAP I met privately with the Commissioner and with the President of the Agriculture Council, Michel Barnier, to discuss the main Irish priorities. It was a very productive and constructive meeting at which I made known my key concerns regarding milk quotas and additional modulation. As regards the milk sector I stressed the need for a genuine 'soft landing', when milk quotas come to an end, accompanied by a predictable set of steps that would allow farmers and industry to plan for the future. I emphasised the need for progressive quota increases and made a specific request that additional quota allocations for Ireland be front-loaded given our capacity to progressively increase production. In this regard I asked the Commissioner to make adjustments to the butterfat calculations in order to facilitate the release of higher levels of quota in 2009.

As regards the proposed increase in modulation, I outlined to the Commissioner my opposition to the substantial increase proposed. On other priorities I sought an increase in available EU funding for special sectoral measures to assist farmers. Many Member States, including

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Ireland, cannot currently fully utilise the funding allocated for the single farm payment scheme because of the complex and restrictive rules governing the scheme. I am therefore seeking greater national discretion in the use of these funds. If agreed, this would effectively release these unspent funds and provide additional money for necessary measures to assist farmers. I am confident that this dossier will be brought to a successful conclusion at next month's Agriculture Council.

Under other business, the Commission provided information on its Green Paper on the quality of agricultural products and Slovenia informed the Council of the outcome of the 23rd conference of EU paying agencies held in Ljubljana in May of this year during the Slovenian presidency. Hungary and Poland raised concerns about the crisis on the market for apples for processing in certain central European Member States. Poland also presented its views on how unspent CAP funds might be used and raised issues in relation to some current difficulties on agricultural markets. The French Presidency also asked the Commission to provide an update on the situation in relation to bluetongue.

### **Aquaculture Licences.**

87. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food his policy on aquaculture licensing and capital funding which has to date been implemented; and if he will make a statement on the matter. [37469/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Aquaculture licensing is governed by the terms and conditions of the Fisheries (Amendment) Act, 1997 and regulations made thereunder, including, in particular, the Aquaculture (Licence Application) Regulations 1998, S.I. No. 236 of 1998. The 1997 Act obliges the Minister to determine any application for a licence by either deciding to grant the licence or a variation of the licence, or deciding to refuse to grant the licence. Licences may be granted for a period not exceeding 20 years. In practice licences are generally granted for a period of 10 years. The 1997 Act makes provision for renewal, review, revocation or amendment of licences.

In considering an application for an aquaculture licence the Minister is required, *inter alia*, to take 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.

Applications for aquaculture licences also undergo public consultation. The 1997 Act also makes provision for an appeal of the decision of the Minister on an application to the Aquaculture Licences Appeals Board. Aquaculture development will be supported by exchequer funding for the 2007-2013 period. The estimates for 2009 has set aside €5 million to support aquaculture development. In addition support is provided to the sector by Bord Iascaigh Mhara.

### Grant Payments.

88. **Deputy Jan O’Sullivan** asked the Minister for Agriculture, Fisheries and Food if he will reverse the decision to cut payments under the suckler cow animal welfare scheme; and if he will make a statement on the matter. [37459/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The cost of the Suckler Welfare Scheme is €250 million over the five years 2008-2012. This is the figure that was provided for the Scheme in the “Towards 2016” Partnership Agreement and there is no reduction in this figure. A figure of €80 per cow will be paid in 2008. There are almost 54,000 suckler farmers currently participating in the scheme, and to remain within the €250 million budget, it will be necessary to reduce the rate of payment in future years by reference to the actual level of participation.

*Question No. 89 answered with Question No. 64.*

*Question No. 90 answered with Question No. 81.*

### Food Labelling.

91. **Deputy John O’Mahony** asked the Minister for Agriculture, Fisheries and Food the actions he has taken to ensure that clear and specific country of origin labelling is required for all Irish, EU and imported produce; and if he will make a statement on the matter. [37486/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Minister for Health and Children has overall responsibility for the general food labelling legislation. Under the general labelling Directive (2000/13/EC), the place of origin of the foodstuff must be given only if its absence might mislead the consumer to a material degree. The European Commission is currently undertaking a major review of all food labelling legislation. 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 my Department collaborated with the Department of Health and 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.

My Department, in conjunction with the Department of Health and Children, drafted regulations that would require the country of origin to be indicated on pigmeat, poultry and sheepmeat. This was notified to the EU Commission in December 2007 as required by legislation. The Commission was not prepared to adopt the draft regulations in their present format on the grounds that the proposed legislation is not in compliance with EU food labelling regulations. In March, the EU Commission delivered a negative opinion on the regulations but afforded Ireland an opportunity to provide further information in support of them.

In the meantime, the Department provided additional details including the current misleading labelling practices and evidence of consumers’ desire for country of origin labelling. The EU Commission has considered this additional information in the context of the EU Labelling Directive but considers that it does not justify the introduction of national legislation. At the



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relevant standing committee meeting on food law on 13th October, the EU Commission outlined its decision not to agree to Ireland's proposed regulations.

The EU has 36 specific marketing standards covering fresh fruit and vegetables. Apart from quality criteria these standards also set down strict provisions regarding labelling, including country of origin. The EU Commission is currently reforming the Common Organisation of the market for fruit and vegetables. As part of this process a number of the existing specific standards will be replaced by a general standard which will cover a wider range of fruit and vegetables.

### Price Increases.

92. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Enterprise, Trade and Employment the price increases imposed by her Department and its agencies for public service, product or tax since 1 January to date in 2008; and if she will make a statement on the matter. [37691/08]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The information requested by the Deputy is set out in the following table:

Name of Service, Product/Tax	Previous Price	Current Price	Amount of Increase since 1 January 2008
	€	€	€
Personal Injuries Assessment Board (PIAB) respondent fee (Order signed by Minister)	900.00	1,050.00	150.00
Price of a paper copy of the Patents Office Journal	8.89	10.00	1.11
Annual subscription for paper copies of the Patents Office Journal	203.16	234.00	30.84

Any decision by Agencies under the remit of my Department to increase prices for their services or products is a day-to-day operational matter in which I have no function, save where I am required by legislation to approve the increase by way of a Ministerial Order as is the case in respect of the PIAB as listed in the foregoing table.

### Work Permits.

93. **Deputy Phil Hogan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will arrange a review of the work permit arrangements for a person (details supplied) in County Kilkenny. [37724/08]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher):** The Employment Permits Section informs me that the last valid permit in respect of the above named expired on the 21/8/2006 and they have no record of a permit being applied for or issued since that date. However, if the above named wishes to submit an application it will be considered on its merits.

### Competition Law.

94. **Deputy Richard Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the circumstances in which the Government can consult with or negotiate with representatives of professional organisations on the price of services to be funded by the State and the constraints which EU competition law places on such negotiations. [37755/08]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Section 4 of the Competition Act 2002 prohibits and makes void all agreements between undertakings, decisions by associations of undertakings and concerted practices which have as their object or effect the prevention, restriction or distortion of competition in trade in any goods or services in the State or in any part of the State. This reflects the provisions of EC Treaty Article 81 which contains a similar prohibition in relation to agreements, decisions and concerted practices which may affect trade between Member States.

In general there is nothing to prevent the State, as a purchaser of services, from consulting with representatives of professional organizations in relation to the fees for those services. The key requirement in all cases is that the State must have the final say in setting the price it will pay for the services concerned. Ultimately, it is a matter for the courts, both domestic and EU, to interpret legislation and to decide, on the compatibility of any particular set of circumstances with competition law.

### Price Increases.

95. **Deputy Fergus O'Dowd** asked the Minister for Finance the price increases imposed by his Department and its agencies for public service, product or tax since 1 January to date in 2008; and if he will make a statement on the matter. [37693/08]

**Minister for Finance (Deputy Brian Lenihan):** The Deputy will appreciate that, given its functions, my Department does not generally provide products or services directly to the public and accordingly the issue of price increases does not occur. The exception to this is fees for Freedom of Information requests and these fees are unchanged in the current year. With regard to products or services provided by offices under the aegis of my department the table sets out the price increases that were applied during the year.

Office	Product/Service	Price Increase
Office of Public Works	The only price increases approved by OPW in 2008 were in respect of admission charges for tours of Castletown House.	Adult: From €4.00 to €4.50 Seniors/Students: From €2.00 to €3.50 Groups (20 or more): From €3.00 to €3.50 Family: From €10.00 to €12.50
State Laboratory	The State Laboratory provide an analytical service to a number of hospitals and private companies for the determination of levels of lead, copper and zinc in blood.	The charge for this service increased from €30 to €35 per analysis in June 2008.
Office of the Revenue Commissioners	Vehicle Registration Tax (VRT)	Statutory Instrument No. 396 of 2008 (Vehicle Registration and Taxation (Amendment) Regulations 2008 increased the fee for the reservation of an unallocated identification mark (registration number) from €315 to €1,000 from 7 October 2008. The Deputy may wish to note that this fee had not been increased since the introduction of VRT in the State on 1 January 1993.

All changes in tax rates are published on the website of the Office of the Revenue Commissioners.

**Tax Collection.**

96. **Deputy Seán Ó Fearghaíl** asked the Minister for Finance if he will accede to a request for a refund of VAT in a case (details supplied); and if he will make a statement on the matter. [37727/08]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that a reply to this taxpayer's query was issued on the 28/10/2008.

97. **Deputy Frank Feighan** asked the Minister for Finance when is it envisaged a notice of tax assessment for 2007 will issue to a person (details supplied). [37729/08]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that the person (details supplied) filed the 2007 Income Tax Return i.e. Form 11 with the Office of the Revenue Commissioners, Collector General's Division on the 9th October 2008. The return was processed on the 21st October 2008 and a Notice of Assessment in accordance with the details on the Return issued on 22nd October 2008.

**Customs Operations.**

98. **Deputy Joe McHugh** asked the Minister for Finance the number of customs officials engaged solely in drug detection and drug patrols covering the Donegal coastline; the number of land drug patrols carried out in Donegal in 2004, 2005, 2006 and 2007; the number of coastal patrols carried out in Donegal in 2004, 2005, 2006 and 2007; the number of drug detections made on land and at sea as a result of these patrols; the quantity of drugs seized in these operations; the number of night clubs and concert venues visited with sniffer dogs on drug detection operations in Donegal in 2004, 2005, 2006 and 2007; and if he will make a statement on the matter. [37730/08]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that the Revenue Customs Service has primary responsibility for the prevention, detection, interception and seizure of controlled drugs at importation. This Service has particular responsibility for implementing import controls at all points of entry to Ireland, including ports, airports and the land frontier with Northern Ireland.

In line with best practice in customs administration worldwide, Revenue regards the development of information and intelligence as critical to the detection of drug smuggling. This is very important in the case of Ireland and other EU Member States where the operating environment for Customs has been shaped to a significant degree by the introduction of the Internal Market and the related principles of freedom of movement within the EU. Of specific relevance are the abolition of routine and systematic Customs checks on goods and passengers moving within any part of the EU and the elimination of Customs controls on the baggage of intra-Community passengers other than anti smuggling checks. The approach has of necessity been to balance the freedom of movement principle in regard to people and goods with the need to control smuggling, especially drug smuggling.

In relation to Donegal, I am informed by the Revenue Commissioners that eight officers, based in Letterkenny, have responsibility for Revenue enforcement in County Donegal. Two of these officers are engaged full-time on drugs enforcement duties and the other officers are deployed to that task as the need arises. Revenue continually assesses the risks along the Donegal coast and the coastline is patrolled by these enforcement officers as part of their normal day-to-day enforcement duties. These patrols are in the main selective and targeted and are based on analysis and evaluation of national and international seizure trends, traffic

frequency, routes and other risk indicators. The patrols are constantly reviewed, taking into account available intelligence and emerging smuggling trends.

As well as land-based staff, Revenue also has a sea-going vessel, the Customs Cutter, which patrols the coastline. During the years 2004 to 2007 the Revenue Cutter carried out four patrols along the Donegal coastline. A contract has been signed for the provision of a second cutter that is expected to be delivered late next year. Customs officers also receive assistance from the Naval Service, the Air Corps and the Coast Guard. During the years 2004, 2005, 2006 and 2007 Revenue's Customs Service in Co. Donegal, were involved in three seizures of 92 kgs of cannabis resin with a street value of €644,000.

As Revenue has primary responsibility for the prevention, detection, interception and seizure of controlled drugs at importation, enforcement officers and sniffer dog units have not been involved in the visiting of nightclubs and concert venues, where detection of drugs is primarily a matter for the Garda Síochána. I am further advised by the Revenue Commissioners that they are actively promoting the Customs Drugs Watch programme in all coastal areas. This Programme seeks to enlist the help of the public in combating drug smuggling by noting any unusual or suspicious activity and reporting it immediately to a local Customs Drugs Watch Officer. The two Drugs Officers in Letterkenny are specifically tasked with developing the Drugs Watch programme.

#### **Pension Provisions.**

99. **Deputy Richard Bruton** asked the Minister for Finance if pensioners who are forced to purchase annuities on reaching retirement enjoy any protection against default by insurance companies providing those products; if legislative changes to protect annuities or to remove the obligation to purchase annuities is now appropriate. [37756/08]

**Minister for Finance (Deputy Brian Lenihan):** There is no compensation scheme in place in Ireland in the event of a default of a life assurance undertaking. The Deputy should be aware that the Financial Regulator's insurance supervision unit works closely with Irish insurance companies to ensure that they maintain capital requirements and manage their risks effectively. Prudential supervision has proven to be a most effective safeguard of the interest of policyholders and regulatory oversight of the insurance sector has been stepped up in recent times by the Financial Regulator.

At EU level only a few Member States have insurance guarantee schemes and an EU Commission working group has indicated that while a majority of Member States are in favour of some European co-ordination of insurance guarantee schemes, there is no consensus on the extent or content of such co-ordination. The EU Commission has subsequently contracted the consultants OXERA to conduct a study on insurance guarantee schemes in the EU both for life and non-life insurance (excluding motor insurance). The resultant report entitled 'Comparative analysis of existing schemes, analysis of problems and evaluation of options' was published in early 2008. The Commission has consulted with the various stakeholders in May — July 2008, so as to provide them with the opportunity to comment on the main findings of OXERA's report and to make known their views on the desirability and feasibility of Community action in this area. In addition to collecting written comments, the Commission has held a public hearing on insurance guarantee schemes in June 2008. The Commission has committed itself to take account of the results of this consultation when making its policy decision on the way forward.

I am aware of the difficulties for certain individuals, particularly members of defined contribution schemes, who are retiring in current market conditions and who are required to purchase

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an annuity on retirement at this time. I am examining this matter and will be consulting with industry interests to establish its extent and what, if anything, can be done to alleviate it.

### Fiscal Policy.

100. **Deputy Richard Bruton** asked the Minister for Finance the increased provision in 2009 over 2008 in respect of interest sinking fund and debt management expenses, distinguishing the increase due to higher interest rates, higher debt levels and earlier repayment schedules; and if he will make a statement on the forecast of Government debt servicing during 2009. [37757/08]

**Minister for Finance (Deputy Brian Lenihan):** The increase in debt service costs in 2009 is primarily due to the increase in the Exchequer borrowing requirement for 2008 and 2009, which is a direct consequence of the changed economic and fiscal realities that we now face. The level of the sinking fund is related to expected borrowing in respect of expenditure on voted capital services. My Department is informed by the NTMA that the debt service estimate for 2009 is €3,956 million. A breakdown of the increase in debt service cost as supplied to me by the Agency for 2009 over 2008 is given in the following table.

Debt Service	€ million
2009 (Budget 2009)	3,956
Forecast Outturn 2008 (Budget 2009)*	2,192
Increase	1,764
<i>Explained by:</i>	
Cost of funding 2008 & 2009 EBRs	1,360
Higher interest rate on replacement of €5bn bond maturing in 2009	77
Accrued interest on commercial paper issued in 2008 and maturing in 2009	220
Increased Sinking Fund payments	84
Debt management expenses	23
Total	1,764

\*2008 estimate was €2,490 million in Budget 2008.

### Pension Provisions.

101. **Deputy John Deasy** asked the Minister for Finance the number of single people aged between 65 and 70 years being granted pensions through his Department, as a result of their employment in the public service; the number of such payments to single people aged between 65 and 70 years that are between €20,000 and €24,999 per annum; the number of such payments to single people aged between 65 and 70 years that are between €25,000 and €29,999 per annum; the number of such payments to single people aged between 65 and 70 years that are between €30,000 and €36,399 per annum; and the number of such payments to single people aged between 65 and 70 years that are over €36,400 per annum. [37792/08]

102. **Deputy John Deasy** asked the Minister for Finance the number of single people aged over 70 years being granted pensions through his Department, as a result of their employment in the public service; the number of such payments to single people aged over 70 years that are between €20,000 and €24,999 per annum; the number of such payments to single people aged over 70 years that are between €25,000 and €29,999 per annum; the number of such payments to single people aged over 70 years that are between €30,000 and €36,399 per annum;

and the number of such payments to single people aged over 70 years that are over €36,400 per annum. [37793/08]

103. **Deputy John Deasy** asked the Minister for Finance the number of married people aged between 65 and 70 years being granted pensions through his Department, as a result of their employment in the public service; the number of such payments to married people aged between 65 and 70 years that are between €60,000 and €64,999 per annum; the number of such payments to married people aged between 65 and 70 years that are between €65,000 and €72,799 per annum; and the number of such payments to married people aged between 65 and 70 years that are over €72,800 per annum. [37794/08]

104. **Deputy John Deasy** asked the Minister for Finance the number of married people aged over 70 years being granted pensions through his Department, as a result of their employment in the public service; the number of such payments to married people aged over 70 years that are between €60,000 and €64,999 per annum; the number of such payments to married people aged over 70 years that are between €65,000 and €72,799 per annum; and the number of such payments to married people aged over 70 years that are over €72,800 per annum. [37795/08]

**Minister for Finance (Deputy Brian Lenihan):** I propose to take Questions Nos. 101 to 104, inclusive, together. My Department is responsible for the payment of pensions to retired Civil Servants, the Judiciary and Ministerial and other office holders. Pensions are also paid to their surviving spouses and children. The statistics requested by the Deputy are set out in the following tables and exclude surviving spouses and children as their pensions are not granted as a result of employment. In addition, the figures refer to all relevant pensioners, both married and single, as the payroll database does not distinguish between them.

Age range 65 to 69

Number of payees	Gross pension rate per annum
202	€20,000 – €24,999
258	€25,000 – €29,999
198	€30,000 – €36,399
404	€36,400 – €59,999
7	€60,000 – €64,999
14	€65,000 – €72,799
53	€72,800 +

Age range 70 and over

Number of payees	Gross pension rate per annum
556	€20,000 – €24,999
568	€25,000 – €29,999
258	€30,000 – €36,399
1,035	€36,400 – €59,999
19	€60,000 – €64,999
25	€65,000 – €72,799
174	€72,800 +

**Tax Code.**

105. **Deputy Richard Bruton** asked the Minister for Finance his views on a modification in the gift tax rules in order that partners who are cohabiting and rearing children together are allowed to transfer the property into their joint names without incurring capital acquisition tax. [37796/08]

**Minister for Finance (Deputy Brian Lenihan):** I have no immediate plans to change the treatment of cohabiting couples under the tax code. Such individual policy changes would better follow, rather than precede, any change in the general area of public policy concerning the legal recognition of non-marital relationships.

**Tax Yield.**

106. **Deputy John Deasy** asked the Minister for Finance the number of single people aged between 65 and 70 who paid income tax in 2007 who had gross incomes between €20,000 and €24,999; the number of single people aged between 65 and 70 who paid income tax in 2007 who had gross incomes between €25,000 and €29,999; the number of single people aged between 65 and 70 who paid income tax in 2007 who had gross incomes between €30,000 and €36,399; and the number of single people aged between 65 and 70 who paid income tax in 2007 who had gross incomes over €36,400. [37821/08]

107. **Deputy John Deasy** asked the Minister for Finance the number of single people aged over 70 who paid income tax in 2007 who had gross incomes between €20,000 and €24,999; the number of single people aged over 70 who paid income tax in 2007 who had gross incomes between €25,000 and €29,999; the number of single people aged over 70 who paid income tax in 2007, who had gross incomes between €30,000 and €36,399; and the number of single people aged over 70 who paid income tax in 2007 who had gross incomes over €36,400. [37822/08]

108. **Deputy John Deasy** asked the Minister for Finance the number of married people aged between 65 and 70 who paid income tax in 2007 who had gross incomes between €60,000 and €64,999; the number of married people aged between 65 and 70 who paid income tax in 2007 who had gross incomes between €65,000 and €72,799; and the number of married people aged between 65 and 70 who paid income tax in 2007 who had gross incomes over €72,800. [37823/08]

109. **Deputy John Deasy** asked the Minister for Finance the number of married people aged over 70 years who paid income tax in 2007, who had gross incomes between €60,000 and €64,999; the number of married people aged over 70 years who paid income tax in 2007 who had gross incomes between €65,000 and €72,799; the number of married people aged over 70 years who paid income tax in 2007 who had gross incomes over €72,800. [37824/08]

**Minister for Finance (Deputy Brian Lenihan):** I propose to take Questions Nos. 106 to 109, inclusive, together.

I am informed by Revenue Commissioners that the information is not available in the format requested by the Deputy, as the data in the tax system are not age related in the format specified.

**Inter-Country Adoptions.**

110. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding international agreements between Ireland, Russia and Ethiopia, particularly in relation to international adoptions. [37745/08]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** My Office has been working to finalise a new Bill which will ratify the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption. The purpose of ratifying the Hague Convention is to protect children in the process of adoption. The Hague Convention emphasises the importance of regulatory systems in protecting the fundamental rights of children, and in preventing the abduction, sale of, or traffic in children. Ratification of the Hague Convention puts in place the equivalent of a contract between states to regulate the standards that will apply in each jurisdiction. It is the intention that the proposed adoption legislation will ensure all inter-country adoptions meet standards of the Convention either through ratification of the Convention or through bilateral agreements which meet the standards of the Hague Convention.

As part of the preparations for the likely passage and entry into force of the new legislative arrangements for adoption in Ireland, my Office has been advising the Department of Foreign Affairs on the potential implications of the legislation on existing arrangements and agreements for those countries which have not yet ratified the Hague Convention. We are working actively to assess the possibilities of entering into bilateral agreements with a small number of countries, including Ethiopia and the Russian Federation. Priority is being given to those countries which Irish applicants have traditionally adopted from. Every effort will be made to advance bilaterals where this is possible and acceptable to the countries of origin.

#### **Cancer Screening Programme.**

111. **Deputy Brian O'Shea** asked the Minister for Health and Children when BreastCheck will be available in Waterford city; and if she will make a statement on the matter. [37600/08]

**Minister for Health and Children (Deputy Mary Harney):** The Deputy's specific question in relation to the roll-out of BreastCheck to Waterford City is the responsibility of the National Cancer Screening Service. Accordingly, my Department has requested the Chief Executive Officer of the Service to respond directly to the Deputy in relation to the matter raised.

#### **Foster Care.**

112. **Deputy Róisín Shortall** asked the Minister for Health and Children the rates that will apply in 2009 in respect of foster payments. [37614/08]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** Decisions in relation to the foster care rates for 2009 have yet to be taken.

#### **Medical Cards.**

113. **Deputy Róisín Shortall** asked the Minister for Health and Children the allowances, in addition to the income threshold cut-off points, that will apply to medical card applicants over 70 in 2009; and if regular medical expenses will be permitted to form a standard part of the means test, as with other medical card applicants. [37615/08]

**Minister for Health and Children (Deputy Mary Harney):** The Government recently announced, as part of its budget proposals, the withdrawal of automatic entitlement to the medical card from people aged 70 years and over and the introduction of new income thresholds for entitlement to a medical card for those aged 70 and over of €700 (gross) per week for a single person and €1,400 (gross) per week for a couple.

