



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 28 May 2009.

Requests to move Adjournment of Dáil under Standing Order 32	887
Order of Business	888
Transfer of Functions: Motion	900
Withdrawal of Fines Bill 2007: Motion	901
Ministerial Rota for Parliamentary Questions: Motion	901
Health Insurance (Miscellaneous Provisions) Bill 2008: Financial Resolution	901
Report on Child Abuse: Motion	901
Criminal Justice (Miscellaneous Provisions) Bill 2009:	
Second Stage (<i>resumed</i>)	902
Referral to Select Committee	916
Merchant Shipping Bill 2009:	
Order for Second Stage	916
Second Stage	916
Business of Dáil	933
Merchant Shipping Bill 2009:	
Second Stage (<i>resumed</i>)	934
Referral to Select Committee	936
Ceisteanna—Questions	
Minister for Foreign Affairs	
Priority Questions	937
Other Questions	947
Adjournment Debate Matters	956
Adjournment Debate	
Decentralisation Programme	956
Water and Sewerage Schemes	958
Criminal Assets	960
Questions: Written Answers	963

DÁIL ÉIREANN

Déardaoin, 28 Bealtaine 2009.
Thursday, 28 May 2009.

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

Paidir.
Prayer.

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. Now we come to requests to move the adjournment of the Dáil under Standing Order 32.

Deputy Finian McGrath: I seek the adjournment of the Dáil under Standing Order 32 to discuss an issue of national importance and concern, namely, the urgent need to protect all disability services in the current economic climate. There is also the need to support the Central Remedial Clinic in Clontarf, St. Michael's House and Prosper Fingal Disability Services with adequate funding in 2009 and 2010 and ensure that all broad economic decisions are based on protecting disability services as a priority and particularly the elderly parents of adults with a disability.

Deputy James Bannon: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the threat to the livelihoods of Irish farmers caused by the budgetary cutbacks which have resulted in cuts to farm waste management grants, forestry grants, suckler cow grants to name but a few.

Deputy Bernard J. Durkan: Hear, hear.

Deputy Noel J. Coonan: Name them all.

Deputy James Bannon: The issue has now been extended to organic growers and producers, and I am disappointed the Green Party is not here to listen to this.

Deputy Seán Power: He is lucky the Green Party Members are not here.

Deputy John Cregan: Deputy Bannon is asking the questions.

Deputy Christy O'Sullivan: James is bringing the turf home.

Deputy James Bannon: Multiple retailers have demanded a 40% price cut, which is impossible given that no organic producer is coming anywhere near a margin of 40%. This is another significant blow to the agriculture industry, which is badly hit by the Government's failure to honour financial commitments to the sector.

Deputy Bernard J. Durkan: Hear, hear.

Deputy Dinny McGinley: Now, a Cheann Comhairle, are you not going to look after the suckler cows?

Deputy James Bannon: Send for the Greens.

Deputy Paul Kehoe: A Cheann Comhairle, what about the suckler cows?

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

Deputy Phil Hogan: Be careful you are not blighted, a Cheann Comhairle.

Deputy James Bannon: The Greens must decide it.

Order of Business.

Minister for Health and Children (Deputy Mary Harney): It is proposed to take No. 12, motion re proposed approval by Dáil Éireann of An Bord Bia (Transfer of Functions of An Bord Iascaigh Mhara relating to Fish Marketing) Order 2009 (back from committee); No. 12a — motion re Withdrawal of Fines Bill 2007; No. 12b — motion re ministerial rota for parliamentary questions; No. 12c — Health Insurance (Miscellaneous Provisions) Bill 2008 — Financial Resolution; No. 12d — motion re Ryan Report on the Commission to Inquire into Child Abuse; No. 25 — Criminal Justice (Miscellaneous Provisions) Bill 2009, Second Stage (resumed); No. 3 — Merchant Shipping Bill 2009, Order for Second Stage and Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that Nos. 12, 12a, 12b, 12c and 12d shall be decided without debate; the proceedings on the resumed Second Stage of No. 25 shall, if not previously concluded, be brought to a conclusion at 3.30 p.m. today; and the Dáil on its rising today shall adjourn until 2.30 p.m. on Tuesday, 9 June 2009.

An Ceann Comhairle: There are three proposals to be put to the House today. Is the proposal for dealing with Nos. 12, 12a, 12b, 12c and 12d agreed to?

Deputy Phil Hogan: I welcome the opportunity to say that the all-party motion brought forward on the Ryan commission on the initiative of Deputy Kenny during the week on the Order of Business is very important as this House should send one clear message that the crimes committed, which were outlined in this report, are heinous. They must be condemned by all sides of this House. I welcome the motion and thank the Government Whip for bringing it forward in agreement with all sides of the House.

Deputy Joan Burton: No. 12d relates to the Ryan report and the Labour Party supports this motion, as do all Members of the House. It is just a preliminary step and the Dáil will have a two-day debate when many of the issues can be explored fully. In the context of the motion, I ask the Minister specifically about reports that the Ryan commission is strongly leaning towards the destruction of all the documents collated, collected and used by the commission in the course of its work.

I understand it may be necessary for the documents to be held confidentially for a protracted period but it would seem extraordinary for the records of the Ryan commission to be disposed of. There are strong indications that the commission is leaning towards the destruction of the documents but this would be an appalling insult to the people who suffered in various institutions.

Will the Government clarify with the Attorney General the position on the civil and criminal records which people who were inmates in the various institutions have?

An Ceann Comhairle: I must remind the Deputy——

Deputy Joan Burton: Will the Government clarify by the time of the debate whether——

An Ceann Comhairle: ——that there is a narrow proposal before the House.

Deputy Joan Burton: ——people who were criminalised will be fully exonerated?

An Ceann Comhairle: There is a narrow proposal for the motion to be taken without debate. We are not having Question Time. That is not my fault but is the way Standing Orders operate.

Deputy Joan Burton: The matter of the records is one of national importance.

An Ceann Comhairle: I must observe Standing Orders and so must Deputy Burton.

Deputy Joan Burton: The destruction of the Ryan commission records——

Deputy Pádraic McCormack: Will we let James up again?

Deputy Joan Burton: ——is an issue of national importance. It would cause unbelievable stress to the people who gave evidence.

An Ceann Comhairle: The matter will be debated in due course.

Deputy James Bannon: There is something fishy about the Greens this morning.

Deputy Caoimhghín Ó Caoláin: The Sinn Féin Deputies are in agreement with No. 12*d*, the motion before us regarding the child abuse commission, which I have jointly signed with the other leaders of the parties here. There is a proposal for a further substantive motion and two-day debate. Will the Minister confirm, before agreement to the Order of Business, that the all-party motion signalled will have full agreement? Will she confirm that as with the motion before us today, there will be full participation and consultation with all the parties in the drafting of same?

Will the relevant Ministers also agree to consult with the representatives of the various victims and survivors of abuse in the various institutions?

An Ceann Comhairle: As I explained to Deputy Burton, this is not Question Time. There is a narrow proposal before the House.

Deputy Caoimhghín Ó Caoláin: This is relevant to No. 12*d*.

An Ceann Comhairle: It is not Question Time.

Deputy Caoimhghín Ó Caoláin: No. 12*d* clearly indicates the substantive motion will be addressed. I am seeking clarification that not only will there be consultation with all the parties but also with the representatives of the various victims groups and the survivors to ensure their valued and essential input is also sought and involved in the construction of the motion.

Will the Taoiseach meet with the representatives of the 18 religious orders in the coming week? If so, will he press for full disclosure of assets——

An Ceann Comhairle: This is not Question Time. There is a narrow proposal to be put to the House. I must call on the Minister to reply.

Deputy Caoimhghín Ó Caoláin: —including those held overseas and not just those on the island of Ireland?

An Ceann Comhairle: As I told Deputy Burton, there is a narrow motion before the House and it is not Question Time.

Deputy Mary Harney: I want to acknowledge the all-party approach to the motion which is what the public would expect. The Ryan commission laid bare the most horrific catalogue of the abuse of children ever in this State. Besides the appalling abuse, it has done incredible damage to the reputation of this country once again. Our public would expect us all to come together on these issues. I acknowledge the support of all sides of the House on this matter. It is intended to have the same approach in two weeks to a more substantial motion. Discussions will take place between the Government and the representatives of the Opposition parties.

The documents held by the Ryan commission are a matter for Mr. Justice Ryan. Very often in these cases, information is given on a confidential basis. I know this arose in my case with the Dunne inquiry into organ retention when it was not legally possible to publish its documentation. Whether it can be retained is a different issue and I will speak to the Attorney General on that.

While not wanting to pre-empt the Taoiseach's meeting with the institution's representatives, the religious orders and the victims, it will be very robust.

An Ceann Comhairle: Is the proposal for dealing with Nos. 12, 12a, 12b, 12c, and 12d agreed? Agreed. Is the proposal for dealing with No. 25 agreed? Agreed. Is the proposal that the Dáil on its rising today shall adjourn until 2.30 p.m. on Tuesday, 9 June 2009 agreed?

Deputy Joan Burton: No. While it has been traditional for the Dáil to adjourn for a period when elections are being held, given the state of the economy people are shocked at the notion of such a break. There is no way the Labour Party will support the Government's proposal that the Dáil having resumed on Tuesday week will then adjourn on 2 July *sine die* for the rest of the summer.

An Ceann Comhairle: That proposal is not before the House.

Deputy Joan Burton: We are laying down a marker that this is not acceptable to the Labour Party.

Deputy Noel Dempsey: It will be a short summer break.

An Ceann Comhairle: Is the proposal agreed for the Dáil adjourning? Agreed. I call Deputy Hogan on the Order of Business.

Deputy Phil Hogan: First, I want to wish you, a Cheann Comhairle, a happy birthday.

Deputies: Hear, hear.

An Ceann Comhairle: The English poet, Arthur O'Shaughnessy, said, "For each age is a dream that is dying, Or one that is coming to birth."

Deputy James Reilly: One could certainly apply that to the Government.

Deputy Caoimhghín Ó Caoláin: A Cheann Comhairle, I urge you to ask Deputy Hogan to move on quickly as Deputy Finian McGrath is threatening to sing.

Deputy Pádraic McCormack: Deputy Healy-Rae should have done that.

Deputy Phil Hogan: Will the Minister, Deputy Harney, clarify if it is the Government's policy, as enunciated by the Minister for Finance yesterday, that the social welfare budget must be cut to stay in line with various provisions announced in the Budget Statement on April 7? Will the Minister for Social and Family Affairs be bringing forward proposals for another budget in three weeks to implement the measures outlined by the Minister to reduce the social welfare budget? Perhaps she will restore the Christmas bonus that was cut in the last budget so she can be in line with some Government backbenchers who are telling their constituents that it will be restored.

An Ceann Comhairle: The Deputy must ask a question that is in order. Those are the rules.

Deputy Johnny Brady: The local election candidates of the Deputy's party are telling lies.

Deputy Phil Hogan: Is it the Government's intention to bring forward another budget because we have not had one for at least two months? Will the Government bring forward another budget or social welfare Bill after 9 June?

An Ceann Comhairle: Is this promised legislation, Deputy Harney?

Deputy Noel Dempsey: Deputy Hogan is obviously from the intellectual wing of Fine Gael who reads the *Daily Mail* and then believes it, which is even worse.

Deputy Mary Harney: There are no plans to bring forward the legislation referred to by the Deputy.

An Ceann Comhairle: There are no plans. I call on Deputy Higgins.

Deputy Michael Ring: There are no plans for this week but what about next week?

Deputy Phil Hogan: Is it the Government's policy that the social welfare budget should be cut?

An Ceann Comhairle: I cannot discuss Government policy on the Order of Business.

Deputy Phil Hogan: It was announced outside of the House.

Deputy Noel Dempsey: What is Fine Gael's policy?

An Ceann Comhairle: The Minister for Health and Children, Deputy Harney, who is taking the Order of Business on behalf of the Government has stated there is no such business promised.

Deputy Emmet Stagg: Is someone telling lies?

Deputy Phil Hogan: Does the Minister for Finance——

Deputy Billy Kelleher: What is Fine Gael's policy?

Deputy Michael Ring: Deputy Kelleher does not know more than the Minister for Health and Children does.

An Ceann Comhairle: She has answered your question.

Deputy Michael Ring: That is for this week but what about next week?

Deputy Phil Hogan: A Cheann Comhairle, I am sure you will agree that the Minister for Finance enunciates Government policy regarding the budget. Is it Government policy to reduce the social welfare budget?

Deputy Brendan Howlin: A Cheann Comhairle, Deputy Higgins has indicated he wishes to contribute on the same issue.

An Ceann Comhairle: I will ask the Minister the question again to clarify it for the Deputy but first I will allow Deputy Higgins in on the same issue.

Deputy Michael D. Higgins: Yesterday, the Parliamentary Assembly of the Organisation for Security and Co-operation in Europe had the benefit of an opening address by you, a Cheann Comhairle. This was followed by a statement by the Minister for Finance, Deputy Brian Lenihan, in which he said one of the key features of a social crisis with employment in an affluent country like Ireland is that large social welfare provision can be a disincentive to work which is a difficult issue to tackle. It is in the interest of all Members to know if there is a change in policy. There is no doubt whatsoever that the implications of the Minister's statement yesterday constitute a promise to have a change in social welfare policy. The only way this can be achieved is by a supplementary social welfare Bill. It is very helpful if the Minister, Deputy Harney, says there will be no change which I welcome. However, it is of significance to us that the Minister for Finance was only three weeks ago suggesting Ireland had a magnificent social welfare system that protected the poor.

An Ceann Comhairle: I believe the Deputy has made his point.

Deputy Michael D. Higgins: If there is a change in Government policy, it is in here we want to hear about it rather than——

An Ceann Comhairle: Deputy Hogan asked that question already.

Deputy Michael D. Higgins: ——at an OSCE conference which is a festival of right-wing thinking and where extremists of free market thinking like to pad up each other.

Deputy Noel Dempsey: Does Deputy Higgins remember the £1.50 increase in the old age pension when his party was last in Government?

Deputy Michael D. Higgins: There is nothing wrong with windy statements in such places.

Deputy Micheál Martin: Deputy Quinn is a great admirer of the free market.

Deputy Michael D. Higgins: However, if there is to be a change in policy, it is in here we want to hear it.

Deputy Noel Dempsey: The Labour Party did not do much for the old age pension.

An Ceann Comhairle: I cannot discuss left-wing or right-wing festivals on the Order of Business. I call the Minister.

Deputy Michael Ring: Fianna Fáil took the medical cards off the old age pensioners.

Deputy John Cregan: What about the £1.50 for the pensioners?

Deputy Michael D. Higgins: It is better than withering on the vine.

Deputy Michael Ring: Fianna Fáil is still taking the medical cards from them.

Deputy Johnny Brady: We are taking them from the rich.

Deputy Michael Ring: One wonders if there is a Fianna Fáil Party at all when an Independent Minister is taking the Order of Business. All the Fianna Fáil candidates will not put the Fianna Fáil logo on their election posters. They are ashamed of being Fianna Fáil.

An Ceann Comhairle: Do not mind that.

Deputy Michael Ring: I got this election leaflet this morning from a Fianna Fáil candidate. Looking at it one would think he is the same as Deputy Harney, an Independent.

An Ceann Comhairle: Deputy Ring, you cannot display photographs in the Chamber.

Deputy Michael Ring: All the Fianna Fáilers are not putting, "Vote Fianna Fáil" on their election literature. They are ashamed of Fianna Fáil. Where are all the Ministers this morning?

Deputy Billy Kelleher: Where is Deputy Kenny this morning? He is out canvassing for the elections.

Deputy Finian McGrath: Deputy Kelleher should take it easy.

An Ceann Comhairle: Order please.

Deputy Michael Ring: The problem with Fianna Fáil candidates is they have realised they are going nowhere. The only ones in power over there are the Independents.

Deputy Micheál Martin: Deputy Ring is perpetually independent.

Deputy Billy Kelleher: The Members over there are like the Clare football team.

A Deputy: Deputy Ring himself is confused.

An Ceann Comhairle: Deputy Ring will have to raise that somewhere else. I call on Deputy Harney.

Deputy Michael Ring: Fianna Fáil backbenchers are only cowards. They have let down the poor, the weak and the over 70s. A vote for Fianna Fáil is a vote for no medical cards.

An Ceann Comhairle: Deputy Ring, I will have to ask you to leave the Chamber if you continue.

Deputy Mary Harney: First, I join with Deputy Hogan in wishing the Ceann Comhairle a happy birthday. While he is unable to socialise with his colleagues within the environs of this House, I hope he gets an opportunity to enjoy his birthday somewhere.

An Ceann Comhairle: Thank you very much.

Deputy Paul Kehoe: He should have a drink with Deputy Healy-Rae in County Kerry.

Deputy Bernard J. Durkan: Or in limbo.

Deputy Mary Harney: Second, the Minister for Finance was referring yesterday to the need for incentives to work and I hope that every Member of this House would support such incentives.

Deputy Brendan Howlin: A job would be a good incentive.

Deputy Mary Harney: We have one of the highest rates in Europe of social welfare benefits for old or unemployed people. Moreover, contrary to a view put forward by Fine Gael's candidate in Dublin South this morning, an unemployed married man receives €339 per week and not €204 per week. Were Members to at least get the facts right, they might have appropriate debates in the Chamber.

Deputy Bernard J. Durkan: It depends——

(Interruptions).

Deputy Bernard J. Durkan: It depends in some cases on whether the person was self-employed beforehand and the Minister should know that.

Deputy James Reilly: Apropos of the question asked by my colleague, Deputy Hogan, Members have not been provided with clarity in respect of Government policy on social welfare. Furthermore, in this House before Christmas, I raised the issue of a dole office for the people of Balbriggan, a community in which 4,000 people now are unemployed. Although it is almost June, there still is no sign of any facility despite half the main street of Balbriggan lying idle——

An Ceann Comhairle: The Deputy should ask a question that is in order.

Deputy James Reilly: ——due to the Government's handling of the economy.

Deputy Johnny Brady: Could Deputy Reilly not let the Department one of his properties?

An Ceann Comhairle: The Deputy may only ask a question that is in order.

Deputy James Reilly: I will repeat the question of the Minister, as well as of the Fianna Fáil backbenchers and frontbenchers. What is Fianna Fáil policy? It cancelled the Christmas bonus.

An Ceann Comhairle: Leave it at that now.

Deputy James Reilly: Does it now intend to cut the dole as well?

An Ceann Comhairle: This matter is not covered by the Order of Business.

Deputy James Reilly: That is what Deputy Brian Lenihan has intimated in the press.

An Ceann Comhairle: I call Deputy Crawford.

Deputy Noel Dempsey: Where was the Deputy going to get the additional €2.5 billion?

Deputy Paul Kehoe: The e-voting man.

An Ceann Comhairle: I call Deputy Crawford.

Deputy Noel Dempsey: The only way Fine Gael could have got it was by cutting the rates of social welfare.

Deputy Bernard J. Durkan: I can tell the Minister what is Fine Gael policy.

An Ceann Comhairle: Deputy Crawford, please.

Deputy James Reilly: Was it not Deputy Dempsey who asked what was €50 million in the overall scheme of things?

Deputy Paul Kehoe: It was only small change to the e-voting man. The dunce.

Deputy Noel Dempsey: Fine Gael would have cut social welfare to make the savings.

An Ceann Comhairle: I call Deputy Crawford.

Deputy James Reilly: Does he know what it is now, in the overall scheme of things? Many jobs in SR Technics also could have been saved but the Government chose not to.

Deputy Noel Dempsey: The Government increased social welfare by 500%.

An Ceann Comhairle: I call Deputy Crawford.

Deputy Seymour Crawford: I support the request of my colleague, Deputy Bannon, for a full debate in this House on agriculture. At a time when agriculture is going through serious mismanagement, a full debate is required and I ask the Whips to organise it—

An Ceann Comhairle: The Deputy cannot discuss that. It is a matter for the Whips.

Deputy Seymour Crawford: —as soon after the break as possible.

On other issues, is there any hope the sale of alcohol Bill will be brought forward? The present situation, whereby young people can buy drink in off-licences and so on without any control, is completely untenable. I wish to ask three questions pertaining to the Minister's own portfolio. First, I refer to the mental health (amendment) Bill, which pertains to a crucial issue at a time when people are under much pressure and require as much support as they can get. The other items are the eligibility for health and personal social services Bill and the health information Bill. These Bills must be brought forward quickly because the current position in respect of the information that Members are receiving and the knowledge as to who is eligible for what health services is extremely serious. I received a letter from the Health Service Executive this week that completely contradicts what has been promised in the past. People had been promised that no service would be removed from them—

An Ceann Comhairle: We cannot deal with that now.

Deputy Seymour Crawford: —until a better service was provided. The Minister has failed completely in this regard—

An Ceann Comhairle: The House cannot deal with that now. I call the Minister on the legislation.

Deputy Seymour Crawford: —and I seek proper information.

Deputy Mary Harney: The sale of alcohol Bill is expected later this year. The mental health (amendment) Bill is expected next year and the heads of the health information Bill will go before the Cabinet shortly. I do not have a date for the eligibility for health and personal social services Bill at present.

Deputy Seymour Crawford: The Minister did not provide a date for any of the items.

Deputy Emmet Stagg: Despite the Ceann Comhairle's heroic efforts to try to kick-start the Dáil reform procedure, nothing has happened in that regard and matters are regressing at a rapid rate. Since the beginning of May 2009, 34 Adjournment debates have been allowed by the Ceann Comhairle. However, on only one occasion did a senior Minister come into the House.

Deputy Bernard J. Durkan: That is right.

Deputy Emmet Stagg: That was the Tánaiste and Minister for Enterprise, Trade and Employment, Deputy Coughlan, who attended because the subject pertained to job losses in her own constituency.

Deputy John Deasy: A coincidence.