Any savings up to €36,000 (single)/€72,000 (couple) will be disregarded and only interest from savings above these figures will be considered as income for means testing purposes.



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Income will not be imputed from property (whether a family home, a holiday home or any other property) for means testing purposes, unless it is rented, and only the net rental income will be included as income. The income to be assessed will be the gross income, less any cost necessarily incurred associated with the property and such cost may include insurance premia, loan/mortgage repayments, maintenance, etc. Only dividend payments will be considered as income for means testing purposes in the context of shares and investments.

Medical expenses will not be considered as part of the initial means test. However, when a person's means are in excess of the relevant income guidelines, the Health Service Executive may issue a medical card on a discretionary basis, having considered if the applicant would otherwise be caused undue hardship in providing general medical and surgical services for themselves and their dependants.

114. **Deputy Pat Rabbitte** asked the Minister for Health and Children if the contract signed with the Irish Medical Organisation to allow persons over 70 years automatic entitlement to medical cards provides that general practitioners' payments may not be changed without the explicit agreement of the IMO; if she will outline what those payment terms were then and what they are today; if she will lay a copy of the contract in the Library of the Houses of the Oireachtas; and if she will make a statement on the matter. [37618/08]

**Minister for Health and Children (Deputy Mary Harney):** Under the General Medical Services (GMS) Scheme general practitioners hold one of two contract types, i.e. the Fee per Item contract (first introduced in 1972) or the Capitation contract (effective from 1989). These contracts reflect the agreed outcomes of negotiations between my Department and the GP representative body, the Irish Medical Organisation.

Over time, provisions additional to the 1972 and the 1989 GMS contracts have been supplemented on foot of agreements between the Department of Health and Children, the Irish Medical Organisation (IMO) and the Health Boards/Health Service Executive (HSE) by way of circulars issued by my Department. Automatic medical card eligibility for persons aged 70 and over came into effect on 1 July 2001. The terms of the agreement were contained in a circular issued by my Department on 3 August 2001. I will make arrangements for a copy of the GMS GP capitation contract and circulars to be placed in the Library of the Houses of the Oireachtas as requested by the Deputy.

The annual GP capitation rates as of 1 July 2001 and 1 January 2008 in respect of persons aged 70 and over living in the community issued with a medical card for the first time regardless of income and persons aged 70 and over in private nursing homes (approved by the HSE) for continuous periods in excess of five weeks are set out in tabular form below.

	Annual GP Capitation Rate (01-07-2001)	Annual GP Capitation Rate (01-10-2008)
	€	€
Persons aged 70 & over living in the community issued with a medical card for the first time regardless of income	438	640
Persons aged 70 & over in a private nursing home (approved by the HSE) for continuous periods in excess of five weeks	635	927

In addition to the capitation fees outlined above, participating GMS GPs may receive additional payments under a range of headings.

Section 41(2) of the 1989 GMS contract states “The terms of this contract shall be subject to alteration every three years in accordance with the outcome of a review of the agreement between the Minister and the Irish Medical Organisation on arrangements for the provision of services under Section 58 of the Health Act, 1970, which review may be conducted by a third party”. It is not stated in the 2001 Circular, which introduced automatic medical card eligibility for persons aged 70 and over, that GPs’ payments cannot be explicitly changed without the agreement of the IMO.

Legal advice received by my Department and the HSE in 2006 and 2007 confirms that there are significant competition law issues which must be taken into account in reaching any agreements and in particular in fixing fees regarding the provision of health services by self-employed professionals.

The Government is satisfied that the scope of the engagement by General Practitioners in the delivery of primary health care and the significance of primary health care for the overall efficacy of the public health system makes a more direct form of engagement with the representatives of General Practitioners both necessary and desirable. Accordingly, it is the intention of Government to pursue appropriate amendments to Section 4 of the Competition Act 2002 to enable the representative body of GPs, the IMO, to represent its members in negotiations with the HSE and the Department of Health and Children in respect of the services provided to the public health service in a manner consistent with the public interest. The legal provision to be made will be subject to consistency with EU competition rules.

115. **Deputy Michael McGrath** asked the Minister for Health and Children the reason a person (details supplied) in County Cork was refused a medical card. [37624/08]

**Minister for Health and Children (Deputy Mary Harney):** As the Health Service Executive has the operational and funding responsibility for the medical card benefit, it is the appropriate body to consider the particular case raised by the Deputy. My Department has therefore requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

#### **Hospital Services.**

116. **Deputy Bernard Allen** asked the Minister for Health and Children the reason a person (details supplied) in County Cork has been waiting so long to have cataract surgery, in view of the fact that the surgery was to have been carried out some time ago but has been deferred on a number of occasions; and the reason they have not been referred to the National Treatment Purchase Fund for surgery in view of the fact that they have been waiting so long. [37631/08]

**Minister for Health and Children (Deputy Mary Harney):** The management of waiting lists generally is a matter for the Health Service Executive and the individual hospitals concerned. 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 case investigated and to reply directly to the Deputy.

Patients waiting more than three months on a surgical waiting list may qualify for treatment under the National Treatment Purchase Fund. It is open to the person in question or anyone acting on their behalf to contact the Fund directly in relation to their case.

#### **Nursing Homes Repayment Scheme.**

117. **Deputy Edward O’Keeffe** asked the Minister for Health and Children the position

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regarding the payment of a refund of moneys due under the national repayment scheme for long-term care patients to a person (details supplied) in County Cork. [37644/08]

**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.

#### **Medical Cards.**

118. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the reason for the delay in granting a medical card to a person (details supplied) in Dublin 1. [37676/08]

**Minister for Health and Children (Deputy Mary Harney):** As the Health Service Executive has the operational and funding responsibility for the medical card benefit, it is the appropriate body to consider the particular case raised by the Deputy. My Department has therefore requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

#### **Hospital Services.**

119. **Deputy Michael Ring** asked the Minister for Health and Children the reason a senior executive officer of the western hospital group did not reply to a letter of representation sent by e-mail almost two months ago, in view of the fact that a person (details supplied) in County Mayo is in severe pain; and when a full reply will issue. [37677/08]

**Minister for Health and Children (Deputy Mary Harney):** I have been informed by the Health Service Executive that a reply issued by e-mail to the Deputy on 24 October 2008.

120. **Deputy Róisín Shortall** asked the Minister for Health and Children when a person (details supplied) in Dublin 11 can expect to be called for an operation in view of the seriousness and urgency of this condition; and the reason for the delay. [37678/08]

**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 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.

#### **Voluntary Sector Funding.**

121. **Deputy David Stanton** asked the Minister for Health and Children the impact that various cutbacks will have on voluntary organisations providing services, such as centres for independent living and so on across the State; when the organisations will be notified of their budgets; and if she will make a statement on the matter. [37679/08]

**Minister for Health and Children (Deputy Mary Harney):** Following the recent Budget, I have notified the Health Service Executive (HSE) of its allocation for 2009. In my letter of the 15th October 2008 to the Chairman of the HSE, I indicated the budget was framed in the context of the fiscal challenges facing the country. I also indicated a number of cost saving measures which the HSE would need to achieve to ensure it remained within its overall expen-

diture limit. I further emphasised the need to meet these targets so as to protect front line services and I have requested the HSE to submit, for my approval, a National Service Plan, which will indicate how the Executive proposes to allocate its funding and the levels of service it will provide for that funding in 2008.

The Health Service Executive funds a wide range of agencies and the Executive will notify these agencies of their funding regarding their allocations after the Service Plan is approved. My Department also directly funds a wide range of agencies which provide a diverse range of services such as cancer screening, health research, enforcing standards in health care, medicines and food and I hope to be in a position to notify them of their allocation soon.

### Price Increases.

122. **Deputy Fergus O'Dowd** asked the Minister for Health and Children the price increases imposed by her Department and its agencies for public services, products or taxes from 1 January to date in 2008; and if she will make a statement on the matter. [37695/08]

**Minister for Health and Children (Deputy Mary Harney):** The charge for attending accident and emergency, outpatients or casualty departments increased by 10% to €66 euro on 1st January 2008. Private patients in public hospitals who are treated as private patients are currently charged at the rates set out in the table below. These charges are in addition to a charge equivalent to the public hospital statutory in-patient charge which is €66 each day during which a person is maintained. The maximum payment in any twelve consecutive months is €660.

	Hospital Category	Private Accommodation	Semi-Private Accommodation	Day-care
		€	€	€
1.	HSE Regional Hospitals, Voluntary & Joint Board Teaching Hospitals	758	594	546
2.	HSE County Hospitals Voluntary Non-Teaching Hospitals	506	407	362
3.	HSE District Hospitals	217	185	161

The Deputy will also be aware that these charges will increase from 1st January 2009. Private and Semi-Private fees will increase by 20%, Accident and Emergency charges will be €100 for non-medical card holders attending A&E departments without a letter from their GP and the public hospital statutory in-patient bed charge will increase by €9 to €75 per night (to a maximum of 10 nights a year).

### Child Care Services.

123. **Deputy Denis Naughten** asked the Minister for Health and Children, further to Parliamentary Question No. 281 of 1 July 2008, the specific changes which will be implemented to the child care subvention scheme from 1 January 2009 as a result of the review to the new funding structure; when she will inform services of their individual grant levels for 2009; and if she will make a statement on the matter. [37706/08]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** The Community Childcare Subvention Scheme (CCSS) was introduced by my Office in January 2008, under the National Childcare Investment Programme 2006-2010 (NCIP). The introduction of the CCSS was announced in July 2007 when the initial framework for the scheme was outlined. Community childcare services which at that time were in receipt from my Office of staffing support grants, were invited to apply for funding under the CCSS. Based on the infor-

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mation received from services, the final details of the scheme were put in place in December 2007. The CCSS has not been reviewed since that time and changes to the arrangements governing the scheme are not currently proposed.

With regard to CCSS funding for community childcare services in 2009, I am pleased to advise the Deputy that applications from participating services were invited in September and are currently being processed. Where applications have been correctly made by the due date, I understand that officials in my Office expect to be in a position to advise services of the outcome and their proposed level of funding in 2009, during November. Applications which are received late or are incorrectly completed would be expected to be responded to as soon as possible after that time.

### **Services for People with Disabilities.**

124. **Deputy Denis Naughten** asked the Minister for Health and Children when a meeting (details supplied) will take place; the progress to date following the previous meeting with the group on 18 June 2008; and if she will make a statement on the matter. [37708/08]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** I would like to advise the Deputy, that I intend to meet with this group again before the end of the year. My Department is in ongoing contact with the Health Service Executive (HSE) on disability issues including service developments in the context of monitoring the HSE National Service Plan 2008.

In the 2008 Budget, €50m was provided to the HSE to fund a range of additional services under the Multi Annual Investment Programme for Disability. Although the commencement of the planned developments in disability services this year had been delayed due to a financial review, I am pleased to inform you that the Executive has informed the Department of Health and Children that it is now in the process of rolling out the planned developments. The HSE has indicated that due to the delayed start to some of these developments it expects to spend €33m of the €50m by the end of 2008. The resulting €17m time related savings were included in this Department's budgetary consolidation measures announced to the House in July 2008.

### **Nursing Homes Repayment Scheme.**

125. **Deputy Mary Upton** asked the Minister for Health and Children the reason a full nursing home refund was refused in respect of a person (details supplied) in Dublin 8; and if she will make a statement on the matter. [37710/08]

**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.

### **National Treatment Purchase Fund.**

126. **Deputy Joe Costello** asked the Minister for Health and Children the reason the National Treatment Purchase Fund has refused to accept a person (details supplied) in Dublin 7 for an operation; and if she will make a statement on the matter. [37728/08]

**Minister for Health and Children (Deputy Mary Harney):** As the Deputy's question relates to the operation of the National Treatment Purchase Fund, my Department has asked the Chief Executive of the Fund to reply directly to the Deputy in relation to the information requested.

### Medical Inquiries.

127. **Deputy Fergus O'Dowd** asked the Minister for Health and Children if she will carry out an inquiry into all aspects of the case of the recent death of a person (details supplied) in County Louth and the help and assistance offered by the Health Service Executive to the family concerned; and if she will make a statement on the matter. [37733/08]

**Minister for Health and Children (Deputy Mary Harney):** I wish to extend my sincere sympathies to the family of the person concerned at this very difficult time. I am not aware of the circumstances of this case. However, if a family has concerns about the care or treatment their family member received in a hospital, they should in the first instance contact the hospital directly where their concerns will be addressed. My Department has also requested the Parliamentary Affairs Division of the Executive to arrange to have a reply issued directly to the Deputy as a matter of urgency.

### Services for People with Disabilities.

128. **Deputy Finian McGrath** asked the Minister for Health and Children the percentage of the €50 million for disabilities that went to people with a physical disability. [37748/08]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** The Deputy's question relates to the management and delivery of health and personal 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.

### Inter-Country Adoptions.

129. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding a matter (details supplied). [37749/08]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** As the Deputy will be aware, requests for assessment for intercountry adoption assessments are continuously increasing. The Study on intercountry adoption, undertaken by the Children's Research Centre in Trinity College, revealed that Ireland has one of the highest rates for intercountry adoption in Europe. It is against this background that my Office is continuing to work to create the appropriate legislative, policy and administrative frameworks which will ensure a well regulated regime of adoption. Our aim is to support and protect prospective parents, and even more importantly, the children for whom adoption services are devised and provided.

The first priority is the ratification of the Hague Convention on the Protection of Children and Intercountry Adoption, 1993. I am pleased to inform the Deputy that the Adoption Bill, 2008, which will ratify the Convention, will be published at the earliest opportunity. A core principle of the Hague Convention is that intercountry adoption should be child centred, that is, in all stages of the process the child's interests must be paramount. The Hague Convention has put in place the equivalent of a contract between states to regulate the standards that will apply in each jurisdiction. It is an additional safeguard for a receiving country like Ireland regarding the standards that are being applied in the sending country, over which we have no jurisdiction.

As a receiving country it is especially important to have some confidence in the process of consent to the adoption, the status of the child as adoptable and a guarantee of no improper financial gain from the process. Legislation and specifically the regime of the Hague Convention is at least some assurance for individual children, their families, and the State, that appro-

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priate procedures have been followed and that the adoption was effected in the best interests of the child.

As regards the assessment process, a family that wishes to adopt should be recognised beforehand as able to promote, safeguard and support the development and well being of a child in need of adoption in a lasting manner. It should also be noted that increasing numbers of adopted children from abroad create additional pressures on intercountry adoption teams within the HSE. This is because these same teams provide post-adoption reports to the sending countries, at the request of those countries, with the agreement of the adoptive parents. This is an important component in the willingness of countries to consider Irish applicants for adoption.

Officials with my office have also been discussing the issue of preparedness for the new legislative framework with both the Adoption Board and the HSE. While our aim is to ensure that there is a seamless transition to the new regime, I am conscious that persons applying for intercountry adoption are experiencing delays in the assessment process. I acknowledge that there are delays in the waiting times for assessment, and that there are also concerns regarding the standardisation of the service across the country. I appreciate the frustration that these issues must cause.

The HSE has conducted a review of the intercountry adoption service. This review examined staffing, business processes, resources, strengths and options within the service. On foot of this report, HSE principal social workers have been having regular meetings, chaired by a senior manager, to discuss the streamlining of the service. The outcome of these discussions will be put into policy format by the end of this year. I understand that the Adoption Board has also taken on a programme of work to support the change process required to devise a more effective system of service delivery. The Board will be delivering a series of training sessions to HSE staff, and I am confident that this will greatly contribute to the standardisation of the service.

I want to assure the Deputy of my attention to this issue and reiterate the importance of a rigorous and effective assessment system, which is provided on a timely, fair and transparent basis.

### **Health Services.**

130. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a case (details supplied). [37750/08]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** The Deputy's question relates to the management and delivery of health and personal services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

131. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children when a reply will issue from the Health Service Executive to Parliamentary Question No. 410 of 24 September 2008. [37762/08]

**Minister for Health and Children (Deputy Mary Harney):** My Department has requested the Parliamentary Affairs Division of the Health Service Executive to arrange to expedite the issuing of a reply to the Deputy on the matter.

### Hospitals Building Programme.

132. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children when a reply will issue from the Health Service Executive to Parliamentary Question No. 576 of 24 September 2008. [37763/08]

**Minister for Health and Children (Deputy Mary Harney):** My Department has requested the Parliamentary Affairs Division of the Health Service Executive to arrange to expedite the issuing of a reply to the Deputy in the matter.

### Medical Cards.

133. **Deputy Róisín Shortall** asked the Minister for Health and Children the projected cost to the Exchequer to administer the means test for the over 70 years medical card. [37772/08]

**Minister for Health and Children (Deputy Mary Harney):** The Government recently announced, as part of its budget proposals, the withdrawal of automatic entitlement to the medical card from people aged 70 years and over and the introduction of new income thresholds for entitlement to a medical card for those aged 70 and over of €700 (gross) per week for a single person and €1,400 (gross) per week for a couple.

Legislation, which will give effect to these changes, will be enacted before the end of 2008 and will come into effect on 1st January 2009. The arrangements set out in the legislation will provide that persons aged 70 and over who automatically acquired their medical card on age grounds before 31st December 2008 will self-assess for medical card eligibility. In the case of persons reaching age 70 on or after 1 January 2009, the intention is that they would be required to apply formally for a medical card, to confirm in their application that their income is below the specified limits and to provide appropriate supporting evidence.

The legislation will include appropriate provisions in relation to validating the initial self-assessments and the eligibility of those granted medical cards in future under the new arrangements. It is not possible at this time to estimate the cost of administering these arrangements but full regard will be had to the need to balance cost-effectiveness and probity in the use of public funds.

134. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a matter (details supplied). [37781/08]

**Minister for Health and Children (Deputy Mary Harney):** The Government recently announced, as part of its budget proposals, the withdrawal of automatic entitlement to the medical card from people aged 70 years and over and the introduction of new income thresholds for entitlement to a medical card for those aged 70 and over of €700 (gross) per week for a single person and €1,400 (gross) per week for a couple. When a person's means are in excess of the relevant income guidelines, the Health Service Executive may issue a medical card on a discretionary basis, having considered if the applicant would otherwise be caused undue hardship in providing general medical and surgical services for themselves and their dependants.

As part of the means test, any savings up to €36,000 (single) / €72,000 (couple) will be disregarded and only interest from savings above these figures will be considered as income for means testing purposes. Income will not be imputed from property (whether a family home, a holiday home or any other property) for means testing purposes, unless it is rented and only the net rental income will be included as income. The income to be assessed will be the gross income, less any cost necessarily incurred associated with the property and such cost may include insurance premia, loan/mortgage repayments, maintenance etc. Only dividend pay-



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ments will be considered as income for means testing purposes in the context of shares and investments.

The HSE will shortly write to all persons aged 70 and over. This letter will clarify the various issues that have arisen and will ask persons whose income is above €700 per week (gross) for a single person and €1,400 per week (gross) for a married couple to notify their circumstances to the HSE. Persons whose income is less than the aforementioned thresholds will not have to contact the HSE and will retain their medical card.

### **Drug Treatment Programme.**

135. **Deputy Charles Flanagan** asked the Minister for Health and Children, further to Parliamentary Question No. 86 of 22 October 2008, the date on which the Health Service Executive re-oriented its addiction services. [37813/08]

**Minister for Health and Children (Deputy Mary Harney):** As the Deputy will be aware any re-orientation of services takes place over a period of time. Existing HSE services are being re-oriented under the HSE's Transformation Programme 2007-2010 and a key aspect of the re-orientation of addiction services is the training and up-skilling of staff to address the needs arising from changing patterns of drug use in the population e.g. poly drug use (including cocaine use), alcohol use and the abuse of prescribed drugs.

In this regard, in mid 2007 the HSE National Working Group on Drugs and Alcohol was instrumental in establishing a National Addiction Training Programme (NATP) as a two year pilot programme. Its purpose is to meet the training needs of staff (voluntary and statutory) within the addiction services — including training in the treatment of cocaine use. Over 800 participants have benefited from this programme.

Phase II of the NATP has a major focus on psychotherapeutic training: it aims to enhance the skills of appropriate staff and clinical supervisors. A total of 38 staff from the statutory and voluntary sectors and from the community availed of this training. A third training module is scheduled for January/February 2009.

### **Health Insurance.**

136. **Deputy Billy Timmins** asked the Minister for Health and Children the discussion, meetings or contact she has had with a company (details supplied); and if she will make a statement on the matter. [37815/08]

**Minister for Health and Children (Deputy Mary Harney):** Following the Supreme Court finding that the 2003 Risk Equalisation Scheme was ultra vires, I initiated a consultative process on the implications of the decision and on the measures that might be taken to protect the principle of community rating. In the course of this process, I and officials of my Department have held meetings with the Health Insurance Authority, VHI, Quinn Insurance and Hibernian Health. Given the commercial sensitivity of those discussions, I do not propose to make any further comment.

### **Hospitals Building Programme.**

137. **Deputy Jimmy Deenihan** asked the Minister for Health and Children the completion date for the new Dingle Community Hospital, County Kerry; the date for the transfer of patients to the new facility; and if she will make a statement on the matter. [37818/08]

**Minister for Health and Children (Deputy Mary Harney):** Responsibility for the management and delivery of health and personal social services including estate management was assigned to the Health Service Executive under the Health Act 2004. Therefore the Executive is the

appropriate body to respond to the particular query raised by the Deputy. Accordingly, 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.

### Marine Rescue Service.

138. **Deputy Arthur Morgan** asked the Minister for Transport the number of Irish Coast Guard stations in this State; the locations of these stations; the expenditure for each station in each of the past three years for which figures are available; and if he will make a statement on the matter. [37632/08]

**Minister of State at the Department of Transport (Deputy Noel Ahern):** There are fifty-five Irish Coast Guard Stations, housing local Coastal Units, at strategic locations around the coast. The rescue services are delivered by volunteers both male and female and each station has a capability and range of equipment depending on location. Equipment includes radio communications, cliff rescue equipment, rescue boats and vehicles. The direct local expenditure by this Department for each station is approximately as follows.

Expenditure for each Station in €000

Coast Guard Stations	2006	2007	2008 (to date)
Achill	188	32	22
Ardmore	7	15	19
Arklow	2	2	5
Ballybunion	10	20	12
Ballycotton	8	10	10
Ballyglass	9	10	5
Baltimore	< 1	< 1	< 1
Bonmahon	15	40	12
Bunbeg	331	47	26
Carnsore Point	4	13	17
Castlefreke	10	6	21
Castletownbere	9	21	15
Cleggan	17	20	18
Clogherhead	6	4	19
Costello Bay	8	35	218
Courtown	6	4	8
Crosshaven	22	17	27
Curracloe	5	8	11
Dingle	24	28	38
Doolin	33	57	55
Drogheda	28	43	47
Dún Laoghaire	6	8	6
Dunmore East	21	38	32
Fethard	12	18	14
Glandore	5	7	5
Glenderry	2	2	3
Goleen	5	2	3
Greencastle	27	21	41
Greenore	5	28	9
Greystones	18	23	16

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Coast Guard Stations	2006	2007	2008 (to date)
Guileen	7	4	4
Helvick Head	2	8	1
Howth	26	54	64
Kilkee	3	15	9
Killala	35	18	36
Killybegs	19	20	31
Kilmore Quay	5	13	15
Knightstown	11	15	9
Mulroy	22	15	35
North Aran	1	1	2
Old Head of Kilsale	3	5	12
Oysterhaven	8	6	7
Rosslare	9	18	20
Seven Heads	3	9	18
Skerries	18	17	19
South Aran	< 1	< 1	< 1
Summer Cove	2	4	1
Toe Head	22	1,334	33
Tory Island	2	< 1	7
Tramore	18	23	20
Waterville	2	4	3
Westport	56	18	13
Wicklow	8	12	3
Youghal	10	10	11
Lough Derg	8	28	45
Total	1,143	2,237	1,152

These figures do not include central overheads or pay and are distorted on a year-by-year basis by building costs.

I understand the Deputy also required data on the direct costs associated with the Rescue Co-Ordination Centres. The Irish Coast Guard has three Marine Rescue Co-ordination Centres that receive and co-ordinate responses to marine emergency calls. These are Dublin Marine Rescue Coordination Centre (MRCC Dublin) and Malin and Valentia Marine Rescue Sub Centres (MRSCs). The figures are approximately as follows:

MRCC / MRSCs	2006	2007	2008 (to date)
Expenditure in €000	153	238	165

Again these do not include central overheads or salary costs.

### **Rural Transport Initiative.**

139. **Deputy Paul Connaughton** asked the Minister for Transport the reason the parishes of Mountbellew, Moylough and the Brierfield area of County Galway are not serviced under the rural transport initiative; if his attention has been drawn to the several elderly people who have

no way of being transported to their local towns and villages; and if he will make a statement on the matter. [37658/08]

**Minister for Transport (Deputy Noel Dempsey):** Under the Rural Transport Programme, the main drivers of community rural transport are the local communities themselves. They are responsible for deciding on the specific transport services to be provided and on the methods of provision. Neither I nor my Department have a role in the matter. Pobal, which administers the Rural Transport Programme (RTP) on behalf of my Department, has commenced a process to extend the Programme on a phased basis and as part of that process, a new rural community transport group — Galway Rural Development Co. Ltd. — is being established in East Galway. This group can be contacted through Pobal.

#### **Price Increases.**

140. **Deputy Fergus O'Dowd** asked the Minister for Transport the price increases imposed by his Department and its agencies in respect of public services, products or taxes since 1 January to date in 2008; and if he will make a statement on the matter. [37698/08]

**Minister for Transport (Deputy Noel Dempsey):** The following increases were approved by the Minister for Transport during 2008. An average 5% increase in CIÉ fares with effect from the 1st January 2008. The Railway Procurement Agency introduced an average fares increase on the Luas services of 4.15% from 7 January 2008. Harbour rates at Tralee/Fenit Harbour were increased by S.I 360 of 2008 — Harbour Rates (Tralee and Fenit Pier and Harbour) Order 2008 — signed by the Minister of State on 10 September, 2008.

#### **Public Transport.**

141. **Deputy John Cregan** asked the Minister for Transport if he will offer support to a company (details supplied) to ensure that this coach service can remain in operation; and if he will make a statement on the matter. [37759/08]

**Minister for Transport (Deputy Noel Dempsey):** I refer the Deputy to my reply of 29th October 2008 to Parliamentary Question Numbers 36949, 37301 and 37563 regarding this matter.

#### **Citizenship Applications.**

142. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will support a case (details supplied). [37747/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** 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 conditions are fulfilled. In the case of a non national applicant who is the spouse of an Irish citizen, those conditions are that the applicant must:

- be of full age
- be of good character
- be married to the Irish Citizen for at least three years
- be in a marriage recognised under the laws of the state as subsisting
- be living together as husband and wife with the Irish Spouse

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- have had a period of one years continuous residency on the island of Ireland immediately before the date of the application and during the four years immediately preceding that period, have had a total residence in the State amounting to two years
- intend in good faith to continue to reside in the State after naturalisation
- have made, either before a Judge of the District Court in open Court or in such manner as the Minister, for special reasons allows, a declaration in the prescribed manner, of fidelity to the nation and loyalty to the State

The Deputy will appreciate that the granting of Irish citizenship through naturalisation is an honour. In order to maintain the integrity of the naturalisation process, I do not believe that the periods of residence and marriage for spouses of Irish Citizens, as specified in that Act, warrant any change.

### **Proposed Legislation.**

143. **Deputy Brian Hayes** asked the Minister for Justice, Equality and Law Reform when the civil partnership Bill will be published; and if he will make a statement on the matter. [37616/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Government Legislation Programme published on 23 September 2008 indicates that publication of the Civil Partnership Bill is expected in early 2009. The General Scheme of the Bill was published on 24 June 2008 and is available on my Department's website.

### **Visa Applications.**

144. **Deputy Michael McGrath** asked the Minister for Justice, Equality and Law Reform the status of a visa application on behalf of a person (details supplied) in County Cork; and the entitlement such a visa would afford to the person. [37623/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The visa application referred to by the Deputy was approved by the Embassy of Ireland, Kuala Lumpur on 2 September 2008. The visa granted was a 'C' type 'Visit' visa. There are two main categories of visa — a 'C' visa is for a stay of a maximum of 90 days, a 'D' visa is for a longer stay. It should be borne in mind that a visa is merely a pre-entry clearance to seek permission to enter the State — no automatic right of entry is conferred. Whether the person is permitted to enter and the exact period for which s/he is allowed to remain is a matter for the Immigration Officer at the port of entry.

### **Refugee Appeals Tribunal.**

145. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the number of judicial reviews taken against the Refugee Appeals Tribunal annually since its establishment; the number of successful judicial reviews; and the cost to the State for this annually since the establishment of the tribunal. [37633/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The information requested by the Deputy in relation to the number of applications for leave to judicially review the Refugee Appeals Tribunal (RAT) since its establishment (4 October 2000) is set out in the following table:

Year	Number of Cases
2001	100
2002	093
2003	161
2004	297
2005	383
2006	365
2007	350
2008 (to date)	247
Total	1,996

In considering the number of applications for leave to judicially review the RAT since it was established in 2000, account should be taken of the high number of appeals received and decisions made by the RAT in the same period, i.e. 32,385 appeals received and 28,928 decisions issued. The number of judicial reviews taken against RAT equates to 6.9% of all RAT decisions.

In 986 of these judicial review cases the matter was settled out of court during the course of proceedings. In the majority of cases this was before leave to judicially review the tribunal was granted. All judicial reviews settled by the Refugee Appeals Tribunal are settled following consultation and counsel's advice from the Chief State Solicitor's Office. In so far as the balance of judicial review cases is concerned, the number of applicants successful before a court in this eight year period was 43. The legal costs paid out on behalf of the Tribunal arising from judicial reviews are set out in the following table:

Year	Amount Paid
	€
2001	—
2002	—
2003	33,682
2004	787,692
2005	2,663,533
2006	3,440,460
2007	4,286,758
2008 (Jan-Sept)	3,017,949
Total	14,230,074

*Note:* the above costs represent actual payments made by RAT in respect of legal costs. The total cost to the State include other costs such as those incurred by the Chief State Solicitors Office, the Courts Service etc. It is not possible to accurately calculate these additional costs.

### **Garda Recruitment.**

146. **Deputy Edward O'Keefe** asked the Minister for Justice, Equality and Law Reform the position regarding an application made by a person (details supplied) in County Cork. [37643/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Recruitment to An Garda Síochána is a matter in the first instance for the Public Appointments Service and then

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for the Commissioner of An Garda Síochána. I have no role or function in the process. The Public Appointments Service can be contacted by the applicant at Chapter House, 26-30 Abbey Street Upper, Dublin 1, by telephone at Lo-Call 1890 44 99 99 or by e-mail at: info@publicjobs.ie.

### **Garda Equipment.**

147. **Deputy Michael D. Higgins** asked the Minister for Justice, Equality and Law Reform the circumstances, on foot of reports that members of An Garda Síochána are to be equipped with pepper spray, under which his Department and the Garda Commissioner propose such spray may be used; and the research he and his Department have undertaken as to the use of such sprays in other jurisdictions with particular reference to long-term health problems experienced by those who have had such sprays used on them. [37649/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Following consultation with my cabinet colleagues, I recently approved the Garda Commissioners proposal to issue incapacitant spray to all operational members of An Garda Síochána. Prior to making his proposal to me, the Garda Commissioner established a Working Group to examine all aspects of the matter. The Working Group examined the impact that the introduction of such sprays has had in other jurisdictions and concluded that their introduction has been a factor in reducing assaults on and injuries to police officers. It was also found that there was a reduction in the number of injuries to suspects and complaints made against officers.

With regards to health and safety issues, the Working Group consulted with the Garda Chief Medical Officer, who, in conjunction with other medical specialists, studied extensive material available from other jurisdictions where incapacitant sprays have been used for a number of years. Prior to deployment, appropriate policy, training and medical guidance will be put in place and be re-visited on a periodic basis in light of experience and international developments in this area.

### **Prisoner Transportation.**

148. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform the number of times a person (details supplied) has been transported from Portlaoise Prison for court appearances including the Court of Criminal Appeal, the High Court and the Supreme Court since their conviction in 1996 to date in 2008; the cost of transport and personnel associated with each visit; and if he will make a statement on the matter. [37650/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** For security and operational reasons it is not possible to supply the Deputy with the information sought.

### **Garda Deployment.**

149. **Deputy Joan Burton** asked the Minister for Justice, Equality and Law Reform the number of community police stationed at Blanchardstown Garda station, Dublin 15, at present and at the end of each year since 2002; his views on whether there are a sufficient number of community police stationed at Blanchardstown Garda station; his plans to expand the number of community police stationed at Blanchardstown Garda station during the years 2009, 2010 and 2011; and if he will make a statement on the matter. [37654/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda Commissioner that the personnel strength of the Community Policing Unit attached to Blanchardstown Garda Station for each of the past five years and as at 31 September 2008, the latest date for which figures are readily available was as set out in the following table.

31/12/02	31/12/03	31/12/04	31/12/05	31/12/06	31/12/07	31/09/08
18	19	17	17	19	22	26

It is, of course, the case that all Gardaí have a role to play in addressing community policing issues as and when the need arises. In that sense, community policing involves far more than a single unit within the Garda Síochána, and I agree with the view expressed by the Garda Inspectorate in their third report entitled “Policing in Ireland — Looking Forward” that community policing is a fundamental policing philosophy and that there is a strong foundation for it in Ireland. I am also looking forward to receiving from the Commissioner, in the near future, a copy of the final report of a working group developing proposals for a comprehensive model of rural and urban community policing.

It is the responsibility of the Garda Commissioner to allocate personnel throughout the Force taking everything into account. The situation will be kept under review and when additional personnel next become available the allocation of Community Gardaí will be fully considered by the Commissioner within the overall context of policing requirements throughout the country.

#### Price Increases.

150. **Deputy Fergus O'Dowd** asked the Minister for Justice, Equality and Law Reform the price increases imposed by his Department and its agencies for public services, products or taxes since 1 January to date in 2008; and if he will make a statement on the matter. [37696/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The information requested by the Deputy is set out in the following table. The Deputy should note that in some cases the fees payable have not been revised for a number of years and in other cases the periods in respect of which the fees apply have been extended.

Service	Previous Fee	New Fee	Date Effective
	€	€	
Firearms Dealer Registration Category A (Arms and Ammunition)	75.00	340* (3 Year Licence)	1 January, 2008
Firearms Dealer Registration Category B (Ammunition only)	12.00	55* (3 Year Licence)	1 January, 2008
Firearms Dealer Registration Category C (Restricted Arms and Ammunition)	N/A	405	1 January, 2008
Certificate of Naturalisation — Irish Nationality and Citizenship Regulations 1993, as amended — for a Minor	126.97	200	1 August, 2008
Certificate of Naturalisation — Irish Nationality and Citizenship Regulations 1993, as amended — for a Widow or Widower	126.97	200	1 August, 2008
Certificate of Naturalisation — Irish Nationality and Citizenship Regulations 1993, as amended — for all other applicants	634.87	950	1 August, 2008
Permission to Reside in the State — Section 19(1)(a) of the Immigration Act 2004	100.00	150	23 August, 2008

\*From 1 January 2008 the period of the licence was extended from one year to three years.



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I also wish to inform the Deputy that fees charged in the courts are set by means of Statutory Instrument. The fees were last amended by the:

- Supreme Court and High Court (Fees) Order 2008, S.I. 200 of 2008,
- Circuit Court (Fees) Order 2008, S.I. 201 of 2008, and the
- District Court (Fees) Order 2008, S.I. 202 of 2008.

The Schedules to these orders set out the current court fees in detail.

These Orders revised the fees set out in the:

- Supreme Court and High Court (Fees) Order 2005, S.I. 70 of 2005,
- Circuit Court (Fees) Order 2004, S.I. 445 of 2004, and the
- District Court (Fees) Order 2004, S.I. 446 of 2004.

I further wish to inform the Deputy that Registry of Deeds fees were increased from 1 May, 2008. Fee details are outlined in the Registry of Deeds (Fees) Order 2008, S.I. No. 51 of 2008.

### **Residency Permits.**

151. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the procedure for issuing entry and residency permits (details supplied); the grounds under which they may be revoked; and if he will make a statement on the matter. [37707/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The policy regarding non-EEA religious or volunteer workers who wish to enter the State and work in that capacity is as follows.

If the person concerned is a visa required national he/she would have to set out full details in a visa application of their reason for seeking to come to Ireland. The visa, if granted, is pre-clearance to the person concerned to arrive at an approved port of entry and seek permission to enter. All foreign nationals must obtain permission to enter the State from an immigration officer at the approved port of entry. The person concerned must then register with the Garda National Immigration Bureau and seek the appropriate permission to remain if he/she intends to remain in excess of 3 months.

Registration for religious and volunteer workers has in the past been renewed on a 12 months basis up to a maximum of 3 years. The time limit of 3 years, however, has not been strictly enforced in recent years. The particular immigration status (stamp 3) given to persons in these circumstances indicates that they are not entitled to participate in the labour market and that they are dependent on their employing church or organisation for their upkeep, finances and medical needs. In recent months a number of religious and volunteer workers were refused registration for immigration purposes as those persons were in excess of 3 years in the State. Their cases were referred to the Irish Naturalisation and Immigration Service for a decision as to whether to renew their permission to remain. These applications will be considered on a case by case basis.

While I have no proposals to amend the policy in this particular area at this time, it is intended more generally in the context of the Immigration, Residence and Protection Bill 2008,

to review various categories of immigration to the State and to produce revised regulations, schemes and guidelines, as appropriate. This may include the issue of religious workers and volunteers.

152. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform if he will assist a person (details supplied) in Dublin 15 with a problem relating to their son; and if he will make a statement on the matter. [37734/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have been informed by the Immigration Division of my Department that a decision was made in relation to the immigration status of the person referred to by the Deputy and he was informed of that decision in writing on the 28th October 2008.

#### **Garda Investigations.**

153. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will support a matter (details supplied). [37751/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda authorities that, following an investigation of the criminal matter referred to by the Deputy, a person was arrested and charged with assault and a conviction recorded. The court also ordered compensation to be paid, and I understand this was done. As the Deputy is aware, the courts are, subject only to the Constitution and the law, independent in the exercise of their judicial functions, and it is not open to me to comment or intervene in any way on the conduct or decision of any individual court case which is entirely a matter for the presiding judge. I am further informed that policy and procedures, which reflect best international practices, have been introduced for the management and use of intelligence sources by members of the Garda Síochána.

All members of the public, including those who provide information to the Garda Síochána, are subject to investigation by the law enforcement agencies of the State. Where an offence is disclosed, the matter is investigated and an investigation file prepared for the law officers. The law officers, in the exercise of their independent role, determine the matter of criminal charges against any person in this jurisdiction. I am also informed that Garda management is not aware of any information relating to this case along the lines referred to by the Deputy.

#### **Citizenship Applications.**

154. **Deputy Richard Bruton** asked the Minister for Justice, Equality and Law Reform his views on shortening the period before which a person who is married to an Irish citizen can apply for naturalisation. [37758/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Irish Nationality and Citizenship Act 1956, as amended, provides for a shortened period before a person who is married to an Irish citizen can apply for naturalisation. The residency condition for standard applications specifies that the applicant has, immediately before the date of the application, a period of one year's continuous residence and has, during the eight years immediately preceding that period, a total residence amounting to five years. Where that applicant has an Irish spouse and has been married for three years, the residency condition is reduced to one year's continuous residence and, during the four years immediately preceding that period, total residence amounting to two years. The Deputy will appreciate that the granting of Irish citizenship

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through naturalisation is an honour. In order to maintain the integrity of the naturalisation process, I do not believe that the periods of residence and marriage for spouses of Irish Citizens, as specified in that Act, warrant any change.

### **Residency Permits.**

155. **Deputy Tony Gregory** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 837 of 17 June 2008, if the issues in this case have been resolved; and when a decision will be made on the application. [37771/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have been informed by the Immigration Division of my Department that the relevant application for family reunification is in the final stages of processing and that a decision will issue shortly.

### **Citizenship Applications.**

156. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the progress made to date in respect of an application for naturalisation in the case of a person (details supplied) in Dublin 1; and if he will make a statement on the matter. [37799/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** 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 July 2005. Having considered the application of the person in question, I decided to defer making a final decision in this case until September 2009. The person concerned was notified of this in a letter dated 28 October 2008. The file will be resubmitted to me for decision towards the end of September 2009.

### **Missing Persons.**

157. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 164 of 22 October 2008, when he expects to receive the report from the Garda Inspectorate. [37805/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I understand from the Garda Inspectorate that the fieldwork phase of this study is almost completed. So far, it has involved a review of relevant Garda policy, practice and procedures as well as contacts with the US National Centre for Missing and Exploited Children, Interpol, and French, Belgian and UK police forces. Further meetings are planned with the PSNI and An Garda Síochána. The intention is that the report of the inspection will be submitted to me in December.

### **Garda Reserve.**

158. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 153 of 22 October 2008, the duration of the training process; and what the process involves specifically. [37806/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The comprehensive training programme for Garda Reserve trainees consists of more than 120 hours of initial training, which is in accordance with the best international standards. The programme consists of five phases. Phase 1 is a two-day induction course to give Reserve members an appreciation of the Garda organisation and its culture. Phase 2 consists of 56 hours of training at evenings

and weekends during which the trainee Reserve members learn basic law and Garda procedures. Phase 3 involves two days during which the trainee Reserve members engage in role play exercises including radio procedures and are instructed in self-defence, handcuff techniques and use of equipment. Phase 4 involves a minimum of 40 hours at a nominated Garda station during which the Trainee Reserve members engage in accompanied beat patrol with a full-time Garda and station duty under a station sergeant. Phase 5 is a one-day graduation.

### Garda Strength.

159. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 152 of 22 October 2008, if he will provide the same figures in tabular format on Garda to population ratios by district for 2002, 2003, 2004 and 2005. [37807/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The ratio of population to Garda strength in each Garda District in 2002 is stated in the table that follows this reply, which is based on the population figures from the 2002 census. As there are no available population figures, it is not possible to give the ratio of population to Garda strength comparisons for 2003, 2004 or 2005. I have listed the Garda strength for each of the districts for the years ending 31 December 2003, 2004 and 2005.

District	Population 2002 Census	Garda Strength on 31/12/02	Ratio on 31/12/02	Garda Strength on 31/12/03	Garda Strength on 31/12/04	Garda Strength on 31/12/05
Blackrock	83,499	171	488:1	163	167	179
Dun Laoghaire	72,169	210	343:1	195	206	197
Bridewell	23,033	157	147:1	163	166	169
Fitzgibbon Street	37,626	198	190:1	204	210	209
Store Street	12,485	225	55:1	261	269	271
Balbriggan	38,448	56	687:1	54	57	55
Coolock	110,594	184	601:1	183	192	193
Raheny	86,504	169	512:1	164	179	171
Santry	55,595	214	260:1	231	231	236
Donnybrook	42,262	163	259:1	178	182	177
Kevin Street	42,505	193	220:1	190	200	203
Pearse Street	17,972	293	61:1	313	329	327
Crumlin	59,513	145	410:1	143	152	152
Rathmines	55,273	151	366:1	158	163	167
Tallaght	128,412	233	551:1	237	249	237
Blanchardstown	106,099	286	371:1	275	289	312
Clondalkin	68,190	176	387:1	179	185	186
Lucan	69,292	169	410:1	172	184	181
Carlow	47,590	78	610:1	78	81	83
Kildare	54,278	70	775:1	69	70	72
Naas	69,110	120	576:1	123	119	122
Abbeyleix	18,791	41	458:1	39	39	39
Birr	21,975	46	478:1	45	45	45
Portlaoise	40,289	121	333:1	119	122	123
Tullamore	38,717	68	569:1	69	70	72

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District	Population 2002 Census	Garda Strength on 31/12/02	Ratio on 31/12/02	Garda Strength on 31/12/03	Garda Strength on 31/12/04	Garda Strength on 31/12/05
Athlone	36,375	60	606:1	61	61	62
Granard	17,725	40	443:1	39	38	44
Longford	20,669	52	397:1	56	56	55
Mullingar	36,436	88	414:1	87	88	87
Ashbourne	37,838	69	548:1	66	67	65
Kells	22,637	45	503:1	47	44	44
Navan	52,886	65	814:1	69	66	64
Trim	23,507	45	522:1	46	46	41
Baltinglass	31,484	55	572:1	53	53	54
Bray	68,658	165	416:1	164	179	182
Wicklow	32,647	58	563:1	60	55	54
Bailieborough	27,152	50	543:1	51	56	55
Ballyconnell	12,780	44	290:1	45	41	44
Carrickmacross	24,855	71	350:1	77	79	74
Cavan	24,386	67	364:1	70	70	70
Monaghan	27,036	142	190:1	134	128	124
Ballyshannon	22,204	93	239:1	92	92	93
Buncrana	28,664	77	372:1	74	75	78
Glenties	19,925	45	443:1	46	46	46
Letterkenny	44,736	158	283:1	166	154	153
Milford	22,046	43	513:1	46	45	47
Drogheda	52,078	107	487:1	107	107	110
Dundalk	47,793	145	330:1	146	148	142
Ballymote	12,134	32	379:1	31	32	32
Carrick-on-Shannon	14,692	45	326:1	48	48	47
Manorhamilton	10,711	54	198:1	55	52	55
Sligo	39,013	128	305:1	133	131	137
Cahir	18,512	41	452:1	41	44	45
Clonmel	38,614	64	603:1	64	64	65
Nenagh	21,514	45	478:1	44	44	41
Templemore	19,356	53	365:1	53	50	50
Thurles	24,789	72	344:1	70	72	75
Tipperary Town	22,289	39	572:1	41	33	38
Dungarvan	23,675	49	483:1	47	48	47
Kilkenny	42,545	77	553:1	79	78	73
Thomastown	23,378	34	688:1	33	34	34
Tramore	22,769	38	599:1	37	41	42
Waterford	60,436	145	417:1	150	149	147
Enniscorthy	30,758	44	699:1	44	45	45
Gorey	38,068	79	482:1	78	77	80
New Ross	25,063	42	597:1	41	41	43
Wexford	40,674	87	468:1	89	86	90
Anglesea Street	36,657	290	126:1	293	295	299
Gurrabraher	49,798	91	547:1	91	93	89

District	Population 2002 Census	Garda Strength on 31/12/02	Ratio on 31/12/02	Garda Strength on 31/12/03	Garda Strength on 31/12/04	Garda Strength on 31/12/05
Mayfield	36,507	110	332:1	109	109	102
Togher	86,084	125	689:1	124	131	129
Cobh	35,247	53	665:1	52	53	54
Fermoy	27,640	71	389:1	73	69	71
Mallow	28,774	54	533:1	52	55	58
Midleton	33,222	69	481:1	68	66	65
Bandon	32,344	88	368:1	84	88	87
Bantry	19,519	41	476:1	40	40	42
Clonakilty	25,578	42	609:1	42	44	43
Kanturk	21,851	40	546:1	38	40	41
Macroom	22,967	35	656:1	37	39	38
Caherciveen	18,757	42	447:1	43	42	41
Killarney	40,130	69	582:1	72	70	71
Listowel	26,670	50	533:1	49	48	48
Tralee	43,587	105	415:1	102	102	106
Askeaton	22,423	43	521:1	40	42	42
Bruff	22,017	39	565:1	40	39	41
Henry Street	68,110	236	289:1	246	258	251
Newcastle West	23,165	43	539:1	44	45	46
Roxboro Road	43,781	99	442:1	102	98	105
Ennis	50,237	131	383:1	146	157	155
Ennistymon	17,017	32	532:1	30	31	33
Killaloe	18,018	36	501:1	35	36	36
Kilrush	14,420	35	412:1	34	35	37
Clifden	10,162	25	406:1	24	28	30
Galway	73,277	186	394:1	185	196	201
Gort	13,669	32	427:1	31	31	32
Loughrea	18,547	41	452:1	44	45	46
Salthill	45,775	63	727:1	61	63	66
Ballina	27,574	51	541:1	52	50	52
Belmullet	9,136	27	338:1	27	27	27
Castlebar	26,040	69	377:1	70	66	65
Claremorris	18,932	44	430:1	45	45	41
Swinford	21,903	42	522:1	46	45	39
Westport	19,691	37	532:1	38	37	35
Ballinasloe	23,942	55	435:1	52	52	52
Boyle	12,512	38	329:1	38	37	37
Castlerea	14,007	41	342:1	42	39	42
Roscommon	18,711	62	302:1	60	61	65
Tuam	25,077	55	456:1	56	56	53

160. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the approximate number of gardaí who leave the force, due to retirement etc., on an annual basis;

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and if he will provide details of same in respect of each year for the past five years and to date in 2008. [37808/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda Commissioner that the number of gardaí who have left the force since the end of 2003, up to 30 September 2008, the latest date for which figures are readily available, is as follows.