Deputy Emmet Stagg: A total of 15 of the Adjournment debates were taken by one very junior Minister of State, Deputy Áine Brady, and many of the debates did not relate to her area of responsibility. A further seven were taken by another Minister of State, Deputy Calleary. Two thirds of the debates have been taken by two of the most junior Ministers in the House.

Deputy Pádraic McCormack: They are training them.

Deputy Billy Kelleher: We are all equal.

Deputy John Deasy: Not Deputy Kelleher.

Deputy Emmet Stagg: When this matter was raised a short time ago by my party leader, Deputy Gilmore, the Taoiseach responded positively. He stated that every Minister should seek, as a matter of courtesy, to be present in the House when a matter relevant to his or her Department is being taken. However, even though 15 Adjournment debates were on health, the Minister for Health and Children never turned up in the House at all. Fianna Fáil should get a grip on their Independent supporters in the Cabinet and tell them to do their job. They are not doing it now and are treating this House with contempt.

Deputy Bernard J. Durkan: Hear, hear.

Deputy Emmet Stagg: When the Ceann Comhairle and others tried to kickstart Dáil reform, they were told that a special committee comprised of Fianna Fáil and Green Party Members would tell them what the Dáil reforms would be.

Deputy Seymour Crawford: The Green Party is not here.

Deputy Pádraic McCormack: The yellows.

Deputy Emmet Stagg: Nothing has come of that. May I assume that next week, given that neither Fianna Fáil nor the Green Party is out canvassing——

Deputy Noel Dempsey: That is what Deputy Stagg thinks.

Deputy Emmet Stagg: ——the people concerned may do some work on Dáil reform?

Deputy Bernard J. Durkan: They are watching each other.

An Ceann Comhairle: The Minister, on Dáil reform.

Deputy Mary Harney: It is a matter for all the parties, and not a single party, to agree to Dáil reform.

Deputy Emmet Stagg: It is not.

Deputy Mary Harney: As the Ceann Comhairle is aware, there has been a refusal to agree to serious Dáil reform for several years.

Deputy Emmet Stagg: There have been no proposals on which Members have refused to agree.

Deputy David Stanton: There is nothing on which to agree.

Deputy John Cregan: Opposition Members do not wish to work extra time.

Deputy Terence Flanagan: I welcome the publication yesterday of the Multi-Unit Developments Bill, for which Fine Gael strongly campaigned. People have been waiting for 12 years for this Bill to be published and were one a cynic, one would suggest it was being published nine days before the local elections for electioneering purposes. When does the Minister expect the Bill to come before the House and when does she expect it will become law?

Deputy Mary Harney: The Bill is before the Seanad in the first instance and will come before the Dáil on completion of its passage in that House.

Deputy Bernard J. Durkan: In view of recent developments, I wish to raise two items in respect of promised legislation. What is the current status of, and intention towards, the legislation to provide for the collection and exchange of information relating to the dangers of sexual exploitation, sexual abuse or risk thereof to children? Its original status in the legislative programme was that its publication was expected but that it was not possible to indicate when. Has the position in this regard changed due to recent events?

Second, I refer to the Bill to transfer transmission assets from the ESB to EirGrid. That is an issue in which the Green Party should be taking a particular interest, if one could only see a Green Party Member.

Deputy Trevor Sargent: Over here Deputy.

Deputy Bernard J. Durkan: Perhaps my sight is failing but I do not appear to be able to do so. Their visibility rating——

Deputy Trevor Sargent: The Deputy's eyesight is terrible.

Deputy Bernard J. Durkan: I apologise, Deputy Sargent is present. Where are his colleagues?

Deputy Emmet Stagg: They are not canvassing anyway.

Deputy Trevor Sargent: How are Deputy Durkan's glasses today? Not enough carrots.

A Deputy: A needle in a haystack.

Deputy Bernard J. Durkan: Can some degree of importance be accorded to that legislation in view of the emphasis placed on energy and energy-related issues?

Deputy Mary Harney: The soft information Bill is a priority for the Government and at least two senior officials in the Department of Justice, Equality and Law Reform are working on that legislation as a matter of urgency. I do not have a date for the second item of legislation.

Deputy Bernard J. Durkan: On the second item of legislation, would it be possible to seek out the Minister responsible and encourage him to attend the House for the Order of Business? Although many people outside the House may be giving out or probably are being abusive at present, Members love him and wish to see him in the Chamber, as would the Ceann Comhairle. Hugging trees is one matter but coming before the House to——

Deputy Trevor Sargent: Hug Deputy Durkan.

Deputy Bernard J. Durkan: —accept responsibility for his ministerial portfolio is a different matter. Perhaps Deputy Johnny Brady has carried out an experiment like Einstein on him.

Deputy Johnny Brady: What legislation is this?

Deputy Bernard J. Durkan: Perhaps, like the disappearing battleship, Deputy Johnny Brady has carried out an experiment and the poor Minister has——

An Ceann Comhairle: I call Deputy Burton.

Deputy Joan Burton: In the context of the all-party motion to which Members have committed themselves regarding the Ryan report and supporting the full implementation of the report's recommendations, I refer to the case of Melissa Mahon, the 14-year old girl and the man who was convicted yesterday of her unlawful killing. Will the Minister for Health and Children provide for an independent investigation because this child was in the care of the HSE?

An Ceann Comhairle: I cannot deal with that now.

Deputy Joan Burton: In the week of the Ryan report's publication, Members must be aware that abuse and the harrowing events related in that case equally require investigation. She was under the care——

An Ceann Comhairle: I cannot deal with that now.

Deputy Joan Burton: ——of the HSE.

Deputy Bernard J. Durkan: Hear, hear.

An Ceann Comhairle: I cannot deal with that now.

Deputy Joan Burton: Can the Minister disclose whether she will hold an independent investigation?

An Ceann Comhairle: I call Deputy Enright.

Deputy Olwyn Enright: I am delighted the Minister for Health and Children is taking the Order of Business as I can question her. The Oireachtas representatives from Laois-Offaly had a meeting with the HSE approximately six weeks ago at which approximately €6 million worth of cuts in that constituency alone were outlined. We have heard nothing since. It was to include the closure of all respite beds, the removal of transport for dialysis patients and the cutting of front-line staff, including speech and language therapists and home help. Can I ask the Minister——

11 o'clock

An Ceann Comhairle: We cannot deal with that now.

Deputy Olwyn Enright: ——under the health information Bill, because this is information people want, whether these are on hold——

An Ceann Comhairle: We must move on.

Deputy Olwyn Enright: ——or whether we will merely see an announcement in this regard on 6 or 7 June.

An Ceann Comhairle: I call Deputy Sheahan.

Deputy Olwyn Enright: It is an important issue.

An Ceann Comhairle: I know it is but the Deputy must ask a question that is in order.

Deputy Paul Kehoe: She asked about the health information Bill.

An Ceann Comhairle: Does the Minister have information on the health information Bill?

Deputy Mary Harney: As I said, the heads will go to Government shortly.

Deputy Paul Kehoe: What about the cuts in it?

Deputy Mary Harney: It has nothing to do with the budget.

Deputy Olwyn Enright: It has everything to do with the budget.

Deputy Tom Sheahan: Is there any intention at Cabinet level to introduce support measures for the dairy sector? The Minister's officials attended the committee yesterday and some of the language that was being used about the soft landing in the dairy sector, where farmers are getting 20 cent a litre for their milk——

An Ceann Comhairle: I cannot deal with that now.

Deputy Tom Sheahan: Is there any such intention at Cabinet? They are getting 20 cent a litre. I met a man recently in my home village who told me——

An Ceann Comhairle: I cannot deal with that now.

Deputy Tom Sheahan: I told him I had not met him in the pub recently. He asked how could he have met me there when he would need five gallons of milk to have a pint of Guinness.

An Ceann Comhairle: I call Deputy Carey.

Deputy Joe Carey: On what date will legislation come before the House to set up the full US pre-clearance facility at Shannon?

Deputy Mary Harney: I understand the legislation is finalised and it is a matter for the Whips to decide when we will discuss it. The Bill has been published.

Deputy Joe Carey: When will it be before the House?

Deputy Emmet Stagg: It is not even on the horizon.

Deputy Mary Harney: It will be in the next few weeks.

Deputy Michael Creed: I understand the Minister for Agriculture, Fisheries and Food has been speaking on the margins of the Council of Agriculture Ministers about the issue of the overwhelming power of the multiples in the retail market and the need to address that issue. Has this issue been addressed at Cabinet and is legislation envisaged in the area of competition law to tackle the enormous pressure that small food companies are being put under? Is there a proposal to introduce a code of conduct for the retail sector?

An Ceann Comhairle: Is legislation promised in this area?

Deputy Mary Harney: No, I do not believe legislation is promised. The Minister, Deputy Brendan Smith, has raised that matter at the full meeting of the Council of Agriculture Ministers.

Deputy Michael Creed: On the margins.

Deputy Brendan Smith: No, it was not on the margins. It was raised at the full Council last Monday.

Deputy Michael Creed: The Minister's press statement said it was on the margins.

An Ceann Comhairle: I call Deputy Stanton.

Deputy David Stanton: Thank you. I am glad to see——

Deputy Michael Creed: The Minister's press statement said it was on the margins.

Deputy Paul Kehoe: It probably was not raised at all.

Deputy Brendan Smith: The matter was raised at the full Council meeting.

(Interruptions).

Deputy Paul Kehoe: It is like the rest of the lies the Department tells.

An Ceann Comhairle: I call Deputy Stanton.

Deputy David Stanton: I am glad to see the Minister for Agriculture, Fisheries and Food and the Minister of State, Deputy Kelleher, in the House today. On the industrial relations (amendment) Bill, I want to raise the fact that 160 jobs are probably at risk at meat plants in Midleton and Youghal. Perhaps the Ministers could look into the matter to see if anything can be done.

Deputy Michael Ring: I raised the issue of the living alone allowance with the Ceann Comhairle two weeks ago and I was told by the Tánaiste at that time that I would receive a letter. When will this legislation come before the Dáil? At Christmas we were promised that it was to come to the House immediately. When will we actually have it in the Dáil?

Deputy Mary Harney: In case the Deputy is in any doubt, that legislation does not apply to me, if that is the purpose of the question.

Deputy Michael Ring: No, I am not talking about the Minister.

Deputy Mary Harney: While I do not have a date, I understand the Minister for Finance is working on a number of measures in that regard. With regard to the industrial development authority legislation, it will be this session.

Transfer of Functions: Motion.

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

That Dáil Éireann approves the following Order in draft:

An Bord Bia (Transfer of Functions of An Bord Iascaigh Mhara relating to Fish Marketing) Order 2009,

a copy of which Order in draft was laid before Dáil Éireann on 1st May, 2009.

Question put and agreed to.

Withdrawal of Fines Bill 2007: Motion.

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

That leave be granted to withdraw the Fines Bill 2007.

Question put and agreed to.

Ministerial Rota for Parliamentary Questions: Motion.

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

That, notwithstanding anything in the Resolution of the Dáil of 14th June, 2007, setting out the rota in which Questions to members of the Government are to be asked, Questions for oral answer, following those next set down to the Minister for Education and Science, shall be set down to Ministers in the following temporary sequence:

Minister for Health and Children

Minister for Finance

Tánaiste and Minister for Enterprise, Trade and Employment

whereupon the sequence established by the Resolution of 14th June, 2007, shall continue with Questions to the Minister for Transport.

Question put and agreed to.

Health Insurance (Miscellaneous Provisions) Bill 2008: Financial Resolution.

Minister for Health and Children (Deputy Mary Harney): I move:

THAT Part 9 of the Stamp Duties Consolidation Act 1999 (No. 31 of 1999) be amended to make provision for a stamp duty on certain insurers in respect of certain insured persons in the manner and to the extent specified in the Act giving effect to this Resolution.

Question put and agreed to.

Report on Child Abuse: Motion.

Minister for Health and Children (Deputy Mary Harney): I move:

That Dáil Éireann:

- sincerely apologises to the victims of childhood abuse for the failure to intervene, to detect their pain, and to come to their rescue;
- accepts all the recommendations of the Ryan Report and supports their full implementation;
- recognises that the victims of these appalling abuses must be consulted on the forms of support they need;
- recognises that supporting the victims and survivors must be the priority for all concerned;

[Deputy Mary Harney.]

- calls on the Congregations to commit to making further substantial contributions by way of reparation, in the context of discussions with the State, including to a Trust to be set up and managed by the State for the support of victims and to other education and welfare purposes;

and

- agrees that a two day debate will take place on a substantive motion to be agreed.

Question put and agreed to.

Criminal Justice (Miscellaneous Provisions) Bill 2009: Second Stage (Resumed).

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

An Ceann Comhairle: As Deputies Seymour Crawford and Chris Andrews are not present, I call Deputy Mattie McGrath.

Deputy Mattie McGrath: I am delighted to speak on this issue. The Bill contains a range of different measures which are appropriate to address by way of legislation to further improve the overall criminal justice system and to update existing statutes in some areas where it is decided that there is a need to do so. We all know there is such a need at this point in time. It is also extremely important to ensure that a gun culture is not allowed to form in the State. Therefore, a substantial and important part of this Bill is devoted to the licensing of firearms and associated issues.

In total there are 17 firearms and offensive weapons-related sections which can be grouped into the following categories: public safety and control issues; technical matters; and efficiency and modernisation measures. In addition, section 28 addresses the licensing of handguns. I am aware that some people have a strongly-held view that once they are of good character and make the necessary secure arrangements for the storage of their firearms, they should be free to have firearms of any kind licensed to them. I do not agree with this view, which would represent an unacceptable situation where our gun laws could mirror those of countries such as the United States. If the present situation continued unchecked, this would happen and we cannot allow it. A situation where firearms were freely available, as in some jurisdictions where there is a notification system and one purchases the firearm and simply informs the authorities afterwards, is not acceptable.

Proposals for reform in this area include a ban on the issuing of new licenses for handguns, although there will be limited exceptions in regard to handguns designed for use in connection with competitions governed by International Olympic Committee regulations. Those who already have licenses can, when they are due for renewal, apply to have them renewed, albeit under the new licensing procedure where the safety of the community will be paramount.

Section 31 will bring tighter control in the importation of firearms and ammunition by specifying that such importation may be made only by a registered firearms dealer on foot of an importation licence having been granted by the Department. In Irish law, firearms are already divided into two categories: non-restricted and restricted. This Bill proposes a measure to increase the ability to categorise firearms. It introduces the concept of a prohibited firearm, and section 25 proposes that the Minister for Justice, Equality and Law Reform should have the residual powers to be able to declare certain firearms and ammunition to be prohibited. The Minister should, however, keep the situation in regard to firearms licensing under review in the interests of public safety. This residual power will, in particular, allow the Minister to

address any particular issues which arise threatening the safety of the community. Addressing these concerns is our primary function but it is important to stress that the Minister's proposals will not impinge adversely on the activities of the majority of licensed firearms holders.

Section 35 regulates the sale and use of realistic imitation firearms, including devices known as airsoft. These items are practically indistinguishable from real firearms and have on occasion been used to intimidate and rob, and in anti-social behaviour. This Bill will also make the possession of realistic imitation firearms in a public place a serious offence. These measures will help those who play airsoft to protect their activity from irresponsible and casual purchasers.

There are two sections in regard to the control of weapons arising from fatal stabbings. I welcome the proposal to increase the maximum prison sentence for possessing a knife in a public place from one year to five and to extend the power of search without warrant in circumstances where the Garda Síochána has reasonable grounds to suspect a person is carrying an article for unlawful purposes, which is an important power to give the Garda. We must also examine the issue of community service. While I welcome the increase in sentences, given the situation pertaining with regard to people in prisons, community service should be considered where possible. It is also welcome that a new firearms and offensive weapons order, to deal with the issue of samurai swords, will be introduced.

Section 27 of the Bill will allow the Garda Commissioner or the Minister to issue guidelines on the practical application of the Firearms Acts. The Garda Commissioner, as head of the licensing authority, proposes to introduce guidelines which will be publicly available. These guidelines will attempt to address one of the main criticisms of the current licensing system, which is the lack of uniformity in the application of the Firearms Acts and the processing of applications. The Garda established a firearms policy unit in 2008, to help to ensure that the Commissioner's policies on firearms licensing are clearly understood and standardised throughout the force. The unit has been invaluable in resolving problems and complaints relating to applications. This country's firearms legislation, which stretches back more than 80 years and across five main Acts, has been criticised by commentators from the legal profession as being difficult to interpret. The Law Reform Commission has scheduled a restatement of the Firearms Act, which will help to alleviate this problem.

Part 1 of the Bill contains the standard preliminary features of all legislative proposals, including the Short Title, the interpretation section and the provision that the Exchequer will bear the costs of administering the Bill when enacted. Part 2 contains amendments to the European Arrest Warrant Act 2003, as amended by the Criminal Justice (Terrorist Offences) Act 2005. The 2003 Act, which gave effect to the EU framework decision on the European arrest warrant, replaced extradition arrangements between member states with a system of surrender based on arrest warrants issued by judicial authorities of member states. The amendments proposed in this part of the Bill are necessary to deal with issues that have arisen in the administration and implementation of the 2003 Act. As the House will be aware, the European Arrest Warrant Act 2003 has been in operation for more than five years. There is now a better understanding in Ireland and across all member states of the European arrest warrant system.

The Bill before the House will complete the process of reforming the firearms licensing regime, which was started by the Criminal Justice Act 2006. The Minister is taking this opportunity to introduce some further necessary changes to ban the widespread licensing of handguns and to hinder the development of undesirable shooting practices. I am aware of such problems in my community in County Tipperary, which is quite near other parts of Munster that have had huge problems with gun crime. Such activity must be nipped in the bud before it starts to spill over into other towns and villages. The proposed amendments to the Firearms Acts will prohibit the issuing of licences for new handguns, with some exceptions in the cases of starting

[Deputy Mattie McGrath.]

pistols and Olympic target guns. This Bill also sets out a tightened procedure for the renewal of existing handgun licences. It gives the Minister for Justice, Equality and Law Reform the power to prohibit the possession, use, sale, manufacture, repair and importation of specified firearms and ammunition. The Bill before the House also restricts the importation and sale of realistic imitation firearms. It will give the Garda increased powers of search where there is reasonable cause to suspect that a person has in his or her possession an offensive weapon without just cause or lawful authority. The new licensing regime that is being introduced will streamline the current system and ensure that licence fees may be paid at locations other than a Garda station. The licensing period will be also extended.

This legislation makes technical amendments to a number of other statutes, including the Bail Act 1997, the Criminal Justice (Theft and Fraud Offences) Act 2001, the Summary Jurisdiction Act 1857 and the Criminal Justice Act 1984. The Bill also contains four provisions that will give further effect to the decision on the establishment and the operation of the Schengen information system. In practical terms, it will improve the operation of the European arrest warrant system. It will give the Garda and the staff of the Revenue Commissioners the power to exchange information with other states that are party to the Schengen information system. Some of the other changes envisaged in this Bill are technical in nature. Nevertheless, it is important for the criminal justice system that they are legislated for and that the proposed technical amendments are dealt with to the satisfaction of Deputies.

I commend the Bill to the House.

Deputy John Deasy: My involvement in this issue started when I spoke to my colleague, Deputy Noonan, about a short article we had both read in a national newspaper. We were surprised that the report suggested there had been an increase in the number of legally-held handguns in this country. A couple of other Deputies later told me they knew of people who had applied for and received permission to purchase handguns, even though they were not members of shooting clubs. It seems that certain superintendents are perfectly prepared to give people permission to buy guns simply because the people in question want to own a gun. I decided to submit some parliamentary questions on the matter and received my first substantive response on 17 June 2008, as follows:

I have been informed by the Garda authorities that there has been an increase in the number of handguns licensed in this jurisdiction since 2004 following a legal challenge taken on the temporary custody order made in 1972 by the then Minister for Justice. Prior to that it was generally not the practice to issue licences for handguns.

The figures given to me by the Minister spoke for themselves. The cumulative number of licensed handguns increased from zero in 2003-04 to 305 in 2004-05, to 946 in 2005-06, to 1,367 in 2006-07 and to 1,701 in 2007-08. I think Deputies on both sides of the House were genuinely surprised when I read out those figures in the Chamber. Frankly, they were shocked. Members had assumed there was a ban on handguns. The fact that people in this country could get their hands on handguns quite freely was news to them. It has been assumed that members of the general public were prohibited from accessing handguns.

I propose to set out, in layman's terms, what has happened. The licensing of handguns in this country was liberalised in 2004, following a number of legal challenges. The loosening of the law governing the licensing of handguns has resulted, since 2004, in the issuing of approximately 1,800 handgun licences by Garda superintendents throughout the country. When I asked senior gardaí in my constituency of Waterford to tell me what the situation was, they made it clear that they were not happy about the distinct lack of uniformity in this area. They com-

plained that although guidelines should have been introduced to govern the licensing of handguns, that had not been done. They told me they discouraged applications for handgun licences as much as possible. They mentioned that an individual had taken the Garda superintendent in Waterford city to the High Court after he refused to issue a licence for a handgun. The judge in the case ruled against the force, on the basis that if one is prepared to give an individual a licence for a shotgun or a rifle, there is no good reason one should not give that person a licence for a handgun. That left the Garda Síochána in my constituency in an interesting position. The members of the force feel they are in a compromising position.

If the Garda in my constituency are reticent about issuing handgun licences — it does everything it can to limit the number of such licences — who is issuing all the licences mentioned in the Minister's reply? It has become clear that superintendents in certain districts and divisions around the country are perfectly prepared to issue handgun licences. Having tabled three or four parliamentary questions on the matter, I finally received a response last year that painted a fairly disturbing picture. The comparative statistics for the various Garda divisions speak for themselves. Some 188 handgun licences were issued in the Wexford Garda division in 2007-08. In Dublin North Central seven were issued, in Wicklow, 161, and in Mayo 14. There is no uniformity in the system of licensing. It has been carried out in an *ad hoc* and subjective manner. The district figures are worse, some recording 108 handgun licences others one or none, in many cases. After *The Irish Times* published those figures people accepted that this area needed immediate regulation.