	2003	2004	2005	2006	2007	2008
Compulsory retirement	87	89	99	66	7	12
Voluntary Retirement	252	323	284	238	177	166
Resignations	27	21	32	48	62	29
Medical Discharges	38	34	37	30	29	15
Deaths	11	5	6	13	8	10
Dismissals	1	3	3	7	5	7
Resignations in lieu of dismissal	1	3	1	1	1	0
<b>TOTAL</b>	<b>417</b>	<b>478</b>	<b>462</b>	<b>403</b>	<b>289</b>	<b>239</b>

### Juvenile Offenders.

161. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 146 of 22 October 2008, if he will provide further details on the inter-agency strengthening families programme; the Department which has overall responsibility and co-ordination for the programme; the funding of the programme on an annual basis since its establishment; the number of persons who have taken the 14 week course annually; the number of occasions the programme is offered annually; the specific locations at which the programme is offered currently and in the roll-out. [37809/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Parenting support programmes are just one aspect of tackling youth crime. In the youth justice area, these programmes are generally delivered under the remit of Young Persons Probation. However, I should point out that parenting support programmes also operate under the aegis of my colleagues, the Minister for Social and Family Affairs and the Minister of State with responsibility for Children and Youth Affairs.

With regard to the specific evidenced-based programme “Strengthening Families”, it has not been possible in the time available to get the full details of the programmes which have already been delivered. When I have received the information, I will write to the Deputy directly. However, I can say that approval has been given to Young Persons Probation to deliver the Strengthening Families programme nationally in 2009. The cost will be approximately €250,000. Twelve programmes are planned for 2009. The targeted locations are Dublin (Ballymun, Tallaght, Blanchardstown and Finglas), Cork, Limerick, Portlaoise and Waterford.

### Community Service.

162. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 145 of 22 October 2008, the average period of probation time carried out. [37810/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Probation Service of my Department has responsibility for the supervision and management of Community Service Orders in accordance with the Criminal Justice (Community Service) Act 1983. As I indicated to the Deputy in my reply of 22 October last, the Community Service Scheme is the subject of a Value for Money and Policy Review by an Independent Evaluator. I can inform the Deputy that the preliminary indications from that work shows that during 2006, the average length of a CSO was 136 hours. This is equivalent to approximately 20 days of full-time attendance on Community Service for an offender. By comparison, other research dating back to 1999 found that the average length of a CSO was 141 hours. The table sets out the number of Community Service Orders supervised by the Probation Service between 1998 and 2007.

Year	Number of Community Service Orders supervised by the Probation Service
1998	1,269
1999	1,342
2000	998
2001	756
2002	916
2003	893
2004	843
2005	1,167
2006	1,158
2007	1,519

### **Garda Training.**

163. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the number of training places and courses available to gardaí in Templemore; the number who have attended courses; the capacity for each year over the past five years and to date in 2008; and the Garda budget allocated to fund ongoing training courses to the gardaí annually over the past five years and for 2009. [37811/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The information required by the Deputy is not immediately available. I have requested it from the Garda Commissioner and I will write to the Deputy directly when it is to hand.

### **Sentencing Policy.**

164. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 161 of 22 October 2008, the reason he has not reviewed section 33 of the Criminal Justice Act, 2007 after its first year; and the reason he does not propose to establish a formal mechanism for an annual review. [37812/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** As I am sure the Deputy will appreciate and as I advised in my reply to Question No. 161 of 22 October, the provisions in question, which are contained in section 33 of the Criminal Justice Act 2007, have only been in effect since 18 May 2007. Therefore, the issue of establishing a formal review mechanism will be addressed at an appropriate stage when conclusions on the impact of the provisions contained in the Criminal Justice Acts 2006 and 2007 which deal with this matter can be appropriately reached.



### **Debt Relief.**

165. **Deputy Joe Costello** asked the Minister for Foreign Affairs his view of illegal debts in developing countries; the role Ireland plays as a member of the World Bank, IMF and the Asian Development Bank in relation to bad debts; his plans to update Ireland's debt policy; and if he will make a statement on the matter. [37684/08]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** The Government supports initiatives to ease or cancel the debt burden on developing countries. It is important that Ireland's bilateral assistance to the developing world is exclusively in the form of grants rather than loans. Ireland supports the two main international instruments which address the problem of the debt burden in the developing world — the multilateral debt relief initiative and the heavily indebted poor countries initiative.

The multilateral debt relief initiative was agreed by the G8 countries at Gleneagles in July 2005 with a focus on debt cancellation. It came into effect on 1 July 2006, and provides for 100% relief on eligible debt from the World Bank, the African Development Bank and the International Monetary Fund for many of the poorest countries in the world, most of them in Africa. The aim is to relieve these countries from the burden of servicing debt and assist them in making progress on the UN millennium development goals, with the overall objective of halving global poverty by 2015.

In 2007, the Inter-American Development Bank agreed to provide similar debt relief to the five poorest countries in Latin America and the Caribbean. To date, 25 countries have benefited from debt relief under the multilateral debt relief initiative, at a cost of some \$43.5 billion. Ireland demonstrated its support for the full implementation of debt relief and, where appropriate, cancellation, in 2006 by being the first country to pay its full share of the costs of the multilateral debt relief initiative of €58.64 million.

The heavily indebted poor countries initiative is implemented by the World Bank and the IMF. It was launched in 1996 to reduce the debt burden of qualifying countries to sustainable levels but does not involve cancellation of debt. Progress on the implementation of the initiative has been relatively slow. However, to date US\$68 billion in debt-service relief has been approved under the initiative for 33 countries, 27 of which are in Africa. Ireland has contributed €20 million towards the cost of implementing this initiative — €6 million of this being paid this year. Ireland will remain actively engaged in ensuring that international commitments to dealing with the debt burden on developing countries are met.

### **Price Increases.**

166. **Deputy Fergus O'Dowd** asked the Minister for Foreign Affairs the price increases imposed by his Department and its agencies for public services, products or taxes since 1 January to date in 2008; and if he will make a statement on the matter. [37694/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The only charges for services levied by my Department are in respect of consular and passport fees and these have not increased since 2005.

### **Anti-Racism Measures.**

167. **Deputy Joe McHugh** asked the Minister for Foreign Affairs if his attention has been drawn to the fact that a person (details supplied) has been subjected to anti-Irish racist abuse from the terraces at Scottish Premier League games this month; if he will write to the Scottish First Minister, the Scottish Football Association, and the Scottish Premier League requesting

that they take action to stamp out this anti-Irish racism; and if he will make a statement on the matter. [37731/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I am aware of the ongoing issue of sectarian behaviour at Scottish Premier League games. I am conscious of the distress and offence it can cause. Since its opening in 1998, the Consulate General of Ireland in Edinburgh has maintained a wide-ranging dialogue with the Scottish Government on various issues. In recent weeks, the Consul General has been in close contact with senior officials in the Scottish Government in relation to incidents of sectarianism of the kind referred to in the question. Following these discussions, I am assured that tangible new steps to tackle sectarianism and racism in sport are being reviewed by the Scottish Government. I am hopeful that the proposed measures will help to improve the situation. The Consulate General will continue to monitor closely developments in this regard.

#### **Human Rights Issues.**

168. **Deputy Finian McGrath** asked the Minister for Foreign Affairs if his attention has been drawn to the fact that 35% of Deputies and Senators in Colombia have been linked to right-wing death squads; and if he will raise this at both the EU and the UN levels. [37746/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** Together with our European Union partners, Ireland is closely monitoring investigations by the Colombian Supreme Court into the alleged association of members of Congress and Government officials with paramilitary groups in Colombia. Any association between elected representatives or officials and paramilitary groups is a matter of serious concern in itself, and also has the capacity further to destabilise the Colombian peace process.

I am gravely concerned by the revelations emerging as a result of these investigations. However, it is important that the Supreme Court investigations continue so that further information and evidence can be uncovered. We respect the fact that the due process of law is being applied. We are also monitoring the proposed constitutional amendments relating to the Supreme Court's investigation and their potential impact on the investigation. In conjunction with our European Union partners, we will continue to examine how we may, as appropriate, contribute to the peace process in Colombia.

#### **Departmental Bodies.**

169. **Deputy Brian O'Shea** asked the Minister for Arts, Sport and Tourism if legislation is required to put into effect the merging of the National Archives and the Irish Manuscripts Commission with the National Library; and if he will make a statement on the matter. [37599/08]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I am advised that amendments will be required, inter alia, to the principal statutes concerned, which are the National Archives Act, 1986 and the National Cultural Institutions Act, 1997.

#### **Departmental Structure.**

170. **Deputy Olivia Mitchell** asked the Minister for Arts, Sport and Tourism if talks or discussions have taken place on the possibility of disbanding his Department, amalgamating its functions with other Departments or other such structural changes; and if he will make a statement on the matter. [37681/08]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** The Deputy will be aware of the recent Government decision to merge the National Archives, which is currently part of the Department, and the Irish Manuscripts Commission into the National Library of Ireland. Other than this, no talks or discussions have taken place, on the issue raised by the Deputy.

#### **Price Increases.**

171. **Deputy Fergus O'Dowd** asked the Minister for Arts, Sport and Tourism the price increases imposed by his Department and its agencies for public services, products or taxes since 1 January to date in 2008; and if he will make a statement on the matter. [37686/08]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** The Department, including the National Archives, has not imposed any price increases for public services, products or taxes since 1 January 2008. In respect of the agencies under the aegis of the Department, pricing is, in general, a matter for the agencies themselves. I have not approved any price increases in respect of any agency during the period in question.

172. **Deputy Fergus O'Dowd** asked the Minister for Community, Rural and Gaeltacht Affairs the price increases imposed by his Department and its agencies for public services, products or taxes since 1 January to date in 2008; and if he will make a statement on the matter. [37688/08]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** I can confirm to the Deputy that my Department has not imposed any price increases for public service, product or tax since 1 January to date in 2008. In addition, I am informed that none of the agencies under the remit of my Department have imposed any price increase for public service, product or tax to date in 2008.

#### **Community Development.**

173. **Deputy Olivia Mitchell** asked the Minister for Community, Rural and Gaeltacht Affairs the status of an application by a centre (details supplied) in County Dublin submitted to his Department in April 2008, in view of the fact this centre has an integral role to play in Dún Laoghaire Rathdown in fulfilling active citizenship objectives, developing relationships and fostering community spirit; and if he will make a statement on the matter. [37716/08]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran):** A review of the pilot programme of funding to volunteers centres is currently ongoing in my Department. At the end of that process, consideration will be given to requests for funding from a number of centres, including Dun Laoghaire Rathdown, in the context of monies available in 2009.

#### **Inland Waterways.**

174. **Deputy Willie Penrose** asked the Minister for Community, Rural and Gaeltacht Affairs his plans to extend navigation from the River Shannon to Glasson village; and if he will make a statement on the matter. [37720/08]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** I understand that Waterways Ireland is currently amending the Environmental Impact Statement for Glasson to include additional information from recent ecological site evaluations of this environmentally sensitive area, so as to fully ensure that the proposal is in compliance with the EU Habitats Directive. I am advised that Waterways Ireland proposes to submit a planning application for

this project in 2009 and, pending a successful outcome to that application, to commence work on the ground as soon as possible thereafter.

### **Departmental Programmes.**

175. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the way a school can apply to be included in a scheme (details supplied); the appeal mechanism that exists in the event of an application being turned down; and if she will make a statement on the matter. [37718/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The school meals programme gives funding towards the provision of food services for disadvantaged school children through two schemes. The first is the long-standing statutory urban school meals scheme, operated by local authorities and part-financed by the Department of Social & Family Affairs. The second is the school meals local projects scheme through which funding is provided directly by the Department to participating schools and local and voluntary community groups who are running their own school meals projects.

The school meals programme is non-statutory. Priority for funding under the school meals local projects scheme is given to schools which are part of the Department of Education & Science's initiative for disadvantaged schools 'Delivering Equality of Opportunity in Schools' (DEIS). The focus of the school meals programme will remain on disadvantaged children and the inclusion of additional DEIS schools in the scheme will continue to be the Department's main priority.

Applications for funding under the school meals local projects scheme may be made to the Department using the appropriate application form which is available from the School Meals Section of the Department or from the Department's website. Any school not satisfied with a decision on entitlement to funding can request a review of the decision. Applications under urban school meals scheme should be made to the appropriate local authority.

### **Social Welfare Code.**

176. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the payments due to the parents of a child under the early child care supplement scheme at the time of birth under the rules pertaining to the scheme at the time of birth and the corresponding payments due to the child as a result of changes announced in budget 2009 for the parents of a child born on 21 September 2008. [37610/08]

178. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs if the cutbacks to the early child care supplement announced in the budget 2009 speech will apply to children for whom parents are already receiving payment or only to children joining from January 2009. [37612/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I propose to take Questions Nos. 176 and 178 together.

The rates of payment for the Early Childcare Supplement (ECS) are a matter for the Minister for Children and Youth Affairs. The Department of Social and Family Affairs issues the payments on an Agency basis for that Office. I understand that the ECS is currently paid on a quarterly basis at €275 per quarter from the quarter the child is born until s/he reaches 6 years. From January 2009, ECS payments will be made monthly at €92 per month from the month after the child is born until s/he reaches 5 years and 6 months. The January 2009 changes to

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the ECS scheme will apply to both new and existing claims. Payments in 2009 will be at the monthly rate of €92 and will continue until the child reaches 5 years and 6 months.

177. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs if the new arrangements for disability allowance in respect of persons aged under 18 years announced in budget 2009 will apply to all under 18 years including those whose parents have not previously received domiciliary care allowance. [37611/08]

184. **Deputy Finian McGrath** asked the Minister for Social and Family Affairs if she will support a matter (details supplied). [37752/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I propose to take Questions Nos. 177 and 184 together.

A number of families and representative groups expressed concerns about the impact of the changes to the DA scheme announced in Budget 2009. Having reflected on these concerns the Government, on my recommendation, agreed that the existing arrangements, whereby DA is paid to 16 and 17 year olds, will continue pending completion of a full review of the DA scheme. The changes announced as part of the Social Welfare Budget were designed to address concerns raised by a number of bodies about the appropriateness of paying young people a social welfare payment in their own right at the age of 16.

The National Federation of Voluntary Bodies in particular had argued in a submission to the Department's review of the Disability Allowance Scheme that "at present the age for receipt of DA is 16 years. We deem this to be too young. This does not give an incentive for a child to pursue work/education options. Subsequently a child may fall into the dependency trap too early. Instead parents should receive the Domiciliary Care Allowance for the child until they are 18 years old."

The Government's motivation in making changes to the Disability Allowance was to address these concerns. This week I met with six different groups representing people with disabilities and disability service providers (namely the National Federation of Voluntary Bodies, Inclusion Ireland, Down Syndrome Ireland, People with Disabilities in Ireland, the National Disability Authority and Rehab). At these meetings, the underlying principle of the Budget measure, i.e. that it is inappropriate to pay a social welfare payment to a 16 year old in his or her own right, was not seriously contested. The key concern expressed by the groups related to the loss of expected income at short notice to families of young people with disabilities.

Following these meetings, I recommended to the Government that the Disability Allowance continue to be paid to 16 and 17 year olds pending a full review of the scheme. The review is considering a wide range of issues as identified by groups representing people with disabilities and their families, by service providers and will take account of a forthcoming report on disability and illness benefits by the OECD. It will also draw on new data published by the Central Statistics Office last week from the National Disability Survey 2006. In the circumstances, the question of a possible entitlement to the Domiciliary Care Allowance in respect of persons aged between 16 and 18 does not now arise.

*Question No. 178 answered with Question No. 176.*

#### **Social Welfare Benefits.**

179. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs if it is intended

to pay the Christmas bonus to welfare recipients in the normal way, at the normal rate and at the normal time. [37613/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Christmas Bonus is paid to all recipients of long-term social welfare payments. The payment will be made this year, at an estimated cost of €201 million and will benefit some 1.3 million persons comprising 940,000 recipients and 400,000 dependents. The focus of the bonus has always been on persons who rely on the social welfare system for financial support over the long term. These include recipients of:

- Blind Pension,
- Carer's Allowance,
- Carer's Benefit
- Death Benefit by way of pension,
- Disability Allowance,
- Disablement Pension,
- Farm Assist,
- Guardian's Payment (Contributory and Non-Contributory),
- Invalidity Pension,
- Jobseeker's Allowance in respect of a continuous period of unemployment of at least 15 months,
- One-parent Family Payment,
- Pre-Retirement Allowance,
- Deserted Wife's Benefit and Allowance,
- Prisoner's Wife's Allowance,
- State Pension (Contributory and Non-Contributory),
- State Pension (Transition),
- Widow's and Widower's (Contributory) Pension, and
- Widow's and Widower's (Non-Contributory) Pension.

The bonus is also payable to recipients of certain income support payments administered by the Ministers for Health and Children, Education and Science, Enterprise, Trade and Employment and Community, Rural and Gaeltacht Affairs.

180. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the monthly payments of child benefit for a parent of triplets aged 17 years who will be still at school until 2010; if she will compare these payments to the appropriate payments applicable as a result of budget 2009 giving details of the amount they would have got and the amount they will receive based on budget 2009 changes; and if she will make a statement on the matter. [37620/08]

181. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the number of families that are in receipt of child benefit (details supplied). [37621/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I propose to take Questions Nos. 180 and 181 together.

The current rate of Child Benefit is €166 for the 1st and 2nd child and €203 for the 3rd and subsequent children. Twins are paid at one and a half times the normal rate and other multiple births at twice the normal rate.

In the example referred to, assuming the children are the only eligible children in the family, the current rate of payment is €1,070 per month. From January 2009, children over 18 years will be paid at half the normal rate, in the case of triplets this would mean a payment of €535 from the month after their 18th birthday.

Child Benefit will not be payable in respect of children over 18 years from January 2010. A compensatory payment to parents in receipt of a Social Welfare payment, whose child benefit is reduced for children over 18 years, will be introduced from January 2009. The number of multiple births in payment for Child Benefit at end September 2008 was 14,783 twins, 345 triplets, 16 quadruplets and 1 quintuplets.

#### **Price Increases.**

182. **Deputy Fergus O'Dowd** asked the Minister for Social and Family Affairs the price increases imposed by her Department and its agencies for public services, products or taxes since 1 January to date in 2008; and if she will make a statement on the matter. [37697/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Department and the agencies operating under the aegis of the Department, with the exception of the Pensions Board, do not impose any charges for their services, nor do they raise taxes. The only products they produce are publications. The Citizens Information Board increased the price of the Directory of National Voluntary Organisations and other State Agencies, from €10 to €12, effective from the date of publication 18 September, 2008.

#### **Social Welfare Code.**

183. **Deputy Willie Penrose** asked the Minister for Social and Family Affairs the way an entitlement to deserted wife's benefit which was an insurance based benefit could be transformed into a means tested payment; if in view of the fact that there is a small number in receipt of this payment she will explain the motivation for such a significant change whereby people who qualified for same anticipated they would continue on this payment as it was insurance based; and if she will make a statement on the matter. [37715/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Deserted Wife's Benefit scheme was an insurance based scheme for women whose marriage had broken down. In 1992 an earnings limit was brought in for the scheme so that resources would be effectively targeted to those deserted wives who required an additional supplement to their income until they were able to support themselves. The deserted wife's benefit (DWB) scheme was closed to new applications with effect from 2 January 1997, when the one-parent family payment (OFP) was introduced. Thereafter, both lone parents and deserted wives with qualified children are supported under the OFP scheme.

The current income disregard of €20,000 was introduced in Budget 2007 and represented a substantial increase on the previous income disregard whereby recipients earning more than €12,697 per annum received a reduced payment and whereby claimants earning more than

€17,776 lost entitlement to the payment. This new arrangement, in effect allows DWB recipients to earn up to €384 per week and still retain full entitlement to benefit of €203.30 per week (€209.80 per week from January 2009). DWB recipients whose income goes over €20,000 per annum are also entitled to a half-rate transitional payment for 6 months. I am satisfied that the conditions for payment are equitable and I have no plans at present to change the earnings disregard.

*Question No. 184 answered with Question No. 177.*

### **Social Welfare Benefits.**

185. **Deputy Ulick Burke** asked the Minister for Social and Family Affairs the reason for the delay in the payment of child benefit to persons (details supplied) in County Galway in view of the assurances previously given by her Department that this matter was being dealt with; and if she will make a statement on the matter. [37764/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** A child benefit claim was received from the person concerned in November 2007; however during subsequent processing the claim file was inadvertently misplaced. The person concerned has been contacted and the position has been explained to her and she will submit a new application form. When this is returned to the Child Benefit office the case will be prioritised and payment will be made as soon as possible.

### **Departmental Staff.**

186. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the reason for the high rate of staff absenteeism in her Department; and the action she is taking to address the problem. [37777/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The main causes of absenteeism in the Department in 2007 relate to illnesses caused by respiratory related conditions, stress, back injury and pain, depression and surgery. In 2007, the average number of working days lost to sick leave per employee was 14.74. This figure includes those employees who were absent for periods of six months or more due to long term illnesses. 23% of total working days lost in the year were as a result of these long term illnesses. When the long-term illness days are excluded, the average number of working days lost to sick leave per employee was 11.35.

In 2005, the Department introduced a comprehensive Attendance Management Policy which provides for the active management of absenteeism by clearly setting out the relevant roles and responsibilities of all staff and managers in this area. As part of this policy, the Department works closely with the Chief Medical Officer in managing cases of sick leave. The Chief Medical Officer plays a crucial role in advising the Department on employee's fitness for work from a medical perspective. In addition, my Department operates a Health Promotion policy and an Employee Assistance Service which provides support to staff in the Department as required. The measures set out in the Attendance Management Policy are kept under review for the purposes of evaluating and, where necessary, increasing their effectiveness.

### **Price Increases.**

187. **Deputy Fergus O'Dowd** asked the Minister for Defence the price increases imposed by his Department and its agencies for public services, products or taxes since 1 January to date in 2008; and if he will make a statement on the matter. [37689/08]



**Minister for Defence (Deputy Willie O’Dea):** No price increases have been imposed by my Department since 1 January 2008. During the same period, the only price increase by an agency under the aegis of my Department was an increase in the fees charged by Coiste an Asgard in respect of cruises on board Asgard II. The fees for the 2008 cruise programme were increased by amounts ranging from 15% to 20%. The most recent increase in the fees prior to that was an increase of 5% in 2006. There was no increase in either 2004 or 2005.

### **Pension Provisions.**

188. **Deputy Willie Penrose** asked the Minister for Defence the position regarding the military service allowance for members of the Permanent Defence Forces who retired prior to August 1990; if his Department has done a costing in respect of the numbers who have been deprived of this allowance; if, in this context and due to the reducing numbers involved, he will take steps to have same granted to these personnel; and if he will make a statement on the matter. [37723/08]

**Minister for Defence (Deputy Willie O’Dea):** Arising from a recommendation made in 1990 by the Commission on Remuneration and Conditions of Service in the Defence Forces (the Gleeson Commission), Military Service Allowance (MSA) was made pensionable in the case of personnel retiring on or after 1 August 1990. This approach was fully consistent with settled public service pensions policy which provides that the benefit of an allowance being made pensionable for serving personnel does not extend to existing pensioners.

More recently, the Final Report of the Commission on Public Service Pensions, which was published in November 2000, was considered and broadly accepted by Government. In that Report, the Commission specifically addressed the issue of the pensionability of allowances (including the MSA) and the consequences for public service occupational pensioners generally. However, having considered the arguments advanced by the groups affected, together with long standing public service pensions policy in that context and the substantial cost implications involved, the Commission did not recommend any increase for the pensioners concerned. Aside from pre-August 1990 Defence Forces pensioners, the other groups affected include certain retired members of An Garda Síochána and the Prison Service and retired teachers. In the context of the Government’s subsequent consideration of the Commission’s Report, no change in existing policy on this matter has been authorised or is contemplated.

At present, there are approximately 10,000 persons in receipt of military occupational pensions under the Defence Forces Pensions Schemes (including some 1,600 spouses and children of deceased personnel). About 3,330 of these are pre-August 1990 pensioners who do not qualify for the MSA in their pension. The direct cost to my Department of extending the benefit of MSA to them is currently estimated at almost €7.0 million a year. While the number of pensioners affected is slowly falling each year — the corresponding figure this time last year was about 3,500 — the cost involved remains significant.

The Deputy will appreciate that the position of these Defence Forces pensioners cannot be looked at in isolation and thus the cost implications for the wider public service must be considered. Any departure from established pensions policy for one group would give rise to significant cost repercussions in other areas of the public service. Accordingly, there is no scope for departing from settled public service pensions policy in the case of MSA.

### **Local Authority Funding.**

189. **Deputy Jimmy Deenihan** asked the Minister for the Environment, Heritage and Local Government if revenue generated from the proposed new property levy will be ring-fenced to

remain with the respective local authorities; and if he will make a statement on the matter. [37646/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Government has decided to broaden the revenue base of local authorities through the introduction of a charge on all non-principal private residences, and this will be used to support the provision of local services. I intend to bring forward legislation to implement the proposed charge as soon as possible, and this will set out the detailed measures necessary to give effect to it.

#### **Special Areas of Conservation.**

190. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government if he will allow an extension of the appeals procedure for land owners in Magherdummen Bog, Inishowen, County Donegal; and if he will make a statement on the matter. [37666/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The European Communities (Natural Habitats) Regulations, 1997, specify that objections to the inclusion of lands within a candidate Special Area of Conservation (cSAC) must be made in writing within three months of public notification. The proposed boundaries for Magheradrumman Bog cSAC were advertised on 1 March 1997. This three months time limit has been appropriately applied since November 2006 so that Ireland could finalise the SAC designations process and meet our objectives under the EU Habitats Directive. Accordingly, the period for lodging objections has expired and I do not propose any extension.

A number of landowners and turbary right owners had lodged objections to the proposed designation, and funding was provided by my Department for the preparation of a report on the site by an independent ecologist. I am considering this report at present, and will make a decision on the boundaries of the cSAC shortly.

#### **Turbary Rights.**

191. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government the type of turf-cutting that is allowed on blanket bogs; and if he will make a statement on the matter. [37672/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** A small proportion of Ireland's peatlands is designated for conservation purposes under the Habitats Directive or the Wildlife Acts. Landowners and holders of turbary rights on blanket bogs within Special Areas of Conservation or Natural Heritage Areas can cut turf for their own domestic use. Since 1999, the use of sausage machines is not permitted in these areas. However, hoppers, or other hand-held machines, are permitted. There are fewer restrictions on undesignated blanket bogs. Large-scale peat extraction works may require planning permission, with an associated environmental impact assessment, under the planning code.

#### **Special Areas of Conservation.**

192. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government the implications for landowners who own lands designated as special areas of conservation; and if he will make a statement on the matter. [37673/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The EU Habitats Directive requires Member States to maintain or restore the favourable conservation status of specified habitats and species. This is done through designating appro-

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priate sites as Special Areas of Conservation (SACs) and protecting them. Designation of a site as an SAC may have implications for landowners, as management and use of these lands must have regard to protection of the habitats and species for which the site is designated.

Land use practices that may be affected include, but are not limited to, type of farming, grazing, recreational use, turf cutting, afforestation and construction. Within SACs, certain specified activities can only be carried out with my consent, as Minister. These notifiable actions vary depending on the type of habitat or species being protected. For activities within, or likely to impact upon, a SAC that require permission or licence from a Government Department, local authority or State body, the consent authority is required to ensure that the activity is appropriately assessed for any impact on the conservation status of that site. These appropriate assessments are a requirement under the Habitats Directive and must be undertaken before consent for the activity or development is given. Planning authorities are also required to include SAC sites in all relevant Development Plans and should take their designation into account when assessing any future development proposals in or near a SAC site.

My Department pays a fair and reasonable level of compensation to landowners and users where actual losses are suffered or costs are incurred directly as a result of their lands being designated as a SAC.

### **Special Protection Areas.**

193. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government the implications for land owners who own lands designated as special protection areas; and if he will make a statement on the matter. [37674/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The EU Birds Directive requires Member States to maintain or restore the favourable conservation status of specified species of wild birds. This is done through designating appropriate sites as Special Protection Areas (SPAs) and protecting them. Designation of a site as an SPA may have implications for landowners, as management and use of these lands must have regard to protection of the habitats and species for which the site is designated.

Land use practices that may be affected include, but are not limited to, type of farming, grazing, recreational use, turf cutting, aquaculture, afforestation and construction. Within SPAs, certain specified activities can only be carried out with my consent, as Minister. These notifiable actions vary depending on the type of habitat or species being protected. For activities within, or likely to impact upon, an SPA that require permission or licence from a Government Department, local authority or State body, the consent authority is required to ensure that the activity is appropriately assessed for any impact on the conservation status of that site. These appropriate assessments are a requirement under both the Birds and Habitats Directives and must be undertaken before consent for the activity or development is given. Planning authorities are also required to include SPA sites in all relevant Development Plans and should take their designation into account when assessing any future development proposals in or near a SPA site.

My Department pays a fair and reasonable level of compensation to landowners and users where actual losses are suffered or costs are incurred directly as a result of their lands being designated as a Special Protection Area.

194. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government the proposed areas which will be designated as special protection areas; if he will provide this information on a county basis in tabular form; and if he will make a statement on the matter. [37675/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** A breakdown of proposed Special Protection Areas on a county by county basis accompanies this reply. Many sites cross county boundaries and may, therefore, feature on more than one county list. I expect that the completed suite of SPA sites will consist of one hundred and fifty two sites countrywide and that these should be advertised, notified to landowners and designated by Statutory Instrument by the end of 2009.

Table: Proposed Special Protection Areas by County

## Cavan

Site Code	Name — SPA — Other Counties
004049	Lough Oughter SPA
004061	Lough Kinale/Derragh Lough SPA — Longford & Westmeath
004065	Lough Sheelin SPA — Meath & Westmeath

## Clare

Site Code	Name — SPA — Other Counties
004005	Cliffs of Moher SPA
004031	Galway Bay Inner SPA — Galway
004041	Ballyallia Lake SPA
004058	Lough Derg (River Shannon) SPA — Galway & Tipperary
004077	Shannon/Fergus Estuary SPA — Kerry & Limerick
004119	Loop Head SPA
004168	Slieve Aughty SPA
004182	Mid-Clare Coast SPA

## Cork

Site Code	Name — SPA — Other Counties
004021	Old Head Of Kinsale SPA
004022	Ballycotton Bay SPA
004023	Ballymacoda Bay SPA
004028	Blackwater Estuary SPA — Waterford
004030	Cork Harbour SPA
004066	The Bull & The Cow Rocks SPA
004081	Clonakilty Bay SPA
004094	Blackwater Callows SPA — Waterford
004095	Kilcolman Bog SPA
004109	The Gearagh SPA
004124	Sovereign Islands SPA
004155	Beara Peninsula SPA
004156	Sheep's Head to Toe Head SPA
004161	Stacks to Mullaghreirk Mountains, West Limerick Hills and Mount Eagle SPA — Limerick & Kerry
004162	Mullaghanish to Musheramore Mountains SPA
004190	Galley Head to Duneen Point SPA
004191	Seven Heads SPA

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## Donegal

Site Code	Name — SPA — Other Counties
004034	Trawbreaga Bay SPA
004039	Glenveagh National Park SPA
004057	Lough Derg (Donegal) SPA
004060	Lough Fern SPA
004073	Tory Island SPA
004075	Lough Swilly SPA
004082	Greer's Island SPA
004083	Inishbofin, Inishdooy, Inishbeg SPA
004087	Lough Foyle SPA
004090	Sheskinmore Lough SPA
004099	Pettigoe Plateau Nature Reserve SPA
004100	Inistrahull SPA
004106	Lough Barra Bog SPA
004110	Lough Nillan Bog (Carrickatlieve) SPA
004115	Inishduff SPA
004116	Inishkeel SPA
004120	Rathlin O'Birne Island SPA
004121	Roaninish SPA
004130	Inch Lough and Levels SPA
004131	Innishirrer and Inishmeane SPA
004132	Illanacrone And Inishkeeragh SPA
004150	West Donegal Coast SPA
004151	Donegal Bay SPA
004194	Horn Head to Fanad Head SPA

## Dublin

Site Code	Name — SPA — Other Counties
004006	North Bull Island SPA
004014	Rockabill SPA
004015	Rogerstown SPA
004016	Baldoye Bay SPA
004024	South Dublin Bay and River Tolka Estuary SPA
004025	Broadmeadow/Swords Estuary SPA
004069	Lambay Island SPA
004113	Howth Head Coast SPA
004117	Ireland's Eye SPA
004122	Skerries Islands SPA

## Galway

Site Code	Name — SPA — Other Counties
004031	Galway Bay Inner SPA — Clare
004042	Lough Corrib SPA — Mayo
004152	Inishmore SPA
004056	Lough Cutra SPA
004058	Lough Derg (River Shannon) SPA — Clare & Tipperary
004062	Lough Mask SPA — Mayo
004067	High Island SPA
004088	Lough Scannive SPA
004089	Rahasane Turlough SPA
004096	Middle Shannon Callows SPA — Offaly, Tipperary & Westmeath
004097	Middle Suck Callows SPA — Roscommon
004107	Coole/Garryland SPA
004123	Slyne Head Islands SPA
004134	Lough Rea SPA
004142	Slieve Aughty Mountains SPA
004168	Creganna Marsh SPA
004170	Cruagh Island SPA

## Kildare

Site Code	Name — SPA — Other Counties
004063	Poulaphouca Reservoir SPA — Wicklow

## Kerry

Site Code	Name — SPA — Other Counties
004003	Puffin SPA
004007	Skelligs SPA
004008	Blasket Islands SPA
004011	Lough Gill SPA
004018	Tralee Bay SPA
004029	Castlemaine Harbour SPA
004038	Killarney National Park SPA
004077	Shannon/Fergus Estuary SPA — Clare & Limerick
004079	Akeragh , Banna and Barrow Harbour SPA
004108	Eirk Bog SPA
004125	Magharee Islands SPA
004153	Dingle Peninsula SPA
004154	Iveragh Peninsula SPA
004161	Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA — Limerick & Cork
004175	Deenish and Scariff Island SPA
004189	Kerry Head SPA

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## Laois

Site Code	Name — SPA — Other Counties
004160	Slieve Bloom Mountains SPA — Offaly

## Leitrim

Site Code	Name — SPA — Other Counties
004187	Sligo/Leitrim Uplands SPA — Sligo

## Longford

Site Code	Name — SPA — Other Counties
004045	Glen Lough SPA
004061	Lough Kinale/Derragh Lough SPA — Cavan & Westmeath
004064	Lough Ree SPA — Roscommon & Westmeath
004101	Ballykenny Fisherstown Bog SPA

## Louth

Site Code	Name — SPA — Other Counties
004026	Dundalk Bay SPA
004078	Carlingford Lough SPA
004080	Boyne Estuary SPA — Meath
004091	Stabannan-Braganstown SPA

## Limerick

Site Code	Name — SPA — Other Counties
004077	River Shannon and River Fergus Estuaries SPA
004161	Stacks to Mullaghreirks, West Limerick Hills & Mount Eagle SPA — Cork, Kerry
004165	Slievefeilim to Silvermines Mountains SPA — Tipperary

## Mayo

Site Code	Name — SPA — Other Counties
004004	Iniskea Islands SPA
004036	Killala Bay/Moy Estuary SPA — Sligo
004037	Blacksod/ Broadhaven SPA
004042	Lough Corrib SPA — Galway
004051	Lough Carra SPA
004052	Carrowmore Lake SPA
004053	Lough Conn SPA

Site Code	Name — SPA — Other Counties
004054	Lough Cullin (Mayo) SPA
004055	Cross Lough (Mullet) SPA
004062	Lough Mask SPA — Galway
004072	Stags Of Broadhaven SPA
004074	Ilanmaster SPA
004084	Inishglora And Inishkeeragh SPA
004093	Termoncarragh Lake and Annagh Machair SPA
004098	Owenduff/Nephin Complex SPA
004111	Duvillaun Islands SPA
004136	Clare Island SPA
004177	Bills Rock SPA

## Meath

Site Code	Name — SPA — Other Counties
004065	Lough Sheelin SPA — Cavan & Westmeath
004080	Boyne Estuary SPA — Louth
004158	Nanny Estuary and Shore SPA

## Monaghan

Site Code	Name — SPA — Other Counties
004167	Slieve Beagh SPA

## Offaly

Site Code	Name — SPA — Other Counties
004017	Mongan Bog SPA
004086	Little Brosna Callows SPA
004096	Middle Shannon Callows SPA — Galway, Tipperary & Westmeath
004103	All Saints Bog SPA
004137	Dovegrove Callows SPA
004160	Slieve Bloom Mountains SPA — Laois

## Roscommon

Site Code	Name — SPA — Other Counties
004048	Lough Gara SPA Sligo
004050	Lough Arrow SPA — Sligo
004064	Lough Ree SPA — Longford & Westmeath
004096	Middle Shannon Callows SPA
004097	River Suck Callows SPA — Galway
004101	Ballykenny Fisherstown Bog SPA
004105	Bellangare Bog SPA



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## Sligo

Site Code	Name — SPA — Other Counties
004013	Drumcliff Bay SPA
004035	Cumeen Strand SPA
004036	Killala Bay/Moy Estuary SPA — Mayo
004048	Lough Gara SPA — Roscommon
004050	Lough Arrow SPA — Roscommon
004068	Inishmurray SPA
004129	Ballysadare Bay SPA
004133	Aughris Head SPA
004135	Ardboline And Horse Island SPA
004187	Sligo/Leitrim Uplands SPA — Leitrim

## Tipperary

Site Code	Name — SPA — Other Counties
004058	Lough Derg (River Shannon) SPA — Clare & Galway
004086	River Little Brosna Callows SPA
004096	Middle Shannon Callows SPA — Galway, Offaly & Westmeath
004165	Slievefeilim to Silvermines Mountains SPA — Limerick

## Waterford

Site Code	Name — SPA — Other Counties
004027	Tramore Backstrand SPA
004028	Blackwater Estuary SPA — Cork
004032	Dungarvan Harbour SPA
004094	Blackwater Callows SPA — Cork
004192	Helvick Head to Ballyquin SPA
004193	Mid-Waterford Coast SPA

## Westmeath

Site Code	Name — SPA — Other Counties
004043	Lough Derravaragh SPA
004044	Lough Ennell SPA
004045	Glen Lough SPA
004046	Lough Iron SPA
004047	Lough Owel SPA
004061	Lough Kinale/Derragh Lough SPA — Cavan & Longford
004064	Lough Ree SPA — Longford & Roscommon
004065	Lough Sheelin SPA — Cavan & Meath
004096	Middle Shannon Callows SPA — Galway, Offaly & Tipperary
004102	Garriskill Bog SPA

## Wexford

Site Code	Name — SPA — Other Counties
004002	Saltees SPA
004009	Ladys Island Lake SPA
004019	The Raven SPA
004020	Ballyteigue Burrow SPA
004033	Bannow Bay SPA
004076	Wexford Harbour and Slobs SPA
004092	Tacumshin Lake SPA
004118	Keeragh Islands SPA

## Wicklow

Site Code	Name — SPA — Other Counties
004040	Wicklow Mountains SPA
004063	Poulaphouca Reservoir SPA — Kildare
004127	Wicklow Head SPA
004085	The Murrough SPA

**Price Increases.**

195. **Deputy Fergus O'Dowd** asked the Minister for the Environment, Heritage and Local Government the price increases imposed by his Department and its agencies for public services, products or taxes since 1 January to date in 2008; and if he will make a statement on the matter. [37692/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Motor tax rates were increased, with effect from 1 February 2008, by 9.5% for cars below 2.5 litres and 11% for cars above that threshold. Goods and all other vehicles also increased by 9.5% with no increase for electric vehicles. In addition, trade plate licences were increased by 9.5%. Further motor tax increases, announced as part of Budget 2009, will come into effect from 1 January 2009.

Charges imposed by local authorities and agencies of my Department are a matter for the bodies concerned except in cases where increased charges require Ministerial approval. No such increases have been approved since 1 January 2008.

**Local Authority Housing.**

196. **Deputy Olwyn Enright** asked the Minister for the Environment, Heritage and Local Government if a decision has been made following an application for post-tender approval in respect of a project (details supplied); and if he will make a statement on the matter. [37765/08]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** I am, at present, considering the scope to approve further projects under my Department's Capital Loan and Subsidy Scheme in light of the funding available, and will make an appropriate announcement in that regard very shortly.

197. **Deputy Bernard Allen** asked the Minister for the Environment, Heritage and Local Government the date a request was received from Cork City Council for funding in respect of remedial works at Spriggs Road, Cork; the amount sought; and when a decision will be made on the application. [37778/08]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** An application for a Remedial Works Scheme at Spriggs Road was received by my Department on 15 October 2008 for consideration under the 2009 Remedial Works Programme. Under this programme local authorities are invited to apply for co-funding of remedial works schemes to commence in 2009. The closing date for receipt of applications is 31 October 2008, after which all applications will be evaluated with a view to selecting projects to be approved for funding under allocations to be announced early next year.

#### **Water and Sewerage Schemes.**

198. **Deputy Jimmy Deenihan** asked the Minister for the Environment, Heritage and Local Government the situation in regard to Milltown sewerage scheme, Milltown, County Kerry; the anticipated completion date of the scheme; and if he will make a statement on the matter. [37817/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Milltown is included for funding in my Department's Water Services Investment Programme 2007-2009 as part of a grouped sewerage scheme to service a number of towns and villages in Co Kerry. I understand that work on the waste water collection system for Milltown is in progress and that Kerry County Council expects to award the contract for the treatment plant contract shortly.

#### **Price Increases.**

199. **Deputy Fergus O'Dowd** asked the Minister for Communications, Energy and Natural Resources the price increases imposed by his Department and its agencies for public service, product or tax since 1 January to date in 2008; and if he will make a statement on the matter. [37687/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** Charges determined by the bodies operating under the aegis of my Department are a matter for those bodies, and the issue of tax is a matter for the Revenue Commissioners. The following price increases apply for 2008:

- Inland Fishery Licences for 2008 were increased 4.8%, over the 2007 rates.
- Fees chargeable for Petroleum Authorisations were increased by 4.9% for 2008 over 2007 levels.
- Television licence fees were increased by just under 1.5% for 2008 over 2007 levels.

#### **Broadcasting Legislation.**

200. **Deputy Joe McHugh** asked the Minister for Communications, Energy and Natural Resources the stage the Broadcasting Bill is at; the criteria being used for the appointment of appointees to the board; and if he will make a statement on the matter. [37704/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The Broadcasting Bill 2008 is currently at Second Stage in Dáil Éireann having been passed by

Seanad Éireann on 25 June 2008. The criteria for the appointment of members to the various boards established under the Bill are set out in Parts 2 and 7 of the Bill. Specifically, sections 8, 9 and 12 deal with appointments to the Broadcasting Authority of Ireland, while sections 81, 82, 83 and 86 deal with appointments to the boards of TG4 and RTÉ.

### **Broadcasting Services.**

201. **Deputy Richard Bruton** asked the Minister for Communications, Energy and Natural Resources if it is possible to allow bodies such as a company (details supplied) to place broadcast advertisements within a code of reasonable practice; and if he will make a statement on the matter. [37754/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** Section 20(4) of the Broadcasting Authority Act 1960 (as qualified by section 65 of the Broadcasting Act 2001) and section 10(3) of the Radio and Television Act 1988 provide that broadcasters cannot accept advertisements that are directed towards any religious or political end or have any relation to an industrial dispute.

The prohibition on religious advertising does not prevent advertisements, which provide information about a religious magazine or periodical being available for sale, or about a religious event or ceremony taking place. The prohibition does not extend to religious broadcasting; sections 28 and 45 of the Broadcasting Act 2001 explicitly require RTÉ and TG4 to carry religious programming.

The Deputy will be aware that in 2004, the prohibition on religious advertising on radio and television was retained following a lengthy consultation during which over 150 submissions from the public were received by my Department. There was a strong argument that religious interests should not be able to buy air-time to deliver an unchallenged message, that a message which, other interests, through lack of resources, might not be able to match or counter.

Section 41 of the Broadcasting Bill continues the prohibition on religious advertising but does so in a less restrictive manner. The provision focuses on advertisements that address the issue of the merits or otherwise of adhering to any religious faith or belief or of becoming a member of any religion or religious organisation, as opposed to the existing restriction which relates to advertisements directed towards a religious end. The section also continues the clarification that permits advertisements which provide information about a religious magazine or periodical being available for sale, or about a religious event or ceremony taking place. A number of Deputies have raised the issue of religious advertising during the course of the second stage debate on the Bill. I propose to consider the issues raised by the deputies in advance of committee stage.