I read and listen to commentators giving out about the cost of parliamentary questions and the abuse of them. I am not sure we would be here today debating and pursuing a ban on handguns were it not for the much-maligned and humble parliamentary question. Sometimes it is all we on this side of the House have. We are all labelled legislators but in reality Opposition Members are on occasion only bit players in the legislative process. Our only weapon, if it can be called that, is the parliamentary question. On this side of the House we are painfully used to getting useless, bland and diversionary replies. Occasionally, however, they yield figures which in some cases, like this one, reveal a problem.

I followed the debate in the House last week to an extent when some speakers questioned the existence of a handgun culture. I disagree with them on the basis of the numbers involved. According to my latest correspondence from the Office of the Minister for Justice, Equality and Law Reform, on 18 May, 579 new licences were issued from January to December 2008. There is a handgun culture which has grown rapidly, as the figures prove. Interestingly, the figures from November 2008 when the Minister announced the ban are much lower, month for month. That trend seems to have continued into 2009 when in the first four months of the year 81 handgun licences were issued. For the corresponding period in 2008, 215 were issued. It is clear that some superintendents around the country have stopped issuing these licences pending legislative clarity. Some have continued to issue them.

One speaker last week made a strong case for gun and shooting clubs and said, "there is no credible evidence to link legally held handguns with crime of any kind". When I heard that I recalled that last January a gang held up a gun dealer 20 or 30 miles from where I live and took handguns. He was not the only gun dealer targeted by criminals looking for handguns. Last November, in the North, a gun dealer was robbed and the haul included two Glock 9 mm pistols a Sig Sauer 9 mm pistol and six other target pistols.

The gardaí in my constituency referred me to a robbery in which the robbers left the shotgun and rifle but took the handgun. The members of these 40-odd gun clubs may be of good character but the more handguns are licensed the more will make their way into the hands of criminals. That occurs fairly regularly. The gardaí in my constituency have always been at pains

[Deputy John Deasy.]

to point out that there is no guarantee that guns will not be stolen from individual householders as this kind of proliferation grows and that is why they do not issue licences. The Garda Ombudsman, Kathleen O'Toole, makes the same point. She says these guns have got into the hands of criminals in this way in other jurisdictions.

I was surprised that in the debate last week people who had reservations about the ban never mentioned the gardaí or their views on the matter. I have taken my lead from the senior officers in my constituency based on their experience and opinion of, this matter. They are under no illusion about what needs to happen. They believe that the sooner this Bill is passed and enacted the better. During the course of the debate over the past 12 months we also heard from the Garda Commissioner, Fachtna Murphy. When he appeared before the Committee of Public Accounts late last year I asked a colleague to put a question to him about handguns. I was struck less by what the Commissioner said than by the way he said it. He mentioned that it is a strange position for the Garda to be on the one hand licensing Glock pistols and on the other trying to take them out of the hands of criminals. His eagerness to answer the question struck me. There was almost a sense of relief in the room when he had the opportunity to deal with what I believe he believed to be an issue that was being allowed to get out of control.

It is worth considering the alternative to a ban on handguns and to passing this legislation. In four years there has been a six-fold increase in the number of legally held handguns, making a total of approximately 1,800. If we leave the licensing process as it is there could be 10,000 legally held handguns here over the next five years. I believe society does not want that. It is right to bring some practicality and reality into this debate. Yesterday, I visited the website of a gun dealer in Galway. This shop sells handguns on-line and over the counter. One can buy a Glock 17 for €701.89. The big seller is the Sig Mosquito at €361.49. Until now one did not need to be a member of a shooting club to get one of these Glocks or Sigs or other handguns. That will change with the commencement of aspects of the Criminal Justice Act 2006 in this legislation. Those who have argued against a handgun ban would have a hard time selling it to their constituents, if they showed them this price list.

Most people are not aware that these weapons are being sold in this manner and do not want them sold in this way. Those who argue that there is no handgun culture or that we are treating gun and shooting clubs harshly or who argue that people should have a right to buy and keep as many handguns as they please should explain how the increased proliferation of handguns and the liberalisation of the law would not harm society. The onus is on them to convince me, my colleagues, the Garda and the majority of the public how more of these weapons could possibly be of any benefit to anyone besides their owners.

I agree with the sentiment that we have arrived at this point not because of any public policy decision but because of legal challenges, court decisions which have had the practical effect, intended or not, of liberalising the laws relating to handgun ownership. That is why we need to provide clarity and deal with a situation that was never the objective, aim or purpose of this Legislature.

Deputy Joe Costello: I am pleased to have an opportunity to contribute to this Bill, which contains a hotchpotch of different provisions. It deals with the European arrest warrant, which was introduced some time ago, the Schengen information system, which brings our standards into line with some of those in other parts of Europe, and other miscellaneous provisions, particularly dealing with the amendment of legislation on handguns, knives and imitation weapons. It is a standard criminal justice Bill and has a bit of everything. Whether it is relevant to dealing with crime is another issue.

It is imperative that the House legislate relevantly and put in place measures that will achieve what we intend to achieve to protect citizens. The first sentence of the explanatory memorandum states:

The purpose of the Bill is to amend certain provisions of the Criminal Law which have been identified as requiring amendment in light of their operation since enactment, to update their provisions in line with current requirements in the operation of the criminal justice system and to give further effect to [various other decisions].

The extent to which the provisions we introduce are useful is the test of the legislation. We must be concerned about civil liberties and ensure there are sufficient safeguards in legislation of this nature.

My main concern is the implementation of criminal justice legislation. I have been spokesperson in this area for some time, including during the term of the previous Administration. I once described the former Minister for Justice, Equality and Law Reform as a serial legislator. He introduced legislation to be beat the band and the Department of Justice, Equality and Law Reform was effectively a factory for the production of criminal justice legislation. Of all the Departments, it produces the most. Given this enormous output of legislative proposals, we must ask whether we get the desired return in terms of implementation and product.

The most important Department in terms of determining the quality of people's lives is the Department of Justice, Equality and Law Reform. It is concerned with anti-social behaviour and the environment in which people live and has an effect on whether people in their homes are safe from burglary and whether they can go out at night without being concerned that somebody is carrying a handgun or knife or is likely to carry out a physical assault. These issues are all concerned with the quality of life of the citizen. Unless it is protected, we are in serious trouble.

The provisions on handguns in the Bill have received the most scrutiny, in addition to the provision stipulating that firearms dealers should tax have clearance certificates. One would have believed the latter provision would not be necessary in a Bill at this time. The same applies to the provision that the importation of handguns can only be carried out by a registered firearms dealer. These are the sorts of provisions one would have expected would be in place and would not need updating. They should already be subject to the tightest legislation and everybody involved in any way with the firearms industry, be it by way of importing, selling or handling weapons, should be on a register. This is clearly not the case because if it were, we would not be amending the legislation now.

Handguns are the main type of weapon in use in recent times in Ireland. Their being readily available here means we can expect every criminal gang going out to rob and break the law, and individuals involved in burglaries, to be carrying a loaded weapon. That is the state of society at present. Some weapons have become available because of the importation of drugs. It is common to have guns in every major consignment of drugs. This development has probably been the most serious criminal development in this State since its foundation. We now have two deadly weapons being used against citizens. Drugs are being sold that are killing people all over the place. In my constituency there are communities that have been devastated by the sale of cocaine and heroin. At the same time there are deadly turf feuds taking place in Limerick and Dublin between various gangs and various elements of those gangs. Drugs and guns combine to create a cocktail of violence and damage in respect of which the authorities are not really in control.

In 2003, the great former Minister for Justice, Equality and Law Reform, Michael McDowell, told us the shooting dead of a criminal by another was the sting of a dying wasp and that he

[Deputy Joe Costello.]

had the matter under control. That was six years ago but since then the number of fatalities and injuries associated with gun crime has increased. The quantity of drugs imported to and seized has also increased. This simply means that, despite the fact that the Department of Justice, Equality and Law Reform has been a virtual factory of legislation, we have not been able to get on top of serious crime, not to mention low-grade crime and anti-social behaviour. Young people are afraid to go out at night in certain urban areas. The authorities have not come to terms with either low-grade or very serious crime.

The real issue concerns how we come to grips with the problem and ensure the people involved in crime are brought to justice. We must ensure the State asserts itself as being in control such that we do not have any incidents such as those that were perpetrated by the Mafia in Chicago or the Bronx. We must not have any areas run by a Mafia in this country. Certain areas in the country are becoming ghettos and are controlled by criminal groups. The more this occurs, the more the respect for law and order will diminish and the citizen will be less secure.

The Government should have been dealing some time ago with the fact that dissidents from Northern Ireland are appearing on the streets of Dublin. There are pipe bombs, shootings and weapons. An overflow of weaponry from the North is evident here and violent behaviour spread across the Border after the peace process proved successful in the North. It is time to take a fresh look at the degree of decommissioning that has taken place. There is no doubt but that there are weapons in existence that should have been decommissioned as part of the peace process but which were not.

There are dissidents who have never moved away from their violent behaviour across the Border and who are now involved in criminal behaviour here. These people might have been outlaws, as it were, in their own organisations, operating to some degree independently. There is now quite an element of this type of activity, with dissident-type weapons and information on how to produce bombs increasingly appearing on the streets. The situation is getting worse all the time. The number of pipe bombs being discovered by the Garda, which the Army must be called in to deal with, is increasing. It is not just handguns and knives; it is now bombs. Many of them are not fully primed, but some of them are.

We must make every effort to get on top of this. Our biggest problem is that we never got on top of the drugs crisis. In the old days, when the drugs crisis was limited to Dublin and only heroin was involved, it was not taken seriously. Communities were left to rot before the authorities decided to take any action. For about 15 years — from 1979 to the early 1990s — heroin never moved out of Dublin. Only in the 1990s did it become available anywhere else in the country. During that period no serious attempt was made to stamp it out, which allowed communication networks to be established in other areas, and it has now spread like wildfire and is to be found in every urban area throughout the country.

The same thing happened with cocaine. There was no cocaine in the country at all until after that time, but now it has been channelled into the same distribution networks and is available everywhere in the country. This is because there is no task force in place and no plan to deal with the latest drug or weapon. Whether it is a crack-cocaine-style development or a pipe-bomb-type development, where is the plan to deal with these new innovations from the criminal side? There is none and, as a result, these innovations take off. They are not dealt with and then they become part of the criminal network. That is happening all the time. We are putting through legislation after the event which is ineffective in dealing with the matter.

To give one example of the lack of proper implementation and focus, I will mention something I raised in the Dáil a few days ago. Three weeks ago the people involved in the largest

ever haul of drugs in the State, which was in the Ceann Comhairle's own neck of the woods, were convicted. Almost €500 million worth of drugs were seized, and the people involved got a mere ten years' sentence, which is strange, considering that is the minimum sentence for anyone who is caught with a small amount of drugs — €13,000 worth — or, under the amended legislation, €150,000 worth, depending on how one interprets it. Somebody who has been responsible for importing €450 million to €500 million worth of drugs should be subjected to a more serious penalty rather than the minimum prescribed. However, that was the decision of the judge in the case.

Another decision of the judge in that case was that the Garda was obliged to register those involved on the register of drug offenders when they were brought to prison. The Garda went out and tried to do this and, lo and behold, it could not find a register of drug offenders. Members will remember that one of the acts of the then Minister for Justice, Equality and Law Reform, former Deputy Michael McDowell, was to pass in October 2006 a Criminal Justice Act that made provision for the establishment of a register of drug offenders. However, the Minister has never actually introduced this and the Garda Commissioner has not implemented that part of the law. There is no register of drug offenders. Here we are, talking in the House about how we are going to deal with serious criminality, yet when we pass legislation nothing happens. The three gentlemen who were sentenced are going to prison, but there is no register of drug offenders to put them on. They come out of prison and they can go anywhere in the world without being on a register.

I live in a constituency in which there is much criminality related to drugs. The *Evening Herald*, which is regarded very much as the local newspaper, will tell one that those involved are flitting across from Ireland to Spain to the Netherlands and around the country, or are operating within our jails with impunity and causing mayhem. Yet not a single one of them is on a register of drug offenders. How do they go abroad? It is unbelievable that we are not making a serious effort to curtail this in a serious operational fashion. When the Minister is summing up I hope he will give us some indication, three years down the road, of when we will have that register of drug offenders. We do have a register of sex offenders and the Garda is responsible for vetting that. There are many complaints about it not being tight enough. However, we do not even have a drug offenders' register. People who are convicted and whom the judges believe will be put on the register do not end up on any register. Perhaps there will be some action in this regard. Again, this highlights the lack of meaningful implementation of the law with regard to serious criminal matters.

Even in matters that do not require legislation, it is a question of implementation. The Ceann Comhairle, who was Minister for Justice, Equality and Law Reform, knows that; we can pass all the legislation in the world but unless it is implemented it is a waste of space. Unimplemented legislation results in a lack of respect for legislation.

One of the latest developments introduced by the Minister of State at the Department of Community, Rural and Gaeltacht Affairs, Deputy John Curran, is an initiative called Dial to Stop Drug Dealing. This has been rolled out in three phases throughout the country, with a call centre in Manchester. There are many people who are afraid to go to the Garda because they cannot be seen doing so, particularly addicts who owe money and are under great pressure from drug dealers, and their families. They cannot go to the Garda station and they do not want a call to be traced. However, Dial to Stop Drug Dealing, which is an absolutely confidential telephone line, was established last September and has produced great results. The response I got from the Minister to a parliamentary question the other day was that 2,500 calls had been made and 700 of those had been acted on successfully by the Garda. That compares well to the Garda's own confidential line, which had only 3,500 calls in the course of the whole year, although it has been in place since 1992. I could not get figures on the amount it cost to keep

[Deputy Joe Costello.]

the Garda confidential line in operation because I got the usual reply from the Department of Justice, Equality and Law Reform that to compile the figures would cost too much in terms of resources and manpower. The cost of Dial to Stop Drug Dealing is minimal, and it is being rolled out in its third phase at present. However, by September the call centre is to be closed down. The entire project, which has proven successful and been of great benefit in disadvantaged communities where people cannot go to the Garda directly, is to be closed down. All the work that has been done by communities in putting posters up in public houses and providing beer mats with information on “Dial to Stop Drug Dealing”, letting people know the law, counts for naught. Here is a successful project that is being knocked on the head. How much would it cost to keep that call centre open per month? Only €1,500. The funding comes from the Department of Justice, Equality and Law Reform and the Department of Community, Rural and Gaeltacht Affairs. I am making a plea that this useful weapon in the fight against drugs in disadvantaged areas not be terminated because of a paltry sum of money but that it be maintained in operation as part of an ongoing, mainstream approach to dealing with serious drug crime.

These issues must be addressed in the context of the legislation. I hope it succeeds but more than anything else, I hope to see existing legislation properly implement.

Deputy Joe Carey: I welcome the opportunity to speak on this Bill, the main provisions of which are that no new licences will be issued for handguns with limited exceptions for Olympic sports. Any existing handgun licences will be subject to the new rigorous licensing procedures where renewal is sought and there will be a new three year licensing system for firearms. Also there will be amendments to the European Arrest Warrant Act 2003 and to the Bail Act 1997 and the Bill will permit the exchange of information through the Schengen information system when it is operational.

There is a philosophy to the firearms element of this legislation whereby the Minister, as he stated himself, does not want to allow a gun culture develop in this country. I personally agree with him on this; I do not want an Irish group to play a similar role to that played by the National Rifle Association in the United States, which determines public policy to a significant degree. That is a road I hope we never go down in this country. We have all witnessed the horrific scenes in the aftermath of school shootings in the United States. These tragic events have shaken the political system and have led to calls for more stringent gun control laws. The National Rifle Association, however, continues to oppose the introduction of such laws.

Having said that, and understanding the Minister’s motivation, we run the risk with this legislation of missing the point we are trying to address. The firearm elements of this legislation are by and large directed towards the recording and administration detail required of legally held guns. The Bill reforms our laws on the matter of the possession of firearms but how this legislation may restrict the availability of weapons available to criminal gangs and organised crime is not really apparent. How the State effectively deals with illegally held firearms should be the fundamental part of this legislation. We clearly need more legislation to deal with illegally imported firearms. There is now an obvious direct link between the deeply rooted gang culture, the importation of drugs to finance this gang culture and the importation of weaponry tacked onto these drugs shipments. This is where the real problem lies.

Ireland’s growing drug problem must be addressed. Cocaine was the drug of choice during the boom and continues to be widespread. Now, however, the deadly drug heroin is taking grip throughout this country. It is our responsibility and the responsibility of the Minister to do everything we can to protect the citizens of this State from the evils of drugs. We must ensure that everything that can be done is done to fight drug traffickers and drug dealers. We must

cut their life-line, the supply of drugs. I also strongly believe that there should be an emphasis on access to drug treatment and services for those that develop a drug problem. There is a huge concern that in a time of economic downturn people will have greater recourse to drugs and the State needs to respond accordingly to this

Since Operation Anvil in 2005, 2,200 illegally held weapons have been seized. Gardaí have also intercepted several shipments of heavy weaponry, including sub-machine guns, rocket launchers, and grenades. This would tend to indicate that significant numbers of illegally held firearms have been imported into the country. The CSO figures for illegal firearm possession charges show an upward trend from 373 in 2003 to 462 in 2008, an increase of almost 25%, again an indication that the illegal ownership of firearms is on the increase. There are no easy solutions to this deadly equation but I would be interested in the approach the Minister has to this specific issue.

Notwithstanding the Minister's desire to prevent a gun culture developing in this country, he must shift the balance in this legislation from those that legally hold firearms towards illegal aspects of firearm ownership. Mandatory reporting of loss or theft of any firearms or ammunition would be an essential element of legislation such as this. As has been stated already in this debate, there seems to be some confusion about stolen firearms and their subsequent use in crime. Any licensee who fails to report theft or loss could and should be subject on conviction by the courts to imprisonment or to a fine.

Another element which would redirect the balance of the legislation towards the illegal firearms would be a substantial increase on the penalty for possession of an unlawful firearm. My colleague, Deputy Charles Flanagan, has proposed a fine not exceeding €50,000 or imprisonment for a term not exceeding ten years or both for this offence. These are tough penalties but they are unequivocal and reflect the seriousness of the issue.

The parts of this Bill that deal with knife crime introduce complexities. I appreciate it is almost impossible to ban the sale of knives that are used in any Irish kitchen, restaurant or butcher's shop. Having said this, there should be no need for such knives to be carried in public. The excuse that they are merely for kitchen or some other benign use when found on a person in public should quite simply not be tolerated and the punishment should reflect this. I am pushed to think of any reason whereby knives such as these would need to be on a person in public.

Acknowledgement in the Bill of the proliferation of samurai swords is also welcome. These weapons have become prevalent and are regularly used by today's criminals. Again, Deputy Flanagan has repeatedly raised this issue in this chamber. I therefore welcome the Minister's
12 o'clock acknowledgement of the threats posed by samurai swords and support the provisions in the Bill that will address their use. I accept the Minister is trying to deal with and legislate for the growth of knife crime but I do not agree that enough is being done to enforce the law. According to the figures and statistics on knife crime, the number of murders committed where a knife was involved declined last year whereas the number of offences for possession of a knife increased dramatically. In five years offences relating to possession of offensive weapons, mainly knives, has increased by 72%, yet only 32% of cases have led to conviction. The question has to be asked, why the conviction rate is so low.

Some 30% of all knife crime offenders in this State are under 20 years of age. It is clear from this statistic that the State must respond by going to second-level schools with an educational programme aimed at stamping out this growing activity. The €200,000 allocated to the Minister, Deputy Dermot Ahern to raise awareness of knife crime has so far failed miserably. The Minister promised to raise awareness and thereby tackle the serious issue of knife crime by having a presence on social networking websites such as Twitter, Facebook and Bebo. I propose

[Deputy Joe Carey.]

that the Minister involve community gardaí in this process. The Minister should send the message that carrying a knife will not be tolerated by this State. That message needs to get to our schools. It is vital that a strong coherent campaign would start as soon as possible to stamp out knife crime.

I welcome the fact that gardaí are no longer to spend so much time in the administrative duties associated with firearm licensing. The idea of rolling renewal for firearms licensing is also welcome. It has been my experience that gardaí in rural Ireland spend an inordinate amount of time checking legally held shotguns in the lead up to the duck hunting season at the start of September every year. There has to be a better use of Garda time than activity such as this. However, who does the Minister envisage will carry out this work?

In reading the excellent briefing paper supplied by the Oireachtas Library and Research Service one thought struck me about our proposed adoption of the Schengen Agreement. It is obvious that European law is more advanced on criminal activity. Article 99 of the Schengen Information System speaks of the use of “discreet surveillance”. It is not that long since this House began the debate on surveillance as a tool in fighting crime. Is the Minister happy that our criminal justice legislation is robust and modern enough to participate in this pan-European approach to criminal activity?

The Schengen Agreement and its associated information system establishes police and judicial co-operation in criminal matters across Europe. Its objective as stated is, “preventing and combating crime, organised or otherwise, in particular terrorism, trafficking in persons and offences against children, illicit drug trafficking and illicit arms trafficking, corruption and fraud.” The six defined reasons for which information can be entered on the Schengen Information System and the possibility of we in Ireland making use of a system such as this will be of benefit especially in our fight against organised crime.

I assume there will be significant costs associated with these elements of the legislation. These will relate to information technology, the dedicated overseers of this system, the DPP and the Data Protection Commissioner. Has the Minister costed this and can he give us an indication as to the amount of money that will be required to implement and run this service?

The elements of this Bill that deal with the introduction of the Schengen Information System are welcome. We have, to a certain extent, along with the UK, fallen behind this pan-European approach to intelligence and administrative work sharing in the field of courts and police. As we fell behind, it is ironic that our Irish criminal fraternity strengthened and developed their European links. These include holiday homes in Spain, importation of drugs and guns from continental Europe and, lately, shooting and target practice in Eastern Europe.

The sections of this Bill on the Schengen Information System provide an important step in the integration of European information systems into tools available to our Garda and State officials. However, I wonder how compatible our information systems are with the rest of Europe. When I read of this system, the dreaded PARS or electronic voting comes to mind. I am sure the Minister for Justice, Equality and Law Reform is also mindful of this. It provides our national authorities here with greater access to information. It also allows for more efficient dealing with criminal activity reflecting the new mobility of some of our criminal classes. I hope these elements will make it easier for us to deal with those Irish gangland members who leave the Irish jurisdiction. I welcome this part of the Bill.

I largely welcome this legislation but feel it needs more work on Committee Stage. There must be a clearer distinction, in that while the Minister wants to avoid the rooting of gun culture in Ireland, he cannot unduly impinge upon those who want to pursue a legitimate sport or pastime. We must not fall into the legislative trap of using a sledge-hammer to crack a nut.

The elements of this Bill dealing with pan-European approaches to crime are long overdue and very welcome.

Minister of State at the Department of Justice, Equality and Law Reform (Deputy John Curran): The Minister has asked me to express his appreciation to Deputies from all sides of the House for their contributions to the debate on this Bill and for the constructive remarks which have been made on some of the proposals contained in this measure. On the comments on the firearms proposals made by Deputies Charles Flanagan and Rabbitte in their capacity as justice spokespersons for their respective parties, we thank them for their broad support for what is being proposed in this Bill. Control of firearms in the population generally cannot be other than a progressive initiative, and that appears to be the view of all sides of the House. Any society which is lax in its control of access to firearms is storing up trouble for itself.

Both Deputies Charles Flanagan and Rabbitte have pointed out that the firearms provisions of this Bill will not alleviate the situation regarding gangland crime. I have never claimed that these measures were intended to target gangland crime. This House will be aware of the many anti-gangland crime measures in place, including Operation Anvil, the focus of which is the disruption of serious, organised criminal activity. A sum of €21 million has been ring-fenced in the Garda budget for 2009 to ensure ongoing operations of Anvil continue to be undertaken by all units and sections of the Garda Síochána. The introduction of the Criminal Justice (Surveillance) Bill in the House very recently is another important initiative in the ongoing fight against crime. However, it is a matter of record that some legally held firearms are stolen. A total of 42 hand guns have been reported stolen since 2004. It stands to reason that they are stolen for a purpose which is likely to involve some form of criminal activity. It would be folly to suppose that the issue of legally held hand guns falling into wrong hands can be ignored.

The Government has also made it clear that its reasons for restricting hand guns are much wider. In particular, we have made it clear that we do not wish a hand gun culture to take hold here. Hand guns are different because they are easy to conceal, can often discharge a large number of bullets rapidly and feature so often in gun rampages. While a number of Deputies received representations from practical shooting enthusiasts, these are the views of the vocal minority and not representative of the views of the firearms consultative panel. Not all forms of target shooting activities are as legitimate and credible as they claim to be. For example, the United States Practical Shooting Association on its website advertises, “If shooting has an “extreme” sport, USPSA-sanctioned practical shooting is it.”

The Oireachtas Library and Research Service, in the Bills digest produced for this Bill, referred to the combat-kill philosophy which underpins this activity and the shoot-no shoot decisions which clearly illustrate the combat ethos. Practical shooting is in bad taste. It is inherently an undesirable activity and a million miles removed from traditional target shooting. I remain very concerned at some of the activities and attitudes which have developed very quickly in this country following on from the licensing of handguns in recent years and this is one of them.

With the passage of this Bill, the law will be tighter. The Garda Commissioner will have the additional powers he needs to address matters relating to firearms licensing. It is the Government’s belief that the promotion of undesirable shooting practices in recent years, which has created a demand for high powered hand guns, is not in the public interest and we do not want to let it continue.

In regard to Deputy Flanagan’s comments on the ban on handgun ownership in the UK and its impact on crime rates, I will make the obvious observation that there has not been a second Dunblane since the ban. Any research on jurisdictions where access to handguns has been tightly controlled will show that such controls were introduced after a gun rampage. We do not

[Deputy John Curran.]

want that kind of tragedy to occur here. Indeed, what is disturbing is how short-lived coverage of these gun rampages is now because they are so frequent.

As the Minister said, the firearms proposals in this Bill are primarily about the protection of public safety and the updating of the administrative and licensing arrangements for legally acquired firearms. Considering the serious consequences which could arise from anything less than a highly efficient administrative approach to the control of firearms in society, I do not believe any side of the House could object to the aims at the heart of this Part of the Bill.

I wish to address the query Deputy Flanagan raised in regard to the Minister's statement last November that he would review the licensing process annually. The Minister said at the time he would keep under annual review, in consultation with the Garda Commissioner, the outcome of the licensing procedure. If the outcome of that procedure leaves a situation which still poses an unacceptable risk to the community, he said he would use new powers, which the Bill would contain, to ban outright any type of firearm. The Deputy will be aware that these new powers are contained in section 25 which allows the Minister the power to declare certain firearms and ammunition as prohibited.

The provisions in the Bill concerning the operation of the European arrest warrant are designed to increase the efficiency of that system and to ensure greater co-operation between member states in regard to its operation. Crime, like many other activities in the modern world, increasingly has an international dimension. The House's broad welcome for these provisions is appreciated.

Turning to Part 2 of the Bill which contains amendments to the European Arrest Warrant Act, the following points arose in the debate. First, it should be pointed out that since the coming into operation of the European Arrest Warrant Act in 2004, this jurisdiction has received approximately 600 requests for arrest warrants from other states, 198 of which were received last year. In 2008, we issued 40 European arrest warrants which has resulted in the surrender of 13 individuals so far on foot of those warrants. Deputy Ó Snodaigh indicated his reservations about some of the proposals but if he reads the Minister's opening speech, he will note some of his concerns were addressed.

I will now deal with some of the issues raised by Deputies. Deputy Flanagan referred to Ireland's participation in the Schengen information system, SIS. As the Minister said, the original system is in the process of being upgraded. Work on the upgrade is being led by the EU Commission. It has not progressed as quickly as had been anticipated. I understand a number of technical problems have arisen. A timetable for implementation of the system will be decided at the Justice and Home Affairs Council in early June.

While Ireland's preparations are well in hand, further progress will be very much dependent on the decisions taken at the Justice and Home Affairs Council. The impact of those decisions on the Irish project, including the financial implications, will be assessed following the Council.

Deputy Ó Snodaigh asked why the Bill had not been referred to the Human Rights Commission. He expressed concern about the adequacy of human rights protection. It should be pointed out that there is no requirement to forward all Bills to the commission. In this case, the amendments are, in the main, of a technical or procedural nature and were not considered to warrant referral.

However, I would also draw Deputy Ó Snodaigh's attention to section 37 of the European Arrest Warrant Act 2003, which prohibits surrender where the person's rights under either the Constitution or the Convention on Human Rights would be breached. On any objective assessment, it is difficult to imagine what greater protection of human rights could be given.

The Deputy mentioned section 11 as a result of which the right to withdraw consent to surrender has been removed. There are strict requirements for the giving of consent. The judge of the High Court making the order must be satisfied that the consent is being given voluntarily and that the person fully understands the consequences of consenting and that the person had obtained, or was given the opportunity to obtain, legal advice before deciding to consent.

If the court is satisfied as to the giving of the consent, it must then consider whether the surrender of the person is prohibited under the Act or the framework decision — in other words, the requested person's consent cannot override the provisions of the Act and require the court to order surrender where this would be prohibited by the Act.

The comprehensive nature of the protections for a person consenting to surrender is such that the current provision which allows for withdrawal of consent right up to the steps of the aeroplane is no longer considered appropriate. Operational experience suggests that this particular provision has been availed of on vexatious grounds purely for the purpose of delaying surrender. The deletion of the provision in no way interferes with, or limits, any other legal rights of the person.

A further point raised by the Deputy on this section related to the restriction on the right of appeal. The restriction is similar to that contained in criminal justice legislation and again operational experience suggests the appeal process has been availed of on frivolous and vexatious grounds to delay or frustrate surrender.

Deputy Ó Snodaigh is also concerned with the provisions of section 10, in particular the possibility of a person being remanded in custody for a period of 14 days under the section. The section requires the person arrested to be brought before the court “as soon as maybe” after arrest and the matter is then the subject of judicial oversight. The Deputy will have noted the requirement for the person to be informed of the right to legal representation not only on arrest, but again on appearing before the court. The Deputy will also note that the remand is not automatically in custody but may be in custody or on bail at the court's discretion and, equally, it is not automatically for 14 days but for such period not exceeding 14 days as the court considers appropriate.

Deputy Ó Snodaigh also made some comments on the security of the SIS which exaggerate the actual position. Across all participating states, data security and access control are the highest of priorities. Each state must nominate a national supervisory authority to monitor the lawfulness of the use of, and access to, data held on the national SIS II database. The Deputy's statements in this regard are simply inaccurate.

In regard to Part 2, I intend to bring forward a number of further amendments to the 2003 Act on Committee Stage which will mainly be of a technical nature.

In regard to Deputies Flanagan's and Durkan's comments on the amendments in the Bill to the Bail Acts and in the system of bail as a whole, the question of the duration of any period of bail is always a matter for the courts and, to some extent, is related to the ordering of business in the courts. My Department keeps the law on bail under constant review and will continue to do so.

This Bill represents another legislative building block in the overall aim of improving and modernising our body of criminal legislation in this country. The fight against ever more sophisticated criminal activity is being undertaken on a range of fronts. The updating of our legislation to meet the current needs is but one of the weapons we must employ. It is with this in mind that I propose the measures contained in this Bill. I am grateful for the support it has been given by a significant number of Deputies who have made contributions to the debate.

Question put and agreed to.

Criminal Justice (Miscellaneous Provisions) Bill 2009: Referral to Select Committee.

Minister of State at the Department of Justice, Equality and Law Reform (Deputy John Curran): I move:

That the Bill be referred to the Select Committee on Justice, Equality and Women's Rights, in accordance with Standing Order 122(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

Merchant Shipping Bill 2009: Order for Second Stage.

Bill entitled an Act to make provision in relation to giving further effect to the International Convention for the Safety of Life at Sea signed in London on 1 November 1974 and its Protocols, providing access to passenger vessels for persons with reduced mobility, to enable sunken vessels to be raised, to give the force of law to the Maritime Labour Convention 2006 adopted at Geneva on 23 February 2006, to amend the Merchant Shipping Acts 1894 to 2005 and to provide for related matters.

Minister for Transport (Deputy Noel Dempsey): I move: "That Second Stage be taken now."

Question put and agreed to.

Merchant Shipping Bill 2009: Second Stage.

Minister for Transport (Deputy Noel Dempsey): I move: "That the Bill be now read a Second Time."

The Merchant Shipping Acts 1894 to 2005 deal with safety of life at sea and regulate vital maritime safety matters such as the construction, equipment and operation of ships, the radio installations, navigation and tracking systems and life-saving safety appliances to be provided as well as the issue of certificates of competency and qualification for seafarers. The Merchant Shipping Acts govern passenger and cargo ships, passenger boats, fishing vessels and leisure craft.

The Acts provide for the carrying out of surveys and inspections of ships to check for compliance with the maritime safety rules and statutory requirements. The certification of vessels that are found to be in conformity with the rules and the taking of prosecutions in respect of contravention of the rules are also covered. The Acts also provide for investigation of marine accidents. The purpose of the Merchant Shipping Acts, further augmented by the provisions in this new Bill, is to continually improve the adequacy of the maritime safety measures in national law and to give effect to the international maritime conventions on safety.

As an island, the sea is very important to Ireland, comprising an exclusive marine territory of 220 million acres, which has strategic economic, social and environmental value for the country. One of my main concerns as Minister with responsibility for maritime policy is the establishment and promotion of robust safety standards.

The sea, for all its riches and potential for development, can be one of the most hostile and dangerous environments on the planet. Consequently, safety is a vital issue for all who venture onto the water. Most particularly, safety is a vital element for those who earn their living through trade, fishing and leisure activities, in our 200 mile exclusive economic zone and further out in international waters around Ireland. My objective is to provide a safety regime with the highest standards for construction, design and operation of vessels and up-to-date safety equipment supporting skilled and competent seafarers.

I am introducing this Bill as part of a maritime safety agenda to strengthen measures already introduced under the current Merchant Shipping Acts 1894 to 2005. It will provide for new safety measures representing further progress on developing a modern and comprehensive legislative framework for maritime safety. I now propose to give an overview of the different policy areas of the Bill and then to set out the provisions in more detail.

The principal provisions in the Bill are being introduced to improve safety of life at sea. They will ensure that enabling provisions in relation to the making of rules and regulations for the safety of vessels will be provided to cover all relevant categories of vessels: cargo, passenger, fishing vessels and leisure craft. It is essential that the State be in a position to implement and enforce maritime safety provisions through having appropriate legislation in place. The provisions of this Bill will strengthen the statutory basis for the enforcement of our safety agenda including the strengthening of associated inspection and prosecution processes.

Another objective of the provisions contained in the Bill is to enable the further implementation of the International Convention for the Safety of Life at Sea 1974 and its subsequent protocols, the SOLAS Safety Convention. This will facilitate Ireland in meeting safety requirements under the conventions of the International Maritime Organisation.

The Bill provides for the expansion and updating of existing provisions for the making of rules in relation to construction and survey of ships and requirements to provide radio, navigation and tracking systems. The enabling provisions for the making of rules for life-saving appliances and arrangements that have their origins in the Merchant Shipping Act 1894 are being updated and expanded. New enabling provisions are being introduced to provide for the making of cargo ship bulk carrier rules, fire protection rules and for the approval of service stations for inflatable life-saving appliances.

The Bill provides a statutory basis for enabling provisions in relation to access to passenger vessels for persons with reduced mobility. For the purposes of the Bill a “person with reduced mobility” means any person whose mobility when using transport is reduced or impaired as a result of any physical disability, sensory or locomotive, intellectual disability, age — or as a result of pregnancy or being accompanied by small children.

The current Merchant Shipping Acts do not have separate provisions for the powers and procedures for the raising of sunken vessels and the subsequent storage and disposal of such vessels. The specific proposals in the Bill will provide express and clear provisions in respect of the exercise of power to raise a sunken vessel. It also sets out the statutory procedures to apply to the raising and the bringing ashore of a sunken vessel. The new provisions are enabling only and will in no way require or imply that any sunken vessels will be raised.

The Bill also makes it clear that the ownership of a sunken vessel that is raised remains with the owner of the vessel concerned. To that end it provides that an owner may reclaim and collect his or her vessel when it is no longer required by the statutory body for the purposes for which it was raised. Where a vessel is not reclaimed and taken back into the possession of its owner, the Bill provides arrangements for its disposal.

The Bill contains provisions to give force of law to the Maritime Labour Convention 2006 to ensure that the employment and social rights of seafarers on applicable Irish ships are fully implemented. An important aspect of the legislation is the creation of new offences and the setting of maximum court fines for contravention of the new rules that are included in the Bill. In addition, the Bill contains amendments to existing provisions to update the current maximum court fines for contravention of existing maritime safety rules and regulations. The updating of court fines is timely considering that the maximum levels on conviction for some offences in earlier Acts are at levels of £20, £50 and £100. These will be set at levels from €500 up to €100,000 as applicable.

[Deputy Noel Dempsey.]

The Bill also strengthens the enforcement of safety provisions through the carrying out of ship surveys, extended provisions for the inspection of ships by surveyors of ships and new provisions for the inspection by surveyors of service stations for inflatable life-saving appliances. The operation of an administrative fixed payment notice system, as an option in lieu of a court prosecution, is provided for in the enforcement of the reduced mobility regulations. Through this series of measures the provisions in the Bill will put a firmer legislative basis in place to underpin the implementation of an effective enforcement regime and ensure effective compliance programmes to meet international and national requirements. I now propose to outline the main provisions of the Bill which comprises seven parts.

Part 1, comprising sections 1 to 5, inclusive, deals with preliminary and general matters as follows. Sections 1, 2 and 3 are standard provisions relating to Title, definitions and administration expenses. Section 4 provides for prosecution of persons where an offence has been committed by a corporate body and provides that the Minister for Transport may prosecute summarily an offence under this Bill. Section 5 is a standard provision for the laying of orders, regulations and rules before the Houses of the Oireachtas.

Part 2 deals with rule making and the categorisation of vessels and comprises sections 6 to 15, inclusive. These contain separate enabling provisions for the making of rules or regulations to support maritime safety and for the categorisation of vessels into classes for the purposes of each set of rules or regulations.

The rule making provisions relate to the making of construction rules for passenger ships, radio rules, cargo ship construction and survey rules, navigation and tracking rules and bulk carrier rules. The Bill also provides for the updating of the maximum level of court fines for contravention of the regulatory requirements.

Section 6 amends and updates the definition of specified terms for the purposes of the Merchant Shipping (Safety Convention) Act 1952. The definition of “safety convention” is updated — this term refers to the International Convention for Safety of Life at Sea and its subsequent protocols. It is usually referred to as the SOLAS safety convention.

Section 7, dealing with construction rules for passenger ships, substitutes a new section 10 in the Merchant Shipping (Safety Convention) Act 1952 for the making of construction rules for passenger ships. The construction rules include any requirements necessary to implement the provisions of the SOLAS safety convention in respect of passenger ships. Section 8 substitutes a new section 15 in the 1952 Act for the making of radio rules. The current radio rules apply to sea-going ships registered in the State and to other sea-going ships while they are within any port in the State. The provisions in the Bill extend the application of radio rules to all ships registered in the State instead of just sea-going vessels. The inspection and enforcement powers of surveyors of ships are extended to check for compliance with radio rules. The existing maximum levels of fines for breach of radio rules are being updated in the Bill from £10, £50 and £500 to €1,000, €5,000 and €100,000, respectively.

Section 9 relates to navigation and tracking rules and substitutes a new section 18 into the Act of 1952 and introduces modern terminology. The new section 18 contains enabling powers to make navigation and tracking rules. These rules set out the navigation and tracking systems and equipment that must be provided on ships and shall include any requirements necessary to implement the provisions of the SOLAS safety convention. They will apply to all ships registered in the State and other ships while within any port in the State.

Section 10, which relates to exemptions of certain ships from certain provisions of the Act of 1952, substitutes a new section 46 into the Act of 1952 to provide that troop ships are exempt from specified provisions unless there are issues regarding the stability of such ships. The

amendment in the Bill removes fishing vessels and pleasure craft from the exemption provision. Separate safety regulations or codes are now in place for such vessels. The existing standard *force majeure* exemption from specified regulatory requirements is retained for ships that would not be in an Irish port but for unforeseen circumstances such as bad weather.

Section 11 deals with the increase of fines etc., and updates references in the Act of 1952 to use modern terminology and expands the application of specified sections of that Act to cover fire protection rules. This provision will meet SOLAS safety convention requirements. It also updates the maximum level of fine a court may impose on conviction in respect of a range of related offences.

Section 12 relates to cargo ship construction and survey rules and amends sections 1, 3, 6 and 8 of the Merchant Shipping Act 1966. The amendment to section 1 of the 1966 Act is to update some definitions. The amendment to section 3 of that Act provides an enabling power to make construction and survey rules for cargo ships. The existing rules apply only to sea-going cargo ships and it is proposed under the Bill that these rules will apply to all Irish ships other than passenger ships, troop ships and fishing vessels. The amended section 3 will continue to apply to cargo ships not registered in the State while they are within a port in the State and are not otherwise exempt. The Bill provides that the construction and survey rules for cargo ships shall include any requirements necessary to implement the provisions of SOLAS. The amendment to section 6 of the 1966 Act updates the maximum fine, on summary conviction, for contravention of a prohibition on ships proceeding to sea without the appropriate safety certification. Section 8 of the 1966 Act sets out the offence for non-compliance with cargo ship construction rules, extends the inspection and enforcement powers of surveyors of ships and updates the maximum fine that a court may impose.

Section 13, which deals with cargo ship safety certificates, contains provision to provide for the issue of a composite cargo ship safety certificate covering safety and radio equipment and cargo ship safety construction certification.

Section 14 relates to bulk carrier rules and introduces a new power for the making of bulk carrier rules. Bulk carrier ships carry dry cargo in bulk and are a sub-set of cargo ships. The new power will provide for the making of rules to prescribe the particular requirements for superstructure, subdivision and the stability, hull, arrangement, equipment and machinery of bulk carriers. The SOLAS safety convention contains separate requirements in respect of bulk carriers so the provisions in section 14 will underpin the making of rules in respect of any requirements necessary to implement the provisions of SOLAS.

Section 15, which involves the categorisation of vessels under safety regulations, introduces enabling provisions for the categorisation of vessels under existing safety regulations.

The purpose of the amendments in the Bill to sections 18, 19 and 20 of the Merchant Shipping Act 1992 are to enable the Minister for Transport to categorise vessels into different classes for the purpose of making rules and to make different rules for different classes, different circumstances and different areas of operation. New and amending enabling powers of the nature outlined provide for the categorisation of vessels into different classes. This is for the purposes of making rules or regulations in respect of construction, radio, navigation and tracking, bulk carrier, life-saving appliances and arrangements, fire protection, reduced mobility and cargo ship construction and survey. This will give a flexibility in legislation to provide targeted regulation across all vessel classes while allowing for less onerous requirements which may be appropriate for smaller vessels or for different circumstances or different areas of operation.

Deputy Thomas P. Broughan: On a point of order, this is an important speech. In such circumstances, would it be possible to call a quorum?

Notice taken that 20 Members were not present; House counted and 20 Members being present,

Deputy Noel Dempsey: It is a pity that——

Deputy Michael Woods: Can I make a suggestion?

An Leas-Cheann Comhairle: Is this a point of order?

Deputy Michael Woods: On a point of order and to try to establish order, I suggest that the Committee on Procedure and Privileges might consider that whoever calls a quorum should remain in the House.