### **Departmental Schemes.**

202. **Deputy Willie Penrose** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the dramatic and negative impact upon farm families that a number of measures announced in budget 2009 will have, and in particular the decisions to suspend the early retirement scheme and the installation aid scheme, the significant changes to the disadvantaged area scheme and the suckler cow welfare scheme which will mean substantial losses of income for affected farmers; if he will review same and have them reversed; and if he will make a statement on the matter. [37721/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I am well aware of the impact of the measures contained in the 2009 Budget for my Department. Against the background of the deterioration in the national finances, difficult choices had to be made in

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allocating the resources available to me in 2009. I made these decisions in the best interests of the sector following detailed analysis of my Department's programme of expenditure and careful consideration of the options available. Despite the economic and budgetary situation, funding of €1.8 billion gross is provided for my Department in the 2009 Budget. When combined with EU funding and co-funding of about €1.4 billion next year, this represents very substantial funding for the support and development of the agri-food sector.

My priority in framing the 2009 Budget for the Department was to focus available resources on protecting the most productive elements of the agriculture, food, forestry and fisheries sectors and to ensure that they will continue to develop. My objective is to continue to develop the sector within the budgetary constraints to ensure that it is well positioned to achieving its full potential and benefit from future economic growth. I will monitor all aspects of my Department's expenditure throughout 2009 and, in the normal course, I will review spending priorities in the context of the preparation of the 2010 Estimates.

### **Grant Payments.**

203. **Deputy P. J. Sheehan** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork will receive payment of their single farm payment headage grant; and if he will make a statement on the matter. [37617/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application under the 2008 Single Payment Scheme /Disadvantaged Areas Scheme was received from the person named on 14 May 2008. As part of the control procedures under EU legislation governing these Schemes, this application was selected for and was the subject of a ground eligibility and cross compliance inspection. The application is currently being processed and it is expected that payment will issue shortly, following clarification of a number of issues relating to the land parcels declared by the person named.

### **Single Payment Scheme.**

204. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the financial value of the deductions (details supplied) taken from the single farm payment since 2005 to date on a county basis; and if he will make a statement on the matter. [37625/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** In the time available it has not been possible to assemble the information requested on a county basis. However at National level the position is as follows.

Ireland's National Ceiling for 2005 was €1,260 million of which 3% (€37.8m) had been provisionally set aside to fund the National Reserve. The cost of funding successful applicants under Force Majeure and New Entrants during the reference period has meant that the sum of individual entitlements has exceeded our National ceiling requiring a 1.18% linear reduction of all entitlements. It was agreed that any linear reduction would be accommodated with the 3% already deducted for the National Reserve. In effect therefore the cost of funding Force Majeure and new entrants during the reference period amounted to some €15.3m while the sum of money available for the National Reserve was €22.5m.

Some €6.5m also accrued to the National Reserve in 2005 representing the value of entitlements that were allocated to farmers but not activated (claimed) in 2005. In addition some €3.5m accrued to the National Reserve in 2007 representing the value of entitlements not used in the three-year period 2005, 2006 and 2007. Entitlements allocated from the National Reserve must be used in full each year otherwise they are immediately reverted to the National Reserve.

Some €1.7m accrued to the National Reserve in 2005, 2006 and 2007 under this usage rule giving a total value of €5.2m unused entitlements.

The EU regulations allow Member States on a discretionary basis to apply a claw-back on the sale of entitlements with and without land. Ireland applied such a clawback in respect of entitlements sold in 2006 and 2007. Some €599,461 accrued to the National Reserve from this arrangement. Payment Entitlements may be sold with or without land but can only be sold without land once 80% have been used in one calendar year or, if 80% have not been used in one calendar year the transferor has the option of ceding those entitlements that were not used in 2005 to the National Reserve. Some €134,286 accrued to the National Reserve in 2006, 2007 and 2008 under this arrangement.

While it is obligatory to deduct Modulation from all Single Payments, the deductions in respect of the first €5,000 of each payment are refundable. The EU Regulations governing the Single Payment Scheme provided for an increase in the rate of Modulation deduction, from 3% in 2005, to 4% in 2006 and 5% in 2007. The total gross value of deductions in respect of Modulation during these years was as follows: 2005: €36.9 million; 2006: €52.1 million; 2007: €65.3 million. The amounts refunded during the same period are as follows: 2005: €14.5 million; 2006: €19.4 million; 2007: €24.2 million.

### **Sheep Production.**

205. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the position regarding the decline in sheep, lamb and ewe numbers on an annual basis since 1998, the reduction in lamb slaughtering and value of exports and the financial returns crisis in the sheep sector; the action he will take in regard to same; the proposals he has to reverse the income decline in sheep farming; the measures he will negotiate as part of the CAP health six check at EU level prior to the end of 2008; and if he will make a statement on the matter. [37626/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The table sets out information on the sheep sector since 1998. The difficulties facing the sheep sector have been apparent for some time and prompted the setting up of the Sheep Strategy Development Group. The Strategy Group's report contained a number of recommendations for action to secure the future of the sector.

Considerable progress has been by my Department in implementing the recommendations in the report within its remit. These include drawing up a revised pedigree breed improvement scheme and an interim board has been established to oversee the project. Trials have been conducted on the feasibility of introducing mechanical grading for lamb carcasses. An additional supplementary measure to promote mixed grading and assist sheep farmers has been introduced under REPS 4; a lamb quality assurance scheme has been introduced and Bord Bia have strengthened their efforts to promote lamb on the home and export markets. Teagasc has developed a new sheep programme to improve the management and husbandry of flocks.

All these actions are geared to improving quality and some, of their nature, will take time for the benefits to accrue. An important element is agreement by the processors and farmers representatives to agree on a pricing grid with a base price for a certain quality and bonuses or penalties for variations from this. The introduction of such an agreed grid would bring clarity to the market and would enable producers to see that quality is being rewarded across the board. It is hoped that agreement can be reached on the issue in the near future.

The decline in the Irish sheep sector is not an isolated phenomenon. Indeed, similar declines are evident in most of the sheep-producing countries of Europe. European production is pre-

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dicted to fall a further 2% this year. There is a deficit of 300,000 tonnes which is mainly filled by imports from New Zealand which has an annual quota of 228,000 tonnes.

The problems facing the sheep sector are well known at EU level. My predecessor had them discussed at the EU Agriculture Council of Ministers in March. This was followed by the Aylward Report to the European Parliament and a conference hosted by the French Presidency of the EU in September. These initiatives have kept the sheep sector's concerns to the forefront and, in the context of the current "CAP Health Check" discussions, I continue to pursue possible solutions.

Statistical information on the sheep sector for the period from 1998 to 2007

Description	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Total Sheep (000) Source CSO	8,312.0	7,925.5	7,555.0	7,330.3	7,209.6	6,848.9	6,777.2	6,392.2	5,973.2	5,521.6
Breeding Sheep	4,577.4	4,398.9	4,216.3	4,019.5	3,909.5	3,717.9	3,670.0	3,454.5	3,200.0	2,943.8
Of which ewes 2 years and over	3,536.4	3,475.8	3,398.3	3,261.3	3,150.0	3,026.8	2,985.6	2,774.7	2,619.7	2,402.1
Ewes under 2 years	926.9	811.4	708.6	653.3	654.1	588.6	584.8	583.5	484.6	452.2
Rams	114.1	111.7	109.5	104.9	105.3	102.5	99.6	96.3	95.7	89.6
Other sheep	3,734.6	3,526.6	3,338.7	3,310.9	3,300.1	3,159.0	3,565.4	3,613.1	3,487.9	3,267.4
Sheep Slaughterings (000 head) Source CSO	4,066.6	4,523.4	4,116.6	3,902.9	3,307.5	3,159.0	3,565.4	3,613.1	3,487.9	3,267.4
Sheepmeat Exported (tonnes c.w.e) Source CSO	52,000	56,000	54,765	62,118	49,253	47,457	54,424	60,572	57,145	53,266
Value of exports (€m)	147.0	170.0	164.3	246.8	164.0	158.3	174.9	190.4	185.8	176.3
Average Family Farm Income for "Mainly Sheep Farmers" in € Source: Teagasc National Farm Survey	9,158	7,612	9,435	12,126	12,354	12,900	10,966	15,935	11,902	10,700



206. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the number of farms and the amount of money paid out under the various aspects of the sheep package announced by him in May 2007; and if he will make a statement on the matter. [37627/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The series of measures announced in May 2007 were in response to the recommendations of the Sheep Strategy Development Group. They form a comprehensive package to address the opportunities and challenges that lie ahead. The following sets out progress on the measures.

#### *REPs*

Sheep farmers continue to be major beneficiaries under the scheme and account for some 22,500 participants. Payments made to them in 2007 totalled some €332m. In relation to the new mixed grazing supplementary measure, €9,000 has been paid in respect of REPs 4 contracts commencing in 2007. Some 11,600 applications for REPS 4 with 2008 commencement dates were received in my Department by the closing date of 15 May, 2008. These are currently being processed and it is not possible to say what the cost of the mixed grazing supplementary measure in respect of 2008 will be at this stage.

#### *Single Farm Payment / National Reserve*

The sheep sector also continues to benefit from the single farm payment. While that payment is decoupled, it incorporates the previous ewe premium, which ceased in 2004. Ewe premia totalled €107.5m in that year. Under the 2005 National Reserve some 500 hill sheep farmers will benefit by €400,000 annually or €2.8m over the period until 2012. In addition, a special category was included under the 2007 National Reserve for sheep farmers whose existing Single Payment is less than €10,000 and where individual entitlements are less than the District Electoral Division (DED) average. Allocations are capped at the DED average value of entitlements or a total Single Payment of €10,000 whichever is the lesser and allocations to successful applicants will not exceed €1,000. It is estimated that this measure is worth some €6m annually or €42m until 2012.

#### *Compensatory Allowances*

This is an area-based scheme but it incorporates the previous sheep headage scheme, which ceased in 2000.

Payments under this scheme to 27,000 farmers amounted €27.5m in that year.

#### *Sheep Breeding*

The Pedigree Sheep Breeding Programme as operated by my Department, in co-operation with the sheep breed societies, is currently being transferred to 'Sheep Ireland', a sister company of the Irish Cattle Breeding Federation (ICBF). An Interim Sheep Board has been established to manage and oversee the transfer. To facilitate this transfer and to allow for redevelopment of the breeding programme, funding of €163,000 has been provided so far in 2008. DAFF will provide further financial support to ICBF in 2009 for sheep breeding.

#### *Carcass Classification*

A trial to examine the feasibility of mechanical classification for lamb was conducted earlier this year at a cost of €135,000. Additional funding at a similar level may be made available to carry out additional feasibility work, if required, in 2009.

### *Quality Assurance*

The Lamb Quality Assurance Scheme operated by an Bord Bia has 6,500 participants and involves spending of some €820,00 to date. It is hoped to expand this by a further 6,000 in 2009. This could involve spending of up to €1m depending on uptake.

### *State Agencies' Support*

An Bord Bia spends in the region of €1m on the promotion of sheep and lamb at home and abroad per annum. Teagasc allocated in the region of €1.5m in 2007 and 2008 on sheep research activities. This also covers specialist staff for the sheep programme established following the Sheep Strategy Group's report. It does not include additional funding related to the advisory service, some of which would be directed towards sheep.

### **Grant Payments.**

207. **Deputy Edward O'Keefe** asked the Minister for Agriculture, Fisheries and Food the position regarding an application lodged under the installation aid scheme by a person (details supplied) in County Cork. [37635/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person concerned is an applicant for aid under the Young Farmers' Installation Scheme and his application is currently being examined within my Department.

208. **Deputy Edward O'Keefe** asked the Minister for Agriculture, Fisheries and Food the position regarding an application in respect of the farm retirement scheme by a person (details supplied) in County Cork. [37636/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application under the Early Retirement (ERS3) Scheme for the person named was received in my Department on 17 October 2008. It could not be accepted for processing as new applications to the Scheme had been suspended with effect from 15 October 2008.

209. **Deputy Edward O'Keefe** asked the Minister for Agriculture, Fisheries and Food when payment of a farm grant will issue to a person (details supplied) in County Cork. [37639/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named is an applicant under the Farm Improvement Scheme. Applications under this Scheme are being processed by my Department up to the level of funding provided for the Scheme in the 2006 Partnership agreement, Towards 2016.

210. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food if he will reschedule payment by a person (details supplied) in County Galway; if his attention has been drawn to the fact that the applicant is married, has a young child and suffers from asthma, and that the applicant is going back into the REP scheme and would agree to lodge their REP scheme cheque over the next few years as they become payable. [37663/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named had entered a repayment agreement with my Department under which the amount owed in respect of his debt under the Rural Environment Protection Scheme would be deducted from future REPS payments. As monies owed were withheld from his Single Farm Payment in error, arrangements are now being made by my Department to refund them as a matter of urgency.

### **Disadvantaged Areas Scheme.**

211. **Deputy Joe McHugh** asked the Minister for Agriculture, Fisheries and Food if he will

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compensate County Donegal hill farmers subjected to €900 losses by the reduction in the maximum claimable area for the disadvantaged area aid compensation scheme; his views on whether these hill farms are not suitable for types of farming other than sheep farming; the way he envisages developing the hill farming industry here in the future; and if he will make a statement on the matter. [37665/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My approach in preparing the 2009 Estimates for my Department was to focus available resources on the measures that allow us to maintain and grow the productive capacity of the agri-food sector. The 2009 Estimates provide over €1.8 billion for my Department, and, when combined with EU funding of €1.4 billion, means that total expenditure in 2009 by my Department will amount to over €3.2 billion.

While difficult decisions had to be taken in light of the situation of the public finances, account also had to be taken of the very high level of investment by the Government in recent years, when significant additional financial resources were committed to areas such as the rural environment scheme, where the rates of grant had been increased by 17 per cent, the new suckler cow welfare scheme and the farm waste management scheme and, indeed, the 8% increase in rates under the Disadvantaged Areas Scheme itself, introduced in 2007.

With regard to the 2009 Disadvantaged Areas Scheme, I decided to reduce expenditure for 2009, by reducing the maximum area limit to 34 hectares (84 acres) and by a small increase in the minimum stocking density requirement. While overall expenditure will fall, almost 67,000 farmers will not suffer any reduction in their payments as a result of the introduction of the 34-hectare limit. Furthermore, these farmers, as well as all claimants under the Scheme, will continue to benefit from the substantial increase of 8% in the rate of aid introduced by the Government in 2007. In addition, of the 102,500 farmers who benefit under the Disadvantaged Areas Scheme, in excess of 50,000 of these also benefit under REPS, while in excess of 47,000 also benefit under the Suckler Welfare Scheme, which introduces a new stream of payments to farmers in 2008.

It should also be taken into account, that in addition to the payments under these Schemes, a further €920 million was paid to farmers with Disadvantaged Area lands under the 2007 Single Payment Scheme. The total amount payable of €220 million to farmers under the Disadvantaged Areas Scheme is part of the overall substantial injection of funds paid to farmers situated in the areas and the Scheme continues to be one of the best well funded Disadvantaged Areas Schemes in the European Union.

Notwithstanding the difficulties in the public finances and the decisions I have taken against that background, the position is that in excess of €3.2 billion will be spent next year by my Department in support of agriculture, fisheries and food. It is important to get through this challenging period and continue towards achieving the full potential of our most important indigenous industry when the economy begins to grow again.

The Hill Farmers scheme was a special category under the 2005 National Reserve. This catered for farmers with commonage land who were prevented from expanding their sheep production during the 2000-2002 reference period pending publication of the Commonage Framework Plans in 2003. One of the qualifying criteria was that the existing Single Payment must have been less than €6,000. Some 500 hill-sheep farmers benefit from this measure to the tune of €400,000 annually or €3.2m over the period until 2012.

In addition, a special category was included under the 2007 National Reserve for sheep farmers whose existing Single Payment is less than €10,000 and where individual entitlements are less than the District Electoral Division (DED) average. Allocations are capped at the DED average value of entitlements or a total Single Payment of €10,000 whichever is the lesser

and allocations to successful applicants did not exceed €1,000. It is estimated that some 7,500 sheep farmers will receive some €6m annually under this measure, or €36m over the period until 2012.

Under both of these measures the Member State was obliged to apply objective criteria in determining the value of entitlements to be allocated to successful applicants. In Ireland's case it was agreed that the Regional Average value of entitlements would be used for the granting of entitlements to successful applicants. The Regional Average is the average value determined at the District Electoral Division (DED) associated with the applicant's herd number. In addition it was decided that allocations would not exceed €1,000. The National Reserve is a scarce resource created by reducing the entitlements of existing farmers and will only be replenished by the relinquishing of any entitlements that remain unused. My Department must therefore be prudent in determining how the funds in the reserve are administered.

#### **Price Increases.**

212. **Deputy Fergus O'Dowd** asked the Minister for Agriculture, Fisheries and Food the price increases imposed by his Department and its agencies for public services, products or taxes since 1 January to date in 2008; and if he will make a statement on the matter. [37685/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Since 1st January 2008, with the implementation of EU Regulation 882/2004, meat inspection fees have increased for the slaughter of cattle at an EU approved export premises to €5, an increase of €0.50 on the previous rate. In July of this year, approval was granted to Teagasc for a 4.4% increase for general advisory and education/training charges. In addition, a 15% increase in REPS charges was approved to take account of increased costs associated with the completion of REPS plans.

My Department also charges chemical companies for the registration of plant protection products. Last revised in 2003, these registration fees were reviewed and agreed with the Chemical Industry in 2007 with an effective date of 1st January 2008. On average these fees were increased by approximately 50% and I will arrange to forward the deputy a full list of these fees in the coming days.

#### **Rural Environment Protection Scheme.**

213. **Deputy Jimmy Deenihan** asked the Minister for Agriculture, Fisheries and Food if he will confirm that the €10.5 million reduction in Teagasc funding will not result in a delay in the inspection of 400 REP scheme four applications in County Kerry; and if he will make a statement on the matter. [37699/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Officials of my Department carry out inspections of a proportion of REPS applicants and Teagasc have no function in this respect. I am satisfied that my Department has sufficient resources to carry out the necessary number of inspections.

#### **Installation Aid Scheme.**

214. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food if provisions will be made for applicants who were on the verge of submitting applications under the installation aid scheme; and if he will make a statement on the matter. [37709/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** All fully completed applications made under the Young Farmers' Installation Scheme and received by my Department up to and including 14 October 2008 will be processed and, if in order, payment will be made.

### **Aquaculture Licences.**

215. **Deputy Brendan Kenneally** asked the Minister for Agriculture, Fisheries and Food the reason for the delay in issuing an oyster one shellfish licence to a person (details supplied) in County Donegal; and if he will make a statement on the matter. [37712/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person in question currently holds an aquaculture licence for the cultivation of oysters. He has submitted an application for another aquaculture licence for a site adjacent to his existing licensed site. This application is being considered by my Department and I expect to be in a position to make a determination in this case shortly.

### **Departmental Schemes.**

216. **Deputy Brendan Kenneally** asked the Minister for Agriculture, Fisheries and Food his plans to reinstate the installation aid for young farmers and the early retirement scheme; and if he will make a statement on the matter. [37713/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I have no plans at present to reopen the Early Retirement or Young Farmers' Installation Schemes to new applications.

217. **Deputy Willie Penrose** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the negative impact upon farm families and young farmers of the measures announced in budget 2009 and in particular the decisions to suspend the early retirement scheme and the installation aid scheme, together with changes to the disadvantaged area scheme and the suckler cow welfare scheme which will mean substantial income losses for many farmers; if he will take steps to review same with a view to reversing same; and if he will make a statement on the matter. [37722/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Against the background of the deterioration in public finances, my approach in preparing the 2009 estimates for my Department was to focus available resources on the measures that allow us to maintain and grow the productive capacity of the agri-food sector. There has been a high level of investment in developing this sector in recent years, with the commitment of significant financial resources to areas such as the rural environment scheme, where the rates of grant had been increased by 17%, the new suckler cow scheme and the farm waste management scheme. Expenditure for that scheme in 2008 will exceed €375 million following the recent provision of an additional €195 million.

Because I have chosen to protect expenditure in certain areas, expenditure in other areas has to be curtailed. In relation to the Scheme of Early Retirement from Farming and the Young Farmers' Installation Scheme, I have made provision of €56.7 million to meet current commitments but this level of funding means that for the present, new applications for these schemes are suspended. Despite the reduction in expenditure under the scheme of Area-based Compensatory payments, we will be making payments of over €220 million under this scheme next year and the reduction will be implemented in a targeted way, with the majority of farmers not suffering any loss in their payments.

As regards the Suckler Cow Welfare Scheme, I have ensured that the commitment entered into in Partnership to spend €250 million on that scheme is fully honoured. The payment rate for 2008 will be €80 per cow. The rate of payment in the remaining years of the scheme will be determined by reference to the continuing rate of participation in the scheme. The rate applicable to 2009 will be advised to participating farmers before the end of this year.

218. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the number of applications and payments on a county basis under the single farm payment 2007 and the projected figures for 2008; the corresponding figures for all REP schemes; the status of the modulation proposals tabled for the mid-term CAP review; the other proposals tabled for the mid-term review which will have an impact on payments to farmers; and if he will make a statement on the matter. [37732/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The number of applications and payments made to date, on a county basis, under the 2007 Single Payment Scheme are as at Table 1. The number of applications and advance payments made to date, on a county basis, under the 2008 Single Payment Scheme are as at Table 2. The number of REPS payments to date in 2008 is set out in Table 3, while the figures for 2007 are set out in Table 4. It is not possible to project the figures forward to the end of the year.

With regard to Modulation, the present provisions provide for the deduction of 5% modulation on all payments made under the Single Payment Scheme. The funds raised by this measure are transferred to Pillar II of the EU Budget and used to finance Rural Development measures. The Regulations require that Member States subsequently refund that element of modulation related to the first €5,000 of each payment. I welcome the abolition of the €5,000 franchise proposed in the EU Health Check, as this means that the requirement to deduct the modulation from all payments and refund it at a later stage will no longer apply. This means that farmers no longer have to wait for the payment of the refund and the proposed change will also simplify the administration of the Single Payment Scheme. I am opposed to the increases in the modulation deductions from 2009 proposed by the EU Commission as part of its Health Check proposals and I have made this position clear during the on-going negotiations on the proposals.

There are other proposals in the CAP Health Check, which, if adopted, will simplify the Single Payment Scheme for farmers. These include the following: the abolition of the set-aside obligation; the extension of the use it or lose it rule for National Reserve entitlements from one to two years; the abolition of the requirement that a farmer must have utilised 80% or more of his or her entitlements before the entitlements can be sold without land.

Table 1: 2007 Payment Stats

County	Applications	Paid	Value
			€
Carlow	1,762	1,663	25,179,116.80
Cavan	5,247	4,834	36,118,383.20
Clare	6,498	6,097	48,456,110.10
Cork	13,870	12,997	171,528,263.00
Donegal	8,847	7,884	47,526,722.50
Dublin	693	650	9,291,209.20
Galway	13,044	12,063	81,316,896.10
Kerry	8,265	7,618	59,035,609.40
Kildare	2,251	2,093	32,995,310.80
Kilkenny	3,656	3,474	57,483,141.70
Laois	3,118	2,975	42,133,046.10
Leitrim	3,703	3,382	17,437,563.80
Limerick	5,538	5,204	53,593,630.50
Longford	2,552	2,389	20,154,492.20
Louth	1,617	1,526	20,353,213.40

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County	Applications	Paid	Value
			€
Mayo	12,404	11,417	59,950,466.00
Meath	4,020	3,758	56,704,724.50
Monaghan	4,349	4,022	31,478,030.70
Offaly	3,260	3,063	37,537,167.10
Roscommon	6,149	5,743	40,967,647.90
Sligo	4,316	3,967	22,855,445.40
Tipperary	7,461	6,956	103,849,315.00
Waterford	2,641	2,441	40,328,760.50
Westmeath	3,147	2,935	34,127,453.50
Wexford	4,270	4,059	61,865,423.10
Wicklow	2,246	2,085	28,593,413.30

Table 2: 2008 Payment Stats

County	Applications	Paid	Value
			€
Carlow	1,722	1,529	11,487,523.90
Cavan	5,141	4,499	16,853,037.80
Clare	6,398	5,805	23,011,226.10
Cork	13,664	11,802	76,951,122.30
Donegal	8,764	7,333	22,128,830.80
Dublin	687	583	4,146,061.23
Galway	12,842	11,227	37,962,785.90
Kerry	8,173	7,066	27,233,352.70
Kildare	2,169	1,764	13,938,962.50
Kilkenny	3,614	3,269	26,928,256.00
Laois	3,061	2,696	18,550,949.70
Leitrim	3,669	3,077	7,711,623.06
Limerick	5,464	4,749	23,962,922.00
Longford	2,517	2,237	9,427,247.09
Louth	1,567	1,376	9,186,127.41
Mayo	12,197	10,696	28,389,285.50
Meath	3,922	3,428	25,611,927.00
Monaghan	4,304	3,781	14,814,641.60
Offaly	3,199	2,853	17,440,992.20
Roscommon	6,067	5,333	19,245,515.10
Sligo	4,252	3,706	10,578,852.30
Tipperary	7,337	6,292	45,909,783.10
Waterford	2,610	2,105	16,881,405.50
Westmeath	3,087	2,716	15,701,910.20
Wexford	4,155	3,637	27,755,185.90
Wicklow	2,204	1,842	12,459,334.10

Table 3

County	Numbers Paid in 2007 and to Date in 2008	Total Paid in 2007 and to Date in 2008
		€
Carlow	394	2,747,847.00
Cavan	1,263	6,927,104.63
Clare	1,568	10,035,281.52
Cork	2,518	16,960,036.67
Donegal	2,498	15,616,201.05
Dublin	80	498,404.60
Galway	3,949	23,198,892.46
Kerry	2,145	15,123,130.97
Kildare	372	2,416,443.62
Kilkenny	1,049	7,329,618.38
Laois	816	5,372,796.23
Leitrim	980	5,671,886.39
Limerick	1,170	7,484,072.79
Longford	643	3,680,127.57
Louth	206	1,192,377.37
Mayo	3,763	21,668,669.38
Meath	683	4,098,421.62
Monaghan	1,055	5,166,654.22
Offaly	1,020	6,755,322.20
Roscommon	1,634	9,354,973.06
Sligo	1,031	6,032,385.86
Tipperary (Nr)	1,019	7,174,653.44
Tipperary (Sr)	1,008	6,983,680.93
Waterford	700	4,934,749.64
Westmeath	888	5,536,269.92
Wexford	857	6,033,149.96
Wicklow	572	3,969,734.86

Table 4

County	Numbers Paid in 2007	Total Paid in 2007
		€
Carlow	523	3,605,707.01
Cavan	1,780	10,126,295.19
Clare	2,434	16,001,294.07
Cork	3,659	26,368,705.41
Donegal	3,650	23,488,851.12
Dublin	89	671,406.16
Galway	5,193	32,478,825.96
Kerry	2,804	20,201,675.23
Kildare	576	4,300,509.07
Kilkenny	1,479	11,115,565.94
Laois	1,062	7,653,148.23
Leitrim	1,523	8,877,833.68



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County	Numbers Paid in 2007	Total Paid in 2007
		€
Limerick	1,476	9,902,327.64
Longford	977	5,590,928.32
Louth	302	1,854,212.02
Mayo	5,597	33,646,738.26
Meath	982	6,192,661.42
Monaghan	1,639	8,401,365.15
Offaly	1,194	8,614,031.05
Roscommon	2,430	14,555,075.66
Sligo	1,703	10,222,521.76
Tipperary (Nr)	1,227	8,990,442.60
Tipperary (Sr)	1,153	8,429,629.05
Waterford	1,053	7,926,487.71
Westmeath	1,147	7,411,466.94
Wexford	1,214	9,436,105.36
Wicklow	640	4,649,304.14

#### Farm Retirement Scheme.

219. **Deputy Frank Feighan** asked the Minister for Agriculture, Fisheries and Food when final approval will issue in relation to a person (details supplied) in County Leitrim who made an application in January 2008 and was approved in May 2008 under the early farm retirement scheme. [37779/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application from the person named was received in my Department on 9 May 2008. In August 2008 my Department requested additional information and this has been received. The person named will be informed of the outcome once the examination of his application is complete.

#### Beef Exports.

220. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the countries to which Irish beef has been exported in the past five years; the locations at which markets have been lost or new markets established; the prospects for the future; and if he will make a statement on the matter. [37784/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Based on the records of the Central Statistics Office and my own Department, Irish beef has been exported to the following countries in the period from 2003 to 2007. EU Countries: Austria, Belgium, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Spain, Sweden and the United Kingdom. Non-EU Countries: Albania, Algeria, Angola, Antigua & Barbuda, Aruba, Azerbaijan, Bahamas, Bahrain, Benin, Brazil, Canada, Comoros, Congo, Ecuador, Egypt, Faroe Islands, Gabon, Georgia, Ghana, Gibraltar, Hong Kong, Iceland, Jamaica, Kazakhstan, Lebanon, Mayotte, New Zealand, Norway, Philippines, Russian Federation, Saudi Arabia, Seychelles, South Africa, South Korea, Suriname, Switzerland, Thailand, Trinidad & Tobago, Ukraine, Vatican City, Vietnam, Yemen and Zambia. It should be noted that not all the countries listed above featured as export destinations in a particular year.

Over 90% of Irish beef production is exported. The distribution of Irish beef exports has undergone significant change since 2000. Only 50% of beef exports went to other European countries in 2000 compared to 97% in 2007. The principal factors behind this change in market distribution have been the emergence of a significant supply deficit in the European beef market combined with an improved market position for Irish beef in key markets.

This development represents significant progress for the Irish beef sector as the EU market continues to offer the best returns to Irish exporters on a consistent basis. At the same time, efforts continue to improve access to third country markets and Saudi Arabia, South Africa, the United Arab Emirates and the Philippines have been re-opened to Irish beef within the last year.

Regarding the future prospects for Irish beef exports, current indications are positive. Overall availability of beef in the EU has fallen because of declining production and reduced imports from South America. While consumer research indicates that meat purchases are being affected by the economic slowdown, sales of value beef cuts have risen significantly. Although traditional steak cuts and roasting joints are not performing as well, this is being compensated by increased demand for other parts of the carcass.

### **Dairy Industry.**

221. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the countries to which Irish dairy products have been exported in each of the past five years; the number of new markets established; the existing markets lost; his projections for the future; and if he will make a statement on the matter. [37785/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Irish dairy products are exported to other EU member states and to over 100 countries worldwide. The amount of exports to any particular destination varies in accordance with changes in the supply/demand dynamics in particular regions of the world and in respect of the various dairy products involved. In overall terms, Ireland's dairy exports increased in 2007 by 13%, to €2.36 billion, an increase of €270 million on the previous record achieved in 2006. The UK represented the largest single share of export sales with 23%. The rest of the EU accounted for 52%, while North America and Africa accounted for 9% and 8% respectively. As international demand changes there will be an increasing emphasis on consumer food markets, particularly in the EU, US and high growth emerging economies, together with strategically expanding marketing and distribution capability worldwide.

Dairy product output from Ireland and the EU is of course constrained by the limits placed on milk output by the EU milk quota regime. As part of the current negotiations on the CAP Health Check the Commission has put forward proposals to increase milk quotas in order to provide a 'soft landing' towards the abolition of quotas in 2015. These proposals will provide Irish dairy farmers and processors with further opportunities to respond to global demand and to increase production and capture new market share.

### **Sheepmeat Sector.**

222. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the countries to which Irish lamb has been exported in each of the past five years; the number of new markets established; the existing markets lost; his projections for the future; and if he will make a statement on the matter. [37786/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Irish sheepmeat has been exported to the following countries in the period from 2003 to 2007. EU Countries:

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Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Greece, Italy, Latvia, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Spain, Sweden & United Kingdom. Non-EU Countries: Ghana, Gibraltar, Switzerland, Tunisia, Vatican City.

Approximately 70% of Irish sheepmeat production is exported. In 2007, Ireland exported 53,266 tonnes of sheepmeat, of which 99.9% was destined for the high-value EU marketplace. The absence of export refunds together with a production deficit within the EU means that the market focus is on Europe and there is little penetration outside the EU.

Traditionally, the major export market for Irish lamb within the EU has been France which in 2007 accounted for 26,945 tonnes, or just over 50% of exports. While the French market has been in decline due to a fall in consumption and demand there coupled with strong competition from the UK and New Zealand this has been made up by increases in other markets. Exports to Sweden and Denmark have increased significantly in recent years. Seven countries accounted for 99% of sheepmeat exports in 2003 and the same seven countries also accounted for 99% of sheepmeat exports in 2007, namely: France, Belgium, Denmark, Germany, Italy, Portugal, Sweden and the UK.

The number of new potential markets for Irish lamb is limited due to the relatively high cost of the meat and also due to cultural factors, as lamb is not widely eaten in many countries of Eastern Europe. As a result, promotional efforts are targeted at maintaining and developing existing markets, including the home market.

#### **Farm Retirement Scheme.**

223. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the reason he has abolished the farm retirement scheme; and if he will make a statement on the matter. [37787/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Against the background of the deterioration in public finances, my approach in preparing the 2009 estimates for my Department was to focus available resources on the measures that allow us to maintain and grow the productive capacity of the agri-food sector. Because I had chosen to protect expenditure in certain areas, expenditure in other areas had to be curtailed. In relation to the Scheme of Early Retirement from Farming I have made provision of €47 million in 2009 to meet current commitments but, for the present, it has been necessary to suspend new applications for the Scheme.

#### **Food Labelling.**

224. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the action he has taken to ensure that food labelling accurately reflects the origins of all food products imported into this country; and if he will make a statement on the matter. [37788/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Minister for Health & Children has overall responsibility for the general food labelling legislation. Under the general labelling Directive (2000/13/EC), the place of origin of the foodstuff must be given only if its absence might mislead the consumer to a material degree. The European Commission is currently undertaking a major review of all food labelling legislation which will lead to new regulations in this sector. As part of this process, Ireland has sought mandatory origin labelling for all meats.

Food products of animal origin imported from an EU source must come from an approved food business establishment and be accompanied to its destination by a commercial document

or a health certificate signed by an official veterinarian of the competent authority of the Member State of origin. In the case of importation from third countries they must originate in a country approved by the EU for trade in such products, have been produced in an approved establishment, be appropriately labelled and transported and must be accompanied by a veterinary health certificate in accordance the models laid down by Community legislation.

All consignments from third countries must first be landed at a Border Inspection Post (BIP) operated by my Department that has been approved by the Food and Veterinary Office of the EU (FVO) and there undergo documentary, identity and physical checks. These latter are carried out at frequencies laid down in EU law. In Ireland BIPs approved for the processing imports of animal products are located at Dublin Port and Shannon Airport. The FVO carries out monitoring and inspection of each Member State's BIPs to ensure the conditions for import of animal products into Europe, provided under the harmonized legislation, are being correctly applied.

Once it has been established that imported animal product has met all the required conditions it is released for free circulation within the community. Copies of the BIP clearance document and the health certificate must accompany the consignment to its destination. Imports failing to comply with these veterinary control checks may be detained for further examination. If non-compliance is established they are returned to the exporting country or destroyed.

#### **Common Agricultural Policy.**

225. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the steps he has taken in the course of the EU CAP reform health checks to secure the future of Irish agriculture; and if he will make a statement on the matter. [37789/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The CAP Health Check proposals are described as a fine-tuning of the 2003 reform of the Common Agriculture Policy (CAP); there are three areas (i) a review of the implementation of the single payment scheme (SPS), (ii) a review of market management measures including the milk quota regime and (iii) a response to the so-called new challenges of climate change, bio-energy, water management and bio-diversity.

The dossier was presented to Ministers at the Informal May Council. A full first round examination of the texts has now been completed by the Working Groups and most of the technical and linguistic issues have been addressed. Trilateral meetings took place at the last two Agriculture Councils to identify the main priorities for each Member State and to refine the political issues outstanding. The Presidency remains confident that the proposals will be adopted as a package at the November Council of Agriculture Ministers.

The impact of the whole package of measures on Irish agriculture will clearly depend on what is agreed at the end of the negotiations. My aim in the negotiations has been and will continue to be to achieve the best possible outcome for Ireland and for agriculture. I have already outlined the issues of concern to Ireland to Commissioner Fischer Boel and the French Presidency, to Commission officials and to colleagues in other Member States. I will continue to take an active role in the discussions at every opportunity and to reiterate our priorities.

Our priorities for the health check negotiations include: seeking sufficient milk quota increases and appropriate market management arrangements to ensure a soft landing in preparation for the expiry of quotas in 2015; ensuring clear, predictable decisions are taken on milk quotas to give policy certainty to producers and to industry; opposing the substantial increases in compulsory modulation proposed by the Commission; seeking further simplification of the

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single payment scheme and cross compliance; ensuring national discretion in the adjustment of the single payment scheme and the operation of specific supports funded from the single payment ceiling. I have established a consultative process with key stakeholders to advise on the main issues arising in the Health Check and the output from this is feeding into Ireland's position in the negotiations.

226. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which he has had consultation with his EU colleagues to ensure the future of European food production and food security; and if he will make a statement on the matter. [37790/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The issue of food security has informed the current discussion on the CAP Health Check and the situation relating to agriculture post 2013. I raised the matter of food security with my EU colleagues at the Ministerial Council in Annecy in September. I emphasised the need to maintain a strong sustainable agricultural production base in Europe and to have an appropriately resourced common policy.

There is an increasing awareness among EU Member States that food security cannot be taken for granted in a world where demand is rising rapidly and expected to double by 2050. The Council concluded that we must maintain a strong agriculture production base in the European Union, and that we must undertake food production and distribution in a manner that is sustainable in all its dimensions, economically, socially and environmentally. I should add that at the July WTO Ministerial meeting in Geneva, Ireland and a number of other countries raised the issue of the security of food supply on a number of occasions in the context of the EC position.

#### **Dairy Industry.**

227. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which he is satisfied that the dairy sector here is sufficiently competitive on home and overseas markets; and if he will make a statement on the matter. [37791/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** One of the key challenges facing us in the medium term will be to ensure that Irish farming and the agri-food sector is at the heart of an evolving high-value food market, which is focussed on quality, competitiveness and innovation. This is at the core of Government strategy, as evidenced by the National Development Plan 2007-2013, AgriVision 2015 and the Partnership Agreement Towards 2016.

An important element of this strategy was the Dairy Investment Fund launched in 2007. My Department provided funding of €114 million towards investment in dairy processing and a total of 19 capital investment projects were approved and awarded Government grant assistance under the Fund, which will generate an estimated capital spend of €286 million at full production. The purpose of the Fund is to increase the efficiency of the main dairy outputs by supporting the upgrading of plant and buildings. This will assist operators in capturing new business in global markets and in developing new valued added products.

At EU level, one of the CAP Health Check proposals is to increase milk quotas in order to provide a 'soft landing' towards the abolition of quotas in 2015. This will provide Irish and EU dairy farmers with a new opportunity to respond to global demand. I have consistently pressed

for increased quotas to allow Irish dairy farmers to avail of those opportunities to increase production and competitiveness and capture new market share.

### **Departmental Expenditure.**

228. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food if he or his Department fully appreciates the expected negative impact of his recently announced cutbacks in the agricultural budget; and if he will make a statement on the matter. [37800/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I am well aware of the impact of the measures introduced in the 2009 Budget for my Department. The Budget was framed against the background of a serious deterioration in the public finances and required difficult decisions to be made on the allocation of the resources available. I made these decisions in the best interests of the sector following detailed analysis of my Department's programme of expenditure and careful consideration of the options available.

Despite the economic and budgetary situation, funding of €1.8 billion gross is provided for my Department in the 2009 Budget. When combined with EU funding and co-funding of about €1.4 billion next year, this represents very substantial funding for the support and development of the agri-food sector. In framing the details of the Budget for my Department, my priority was to ensure that the available resources were targeted on a range of measures that would maintain the productive capacity of the agriculture, food, forestry and fisheries sector. My objective is to continue to develop the sector within the budgetary constraints to ensure that it is well positioned to achieving its full potential and benefit from future economic growth.

### **Installation Aid Scheme.**

229. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the action he proposes to take to replace farm installation aid with particular reference to the need to encourage and assist the food production sector in the future; and if he will make a statement on the matter. [37801/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I have no plans at present to reopen the Young Farmers' Installation Scheme to new applicants.

### **Food Industry.**

230. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food his plans for the future development of agriculture and the food production sector generally; and if he will make a statement on the matter. [37802/08]

231. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food if he is satisfied that the food production sector here is sufficiently competitive at home and on overseas markets; and if he will make a statement on the matter. [37803/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I propose to take Questions Nos. 230 and 231 together.

The agri-food and fish, or 'bio-sector' remains Ireland's largest indigenous employer with a unique regional spread and accounts for over 32% of our net foreign earnings from primary and manufacturing industries. The sector is characterized by resilience and a capacity to adapt to meet new challenges and opportunities in changing times following the reform of the CAP. In 2007, food and drinks exports reached a record level of €8.62 billion a 5% increase on the

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previous year. Growth was driven primarily by the dairy and drinks sectors resulting in the export target in the Asian strategy target being reached ahead of time.

The challenges this year are even greater, particularly in relation to currency. The Agri-Vision 2015 Report and the Cawley Report have both set out strategies for developing consumer focused, competitive and sustainable sectors capable of meeting the challenges of more liberalised markets and broader societal demands. They identify 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 Action Plan to implement the Agri-Vision 2015 Report sets out over 160 actions in a coherent implementation strategy. Over three-quarters of the actions are completed or being implemented on an ongoing basis and these range from on farm measures including huge investment in REPS and particular support for suckler cow producers to support for investment and research and marketing.

At EU level we are engaged in negotiation on the Health Check of the Common Agricultural Policy. Earlier this week, I met with the EU Farm Commissioner and the EU President to reiterate my priorities in this regard, in particular appropriate market management arrangements to ensure a “soft landing” in preparation for the expiry of milk quotas in 2015; further simplification of the single payment scheme and cross compliance; national discretion in the operation of the single payment scheme, and supports funded from the single payment ceiling.

We will continue to pursue policies with stakeholders to develop agriculture and the food production sector in ways, which build sustainably on the progress achieved so far.

#### **Alternative Farm Enterprises.**

232. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the acreage under bio-fuel production; and if he will make a statement on the matter. [37804/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** To encourage the cultivation of energy crops, my Department introduced a number of new incentives in 2007 including a new National Energy Crop Premium of €80 per hectare to supplement the EU Premium of €45 per hectare available under the EU Energy Crops Scheme. The Department also launched a new Bioenergy Scheme in February 2007 to provide establishment grants worth €1,450 per hectare to farmers to grow willow and miscanthus as a renewable source of energy. So far 1,700 hectares of willow and miscanthus have been planted under the Scheme. Some 5,000 hectares of energy crops were planted in 2008 under the EU Energy Crops Scheme. The varieties of energy crops sown include Oilseed Rape, Miscanthus, Willow, Oats and Wheat.

#### **Installation Aid Scheme.**

233. **Deputy Billy Timmins** asked the Minister for Agriculture, Fisheries and Food the situation regarding the young farmers who have commenced activity, such as leasing land, for applying for the installation grant; if these applications will be accepted; and if he will make a statement on the matter. [37816/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** All fully completed applications made under the Young Farmers' Installation Scheme and received by my Department up to and including 14 October 2008 will be processed and, if in order, payment will be made.

### Site Acquisitions.

234. **Deputy Shane McEntee** asked the Minister for Education and Science when Meath County Council informed his Department that the members of Meath County Council voted in favour of a site on the Navan Road in Kells for the new school; and if he will make a statement on the matter. [37601/08]

235. **Deputy Shane McEntee** asked the Minister for Education and Science when his Department officials investigated the site on the Navan Road, Kells, County Meath as a suitable alternative to the site on the Cavan Road; and if he will make a statement on the matter. [37602/08]

236. **Deputy Shane McEntee** asked the Minister for Education and Science if he will make available the report of the inspectors of their findings regarding the site on the Navan Road, Kells, County Meath; if not, the reason for same; and if he will make a statement on the matter. [37603/08]

237. **Deputy Shane McEntee** asked the Minister for Education and Science the land requirements by his Department for a new secondary school site for an expanding town such as Kells, County Meath to cater for a school population of 700 to 800 pupils; and if he will make a statement on the matter. [37604/08]

241. **Deputy Shane McEntee** asked the Minister for Education and Science if his attention has been drawn to the fact that the landowners of the Navan Road, Kells, County Meath site are prepared to exchange approximately 12 acres of land with his Department in return for approximately 9.4 acres in his Department's ownership at no cost to the taxpayer; and if he will make a statement on the matter. [37608/08]

**Minister for Education and Science (Deputy Batt O'Keeffe):** I propose to take Questions Nos. 234 to 237, inclusive, and 241 together.

My Department has had ongoing communications with Meath County Council to discuss a range of issues including the issue in question. As the Deputy is aware my Department acquired a site for a post-primary school under the Redress Scheme. My Department carried out technical inspections on both the redress site and the proposed alternative site which the Deputy referred to. The technical report in relation to the redress site deemed the size and location of the site generally suitable for a Post Primary School of 700 pupils. My Department is of the view that the optimal solution is to use the site under the Department's current ownership for the proposed new post-primary school and asked Meath County Council to consider rezoning accordingly. A response from Meath County Council is awaited.

### Schools Building Projects.

238. **Deputy Shane McEntee** asked the Minister for Education and Science if it is his policy where possible to keep all schools in the one school campus; and if he will make a statement on the matter. [37605/08]

**Minister for Education and Science (Deputy Batt O'Keeffe):** The development of multi-school campus arrangements is a stated policy of my Department where conditions are such that this can be achieved. A number of factors have to be taken into account before such arrangements could proceed such as overall accommodation requirements in a centre or area, availability and size of site, value for money, planning permission etc. It is expected that these arrangements will be a feature of the educational landscape into the future with a more signifi-



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cant range of school types on one site. However, sites can only be developed to the limit of their potential.

It is intended, however, that while individual schools will be arranged so that certain facilities can be shared to avoid duplication, schools will otherwise be structured to enable them to operate independently of one another to protect the individual ethos of each school.

239. **Deputy Shane McEntee** asked the Minister for Education and Science if his attention has been drawn to the fact that his Department has funded the development of five schools on the Navan Road, Kells, County Meath and the latest funding is ongoing for the new Protestant school and the girl’s primary school extension; and if he will make a statement on the matter. [37606/08]

240. **Deputy Shane McEntee** asked the Minister for Education and Science if his attention has been drawn to the fact that Meath County Council runs the Kells swimming pool, which is 300 meters from the new available site; and if he will make a statement on the matter. [37607/08]

242. **Deputy Shane McEntee** asked the Minister for Education and Science his views on whether it makes sense to provide all the schools on the one campus on the Navan Road, Kells, County Meath in order to avoid new traffic congestion in the town by having schools located both sides of the town; and if he will make a statement on the matter. [37609/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 239, 240 and 242 together.