An Leas-Cheann Comhairle: That is a matter the Deputy might appropriately bring to the attention of the Committee on Procedure and Privileges. We are debating Second Stage of the Merchant Shipping Bill.

Deputy Michael Woods: It is unseemly for the Opposition to be entirely absent.

An Leas-Cheann Comhairle: Deputy Woods should allow the Minister to continue.

Deputy Michael Woods: It is very sad.

Deputy Fergus O'Dowd: Deputy Woods is sore, he is making the wrong agreements.

Deputy Noel Dempsey: Part 3 of the Bill, comprising sections 16 to 22 inclusive, introduces new provisions for access for persons with reduced mobility to passenger vessels. Section 16 provides definitions of key terms used in Part 3.

Section 17 provides that the Minister for Transport is enabled to make reduced mobility regulations for the purpose of making passenger vessels accessible to persons with reduced mobility. A person with reduced mobility is defined as any person whose mobility when using transport is reduced or impaired as a result of any physical disability, sensory or locomotive, intellectual disability, age or as a result of pregnancy or being accompanied by small children. Passenger vessels may be categorised into different classes for the purpose of making reduced mobility regulations for different classes of passenger vessels. The Bill requires that, prior to the making of reduced mobility regulations, drafts of the proposals be published. This publication step is to afford an opportunity for interested persons to make written representations on the proposals. If the reduced mobility regulations are not being complied with, the Minister may suspend or refuse to grant the certificates, permits and licences required for vessel operation until the regulations are complied with.

Section 18 provides for the publication of codes of practice on access to passenger vessels by persons with reduced mobility. Codes of practice must be made available for public inspection and the owner of the passenger vessel, the master, crew or any person on a ship with responsibility for services provided by the vessel has a duty to be aware of and to follow that code of practice.

Section 19, use of codes of practice, provides for the admissibility and use of codes of practice in criminal proceedings. Section 20 identifies who is an authorised person for the purposes of enforcement of reduced mobility regulations. Section 21 sets out the inspection powers that may be exercised by authorised persons for the purposes of ensuring compliance with reduced mobility regulations. An offence is created for obstructing or interfering with an authorised person in the exercise of his or her functions. Section 22 provides for the operation of an administrative fixed payment system that a person may opt to avail of by making a payment

within 21 days in lieu of a court prosecution. Different amounts of fixed payment may be prescribed in respect of different contraventions or different classes of passenger vessels.

Part 4 comprises sections 23 to 30 inclusive. Section 23 is a standard provision that sets out definitions for Part 4. Section 24 provides specific powers and arrangements for the raising and bringing ashore of a sunken vessel for the purposes of examining it with a view to improving safety standards for vessels and crews. It also provides for the making of arrangements for inspection, storage and, if necessary, disposal in due course. It is provided that the parties who may exercise these powers are an investigator appointed under the Merchant Shipping (Investigation of Marine Casualties) Act 2000 for the purposes of an investigation under that Act, a tribunal appointed by the Minister for Transport under the 2002 Act that considers the raising of a sunken vessel is necessary for the purposes of an inquiry, or the Minister for Transport, for the purposes that are specified in section 24(2).

Section 25 provides that the owner of a raised vessel must be notified when the vessel is no longer required for the purpose for which it was raised and has 28 days to reclaim and collect the raised vessel. Where the owner does not wish to reclaim and collect the vessel, the party that had the vessel raised may dispose of it by sale or otherwise. Section 26 provides that the cost of raising a vessel will be borne by the party that raised it. The proceeds of any sale can be set against any costs incurred and any net proceeds must be paid to the owner of the vessel. Section 27 provides immunity for the Marine Casualty Investigation Board or for the party that had the vessel raised in respect of anything done in good faith in the course of the raising, removal, inspection, storage or disposal of a sunken vessel. Section 28 makes it an offence for a person to obstruct or impede a relevant party in the raising of a vessel and provides for a maximum fine, on summary conviction, of €5,000. Section 29 requires that a party that has raised a vessel must give notice to the receiver of wreck for the district concerned and specifies that the provisions of the Merchant Shipping (Salvage and Wreck) Act 1993 do not apply to vessels to which Part 4 applies. Section 30 provides procedures for a situation where a foreign vessel is raised.

Part 5 comprises sections 31 to 34 and provides for safety measures. Section 31 replaces and updates the existing provisions that enable the making of rules for life-saving appliances. The rules cover vital safety matters such as requirements for provision and use of life-boats, life-jackets, distress signals, the carrying out of boat-drill and fire-drill practices and arrangements for dealing with emergency situations. The rules shall include any requirements necessary to implement the provisions of the SOLAS safety convention. As with each of the rule-making provisions in the Bill, section 31 provides for the extension of the inspection and enforcement powers of surveyors of ships and for the updating of the maximum fines for contravention of the rules.

Section 32 is a new provision and enables the making of regulations for inspection and approval of service stations for inflatable life-saving appliances and launching and embarkation appliances. The regulations may provide for the setting and enforcement of service standards for servicing such appliances. Regulations for the approval of a service station shall include any requirements necessary to implement the provisions of SOLAS. The section provides for inspection of service stations and appliances by surveyors of ships. An operator of a service station who contravenes section 32 is liable, on summary conviction, to a maximum fine of €5,000.

Section 33 is a new provision. At present, fire protection rules are regulated under the general life-saving arrangements. The new provisions for separate rules are more detailed and include any requirements necessary to implement the provisions of the SOLAS safety convention. The maximum fine is €5,000. The section provides for inspection of ships by surveyors of ships to

[Deputy Noel Dempsey.]

check for compliance with the fire protection rules. It is an offence for a ship to proceed to sea if a deficiency as regards compliance with the rules has not been remedied beforehand. The maximum fine on summary conviction of this offence is €5,000 or, on conviction on indictment, €100,000.

Section 34 re-states the existing provisions from the Merchant Shipping Acts of 1906 and 1952, which require that a record be logged of each occasion that a boat-drill and fire-drill is practised and of each occasion that fire-saving appliances are examined. A master of a ship who fails to comply with section 34 commits an offence and the maximum fine on summary conviction is updated to €500. Section 35 provides that an Irish ship of over 150 tons gross tonnage is prohibited from proceeding to sea on an international voyage unless the ship is fitted with a signalling lamp or device. The existing provision in the Merchant Shipping Act 1966 refers to use of “a signalling lamp” and the addition of “or device” allows other means of signalling to be approved for use. An owner or master of a ship who fails to comply with section 35 commits an offence and the maximum fine on summary conviction is updated to €5,000.

Part 6, comprising section 36, contains provisions relating to the Maritime Labour Convention 2006. This is a new provision to give force of law in the State to the regulations and standards of the code of the Maritime Labour Convention 2006 adopted at Geneva on 23 February 2006. It will provide that the Minister is enabled to make regulations to fulfil the State’s commitments under the convention in respect of Irish ships and seafarers sailing on those ships.

The regulations will establish a system for ensuring compliance with the convention, including surveys, certification, inspections, reporting and monitoring and ensure that ships carry maritime labour certificates and a declaration of maritime labour compliance as required by the convention. A commencement order will be required to bring this section of the Bill into operation in co-ordination with the employment and social legislative programmes of other Departments.

Part 7, comprising sections 37 to 41, inclusive, addresses miscellaneous matters. Section 37 supports the carrying out of enforcement by providing that it is an offence for a person to obstruct or impede or, without reasonable excuse, fail to comply with a request of an authorised person in exercising his or her powers. A person who commits the offence of obstructing or impeding is liable, on summary conviction, to a maximum fine of €5,000.

Section 38 introduces a new enforcement option by providing that where certain notices, issued by a surveyor of ships, are not complied with, the surveyor may apply to the Circuit Court for a compliance order. The owner or master of a ship may appeal to the Circuit Court against the requirements contained in a notice issued on him or her by a surveyor of ships. The operator of a service station who has been served with a notice has a right of appeal also.

Section 39 is a fees provision for certificates and inspections under the Merchant Shipping Acts for specified provisions. The main purpose of the section is to provide for fees for inspections under new provisions being introduced in this Bill. Section 40 amends the Merchant Shipping (Certification of Seamen) Act 1979 to provide for the charging of a fee for the issue of certificates and other documents that the Minister may issue.

Section 41, confirmation of acts of Marine Casualty Investigation Board, provides confirmation that the acts of the Marine Casualty Investigation Board or any consultant, adviser or investigator engaged by it or purported to be engaged by it between 5 June 2002 and 29 June 2007 are not invalidated on the grounds of the invalidity of an establishment order made in 2002 or that the board did not have a quorum between 25 March 2003 and 29 June 2007.

In essence, the initial commencement order of June 2002 was found to be flawed due to a typographical error. In correcting this issue, the need to reappoint the board members under the properly commenced Act in 2003 was overlooked and, therefore, technically the board had no valid quorum of members until reappointments were made in 2007. While recognising that the board and its investigators acted entirely bona fide in their statutory functions, legal advice recommended these specific provisions to validate past actions of the board be provided in primary legislation.

To summarise, my objective in presenting this Bill to the House is to put in place a safety regime ensuring the highest standards for safe construction, design and operation of vessels and up-to-date safety equipment and arrangements that will support skilled and competent seafarers across the trading, fishing and leisure areas of the maritime sector. I commend the Bill to the House.

Deputy Fergus O'Dowd: This is very important legislation, which we support. If amendments or other issues must be addressed, we will deal with them on Committee Stage in order to improve the legislation. The sole aim of everybody here is to ensure the safety of people at sea. We will do anything we can as a Legislature to insist that the most effective safety measures are put in place in the construction, maintenance and operation of crafts at sea or on other bodies of water.

Before we commence Committee Stage of the Bill we should invite many outside interest groups, such as the shipping owners, seamen and fishermen, for discussions on the issues to be dealt with. In particular, the transport committee should speak with representatives from the Marine Casualty Investigation Board so that we could perfect this legislation. I thank the research section of the Oireachtas Library, which has been extremely helpful, and I also thank the Minister's staff, who today went out of their way to assist me in replacing documents I did not have with me which were supplied to me earlier.

The Bill is very important, as it provides for amendments to the Merchant Shipping Acts 1894 to 2005. Those Acts deal with safety of life at sea in matters such as the construction, equipment and operation of ships, and seafarer training and competencies. The Acts also encompass matters such as navigation, lighthouses, salvage and the investigation of marine casualties. I will return to that issue shortly.

The amendments now being proposed are required to improve safety of life at sea by ensuring that enabling provisions in the making of rules and regulations for the safety of cargo and passenger vessels under existing legislation are up to date. The intention is that they would then cover all relevant categories of vessels and would be sufficient to enable the further implementation of the Convention for the Safety of Life at Sea, SOLAS.

The matters being regulated include those rules for construction of passenger vessels, cargo ship construction and survey, radio, navigation and tracking, cargo ship bulk carriers, fire protection, life-saving appliances and arrangements and approval of service stations for inflatable life-saving appliances.

The Bill also includes enabling provisions for access to passenger vessels for persons with reduced mobility, and new provisions to enable the raising of sunken vessels for the purposes of a marine casualty investigation. In addition, the Bill contains provisions to give force of law to the Maritime Labour Convention 2006 and includes provisions to update the fines for contravention of the rules, regulations and statutory provisions, as well as to strengthen provisions for the enforcement of compliance and safety through surveys, inspection, court compliance orders and prosecutions.

[Deputy Fergus O'Dowd.]

We regularly get information from the Marine Casualty Investigation Board, which was set up in 2002 to examine reasons behind accidents at sea or on water. I have received an analysis from that board in response to a parliamentary question and it makes some interesting but sad reading. I will not refer to specific boats.

Nobody would want people to die at sea and if there are safety issues that have not been dealt with, we should address the principles and effect a change so that lives will not be lost in the way they have been in the past. Since 2005, there have been 41 fatalities reported on by the Marine Casualty Investigation Board. In that period, it published 46 separate reports, involving 52 craft. Along with the 41 fatalities there were seven injuries.

The craft involved in these incidents included 13 fishing vessels, ten open boats, seven jet-skis, five motor pleasure boats, four yachts, three cargo vessels, three canoes, two ferries and one tanker. The causes of these incidents should be learned from. We should consider why they occurred and why certain issues recur in the data.

The causes of accidents include 13 cases of people overboard, seven cases of sinking, six cases of collision, five cases each of grounding and capsizing, three cases of engine failure and two cases each of fire, mooring line incidents and pilot ladder failure. The reason for the accident on one vessel which saw a loss of life was a deteriorating condition of rope support and lack of maintenance. Another vessel did not observe collision regulations or have a proper look-out. On another there was no monitoring of the vessel's course when it was steered by automatic pilot.

There have been a large number of accidents involving jet skis. The key point in these cases is the inexperience of their users. Many simply do not have a clue how to operate or manoeuvre them. It is a serious issue as lives have been lost in accidents involving them. I accept every beach cannot be policed. However, those who rent them out must have a check-list of conditions of use. A statutory obligation should be put in place to ensure a person renting one knows how to use operate a jet ski and that it is in a proper and fit condition. There is also an issue with personal owners of jet skis and the same benchmark should be applied. Television is the best way to get across the water safety message just like with road safety. Moneys need to be ring-fenced for these campaigns which will ultimately save lives, particularly in the run up to summer when the use of jet skis becomes popular.

In many marine accidents the lack of maintenance of equipment is a key factor. This is a fundamental issue about the requirement on each individual owner to ensure a craft is safe, secure and fit for purpose. In one fatal accident, the Marine Casualty Investigation Board found no recommended safety equipment, such as distress flares, was on board the vessel while the personal flotation device, PFD, did not have cork straps attached and there was poor voyage planning. The investigators have also found very often life jackets not being worn is the cause of a marine accident. This basic and simple precaution ought to be driven home in a water safety publicity campaign equating it with people walking on the road wearing reflective gear.

In the board's analysis of fishing vessel incidents from 2005 to 2008, factors involved in accidents included not wearing a life jacket, failure to comply with safety regulations, abandonment of ship not carried out in an orderly fashion and a vessel not manned in accordance with regulations. Fatigue is a common thread in many of the investigations where it contributed to lack of safe watch-keeping.

In one case, the reduced stability of a vessel was a contributory factor. Similar to this, another vessel's bilge and basalt pumps capacity was insufficient to deal with the inflow of water while

another was overloaded and had a poor stability profile. Changes made to fishing vessels may not be necessarily done with proper naval architecture advice. Fishing vessel owners are required to notify the authorities if they change the design of their vessel yet fatalities have occurred because that process has not been completed. On Committee Stage, we should examine the role of the State agencies involved in ensuring such reporting of modifications takes place. There are other instances where a safety survey was not carried out, despite the recommendations from the Department of Communications, Marine and Natural Resources. In another, tests were not carried out on the vessel's VHF equipment.

I tabled a series of parliamentary questions on 4 November 2008 on how all these reports on marine accidents and safety were dealt with by the Department. The replies were very typical. One stated:

The Marine Casualty Investigation Board, MCIB, was established on 5 June 2002. Since its establishment, the MCIB has published over 100 reports containing in excess of 400 recommendations. The majority of these recommendations have been implemented. Where measures have yet to be implemented they provide a valuable input into the ongoing development of the maritime safety agenda and are considered by my Department in the overall context of delivering maritime safety.

Does a designated officer in the Department go through each of these reports?

A second reply stated:

When the Marine Casualty Board, MCIB, publishes a report into an incident it forwards a copy of it to my Department. As soon as possible after receiving it, my Department undertakes an initial assessment of the recommendations of the report relevant to the Department. The report is then submitted to me with the preliminary views of my Department on the relevant recommendations. Some recommendations lend themselves to early implementation, for example the issue of a Marine Notice bringing particular information or advice to the attention of a specific sector or sectors. Frequently, however, recommendations are more complex and require detailed assessment, consultation with interested parties and in some instances the introduction of new or amending legislation. In such instances, the recommendations will be fully considered and proposals developed as appropriate as part of my Department's ongoing work programme, in the overall context of delivering improved maritime safety.

It may be the case that following consideration of a particular recommendation that it is concluded that the course of action recommended may not be feasible or the most appropriate and that an alternative approach may be preferable. Such a conclusion usually would be arrived at following detailed examination by my Department's marine safety experts and consultation with relevant interests. Effectively, that reply to a parliamentary question from the then Minister of State, Deputy Noel Ahern, is stating that if the Department does not like the recommendations, it does not necessarily put them in place. I do not have further knowledge, other than this paragraph, but it seems clear there are times when recommendations are ignored or changed or that further and other advice is procured that differs from the reports of the Marine Casualty Investigation Board.

If possible, I seek an analysis in this regard, for which I have asked through parliamentary questions. I acknowledge the Department's staff have been helpful to me and I wish to make clear that I am not being personally critical of anyone. Nevertheless, I wish to ascertain what recommendations were overruled by the Minister and his officials, subsequent to them being

[Deputy Fergus O'Dowd.]

made. Why were they overruled, who was consulted and what changes, if any, were made? This is an important point, which I intend to pursue fully on Committee Stage and even before then. The Leas-Cheann Comhairle has suggested the Joint Committee on Transport may be in a position to invite the Marine Casualty Investigation Board to appear before it to get to the bottom of such issues. While I do not attribute motives to anyone in this regard, I would have thought the recommendations contained in a Marine Casualty Investigation Board report would be implemented. This is the key point as it is clear this is not always the case.

Members received such a report into a tragedy last week and I ask that by the time the Bill reaches Committee Stage, the Department of Transport will have completed a full analysis of what has not happened on foot of such reports. Members are familiar with those measures which have been implemented, which are incorporated in legislation, statutory instruments or whatever. However, I am concerned that needless accidents are taking place. I would be satisfied were this legislation to pertain to a key point in the most recent report, which states: "It is recommended that legislation for the construction, stability and safety of Fishing Vessels between 15-24 metres be implemented as soon as possible". The Minister should confirm that he can make regulations for vessels of differing capacities. However, this recommendation is followed by a strange sentence, "The MCIB notes that the Merchant Shipping (Safety of Fishing Vessels)... Regulations 2007 ... was signed by [the] Minister of Transport on 17th September 2007". The point apparently being made is that the Minister did make regulations and signed them into law.

I wonder why this recommendation was included because that sentence is a statement of fact and not a recommendation. I seek clarity in this regard and either the Minister's officials or the Marine Casualty Investigation Board might be able to explain its import. While this is mere surmise, is this because the regulations were made but are not being enforced? What is the issue and why was that statement included?

The next recommendation states:

It is recommended that a Marine Notice be issued to Owners and Skippers of fishing vessels pointing out the dangers of making structural alterations or modifications to fishing methods or equipment without a qualified Naval Architect carrying out an assessment of the effects upon the vessels stability

This issue has arisen in more than one report and I revert to the core issue, namely, what is happening on that front and how is this being policed? An bhfuil morán ama fágtha agam?

An Leas-Cheann Comhairle: Tá níos mó ná naoi nóiméid fágtha.

Deputy Fergus O'Dowd: The key issue is that Members are considering safety and that while this is good legislation, they must consider the recommendations of the Marine Casualty Investigation Board's reports and must examine the reasons the regulations were not enforced.

The second issue pertains to the question of disability access. All Members will concur that making provision and facilities for those who have a disability in respect of transport is highly important. It makes a significant contribution to the rights of individuals to travel on vessels without being disadvantaged by their disability and whatever must be done should be done to assist them. However, there appears to be a lacuna in the information on this Bill and the regulatory impact analysis thereon pertaining to the question of cost. What will be the cost to the State, shipowners and to the community in respect of financial changes and so on? To

phrase this point constructively, the Minister, on Committee Stage, should outline exactly how this measure will be put into operation.

A new regulatory regime is proposed that obviously must be enforced. Consequently, I presume new structures will be established within the Department of Transport and I am certain the cost will be significant. While all Members welcome this and I am not being critical of being obliged to spend money to improve safety at sea, the Minister should outline how he intends to enforce this legislation. Who will enforce it and what will be the cost implications for the taxpayer? I again stress that I welcome this is happening because ultimately, merchant shipping will be much safer on foot of this legislation.

While there is more to be said, I will leave some of it for my colleague, Deputy Broughan, and others. While I do not make this point as a criticism, legislation that is as important as this Bill probably needs more consultation and time before it is finalised. Although Fine Gael does not have a problem with a Second Stage debate, this will be required to get to the nub of issues pertaining to safety at sea and the reports of the Marine Casualty Investigation Board to make our vessels safer in order that lives are not lost needlessly and wasted. If significant issues exist on which the Marine Casualty Investigation Board has made recommendations which are not yet in law, I would like to examine them. In general however, Fine Gael welcomes the Bill and its intent. While Fine Gael will support it, we will require detailed and fine analysis as to the true position at present.

Deputy Thomas P. Broughan: I warmly welcome the introduction of the Merchant Shipping Bill 2009 to the House given that key objectives of the Bill include improving the safety of life at sea, increasing access to passenger vessels for persons with reduced mobility and implementing the International Convention for the Safety of Life at Sea, SOLAS, and the 2006 Maritime Labour Convention.

Many of these issues have been key concerns of mine, both as the Labour Party's current transport and former marine spokesperson, although I tend to cover the marine portfolio in this House, and as a Deputy who represents a maritime constituency. I welcome in particular the adoption of the Maritime Labour Convention, which has been described as the seafarers' bill of rights and which attempts to lay down globally recognised standards for among other things, mariners' pay and working conditions. The adoption of the Maritime Labour Convention is in a way a fitting tribute to a colleague of the Leas-Cheann Comhairle and mine, the late SIPTU and International Transport Federation official, Mr. Tony Ayton of Tramore and Waterford, who died tragically just after Christmas and who dedicated his life to often single-handedly exposing the exploitation of our mariners. and fighting for decent pay and working conditions for all seafarers. A physical memorial for Mr. Ayton might be considered at some stage. He was a brave and diligent trade union official who at times went onto vessels on which workers endured conditions of near slavery while bringing trade to Ireland. He took risks with his own life and safety and perhaps his achievement should be recognised in the Port of Waterford or Dublin Port. The Minister may be able to facilitate this.

Deputy Noel Dempsey: Perhaps it could be located in my native town of Trim, from which Mr. Ayton came.

Deputy Thomas P. Broughan: That would be good.

Some 1.2 million to 1.5 million seafarers and marine workers are out on the seas around our country and across the oceans of the world, with many of them living in appalling conditions, perhaps working for months on end without pay and very often without proper fresh water or

[Deputy Thomas P. Broughan.]

food. Obviously, when they come into ports which adhere to reasonable civilised standards, their conditions can be recognised. It is shameful that despite Ireland being one of the most active trading nations on the planet for its size, if not the most active, much of the €150 billion to €200 billion trade of this country is brought here by seafarers who work in appalling conditions which we would not tolerate for a moment in this Republic. In recent days in the House we have discussed terrible scandals in our country in decades past but we should remember that at this very moment there are hundreds of thousands of workers in those conditions to whose rescue we need to go as soon as possible. I hope this convention is the beginning of that process.

Given the huge challenges that currently face the maritime sector and the ongoing allegations of massive exploitation and abuse of marine workers, when one studies the Bill in detail one finds it is not ambitious and comprehensive enough. For example, why does the Bill say nothing about the issue of flags of convenience? On behalf of the Labour Party, some years ago I brought in a Bill which effectively tried to criminalise the use of flags of convenience into and out of our ports, certainly for Irish ships. This was not supported by the Minister or his predecessor but the Bill was still an effort on the part of the Labour Party to address the issue. There are pernicious and long-standing problems with regard to workers' rights, treatment and salaries in this sector. The current Bill is only a starting point and goes nowhere near far enough to addressing those issues.

I referred to concerns in regard to connectivity from Ireland in the debate on the Harbours Bill, in particular connectivity from Dublin, Rosslare, Waterford, Cork, Shannon and Galway. It is an issue to which I may return. I do not know why the initiative, as with regard to the Cork-Swansea issue, always has to come from local communities or local business communities or why the Minister does not play a more proactive role.

Given the importance of shipping and ferry connectivity to our island nation, it is essential the highest maritime safety standards are adhered to and implemented. Why has it taken since 2006 for the maritime labour convention to be brought before the House? In Article VIII, the convention states:

3. This Convention shall come into force 12 months after the date on which there have been registered ratifications by at least 30 Members with a total share in the world gross tonnage of ships of 33 per cent.

4. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

The Minister referred to 2011 but what progress has been made on this issue? I notice that under Article IX a state can denounce the convention ten years after it enters. It seems a flimsy enough basis for international maritime law. There are a series of amendments to SOLAS that have different deadlines for implementation. Which amendments are we dealing with in the Bill and what is their timeframe?

The bulk of sections 5 to 15 of the Bill introduce measures to facilitate amendments to the critically important SOLAS convention, which the Labour Party greatly supports. SOLAS is clearly one of the most important legal mechanisms for regulating maritime safety standards and the earliest version of this convention was, tragically, first passed in the wake of the sinking of the *Titanic*, a ship built in our own country. I strongly believe that given the importance of safety at sea regulations and the need to absolutely prioritise safety standards, all amendments

to SOLAS should be considered and adopted into our law as a matter of urgency. Section 7 specifies construction rules for passenger ships that lay out standards for hull, equipment, machinery, fuel used and so on. Section 12 deals with cargo ship construction and section 14 with bulk carrier rules.

With regard to the fuel used provisions, will there be stipulations for more fuel efficient engines? I recall the debates we had on the Minister's former energy portfolio in regard to CO₂ emissions and we are now continuing this with regard to transport and the marine. The marine area is one of the biggest polluters. For example, the Environmental Protection Agency figures for marine bunker CO₂ emissions for Ireland were 330.25 kilotonnes for 2005, rising to 404 kilotonnes in 2006 and still close to 400 kilotonnes in 2007. We only have provisional figures for 2008. What action are we taking with regard to CO₂ given the importance of marine emissions?

I recently asked the Minister about a study by the International Maritime Organisation and the way maritime emissions should be assessed in the successor to the Kyoto Protocol to be agreed in Copenhagen in December 2009. The Minister told me the Government supports the "adoption of a mandatory CO₂ design index for ships" and the development of market-based measures. Where is this in the Bill? Clearly, it is an important element of transport pollution which we will have to address. There are no measures in place to directly target global maritime CO₂ emissions. If no agreement is reached in the International Maritime Organisation, then, as the Minister states, Ireland will work within the European Union on the development of suitable measures for Europe. Is he suggesting that fuel efficiency and emissions limits may eventually be introduced for passenger and cargo vessels?

Section 8 refers to radio communications. I note that the *Green Dragon* yacht competing in the Volvo ocean race was able to communicate live with "The Late, Late Show" despite being 700 miles from Galway. Does this mean we could have much more comprehensive radio, television, video and telephone communications with fleets across the globe? The Minister might refer to this in his response.

A strange aspect of the Bill concerns why section 10 of Part 2 exempts troop ships and military vessels from most provisions, including in terms of construction, radio, navigation and tracking, and bulk carrier rules. Why are there specific provisions and why should Ireland exclude itself from safety and accessibility requirements in regard to the Naval Service? The Leas-Cheann Comhairle may have noticed that the UK courts decided that the European Union equality and civil rights rules will apply across the British armed forces. Why should we have this old-style exclusion? All of the accessibility issues also refer.

Part 3 of the Bill provides absolutely critical measures to enhance access for persons with reduced mobility. The Labour Party, as the Leas-Cheann Comhairle will remember as he was a member of that Government, established a Department concerned with equality and began the major campaign which continues down to the present for rights for all citizens. Given that we have campaigned so long for full accessibility, it is good to see it at long last in legislation. Again, however, we must ask why it has taken four years for the Disability Act to be reflected in any kind of legislation on marine transport. Will the Minister explain whether all passenger vessels will be subject to invigilation for disability and reduced mobility access? While citizens with disabilities can avail of the usual lift from the car deck on the fine ships that sail out of Dublin and Rosslare, they continue to face disability challenges elsewhere on ferry services. Will ships be modified to facilitate all citizens?

[Deputy Thomas P. Broughan.]

In welcoming Part 4 of the Bill I join Deputy O'Dowd in paying tribute to the work of the Marine Casualty Investigation Board. As Labour Party spokesperson on the marine, I read each of the board's valuable and helpful reports. The reports which are usually clearly and cogently written give us a great sense of the safety problems that can arise on Irish boats and ships. My colleague, Deputy O'Dowd, has detailed all of that work. The Minister is right to validate the statutory basis of all of the board's reports. I was so struck by them that I asked the Minister, following discussions on road safety with Mr. Noel Brett, whether similar reports could be compiled on every traffic collision. Perhaps that proposal can be reconsidered at this time.

My colleague in the other House, Senator McCarthy, has called on the Government to reverse its appalling decision not to salvage the *Asgard II* which represents a critical part of the country's marine heritage. The Labour Party candidate in the East constituency in the forthcoming European elections, Nessa Childers, has been emphasising the fact that insurance money of €3.1 million is readily available to facilitate the salvage of the vessel. I urge the Minister to plead with his colleague, the Minister for Defence, Deputy O'Dea, to reverse the Government's decision on the matter.

One of the most important aspects of the Bill is the proposal to give the force of law to the Maritime Labour Convention 2006. As I said, it is critically important that seafarers' rights be protected. The events at Irish Ferries some years ago heralded the start of the maritime industry's race to the bottom when it comes to employment rights. In 2006 the national secretary of the Maritime Union of Australia, Mr. Paddy Crumlin, said, "seafarers' lives are often marred by crushing exploitation, savage intimidation and life and limb threatening neglect." Many Irish people were shocked when Irish Ferries announced its redundancy and outsourcing plans which involved the sacking of 543 workers and their replacement by east European workers. The use of foreign flags of convenience means migrant workers are paid a pittance, have much poorer working conditions and are not protected by minimum Irish labour laws. Mr. Tony Ayton highlighted such profoundly disturbing trends in the marine employment sector over many years. His colleagues in SIPTU and the International Transport Workers Federation have continued that work.

In the case of the old Cork-Swansea route, many workers from eastern Europe had to endure rates of pay that were approximately half the level of the Irish national minimum wage. They had to work under an excessively harsh regime of long hours and unpaid leave. Crews on the *MV Normandy* had to work for four months before getting three weeks unpaid leave. When will that type of regime become illegal? The Maritime Labour Convention 2006 clearly states workers should be paid monthly, that payments should be made into their bank accounts and that there should be no possibility of contract work only. It states seafarers are entitled to received statements of working conditions, setting out the actual work they are expected to do. When will the convention come into operation?

Earlier this week I submitted a parliamentary question asking the Minister to report on the entry of the *MV Defender* into Irish waters and to comment on allegations that its crew members were owed thousands of euro in unpaid wages. According to the reply I received, the vessel which is registered in Cambodia "was detained in Cork on 17 April 2008 following an inspection carried out by marine surveyors" from the Department of Transport. The reply indicated that the surveyors' inspection "revealed a total of 14 deficiencies, 5 of which posed an immediate and serious threat to the safety of the ship and the crew". It continued:

During January 2009 the vessel was under detention for 11 days in the United Kingdom. On 3rd March 2009, the vessel was inspected in Cork and the surveyors noted several deficiencies, including watch keeping arrangements, safety management and matters related to living and working conditions onboard, which warranted the further detention of the ship.

The International Transport Workers Federation established that, on all three occasions when the *MV Defender* entered Irish waters, the crew had not been paid. The reality is that significant trade activities are being undertaken by workers who have to endure terrible wage and working conditions. In his reply to my parliamentary question the Minister claimed that his Department “does not have responsibility for the non-payment of wages on board foreign flagged ships”. He argued that “it is a matter for the flag State, in this case Cambodia.”

A couple of weeks ago the *Irish Examiner* published a shocking in-depth interview with Mr. Tony Ayton’s successor at SIPTU and the International Transport Workers Federation, Mr. Ken Fleming. He gave details of the horrific system of “mass exploitation” in operation on the seas. He said that, in effect, there was a system of “slave labour” in operation among foreign national seafarers. This system is facilitated by the use of flags of convenience to circumvent employment law that provides for, at least, the minimum national legal protection for workers. Unfortunately, ferry companies are re-registering their ships in jurisdictions such as the Bahamas, Cambodia, Mongolia and St. Vincent and the Grenadines. The fact that ships are being registered in Mongolia which is landlocked is an indication of how utterly disgraceful the international system of registration is. Hundreds of ships have been re-registered in the Mongolian capital, Ulan Bator, which is high in the mountains. Workers on ships supposed to be part of the Mongolian fleet are sailing into ports throughout the world, including Ireland.

In the light of the serious problems in the maritime employment and shipping sectors, some of which I have mentioned, the enactment of the Maritime Labour Convention 2006 which will bring together more than 60 existing conventions is greatly welcome. All ships of a certain size will have to carry a labour certificate. The Maritime Labour Convention is a comprehensive document. I greatly welcome the strict guidelines, regulations and standards on wages set out in it. I am pleased that seafarers’ wages will be paid at intervals of no greater than one month. I also welcome the regulations on hours of rest, minimum wages, leave entitlements and the minimum age for seafarers. I note that the convention refers to collective bargaining agreements. Does this mean that collective agreements and trade union rights will have to be recognised on every ship that comes into this country’s ports? Will that be the case when this legislation has been passed? The regulations contained in the Bill allow for a system of compliance, including surveys, certification, inspections, reporting and monitoring. The Minister has mentioned that a maximum fine of €5,000 will be imposed, on summary conviction, on shipping companies which do not comply with the regulations. He has also said the fine will be increased to €100,000 on indictment. When one considers the value of the trade that can be involved in such cases, these fines seem very low.

Serious questions need to be asked about how this system will be implemented and effectively monitored and regulated. Foreign-flagged ships are monitored through port state control inspections which are carried out under the auspices of the Paris memorandum of understanding on port state control and under various EU directives. There are just 27 members of the Paris memorandum of understanding covering the European coastal states and the coastal states of the North Atlantic basin from North America to Europe. The states in question include Belgium, Bulgaria, Canada, Croatia, Denmark, Cyprus, Estonia, Ireland, Italy, Latvia and Lithuania. Are we doing any more than talking about these states? Anybody who examines the Maritime Labour Convention 2006 which is a fine document will be happy that at long last

[Deputy Thomas P. Broughan.]

some basic labour rights are to be upheld on ships. However, they will ask what is to be done in respect of other countries such as St. Vincent and the Grenadines, Mongolia and Gambia which are tiny in economic terms but which have huge fleets. Will the standards established in the Bill under the Maritime Labour Convention 2006 apply to states other than those which have signed up to the convention and are members of the Paris memorandum of understanding on port state control?

The Paris memorandum states:

In applying a relevant instrument for the purposes of port State control, the principle of “no more favourable treatment” is applied to ships which fly the flag of a State which is not a Party to that convention. In such a case ships shall be subject to a detailed inspection and the PSCO will follow the same guidelines as those provided for ships to which the relevant instruments are applicable.

Does this mean that a large part of the legislation before us is unworkable and if flags of convenience come into Cork or Waterford ports we have no more control over them than we would over one of the 27 countries?

Article 5, subsection 4, of the Maritime Labour Convention 2006 states that a ship to which the convention applies may, in accordance with international law, be inspected by a member other than the flag state when the ship is in one of its ports to determine whether the ship is in compliance with the requirements of the convention. Article 5, subsection 7, states that each member shall implement its responsibilities under this convention in such a way as to ensure that the ships that fly the flag of any state that has not ratified this convention do not receive more favourable treatment than the ships that fly the flag of any state that has ratified it. Is this subsection implicitly driving a coach and four through the legislation, to quote the great Daniel O’Connell? In other words, the implementation of the Maritime Labour Convention by only 27 countries means that it cannot be implemented. The provisions at that point, which are carried over into the Bill, seem contradictory.

One of the key criticisms of the port state control mechanism by Ken Fleming and the International Transport Federation and SIPTU is that all matters relating to the fiscal entitlements including non-payment of wages of maritime workers are not within its remit. Will the Minister confirm that is the case and will this change under this legislation? Will the introduction of the Maritime Labour Convention mean that inspectors will investigate allegations of non-payment of wages to mariners on non-Irish registered ships in Irish ports who are not party to the Paris Memorandum or the Maritime Labour Convention?

Will port state control now have a mandate to look after crews in terms of exploitation and non-payment of wages? Will the rotten system that we saw on the *MV Defender* and a host of other ships coming here, disgracefully bringing in and out our vital trade with what was effectively semi-slave labour be brought to an end? As a maritime people, an island nation, we must take a lead role in this matter. The other serious problem here is that there are just 22 inspectors operating and monitoring vessels in Irish waters and ports.

I join my colleague in Fine Gael in commending the Bills Office and the Department of Transport for their help with this Bill. One of the points that jumps out when one sees the size of our trade is that virtually everything we import comes by sea. Only a small portion comes by air. Why are there so few inspectors? Just 22 inspectors is not a robust enough team to deal with the pernicious and profound problem of exploitation of workers in the maritime sector. Is the Minister planning to increase the number of inspectors, given the introduction of this

new legislation? He has new resources in the Maritime Development Office. The Opposition would welcome a discussion of what happens in that office. It is an interesting new agency which has operated for five or six years and I would welcome a report from the Minister on what it has been doing, particularly in respect of expanding the Irish flag for the ships flagged with the tricolour. The Minister or one of his colleagues was at a function with a north Italian company which reflagged its fleet to Ireland, specifically to Cork port. What are implications of this in respect of jobs and value to the economy in Cork city and region? What did we get from that?

One theme running through the whole maritime sector is the problem of the use of flags of convenience. In 2005 I introduced my own Private Member's Bill, the Mercantile Marine (Avoidance of Flags of Convenience) Bill 2005 to address the growing problem of flags of convenience and to give legislative effect to the requirement that there must exist a genuine link between an Irish registered ship and any state where it is proposed to re-register that ship. This arose from the fall-out from the Irish Ferries debacle but at the time some of the Minister's colleagues considered this was a reasonable requirement in legislation to protect Irish maritime workers, and I would like the Department to revisit that Bill.

The Labour Party Bill set out the circumstances where this Act applies. Section 21 of the Mercantile Marine Act 1955 states that the Minister with responsibility for the Marine may, in his absolute discretion, on the application of a qualified person to register a ship under the law of another country, consent to such registry by that person. I understand the Minister or his predecessor did that in respect of Irish Ferries. The Labour Party Bill proposed to add new criteria in circumstances where a person applies to register an Irish ship under the law of another country, the ship concerned being one that regularly proceeds to sea from a port in the State to any other port in the State or to a port in any other member state of the European Union, including the Channel Islands and the Isle of Man. The Minister may consent to such registry by that person if, but only if the applicant is a national of a member state or a body corporate. We tried to change the rotten system of flags of convenience but the Government and its Fianna Fáil leadership were not prepared to back us in that attempt. The situation is horrendous and we must address it, or in 30 or 40 years' time people will come in to this House asking why we allowed our trade to be carried out under these disgraceful conditions for so long. I again urge the Minister to change this.

I welcome the introduction of the Merchant Shipping Bill to the Houses of the Oireachtas but I believe certain amendments are necessary to strengthen the monitoring and enforcement regime and to address the horrific exploitation of seafarers. I intend to bring forward a number of amendments on Committee Stage on behalf of the Labour Party. It would be ideal if the document that underlies the treatment of maritime workers, the Maritime Labour Convention 2006, which is a comprehensive and fine document in respect of the conditions it lays down for maritime workers, were the law of the land. We would strongly support whatever the Minister could do to make it so. I urge the Minister to deal with the parts of the convention that we believe are not being implemented through the Bill.

Debate adjourned.

Business of Dáil.

Deputy Pat Carey: Notwithstanding anything in Standing Orders, Question Time today shall be taken at 2.15 p.m. and business shall be interrupted at 3.30 p.m. when matters on the Adjournment will be taken.

Acting Chairman (Deputy John Cregan): Is that agreed? Agreed.

Merchant Shipping Bill 2009: Second Stage (Resumed).

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

Minister for Transport (Deputy Noel Dempsey): I thank the Opposition Deputies for the welcome they have given to the Bill and for their constructive discussion of it on Second Stage. Deputy O'Dowd said that he would like a more detailed discussion on Committee Stage and we can consider that. As is my wont, I will carefully consider each and every positive suggestion or constructive amendment and try to include as many as possible. I know that we can be partisan in the House at various times when discussing other matters but it is helpful if all sides, including the responsible Minister, approach legislation with an open mind and an appreciation that we may not get everything fully right in the first draft of a Bill.

Deputy Fergus O'Dowd: The Government definitely does not.

Deputy Noel Dempsey: I look forward to a continuing constructive approach and thank the Deputies. The contributions made by Deputies O'Dowd and Broughan reflect the interest and concern of the House in respect of the broad area of maritime safety. I am aware of the personal commitment of both Deputies in this area and I welcome their constructive and positive contributions. There have been many Bills on merchant shipping and maritime safety enacted over the years. Current and former Members are very much aware of the evolving nature of maritime law and the need to ensure appropriate legislative supports are in place at all times.

I will try to address as many of the issues raised in this debate as possible in the time available. Those I cannot address now I will address on Committee Stage. Deputies O'Dowd and Broughan referred to the importance of involving relevant stakeholders in the examination of the legislation. I agree with this as a general principle. What makes this Bill different from many others is that most of its sections are just enabling provisions. It is a matter of enshrining in law the capacity of the Department to put regulations in place and commence them when appropriate. The consultation at the time of commencement will probably be more important because we will be discussing the detail of some of the issues the Deputies' raised, including jet skis and motorboats. The Department will be delighted with any assistance the committee can offer in regard to consulting with various interests. A regulatory impact analysis will have to be carried out on many of the regulations and consultation will have to take place in respect of that process.

Both Deputies raised issues regarding the Marine Casualty Investigation Board, MCIB. I thank them for their constructive comments in this regard. I agree with Deputy O'Dowd on the MCIB. The clarity of the reports of this board and of the Air Accident Investigation Unit, which is also under the aegis of my Department, is to be commended. The reports of both bodies are very factual and straightforward and explain, in so far as possible, the circumstances of accidents that occur. The reports are very sensitive in cases where there are fatalities or injuries. I thank the Deputies for their positive comments in this regard. It is important that, in sensitive circumstances, the investigation bodies make clear recommendations that are acted upon as quickly as possible.

The document entitled Code of Practice for the Safe Operation of Recreational Craft, published on 24 May 2006, was largely based on reports by the MCIB. It really addressed many of

the issues about which the Deputies are concerned. Chapter 5 deals with recreational water craft, including jet skis. Practically all the recommendations made were included.

Deputy O'Dowd mentioned the recommendation in a recent MCIB report on fishing vessel regulations. At the time of the production of the report, the MCIB was recognising the benefit of the introduction of the regulations and not making a recommendation as such. It was acknowledging that the regulations were in place. We will try to furnish the Deputy with the information he asked for on recommendations. It is important and it will be no harm to remind ourselves of it, one way or another.

The point that it is important to implement the recommendations as quickly as possible is valid. We try to do so. Sometimes the Department is responsible and, at other times, other bodies are responsible. I know from my experience as Minister for Communications, Marine and Natural Resources that introducing changes in this area, particularly when fishing vessels are involved, can cause considerable angst and can be resisted at various times. People regard change as requiring an added expense and very often considerable discussion with stakeholders must occur, which can sometimes cause delay. Generally it is better to achieve consensus on the way the regulation is to be implemented rather than having a unilateral decision on the approach, provided achieving consensus is not just a subterfuge to delay the implementation of the regulation. I know the Deputy is not suggesting the latter. I am just offering an explanation for some of the delays.