My Department has had ongoing communications with Meath County Council to discuss a range of issues relating to the proposed school development. As the Deputy is aware, my Department acquired a site for a post-primary school under the Redress Scheme. The technical report in relation to this site deemed the size and location of the site generally suitable for a Post Primary School of 700 pupils. My Department is of the view that the optimal solution is to use the site under the Department’s current ownership for the proposed new post-primary school and asked Meath County Council to consider rezoning accordingly. A response from Meath County Council is awaited.

*Question No. 241 answered with Question No. 234.*

*Question No. 242 answered with Question No. 239.*

### **Special Educational Needs.**

243. **Deputy Michael McGrath** asked the Minister for Education and Science if a person (details supplied) in County Cork qualifies for resource hours. [37622/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Deputy will be aware that the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating resource teachers and special needs assistants to schools to support children with special needs. The NCSE operates within my Department’s criteria in allocating such support. I have arranged for the details supplied to be forwarded to the NCSE for their attention and direct reply. All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child’s special educational needs, using the contact details available on [www.ncse.ie](http://www.ncse.ie).

### Schools Building Projects.

244. **Deputy Seán Ó Fearghaíl** asked the Minister for Education and Science if, further to correspondence from a school (details supplied) in County Kildare, he will detail chronologically the background to its building project; if the school initially sought a new school or an extension; if changes in the initial approach were decided and by whom; if, following the receipt of tenders, the school sought further additional accommodation; if his Department has determined the definite accommodation requirements of the school; and if he will make a statement on the matter. [37647/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The school to which the Deputy refers applied to my Department in 1999 for additional accommodation. At a meeting with the Department at that time, the school proposed a greenfield site solution to its accommodation needs because the existing site could not facilitate the extent of extra accommodation needed. A technical examination of the site confirmed this position. As a result, the Department agreed to the school’s proposal and the intention is to provide the school with an 8 classroom building with appropriate ancillary accommodation on a site which has been acquired by the school authority. In August 2000, a Design Team was appointed and the project is now in the advanced stages of architectural planning.

Progress on the new school will be considered in the context of my Department’s multi-annual School Building and Modernisation programme. However, in light of current competing demands on the Department’s capital budget, it is not possible to give an indicative timeframe for the progression of the project at this time. In the meantime, my Department approved a prefab for the school to meet its September 2008 needs. I have agreed to meet a deputation from the school on 13th November next at 2.30 pm in Leinster House.

### Pupil-Teacher Ratio.

245. **Deputy Paul Connaughton** asked the Minister for Education and Science if a school (details supplied) in County Galway will lose a teacher as a result of the changes in the pupil/teacher ratio; and if he will make a statement on the matter. [37659/08]

246. **Deputy Paul Connaughton** asked the Minister for Education and Science if a school (details supplied) in County Galway will lose a teacher as a result of the changes in the pupil/teacher ratio; and if he will make a statement on the matter. [37660/08]

247. **Deputy Paul Connaughton** asked the Minister for Education and Science if a school (details supplied) in County Galway will lose a teacher as a result of the changes in pupil/teacher ratio; and if he will make a statement on the matter. [37661/08]

248. **Deputy Paul Connaughton** asked the Minister for Education and Science if a school (details supplied) in County Galway will lose a teacher as a result of the changes in the pupil/teacher ratio; and if he will make a statement on the matter. [37662/08]

255. **Deputy Michael Ring** asked the Minister for Education and Science the effect of the cutbacks in the education sector on a primary school (details supplied) in County Mayo; and if he will make a statement on the matter. [37682/08]

256. **Deputy Michael Ring** asked the Minister for Education and Science the effects of budget 2009 on a school (details supplied) in County Mayo with particular reference to its teacher numbers; the way it will be possible for the school to cater to the needs of the pupils based on reduced teacher numbers; and if he will make a statement on the matter. [37683/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 245, 246, 247, 248, 255 and 256 together.

The specific information requested by the Deputy in relation to the detailed staffing allocation of the schools in question for the academic year 2009/10 cannot be determined until the allocation process has fully concluded. There is nothing exceptional in this. The allocation process includes appellate mechanisms under which schools can appeal against the allocation due to them under the staffing schedules. At primary level the final allocation to a school is also a function of the operation of the redeployment panels which provide for the retention of a teacher in an existing school if a new post is not available within the agreed terms of the scheme.

Schools are currently returning data to my Department in relation to their enrolment as of 30 September. My Department has commenced processing this data although all schools have not yet made their returns. The allocation processes including notification to schools will commence early in the New Year.

### **Special Educational Needs.**

249. **Deputy David Stanton** asked the Minister for Education and Science if, with reference to his Dáil speech of 15 October 2008, he will explain in detail the sections of the Education for Persons with Special Educational Needs Act 2004 that are being deferred until after 2010; when he expects each of these sections to be implemented in full; and if he will make a statement on the matter. [37664/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Deputy will be aware that the following sections of the Education for Persons with Special Educational Needs (EPSEN) Act have been commenced — 1, 2, 14(1)(a), 14(1)(c), 14(2) to 14(4), 19 to 37 and 40 to 53. These sections are mainly concerned with the establishment of the National Council for Special Education (NCSE) and with promoting an inclusive approach to the education of children with special needs.

The sections of the EPSEN Act that have been deferred are those mainly concerned with the assessment of need process, preparation and review of individual education plans (IEPs) and appeals in relation to these areas. A small number of sections refer to interaction between the NCSE and health boards (HSE). The full list of deferred sections is — 3 to 13, 14(1)(b), 14(1)(d), 14(1)(e), 14(1)(f), 15 to 18, 38 and 39.

It is not possible to commence the EPSEN Act incrementally by age cohort, therefore the provisions of the Act especially regarding assessments and IEPs will have to be commenced for all children at the same time. This imposes a requirement to have the necessary systems and trained personnel in place to deliver, for all children, on the entitlements arising from the Act. To do this, the NCSE report identified a requirement for incremental additional investment over a period of 4 years of up to €235m per annum across the education and health sectors. My Department’s opinion is that the level of investment required would be greater than that.

In the light of the current financial circumstances, it is therefore not possible to proceed with implementation. In the current economic circumstances it is also not possible to state when implementation will occur. However, services for children with special educational needs will still be available on a non-statutory basis and will continue to be enhanced and strengthened in preparation for the full implementation of the Act at a later date.

### **Schools Refurbishment.**

250. **Deputy Phil Hogan** asked the Minister for Education and Science if, in respect of Parliamentary Question No. 289 of 2 October 2008, this application will be automatically re-submitted to his Department when moneys become available; and if he will make a statement on the matter. [37667/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As I previously informed the Deputy the school in question applied for funding for replacement of windows under the emergency works scheme. However, in light of the large number of projects seeking funding under this scheme from the budget allocated, it was not possible to provide funding to the school at the time. It is open to the school authorities to re-apply for funding for these works in 2009. If such an application is received it will be considered in light of available funding at the time.

251. **Deputy Olwyn Enright** asked the Minister for Education and Science when an emergency funding application by a school (details supplied) in County Laois will be granted; if his attention has been drawn to the fact that the school in question has had slates fall from the roof and that the roof has been assessed as being in urgent need of repair; and if he will make a statement on the matter. [37668/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** My Department received an application for emergency funding from the school in question. This application is currently under consideration and a decision will be reached very shortly. The school authorities will be notified of the outcome as soon as possible.

### **Educational Disadvantage.**

252. **Deputy Olwyn Enright** asked the Minister for Education and Science if an application for DEIS status was made by a school (details supplied) in County Laois; the outcome of such application; if not made, if the school can still apply for inclusion in DEIS; and if he will make a statement on the matter. [37669/08]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** DEIS, (Delivering Equality of Opportunity in Schools), the action plan for educational inclusion provides for a standardised system for identifying levels of disadvantage and a new integrated School Support Programme (SSP). The process of identifying schools for participation in DEIS was managed by the Educational Research Centre (ERC) on behalf of my Department and supported by quality assurance work co-ordinated through the Department’s regional offices and the Inspectorate.

A review mechanism was put in place to address the concerns of schools that did not qualify for inclusion in DEIS but regarded themselves as having a level of disadvantage which was of a scale sufficient to warrant their inclusion in the programme. The review process operated under the direction of an independent person, charged with ensuring that all relevant identification processes and procedures were properly followed in the case of schools applying for a review. As a result of the identification and review processes, 673 primary and 203 second-level schools were invited to participate in the programme. The school referred to by the Deputy was not identified for inclusion in the programme nor did it make an application for a review.

### **School Transport.**

253. **Deputy Olwyn Enright** asked the Minister for Education and Science the details of a review of a number of school routes and services, operated by Bus Éireann, undertaken by

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same during the summer vacation; the reasons for same; if his attention has been drawn to any pupils affected by same; and if he will make a statement on the matter. [37670/08]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** The planning and organising of school bus routes is an operational matter for Bus Éireann. School bus routes are planned in such a way as to ensure that, as far as possible, eligible pupils have a reasonable level of service while at the same time, ensuring that school transport vehicles are fully utilised in an efficient and cost effective manner.

A change to an existing route may be necessary for operational reasons or to reflect changing travel patterns in terms of numbers and location of pupils seeking transport. Such changes could affect the location of pick-up points, the timetable of the service, and travelling and waiting times for some children. However, where changes are necessary, services are generally planned in such a way that these children will have a service within the guidelines of the school transport schemes. If the Deputy has any specific case in mind, my Department will be pleased to have it investigated.

254. **Deputy Edward O’Keeffe** asked the Minister for Education and Science if he will arrange for a school bus ticket to issue to a pupil (details supplied) in County Cork. [37680/08]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** The Transport Liaison Officer for County Cork has advised that a school bus ticket has been issued to the pupil referred to by the Deputy.

*Questions Nos. 255 and 256, answered with Question No. 245.*

#### **Price Increases.**

257. **Deputy Fergus O’Dowd** asked the Minister for Education and Science the price increases imposed by his Department and its agencies for public services, products or taxes since 1 January to date in 2008; and if he will make a statement on the matter. [37690/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The information requested is not readily available in my Department and is currently being compiled. I will arrange to forward the information to the Deputy as soon as possible.

#### **School Transport.**

258. **Deputy Brian Hayes** asked the Minister for Education and Science the amount spent by his Department on transporting children in taxis or other private vehicles each year for the past five years; and if he will make a statement on the matter. [37701/08]

259. **Deputy Brian Hayes** asked the Minister for Education and Science the number of students who were provided with transportation in taxis or other forms of private vehicle by his Department each year for the past five years; and if he will make a statement on the matter. [37702/08]

260. **Deputy Brian Hayes** asked the Minister for Education and Science the amount spent on staff hired specifically for accompanying children on private transport each year for the past five years; and if he will make a statement on the matter. [37703/08]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** I propose to take Questions Nos. 258 to 260, inclusive, together.

Figures available indicate that about 30% of the allocation for school transport is being expended on transport, including taxis and grants for children with special needs. The allocation for school transport in 2008 is €175.2 million. A breakdown of expenditure on taxis and private vehicles is not readily available for the past five years. This type of transport provision will be considered for some children with special needs for whom the general school transport arrangements are unsuitable.

The number of taxis engaged in the past years has increased from about 250 in 2004 to over 700 in 2008. Some of these taxis would be catering for more than one pupil. In addition grants were paid to over 440 families who use their private vehicles to transport children with special needs to an educational centre. The cost of employing escorts to cater for children with special needs, whose care requirements are such as to necessitate continuous support, has increased significantly in line with the growth in that service. At present, there are about 1,200 escorts employed at an annual cost of about €13 million.

### **School Staffing.**

261. **Deputy Mary Upton** asked the Minister for Education and Science the schools in the Dublin South-Central electoral area which will be affected by the decision to cut funding to support English language teachers; and if he will make a statement on the matter. [37735/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Notwithstanding the increase of €302 million in the education budget for 2009, which is a real achievement in the current economic climate, a number of tough and difficult decisions had to be taken. These decisions included reducing the level of language support teachers from a maximum of six extra teachers per school to a maximum of two teachers per school, as was the case before 2007. However, the budget measures also provide for some alleviation for the position of those schools where there is a significant concentration of newcomer pupils as a proportion of the overall enrolment. This will be done on a case by case basis.

The allocation process for language support teachers is an annual one and existing provision is not rolled over automatically. Schools will be applying afresh in the spring and early summer of 2009 for the 2009/2010 school year, based on their assessment of the prospective needs of existing pupils and any new pupils they are enrolling. The position of schools making application to the Department, including those referred to by the Deputy, will fall to be considered at that stage.

### **Educational Disadvantage.**

262. **Deputy Mary Upton** asked the Minister for Education and Science the schools in the Dublin South-Central electoral area which will be affected by the decision to cut funding to children in disadvantaged areas in respect of school books; and if he will make a statement on the matter. [37736/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Notwithstanding the increase of €302 million in the Education budget for 2009, which is a real achievement in the current economic climate, a number of tough and difficult decisions had to be taken. These decisions included reductions on the aid for school books scheme which in the case of schools outside of the DEIS scheme will involve savings of approximately €7.5 million on current levels. Approximately €7 million was made available in 2008 to DEIS schools for the school book grant scheme and this fund of €7 million will be made available for distribution to schools in the DEIS programme in 2009.

### School Staffing.

263. **Deputy Mary Upton** asked the Minister for Education and Science the schools in the Dublin South-Central electoral area which will be affected by the decision to cut funding for substitute teachers in the absence of a doctor's note; and if he will make a statement on the matter. [37737/08]

**Minister for Education and Science (Deputy Batt O'Keeffe):** Notwithstanding the increase of €302 million in the Education budget for 2009, which is a real achievement in the current economic climate, a number of tough and difficult decisions had to be taken. These decisions included the withdrawal of substitution cover for absences on uncertified sick leave in primary and second level schools including Vocational Education Committees and the withdrawal of cover for official school business in all second level schools. Substitution cover will continue to be provided for the other categories of absences for which it is currently available including maternity leave and certified sick leave. The existing arrangements will continue to apply for the supervision/substitution scheme with teachers continuing to be paid for participation in the scheme.

### Computerisation Programme.

264. **Deputy Mary Upton** asked the Minister for Education and Science the schools in the Dublin South-Central electoral area which will be affected by the decision to cut grants for purchasing equipment; and if he will make a statement on the matter. [37738/08]

**Minister for Education and Science (Deputy Batt O'Keeffe):** As the Deputy will be aware, I published the ICT Strategy Group Report, Investing Effectively in ICT in Schools 2008-2013, together with the evaluation report undertaken by my Department's Inspectorate, ICT in Schools, in July. While acknowledging the progress made since the ICT in Schools Programme was first launched some ten years ago with some €200m having been invested since its introduction, these Reports set out a substantial agenda to be pursued to fully integrate ICT into teaching and learning in our classrooms.

When I launched these reports, I acknowledged that we faced significant challenges in implementing some of the recommendations made in these Reports given the current economic situation. While I have not been in a position to provide specific grants to schools under the ICT in Schools Programme for the purchase of ICT equipment this year, I am committed to investing in this area as resources permit.

### School Libraries.

265. **Deputy Mary Upton** asked the Minister for Education and Science the schools in the Dublin South-Central electoral area which will be affected by the decision to cut funding for library books; and if he will make a statement on the matter. [37739/08]

**Minister for Education and Science (Deputy Batt O'Keeffe):** Notwithstanding the increase of €302 million in the Education budget for 2009, which is a real achievement in the current economic climate, a number of tough and difficult decisions had to be taken. These decisions included the decision to discontinue the funding that the Department made available to local authorities to support school library services.

The amount of the grant payable to each local authority was based on the number of pupils in the relevant area and amounted to €4.52 per pupil. There will be no direct impact on the funding of individual schools as a result of the decision to discontinue this grant to local authorities. The indirect impacts of this measure in individual library areas will be a matter to be

determined by each local authority in the context of its overall resources and the services it provides.

### Capitation Grants.

266. **Deputy Mary Upton** asked the Minister for Education and Science the schools in the Dublin South-Central electoral area which will be affected by the decision to cut funding for supporting Traveller children in schools; and if he will make a statement on the matter.

[37740/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Notwithstanding the increase of €302 million in the Education budget for 2009, which is a real achievement in the current economic climate, a number of tough and difficult decisions had to be taken. These decisions included reducing the enhanced capitation funding paid to schools in respect of traveller pupils enrolled. This measure will involve savings of approximately €1.2 million on current levels. Approximately €2.4 million was made available in 2008 in respect of enhanced capitation for traveller pupils. Budget measures relating to enhanced capitation for traveller children amounts to a reduction of about €1.2m. Currently €60m spent on resources for Travellers in our schools.

There will still be 520 resource teachers for travellers in our primary schools, extra teaching hours equivalent to 136 posts at second level and 42 visiting teachers. These are in addition to the normal classroom teachers and represent a considerable resource and are not affected by the Budget measures.

### School Staffing.

267. **Deputy Mary Upton** asked the Minister for Education and Science the schools in the Dublin South-Central electoral area which will lose a teacher as a result of the decision to increase class sizes; and if he will make a statement on the matter. [37741/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The specific information requested by the Deputy in relation to the detailed staffing allocation of the schools in question for the academic year 2009/10 cannot be determined until the allocation process has fully concluded. There is nothing exceptional in this. The allocation process includes appellate mechanisms under which schools can appeal against the allocation due to them under the staffing schedules. At primary level the final allocation to a school is also a function of the operation of the redeployment panels which provide for the retention of a teacher in an existing school if a new post is not available within the agreed terms of the scheme.

Schools are currently returning data to my Department in relation to their enrolment as of 30 September. My Department has commenced processing this data although all schools have not yet made their returns. The allocation processes including notification to schools will commence early in the New Year.

### Educational Projects.

268. **Deputy Mary Upton** asked the Minister for Education and Science his views on whether it is value for money to cut funding to the programme for the Centre for Talented Youth in Ireland; if the savings to be made justify the removal of this programme which targets the best and brightest students; if this cut ties in with stated policy to support and promote mathematics and science amongst students; and if he will make a statement on the matter. [37742/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Notwithstanding the increase of €302 million in the Education budget for 2009, which is a real achievement in the current



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economic climate, a number of tough and difficult decisions had to be taken. These decisions included the decision to discontinue the annual funding of €97,000 that the Department made available to the Centre for Talented Youth (CTYI) at Dublin City University.

While it is appreciated that the discontinuation of this funding will impact on the Centre, given the current volatile and challenging economic climate, difficult choices had to be made in order to contain public sector spending. Tax revenues are down significantly and Government expenditure has to reflect this reality. The priority of this budget was to focus on measures to channel as much as was possible of the available resources to the direct funding of our schools.

### **Grant Payments.**

269. **Deputy Mary Upton** asked the Minister for Education and Science if it is appropriate to abolish grants for second level schools in respect of physics and chemistry in view of the fact that the promotion of science and technology is identified as a priority in ensuring the uptake of these subjects at third level; and if he will make a statement on the matter. [37743/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The budget for 2009 must be considered against the background of a difficult international economic situation. While education remains a priority for the Government, it has been necessary to curtail expenditure in some areas, in order that resources may be targeted more efficiently at areas of disadvantage. While the grant for physics and chemistry is to be abolished, I am confident that schools will continue to encourage students to study science and technology subjects at second level and consider courses in those fields at third level.

As the Deputy will be aware, the Strategy for Science, Technology and Innovation 2006 to 2013 sets out a range of measures to further strengthen science teaching and learning and improve the uptake of senior cycle Physics and Chemistry. These include ensuring that the project based hands-on investigative approach now in place at junior cycle is extended to senior cycle, that the appropriate type of assessment is used and that there is an emphasis on the inter-disciplinary nature of science in society.

Other aspects of the Plan include:

- reviewing the implementation of the primary science curriculum to ensure its effectiveness in stimulating interest and awareness in science at a very young age, σ strengthening teacher training in this area
- reforming maths and Leaving Certificate Physics and Chemistry curricula
- promotion of science initiatives in Transition Year; and
- the provision of information and brochures on science opportunities and careers, linking effectively with school guidance services

Taken together, the comprehensive set of measures provided for in the Strategy for Science, Technology and Innovation will build on the improvements made in recent years and ensure even greater support for science education.

### **School Staffing.**

270. **Deputy Michael Noonan** asked the Minister for Education and Science if his attention has been drawn to the fact that the cutbacks in education announced in budget 2009 will result in the loss of a class teacher at a school (details supplied) in County Limerick and that this will

reduce the full-time staff from eight to seven teachers so that there will no longer be a teacher per class and all classes will be in excess of 30 pupils; if he will make special provision for this school; and if he will make a statement on the matter. [37761/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The specific information requested by the Deputy in relation to the detailed staffing allocation of the school in question for the academic year 2009/10 cannot be determined until the allocation process has fully concluded. There is nothing exceptional in this. The allocation process includes appellate mechanisms under which schools can appeal against the allocation due to them under the staffing schedules. At primary level the final allocation to a school is also a function of the operation of the redeployment panels which provide for the retention of a teacher in an existing school if a new post is not available within the agreed terms of the scheme.

Schools are currently returning data to my Department in relation to their enrolment as of 30 September. My Department has commenced processing this data although all schools have not yet made their returns. The allocation processes including notification to schools will commence early in the New Year.

### Schools Building Projects.

271. **Deputy Denis Naughten** asked the Minister for Education and Science when he will announce the next public private partnership schools bundle; if he has finalised the schools to be included; and if he will make a statement on the matter. [37782/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The make up and timing of further school bundles in my Department’s PPP school building programme will be determined by my Department in consultation with the National Development Finance Agency (NDFA). The issues to be considered in the timing and bundling of these schools include site availability for each school, geographical spread and the estimated total cost of the proposed school bundle. My Department is examining the feasibility of including a number of schools in the 3rd Bundle of school projects to be procured via Public Private Partnership. This examination is nearing completion and I will be making an announcement about the matter as quickly as possible.

### Ministerial Staff.

272. **Deputy Brian Hayes** asked the Minister for Education and Science the number of staff, job description, date of appointment, and the annual salary of those employed by each of the offices of the Ministers of State assigned to his Department; and if he will make a statement on the matter. [37820/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** There are currently 7 officers in the Private Office of the Minister of State at my Department, 2 of whom are non Civil Servants. The grades and dates of appointment to their current post of these officers are:

- 1 Higher Executive Officer/Private Secretary (appointed 8th May 2006)
- 1 Executive Officer (appointed 8th May 2006)
- 3 Clerical Officers (appointed 8th May 2006, 11th September 2006 and 22nd January 2007)
- 2 Civilian Drivers (non Civil Servants appointed 20th June 2007)

The annual cost of this office to date in terms of salary, overtime and expenses are €294,952.32.

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There are currently 4.8 officers in the Constituency Office of the Minister of State at my Department, 2 of whom are non Civil Servants. The grades and dates of appointment to their current post of these officers are:

- 1 Personal Assistant (non Civil Servant appointed 13th May 2008)
- 1 Personal Secretary (non Civil Servant appointed 22nd Sept 2008)
- 0.80 Staff Officer (appointed 22nd May 2006)
- 2 Clerical Officers (appointed 8th May 2006 and 14th April 2008)

The annual cost of this office to date in terms of salary, overtime and expenses are €194,585.44

The duties of the staff who are civil servants are appropriate to their grade. The duties of the staff who are non-civil servants are appropriate to the terms of their contract.

The staffing levels for the office of the Minister of State are within the Department of Finance Guidelines for the staffing of the Private and Constituency offices of a Minister and Minister of State. The salaries paid to the Civil Servants are in accordance with the Department of Finance salary scales for the relevant grades. The salaries paid to the non-civil servant staff are in accordance with the Department of Finance Instructions relating to the Appointment of Ministerial Private Office Staff.