Deputy Broughan requested additional details on the application and scope of the Maritime Labour Convention and the inspection powers that will apply thereto. I will make that information available to him. As he will be well aware, International Labour Organization, ILO, conventions cover a lot of labour law, which is the responsibility of other Departments. We must work with those Departments to ensure the convention is brought into effect. There is a lot of very detailed work taking place on this. The date for the entry into force of the convention is 1 January 2011. We are working to achieve this and, if possible, bring it into force earlier. The convention will come into force 12 months after the date on which there are registered ratifications by 30 ILO member states, with a total share of at least 33% of the world's gross shipping tonnage. To date, member states representing 44% of world tonnage have ratified the convention. Given that the target has been exceeded, the ILO expects ratification by another 25 states very soon. The implication is that it is becoming increasingly likely that the convention will enter into force by the intended deadline of 1 January 2011.

As a Government and as a Department, we have consistently supported the ILO in its efforts to promote global labour standards for seafarers. We were represented at the conference by a tripartite delegation consisting of Government officials, employers' representatives through IBEC and workers' representatives through ICTU. An interdepartmental committee involving my own Department, the Department of Enterprise, Trade and Employment and the Department of Social and Family Affairs is also working on this. These three Departments are working together to achieve progress on the relevant interface issues with the aim of achieving the ratification and implementation of the convention. That is important.

Another point raised was about Irish-registered vessels. I will confirm that where the owner of the vessel is an Irish individual or body corporate, the employees on the vessel are subject to the provisions of Irish law whether the vessel is in Irish territorial waters or on the high seas. Obviously, the same is true when an Irish-registered vessel is in the internal waters of another state. Accordingly, workers from outside the European Union working on an Irish-registered vessel are also covered by Irish employment rights legislation by virtue of section 20

[Deputy Noel Dempsey.]

of the Protection of Employees (Part-Time Work) Act 2001, which provides for the full range of Irish employee legislation to apply to foreign workers and those who are working in, or posted to, foreign countries. Thus, there is some protection there. However, I understand the Deputy's point about flags of convenience.

The inspection of foreign ships in Irish ports was mentioned by the Deputy. A foreign ship entering an Irish port is subject to port State control inspections carried out in accordance with the Paris Memorandum of Understanding on Port State Control. These are carried out to check for compliance within the relevant national law. Department of Transport surveyors, as mentioned by Deputies, are a productive group who carry out inspections of more than 400 foreign-flag ships per year. As we have seen, they detain any ship that poses a safety hazard or does not comply with international requirements for living and working arrangements. It is important to state that.

With regard to the question of costs, increasingly, no matter what Department or agency has a regulatory role, the cost of regulation will have to be borne to a greater extent by the people who are subject to it. As a general principle that is a route we should follow. There is much work in regulation and much checking to be done in this and many other areas, and the cost should be borne by those involved rather than by the Exchequer generally.

Deputy Broughan was right to remind me, when discussing the clarity of reports from the MCIB, that it might be worth while to ensure we get similar clear reports on road accidents so we can learn lessons from them. I recall having a conversation about this but I do not know that anything further has happened in this regard. One of the reasons we do not get such reports for road accidents as we do for marine and aviation accidents is that the Garda must investigate road accidents and prosecutions can ensue, whereas the MCIB has a no-fault mechanism for investigating and making recommendations so that accidents are not repeated. That is the distinction. However, I will pursue that again with the road safety division in the Department.

I have covered a number of the main points raised by Deputies, although there are individual points that would be better dealt with as we go through the Bill section by section. I reiterate that the objective in presenting this Bill to the House is to put in place a safety regime that ensures the highest standards for safe construction, design and operation of vessels, up-to-date safety equipment, and arrangements that will support skilled and competent seafarers across the trading, fishing, and leisure areas of the maritime sector. I thank the Acting Chairman and all Deputies for a useful and constructive Second Stage debate. I look forward to working with Deputies on all sides to ensure we get the legislation through the House as quickly as possible, and to accepting constructive discussion and amendments.

Question put and agreed to.

Merchant Shipping Bill 2009: Referral to Select Committee.

Minister for Transport (Deputy Noel Dempsey): I move:

That the Bill be referred to the Select Committee on Transport, in accordance with Standing Order 122(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

Sitting suspended at 2.05 p.m. and resumed at 2.15 p.m.

Ceisteanna — Questions.

Priority Questions.

Middle East Peace Process.

1. **Deputy Billy Timmins** asked the Minister for Foreign Affairs the position with respect to the conflict between Israel and Palestine. [21947/09]

4. **Deputy Pat Breen** asked the Minister for Foreign Affairs if he will exhaust all possible avenues in conjunction with his EU counterparts to assist in the peace process with a view to finding a permanent solution to the Middle East conflict; and if he will make a statement on the matter. [21899/09]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 1 and 4 together.

The search for peace in the Middle East is a major foreign policy priority for Ireland and for the European Union. The urgency of achieving that objective has been underlined by the events of the past six months. The crisis in Gaza at the end of the last year reversed the sense of momentum following the November 2007 Annapolis Conference. There is a real fear that events on the ground are moving in the wrong direction. At the same time there is a renewal of hope, driven primarily by the engagement of President Obama. If the present opportunity is not converted into a durable settlement, however, there could be a prolonged setback. In that context I very much welcome Secretary of State Clinton's unequivocal statement on settlements yesterday.

Ireland and its EU partners have been to the fore in promoting the vision of a settlement which will result in two sovereign states, Israel and Palestine, coexisting side by side in peace and security. While clearly difficult to achieve, that vision is now almost universally accepted as the only future which can ensure peace, and as the objective towards which the peace process must work. It is a matter of considerable disappointment that the only major player which does not yet accept that vision, other than the more extreme Palestinian groups, is the new Government of Israel. I hope that position will soon change.

I have paid very close attention to the Middle East since I became Minister for Foreign Affairs. I have made two visits to the region, as well as attending the international conference on Gaza held in Egypt in March. I have been able to discuss the position directly with key leaders in Israel, Egypt, the Palestinian Authority, Lebanon, the United Arab Emirates, whose Foreign Minister I met last week, and Syria, where I had a full discussion with President Assad. I also met UN officers and agencies in the area, including Commissioner Karen Abu Zayd of UNRWA and Gaza Director John Ging.

I used these meetings both to hear at first hand the assessment of the main players and to offer Ireland's support for all those working towards a lasting solution. Both Ireland and the European Union are also significant donors to the Palestinian people and to groups working

[Deputy Micheál Martin.]

for peace and justice. I can assure the House that I will continue to give this issue a very high priority.

Outside parties, in particular the United States, the European Union and the Arab states, can play a crucial role in supporting and encouraging the peace process. Senator Mitchell has already made three visits to the region in his new role. President Obama has this month met Prime Minister Netanyahu and President Abbas in Washington and will shortly be meeting President Mubarak. The Arab leaders have confirmed that their ground-breaking peace initiative remains on the table.

Ultimately it depends on the willingness of both Israeli and Palestinian leaders to see the common objective, and to show the courage, imagination and leadership to achieve it through direct negotiations on all the issues. The period of instability caused by the Gaza crisis has been followed by a period of reflection and changes of leadership. There is an urgent necessity now to re-establish momentum in the political process, through direct negotiations on the key issues and the honouring of previous commitments, and to demonstrate to the peoples of the Middle East that a peaceful settlement is still in sight and is being actively pursued. I will personally spare no effort to promote this objective in conjunction with my EU colleagues and with other relevant players.

Deputy Billy Timmins: The leader of Fine Gael, Deputy Kenny, and I went on a visit to Israel and Palestine recently. I acknowledge the assistance we received from the Minister's officials in the Department of Foreign Affairs. Their help was most welcome.

I have been to Jerusalem several times and I was struck by the absence of Palestinians in the new city of Jerusalem. In the mid-1980s they were visible in the streets but now they are almost entirely gone. I agree with the Minister that events on the ground are moving in the wrong direction. Gaza is tragic but an equal tragedy is happening covertly on the West Bank. The mechanisms that were initially to deal with the threat from suicide bombers have gone far beyond what is necessary for security.

Does the Minister agree that while there is consensus on the policy with regard to Palestine and Israel, and the statement by Secretary of State Clinton was welcome, implementing that policy is difficult? What mechanisms does he have to implement the two-state solution and a return to the pre-1967 borders? Will he make every effort to ensure no further settlements are built, that those built since March 2001 are destructed and that the wall is taken down where it has clearly been put up not for security reasons but to strangle a population and society?

Deputy Micheál Martin: I take on board what the Deputy said about the situation on the West Bank where the policies run counter to facilitating a pathway to peace and a political settlement. The government of Mr. Salam Fayad and the Palestinian Authority has been weakened and undermined by the issues about which he spoke. In many instances, Mr. Mahmoud Abbas, Mr. Fayad and others have been endeavouring to develop a governmental system with the support of the people, but that support is constantly and consistently undermined by the actions on the ground of the Israeli forces and the wall. It is paradoxical and contradictory in terms of what the ultimate objective should be. All policy should be directed towards facilitating and supporting moderate opinion to triumph in the Palestinian world and emerging with credibility in the machinery of government they are establishing. That is a concern.

We endeavour to have our voice heard in international fora, particularly the European Union. We have been very consistent all along that our overall developments in the Middle East process must be taken into account in considering our relationship with Israel. With the

new Israeli Government, we are very clear that there must be recognition of a two-state solution and that the European Union must use its influence. The Union contributes very significantly to dealing with the situation in the Middle East to ensure both the Israeli Government and those on the Palestinian side realise that, as far as we are concerned, it must be a two-state solution. That is fundamentally linked with our relationship with the Palestinian Authority and the Israeli Government. Clearly, the Union is a key implementer of policy as a member of the Quartet. This figures in our engagement with the United States. As I outlined, President Obama met the key people. Again, there is a consistency in the international community around the two-state approach. We want to give the new players who have come onto the scene an opportunity to engage and chart a way forward. We have been very strong in our continuing communication and engagement with the Arab world and leaders who have a significant role to play in facilitating the brokering of a peace initiative and have significant influence on players. That has been useful and effective and we will continue on that pathway.

Deputy Pat Breen: I acknowledge the work the Minister has done in his discussions in the Middle East. He has visited Syria, Jerusalem, Egypt and most of the players in the region. However, is it not true that the European Union, as a body, has not done enough, although it has contributed a large amount of money for rebuilding works as a result of the conflict? Is it true that the Union is not working coherently to push Israel into a two-state solution? Today President Abbas meets President Obama in Washington. Only two weeks ago Prime Minister Netanyahu met President Obama. However, Israel is still not willing to discuss a two-state solution to the problem. Is the European Union, as a group of 27 countries, doing enough? Could it be more proactive rather than just contributing to the rebuilding of the region? As Deputy Timmins said, we were in the Gaza Strip a few weeks ago. We met a human rights lawyer who could not get permission to visit Brussels to tell his side of the story. He cannot get out of there; therefore, it is an open prison.

Deputy Micheál Martin: There is a widely shared understanding in the European Union that the new Netanyahu Government must clearly demonstrate its commitment to a two-state solution and its willingness to abide by previous international agreements. That consensus is emerging within the Union. The messages have been very clearly sent to all concerned. We recently met Javier Solana, the head of EU external relations, when he came to Ireland. We had very comprehensive discussions on the Middle East. In many ways, as I said, there are pluses and minuses in the current scenario. One of the pluses is the initiative taken by President Obama, the prioritisation of the issue by the new US Administration and the appointment of Mr. George Mitchell. That presents an opportunity. With the European Union working in concert with the United States, there is an opportunity to gain momentum.

We have had the election of a new Israeli Government and its opening comments do not give rise to optimism. On the other hand, space must be allowed for the key envoys and players to see if they can work creatively towards creating a pathway to enable talks to begin and people to engage directly. There must be a desire for peace on the part of the Israeli Government and the Palestinian representatives. Palestinian unity is important to an ultimate solution, particularly in the context of what is happening in Gaza. We have repeatedly made the point that the opening of routes into Gaza must happen. The blockade is unacceptable. The humanitarian consequences are unacceptable and it undermines the capacity for a peaceful solution to emerge in the medium term.

Deputy Billy Timmins: It is important to point to the *modus operandi* of Hamas and Hezbollah. In so far as he has influence in Iran and Syria, the Minister should use it to influence these

[Deputy Billy Timmins.]

groups to stop their terrorist attacks. We received a brief from some Israeli parliamentarians who were at pains to point out that the campaign in Gaza was targeted at Hamas, but what we saw when we went out on the ground was in conflict with what we had been told. Deputy Breen and I saw the American International School where US Senator John Kerry was photographed. There were no Hamas people in the school. The idea was just to bomb the education system, infrastructure and industrial parks vacated in the last days of the campaign and obliterated. Will the Minister use his influence with his counterparts in the European Union and visit Gaza and the West Bank to try to push for movement on what everybody knows is the only solution?

Deputy Pat Breen: What are the Minister's views on the new foreign Minister, Mr. Avigdor Lieberman? Is he an obstacle to the peace process?

Deputy Michael D. Higgins: Of course, he is.

Deputy Micheál Martin: The UN Human Rights Council has established a panel to examine violations of international human rights and humanitarian law committed during the Gaza conflict. It will investigate allegations on all sides. The distinguished South African Mr. Richard Goldstone will head the inquiry. His three colleagues include the retired Irish Army officer Colonel Desmond Travers. The story of the conduct of the conflict is not over, notwithstanding the outcome of the panel of inquiry established by UN Secretary General Ban Ki-Moon.

On the latter point, the answer is yes. In our meetings with President Assad and others we have urged that influence be brought to bear on the Palestinian groups with a view to moving towards the 1967 borders and the two-state solution. To be fair, the Egyptian Government is working very hard on that front to try to reach a position of reconciliation and unity. It is difficult and painstaking. There has been a series of meetings, but they have not borne fruit to date. Earlier this year we met the Egyptian Foreign Minister in Brussels. We also met the Turkish Foreign Minister and the Foreign Minister of the Palestinian Authority. They gave a good insight and that is the line they are pursuing.

Foreign Conflicts.

2. **Deputy Michael D. Higgins** asked the Minister for Foreign Affairs his views as to the appropriate form of international independent investigation to ascertain the facts as to civilian casualties, breaches of human rights or possible war crimes committed in recent times in Sri Lanka. [21950/09]

Deputy Micheál Martin: I am deeply concerned about the situation in Sri Lanka, the grave humanitarian crisis taking place there and the growing evidence that horrific atrocities were inflicted by both Sri Lankan forces and the Liberation Tigers of Tamil Eelam, LTTE.

Reports of serious breaches of international humanitarian law include intensive shelling by government forces in areas in which significant numbers of civilians were trapped, the use of civilians as human shields by the LTTE and the forced conscription of civilians and children into LTTE units. These and other breaches of international humanitarian law must be subject to independent review.

European Union Foreign Ministers discussed the situation in Sri Lanka at the General Affairs and External Relations Council in Brussels on 18 May. We made clear that we were "appalled by the loss of innocent lives as a result of the conflict and by the high number of casualties, including children, following recent intense fighting". We reiterated the need for all

parties to fully respect their obligations under international humanitarian and human rights law and we called for the alleged violations of these laws to be investigated through an independent inquiry.

This call was reiterated by the EU Presidency at the special session of the UN Human Rights Council on the situation in Sri Lanka in Geneva earlier this week. In its national statement at the special session, Ireland also called for an independent inquiry. My preference would be for this inquiry to be carried out under the authority of the UN Human Rights Council covering violations perpetrated by all parties. However, efforts by the EU and other sponsors of the special session to have a resolution passed that would endorse a call for an inquiry into breaches of international law have, regrettably, not been successful.

I see any inquiry as one element in the overall response of the international community to the post-conflict rehabilitation and reconstruction of Sri Lanka. It would be coupled with increased involvement in humanitarian relief efforts, which must now be the immediate priority for the international community. This would be followed by a longer term focus on reconstruction, economic and social development, and the restoration of basic services in the Tamil north as the post-conflict strategy is implemented.

Furthermore, an inclusive reconciliation and peace process must be initiated, based on the principles of parity of esteem, consent, equality, the rule of law and respect for human rights. As I have stated previously in this House, should the relevant parties there seek our advice in regard to the peace process, we would be happy to consider any such request.

Deputy Michael D. Higgins: I am grateful for the Minister's reply and the fact the Government supports an independent inquiry. A number of issues arise as a result of the recent events in Sri Lanka, one of which is language. The language used at the time of this particular assault by the Sri Lankan army included the phrase "the elimination of the terrorist threat". This phrase was used also by the Pakistan Government in regard to what it perceived as a terrorist threat in one of its regions. This has immense implications for diplomatic practice. Even if one accepted it in terms of a movement against terrorism, the elimination of terrorists is moving military actions outside any responsibility in terms of international law.

There has been a systematic failure at United Nations Security Council level in regard to a number of its fundamental principles. The UN Secretary General Ban Ki-moon's decision to fly over the area after the events had taken place and to seek access after access had been systematically refused raises a number of issues, including, for example, the obstacles placed in the way of Rule 2, Rule 3 or Rule 34 by which the UN Secretary General can bring a matter to the Security Council. The exclusion of the international press, the International Committee of the Red Cross, the World Food Programme and a number of international agencies from the scene causes concern.

Does the Minister agree that seeking an equivalence of responsibility after such a disproportionate number of deaths of civilians, including children, is wrong and that one must reach a conclusion even before one conducts an investigation that the actions of the Sri Lankan military were entirely disproportionate?

Deputy Micheál Martin: I agree with Deputy Higgins in regard to the language used towards the conclusion of the war, that is, the phrase "the elimination of terrorists". For some time, the Government and the EU have said there cannot be a military solution to this issue and that, ultimately, a conflict resolution process must be put in place.

[Deputy Micheál Martin.]

A fundamental humanitarian crisis has been caused as a result of the conflict. It is an enormous undertaking in that approximately 200,000 people require assistance and it is expected that 50,000 more people will look for assistance in the coming days. I agree with Deputy Higgins that the Sri Lankan Government must fulfil its obligations under international law to protect all people in its jurisdiction.

We were disappointed by what happened in the UN. The Sri Lankan Government used every possible means to avoid a special session and an inquiry by the UN Human Rights Council. I accept the point the Deputy made in regard to the effectiveness of the UN in this context and the intervention by Ban Ki-moon. The exclusion of the press and the World Food Programme is unacceptable and creates a difficulty in ascertaining who bears the brunt of the responsibility.

With regard to the Deputy's last question, if one calls for an international inquiry and if one pre-empts its outcome, there is always a danger that one somehow undermines the credibility of the process. I accept governments have responsibilities in terms of how they conduct conflicts and engage. One expects more of governments in terms of adherence to international and humanitarian law and so on.

There has been a military victory but that, in itself, is of little use if the underlying causes of the conflict are not dealt with in a comprehensive fashion. Our sense is that to date, there has been an absence of a post-conflict resolution strategy on behalf of the Sri Lankan Government. That is urgently required and we are very keen to pursue that issue as a country and through the European Union.

Deputy Michael D. Higgins: In regard to post-conflict resolution and the position of India, is the Minister not concerned that the Indian Government expressed a concern for the minority in the recent past but changed sides? That changing of sides had the effect of creating open season for the Sri Lankan forces. The other issue is whether cluster bombs were used. That would have to be part of the international investigation.

An Leas-Cheann Comhairle: I am afraid that is well beyond the scope of the question.

Deputy Micheál Martin: The use of cluster munitions is an important point.

An Leas-Cheann Comhairle: It is but it is not relevant to this question.

Deputy Michael D. Higgins: It is.

Deputy Micheál Martin: It is very relevant.

Deputy Michael D. Higgins: It is in the text of the question.

An Leas-Cheann Comhairle: I hope the Minister is as broad-reaching on every ancillary question.

Deputy Micheál Martin: To be fair to Deputy Higgins, the question relates to the independent investigation to ascertain the facts on civilian casualties. The country and the Oireachtas are keen to highlight and condemn the use of cluster munitions in conflicts and to ensure it does not happen.

Deputy Michael D. Higgins: I appreciate the Minister's answer.

Deputy Micheál Martin: I take Deputy Higgins's point. Such consensus is difficult for the Chair to contemplate and deal with.

An Leas-Cheann Comhairle: It is unusual enough.

Diplomatic Representation.

3. **Deputy Billy Timmins** asked the Minister for Foreign Affairs the number of Irish ambassadors there are currently. [21948/09]

Deputy Micheál Martin: My Department maintains a network of 75 overseas missions — 57 embassies, seven multilateral missions and 11 consulates general and other offices. It also maintains offices in Armagh and Belfast. Heads of mission carry different titles, including ambassador, permanent representative and consul general. There are currently 61 officials with the rank of ambassador, including a number serving as permanent representatives to international organisations.

Ireland's diplomatic missions and consular offices are dedicated to the pursuit of our interests abroad and to enhancing our international profile. They are the external offices of the State, promoting Government policies and participating in the work of international organisations.

Diplomatic and consular missions perform a range of representational, promotional and reporting functions, including deepening Ireland's relations with host governments and advancing our international priorities and objectives; advancing Ireland's economic interests through working with others in the public and private sectors to expand trade and tourism, and inward investment in Ireland; reporting on political, economic, legal, commercial and EU developments; overseeing the implementation of programmes in developing countries funded by the Government's development aid programme, Irish Aid; and providing assistance to Irish citizens abroad and maintaining contact with local Irish communities.

Missions accredited to multilateral organisations such as the United Nations present Ireland's views in negotiations and debate within these organisations. The role of the permanent representation to the EU in Brussels is to represent the State in its interface with the EU institutions and in negotiations at official level in the Council of Ministers. It also advises on negotiations at political level in the Council of Ministers and at the European Council.

The State has been very well served by the current system, which draws on the skills and professionalism of dedicated career civil servants. Successive Governments have acknowledged the wealth of experience offered by our diplomatic officers and the contribution they have made in the promotion of Ireland's interests and values at international level.

In the current challenging environment, it is all the more important that the State's diplomatic resources are used to the optimum effect, particularly to support the Government's efforts to achieve economic recovery. This is a major priority for the Department of Foreign Affairs and its heads of mission abroad.

Deputy Billy Timmins: I agree with the Minister that the system has served us well and that it is very beneficial. Recently he spoke about enhancing the role of the embassies, perhaps as regards promoting Irish industry abroad. I may be incorrect in that, but I saw a report to that effect. Would he agree that perhaps there is merit in putting all of these bodies under the one roof? In addition to dealing with the diplomatic aspects of foreign affairs, perhaps trade could be linked to the embassies to a greater extent, combining offices abroad — whether it is An Bord Bia, Enterprise Ireland or whatever — in one grouping.

[Deputy Billy Timmins.]

We had a delegation from Kenya here last week and they were wondering whether we were going to re-establish the embassy there. Are there any plans to create new ambassadors? My final question is about a subject I have raised before, namely, the idea of looking outside the diplomatic corps for a percentage of our ambassadors. Perhaps this is not something the Department would welcome, but many countries use this model successfully. As Ireland exports so much and is seeking to create a brand for itself, this could be particularly apposite. Former Taoiseach, John Bruton, for example, has done an excellent job for the European Union in the United States. I am sure that many in the secretariat in Brussels were not supportive of that appointment at the time. I imagine the former Deputy and leader of the Labour Party, Dick Spring, would make a great Irish ambassador to the United States, given his connections there — perhaps we should think outside the box and not be strangled by the ropes of history.

Deputy Micheál Martin: In terms of Kenya, there are no immediate plans, and we are examining the entire configuration of Irish embassies at the moment, reviewing our strengths and weaknesses, with a view to establishing our future strategy and where we should be represented, within existing resources, given the economic climate. Recently we announced the establishment of an embassy in Abu Dhabi, for example, as part of that process.

In terms of the broader question, the present system has worked. Sometimes that does not sound trendy, and might seem to be a defence of the *status quo*, but the idea of career diplomacy with a build-up of experience and capacity, understanding the broad range of functions that have to be performed demands background education, capacity experience and learning from others within the service. There is enormous strength in the system we have had in place since the foundation of the State in terms of the quality of the Irish diplomatic service. We would be foolish, in my view, to tinker unnecessarily with that.

In terms of the Deputy's point about greater synergies between other State agencies and the economic and other spheres, he is right. In some instances we have created what is termed "an Ireland House effect", where we house the various bodies on one campus. For example, the permanent representation in Brussels would house all Government agencies under one roof, to conduct all the work relevant to Brussels.

The Deputy mentioned the possibility of recruiting outside and I agree that the former Taoiseach, John Bruton has been an excellent EU ambassador to the United States. I would not say, however, that his appointment was that far outside the box, in so far as he was a politician of distinction with long service in this House, who would have been aware of the European Union and the role of the diplomatic service. That was not a case of a person going cold into a new role. In terms of the private sector, we should have to consider that very carefully. Bringing people in cold from outside may have a superficial attraction, but it could also be laced with complications. Political partiality, too, is a key issue. I should hate to see the Irish diplomatic service ultimately become a buddy system that would reflect the spoils of office, for example, with the appointment of an ambassador being dependent on being well in with the particular parties in office. We need to be careful about that.

Deputy Billy Timmins: There is much merit in what the Minister has said, but would he consider the concept? I believe we have completely closed the door on this option. Would he not agree that the United States, for example, has had some very successful ambassadors in Ireland, notwithstanding that our system does not allow the spoils of office to be shared among individual political supporters in this context? Would he not agree that America has had some very successful ambassadors here who came in cold? People can be picked depending on the

political climate of the time and Ms Jean Kennedy-Smith, for instance, was an ideal ambassador for the time of the peace process as was Ambassador Foley, from the viewpoint of creating business. It does not mean that we would discard the good that we have, but rather that it should be supplemented by thinking outside the box. Would he give it some consideration, notwithstanding—

Deputy Michael D. Higgins: Would the Minister exclude the two main parties?

Deputy Billy Timmins: That is why I picked former Deputy Spring.

Deputy Peter Power: Michael D. for ambassador.

Deputy Micheál Martin: That would frighten me even more.

Present company excluded of course, Deputy Higgins would make a fine ambassador and a fine exponent of foreign policy. I am not comparing one system with another. The American system is much different from ours and has been since its inception, but then it is a different type of jurisdiction and can bring different types of resources into play when a particular person is appointed an ambassador. Ireland is a small State that has played a noble and distinctive role in international affairs, largely because we have invested in diplomacy in terms of the human resource behind this function, ranging from consular initiatives right across to diplomatic, political and economic endeavours. I am a strong defender of the present situation. We can always add value and improve, however, and I look forward to the fuller fleshing out of the ideas Deputy Timmins is articulating this afternoon. No doubt they will find their way into a policy document some day when we can discuss these issues in further detail.

Overseas Development Aid.

5. **Deputy John Deasy** asked the Minister for Foreign Affairs if he will introduce legislation to ensure that 0.7% of gross national product is devoted to overseas development aid; and if he will make a statement on the matter. [21951/09]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): Over the past decade Ireland's spending on Official Development Aid, ODA, has witnessed extraordinary growth. The figures speak for themselves. In 2000 our total contribution to ODA was €250 million — by 2008 this had grown to €918 million. At the start of the decade we contributed 0.3% of our GNP to ODA — last year we contributed 0.58%. By any measure this is an extraordinary success and one that we should be all justifiably proud of.

This is only half the story, however. The quality of the Irish Aid development programme is internationally renowned and recognised as being one of the best and most effective donor programmes — firmly focused on the reduction of poverty and hunger and on the least developed countries, particularly in sub-Saharan Africa.

The programme has been validated, once again, as recently as earlier this month in the OECD Development Assistance Committee peer review — the pre-eminent international body in benchmarking donors against aid quality. The report highlights that “Ireland is a champion in making aid more effective” and that “Irish Aid is a strong cutting edge development programme”. These are the views of an independent, objective and critical international aid organisation from which we can draw pride. I am aware that there have been calls to put the 0.7% target of GNP on ODA on a legislative basis. I do not believe that the time is appropriate for such a course of action. The Government remain convinced that the best way to safeguard the

[Deputy Peter Power.]

gains made to Ireland's aid programme is to restore public finances and establish a solid platform for renewed growth in the future.

For the record, total ODA for 2009 will be €696 million. Based on current estimates, this represents 0.48% of estimated GNP, which should mean that Ireland will retain its position as the world's sixth largest donor on a *per capita* basis. Our aid programme remains one of the best in the world. We retain our core values of supporting the world's poorest in a way that builds capacity and addresses the fundamental causes of poverty. Our growth trajectory will recommence as soon as our economic circumstances permit.

Deputy John Deasy: Mr. Gay Mitchell, MEP, who is a member of the European Parliament's Committee on Development, recently made a suggestion in respect of this matter. The Minister of State quoted the OECD report. I accept that the marks out of ten for the Government and Irish Aid in respect of the work they have done were extremely high. However, the OECD expressed one main concern with regard to the type of cuts being made and the amount of money being removed from the overseas development budget and recommended that these cuts should not be made.

There is a mechanism by means of which the Government could honour its commitment, satisfy the OECD and demonstrate that the speeches its members have made during the past five to ten years were not empty. There is a way it can end the ambiguity it has demonstrated. It can do so by legislating to ensure that 0.7% of GNP will be devoted to the overseas development budget.

Deputy Peter Power: We share the concern expressed in the OECD report to the effect that these targets are more difficult to make in the current environment. We want to meet these targets and it is our ambition to do so. We have a goal towards which we are working. The question that arises relates to the precise mechanism to be used and the path to be followed in order that we might meet our aid commitments.

The mechanism put forward by Mr. Gay Mitchell, MEP, would have to be considered in the context of any particular Government programme. If we were to apply it to a wide range of Government Departments, there would be complete inflexibility regarding the way in which we deliver our spending programmes throughout the year. In effect, the Government would be running on autopilot and there would be no need for Question Time because we would have locked ourselves into an exact growth path. In order to meet the targets to which we have committed ourselves, which are referred to in the OECD report, we must ensure that our public finances are sustainable and that we provide the conditions for economic growth. These are an absolute prerequisite to expanding the aid programme again. In the absence of sustainable public finances and suitable conditions for economic growth, one could not — even if they were enshrined in legislation — reach one's targets.

Deputy John Deasy: This begs the question as to how the Minister of State defines the word "commitment". He will forgive me for reaching the conclusion that the commitment the Government made means nothing and never did.

Deputy Peter Power: I cannot accept the Deputy's assertion. Ours is a firm commitment. He must remember that this commitment relates to a period of 12 to 15 years and that we are three years ahead of the European Union in this regard. The decisions we made over a period of nine months — which have been severe in their impact — must be considered in the context of our commitment being long-term in nature. These decisions, albeit it difficult and made in

the short term, have the sole objective of ensuring that when our commitments in respect of donating a percentage of our GNP are met, that GNP will have been produced by a sustainable and growing economy. Not to make those decisions now would mean that our commitments really are meaningless.

Other Questions.

Foreign Adoptions.

6. **Deputy Pat Rabbitte** asked the Minister for Foreign Affairs if his attention has been drawn to the fact that the Russian Federation has halted intercountry adoptions from that country to Ireland; the support he is providing to the Department of Health and Children in negotiations to recommence such intercountry adoptions; and if he will make a statement on the matter. [21852/09]

Minister of State at the Department of Foreign Affairs (Deputy Dick Roche): The Adoption Bill 2009, which was launched by the Minister of State with responsibility for children and youth affairs earlier this year, will provide uniform standards of child protection for the approximately 400 intercountry adoptions completed each year. When enacted, it will provide the legislative framework to permit Ireland to ratify the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption.

Under the proposed new regime, prospective adoptive parents will only be able to adopt from countries that have ratified the Hague Convention or that have a bilateral agreement with Ireland, based on Hague principles. The Office of the Minister for Children has been liaising with the Department of Foreign Affairs in order to identify countries, including the Russian Federation, which could potentially enter into such bilateral agreements.

Officials from both Departments have been in contact with officials from the Russian Federation. This has included contacts through the Irish Embassy in Moscow and legal and other preparatory work with the aim of preparing a draft intercountry adoption agreement. A first meeting was held this month with the assistance of the Department of Foreign Affairs and involved officials of the Office of the Minister for Children and the Russian Embassy. Every effort will be made to conclude a bilateral agreement in advance of any of the proposed changes in Irish law taking effect, although progress will be dependent on the co-operation of the Russian authorities.

With regard to current arrangements, the Department has been informed by the Minister for Children and Youth Affairs that the Russian authorities are insisting on the submission of all outstanding post-placement reports required in respect of Russian children adopted by foreign parents. New adoptions to a number of countries, including Ireland, have been delayed pending receipt of the outstanding reports. I understand that the majority of the outstanding reports have already been completed. However, a small number of cases are outstanding and I understand that the HSE's adoption services are endeavouring to follow up with the adoptive parents concerned in an effort to ensure that the required reports are forwarded to the Russian Embassy. Co-operation in this regard will also be required from the adoptive parents.

Additional information not given on the floor of the House.

Officials from the Office of the Minister for Children raised the matter with the Russian Embassy at the recent meeting. The Russian side has provided a list of outstanding reports.

[Deputy Dick Roche.]

This list, which was collated by the Russian Ministry of Education and Science, is currently being validated by the Russian Embassy. In the meantime, the Office of the Minister for Children has asked the relevant authorities to assist in pursuing the resolution of the issue as a matter of urgency. Officials have also indicated to the Russian side the importance that we are attaching to resolving the matter.

Deputy Michael D. Higgins: I thank the Minister of State for the main body of his reply. It dealt with the future arrangements, about which there is no difficulty. Legislation that will implement the Hague Convention or arrangements that will reflect the principles thereof will be very valuable. However, an issue arises with regard to the transition to the new system and also to the cases that are outstanding under the current system. I understand that the HSE has brought the reports to it from parents for 2009 have been brought up to date. However, I also understand that a number of cases from 2008 remain outstanding.

I wish to make a point in order to be of assistance in respect not only of the Russian issue but also with regard to the Ethiopian and Vietnamese issues. As the enabling agent in the context of the signing of international agreements, etc., the Department of Foreign Affairs enjoys a particular and extremely valuable status within these receiving countries. In that context, when a new agreement is being brought into existence, there is almost a duty of protection towards the existing arrangements. The Minister of State may agree with me that if one begins at the other end and considers the passage from the existing arrangements towards the new ones, one will end up in a position where those involved in existing cases will be placed in difficulty.

I will leave aside the question of Vietnam, on which the Minister of State with responsibility for children is working. However, in the case of the Russian Federation, the fact is that the reputation and enabling powers of the Department of Foreign Affairs are compromised by the fact that there is a time-lag with regard to the HSE's performance in respect of 2008. There is no point in apportioning blame in the context of what adoptive parents and the State must do. The issue is whether the Department of Foreign Affairs can impress upon the Russian authorities the fact that the relevant obstacle has been removed.

Deputy Dick Roche: I thank Deputy Higgins for the manner in which he dealt with my reply to the question. A number of reports from 2008 are outstanding and the Department of Foreign Affairs is encouraging those involved to ensure that the work relating to these be completed.

The Russian Federation has its own rules and within its borders there are regional authorities which may have their own rules and these may be slightly different again. The HSE has been asked to co-operate by bringing forward the reports that are outstanding. The Deputy is correct that there is no point in attempting to apportion blame. I accept that he is not intent on doing so. There are a number of difficulties in a small number of cases where parents who have been through the process have difficulty in assisting the HSE. I hope that will come to an end. The HSE and the existing parents who have had the joy of a child should make every effort. Like all Deputies, I have received hundreds of e-mails and requests and, like every other parent, I can only begin to imagine the pain of people on the list. Everything is being done to complete the reports and finalise this.

Deputy John Deasy: The Minister of State did not have a chance to finish his response. I had not planned to contribute but I will give an example from Waterford. A man with three children came into my clinic. One of his children has Down's syndrome. He had initiated the process of adopting a child in Russia, who also has Down's syndrome. How long do we expect

this process to take? The child in Russia is now four years of age and the issue is early intervention. The longer this goes on, the less chance the intervention he is planning will be successful. It is important that this is expedited and that the Government makes this a priority.

Deputy Dick Roche: This is important and if any case is held up by administrative or bureaucratic processes, every effort must be made to overcome them. The Russians want post-adoption reports, and rightly so, and every effort is being made to include that. When the legislation, which is before the Seanad, is enacted we will have a much better basis on which to act. As Deputy Higgins said, it will provide ongoing protection to all children adopted across national borders.

Deputy Michael D. Higgins: It would help if the Minister of State said the Department of Foreign Affairs would examine those caught in the transition and make efforts to get the HSE to clear this up so that there is not an unnecessary delay in the cases being processed.

The Department of Foreign Affairs is the protector of the quality of the relationship with the other side in international agreements. We must be careful that the interlocking of two administrative systems does not give a delay that creates the problem for people caught in the transition. The efforts of the Department of Foreign Affairs in untangling this quickly would be valuable.

Deputy Dick Roche: I agree with the Deputy and the points are well made. The Department has been working closely with the Office of the Minister for Children and has been encouraging the HSE to do all it can to resolve the outstanding issues. I do not say this in the sense of apportioning blame but there are a small number of cases where there are difficulties in concluding those reports. One must respect that the Russian authorities, having made their children available for adoption, would wish to have these reports concluded. Every effort is being made.

Emigrant Support Services.

7. **Deputy Charles Flanagan** asked the Minister for Foreign Affairs the new arrangements that have been put in place between Ireland and the USA with respect to work visas or any such visas; and if he will make a statement on the matter. [21764/09]

Deputy Dick Roche: The Government remains steadfast in its commitment to developing our bilateral migration arrangements with the United States, including finding a solution for our undocumented citizens. During their St Patrick's Day meetings in the United States, including with President Obama, the Taoiseach and Minister for Foreign Affairs outlined how, in the absence of comprehensive immigration reform, the Government has been actively pursuing a bilateral approach aimed at facilitating greater legal migration between the two countries. They recalled the Government's three-pronged strategy: a reciprocal working holiday agreement, a new bilateral arrangements to provide reciprocal long-term E3 working visas and a solution for our undocumented citizens in the United States.

The working holiday agreement, which the Minister for Foreign Affairs, Deputy Martin, signed in Washington last September enables post secondary Irish and US students or recent graduates to work and travel in each country for up to a year. The provision of long-term working visas, similar to the E3 visas available to Australian citizens, has already formed the basis for detailed discussions with senior members of Congress over the past 12 months. The inclusion of Ireland in an expanded version of the E3 programme would provide extensive new opportunities for Irish people to work in the United States and help ensure that a new generation of undocumented Irish does not develop. The Taoiseach raised the issue in his St.

[Deputy Dick Roche.]

Patrick's Day meeting with President Obama, as did the Minister for Foreign Affairs, Deputy Martin, in his meeting with Secretary of State Clinton and discussions with Senator Charles Schumer and Congresswoman Zoë Lofgren, the respective chairs of the Senate and House of Representatives sub-committees on immigration.

Our efforts in these areas in no way dilute the Government's strong commitment to finding a solution for the undocumented, whose welfare remains a key priority. At the same time, the Government will continue to work to facilitate greater legal migration between Ireland and the United States.

Deputy John Deasy: The working holiday arrangements and the bilateral efforts on the E3 visa mean absolutely nothing to the undocumented. There is no solution within those legislative frameworks for the undocumented Irish in the US. The answer of the Minister of State means nothing. There is no progress. There has been much discussion over the past five years. Can the Minister of State tell us where we are on Capital Hill and within the US Administration with regard to the undocumented, beyond the negotiations that took place two months ago on St. Patrick's Day?

Deputy Dick Roche: The question asked about new arrangements in place between Ireland and the United States and I outlined them.

Deputy John Deasy: Why did the Minister of State go on about the undocumented?

Deputy Dick Roche: The question referred to work visas or any such visas. The statement was comprehensive and dealt specifically with the question asked.

Deputy John Deasy: Deputy Roche is the Minister of State, he was the one who mentioned the E3 visa and he mentioned the undocumented people. I did not mention them. Where is this issue at?

Deputy Dick Roche: I have already volunteered that information.

Deputy John Deasy: No, Deputy Roche did not.

Deputy Dick Roche: I indicated there were ongoing contacts. If Deputy Deasy wishes to ask a more specific question, I suggest he knows the way to do so.

Deputy John Deasy: Has there been any progress on the E3 visa?

An Leas-Cheann Comhairle: Deputy Deasy must wait to be called.

Deputy Michael D. Higgins: The question refers to any such visas and the issue arises in respect of undocumented individuals in the United States unless they left the United States and applied for one of the new visas. The US Government appears to have had a change of policy. It initially prosecuted a line of dealing with all of the undocumented, including millions of Mexicans, who may progress to citizenship. It suggested a bilateral agreement would not be appropriate. Then, it announced it was following a model like the Australian bilateral agreement. The question is entirely appropriate. What is now being proposed in respect of the tens of thousands of people out of status in the United States? Is it the first model, the second model or is the Government concentrating entirely on new applicants from outside the United States, who happen to be Irish?

Deputy Dick Roche: That is not the case and Deputy Higgins knows that the issue of the existing undocumented has been a key priority for a long number of years. It will continue to be and the Government will continue to press forward. Simply being concerned does not resolve it. There are two parties to this, the United States being the other. It is important to work to facilitate greater legal migration between the United States and Ireland. The difficulties that exist in the current circumstances could be resolved by moving forward on the E3 proposals, of which Deputy Deasy is as aware as I am.

It is not true to suggest that by accepting the E3 proposal we would not include the undocumented, as implied by the first supplementary contribution. That is not the case. Finding a solution for the undocumented community in the United States remains a priority but that is not to suggest that we cannot work to improve the E3 issue.

Deputy John Deasy: There is a different response from the Minister and Ministers of State depending on to whom the question was directed. It has been openly expressed that the E3 visa will not accommodate all the undocumented Irish. What is the Minister of State talking about? Has any progress been made on the E3 visa issue in the past few months? Is it in draft legislation in the House Committee on the Judiciary sub-committee dealing with immigration or its equivalent in the Senate? Is it in draft legislation sponsored by the US Administration? It might be preferable if the Minister of State stood up and said there had been no progress.

Deputy Dick Roche: If I said that, I would not be telling the truth. Our key contacts on Capitol Hill have made it absolutely clear that it is not possible to address the undocumented through an E3 visa. We have made the point repeatedly — perhaps there is a problem with the acoustics — and the Taoiseach and Minister for Foreign Affairs both raised this issue, including in meetings at the highest level over St. Patrick's weekend with President Obama and Secretary of State Clinton.

Deputy John Deasy: The Government does not want to know.

Departmental Funding.

8. **Deputy Seán Barrett** asked the Minister for Foreign Affairs if there is funding available to assist a person (details supplied) in the two cross-Border cross-community projects that he has undertaken and that have been crucial in promoting reconciliation and overcoming prejudice and mistrust between communities on both sides of the Border; and if he will make a statement on the matter. [21688/09]

Deputy Dick Roche: The Department is not in receipt of an application from the individual in question so it is not possible to make a grant payment. I will use the occasion of the question to point out the processes.

The Department funds cross-community and cross-Border projects through its reconciliation and anti-sectarianism funds. The purpose of these funds is to assist organisations involved in reconciliation work and efforts to create better understanding between people on the island of Ireland and between Ireland and Britain.

Applications submitted to the Department are initially considered by an interdepartmental committee made up of representatives from the Departments of the Taoiseach, Foreign Affairs, Justice, Equality and Law Reform, and Education and Science. Since 1999, the Department has awarded grants totalling approximately €27 million to over 800 projects encompassing a

[Deputy Dick Roche.]

wide range of cross-community and cross-Border reconciliation activities. Details of the application process <http://www.dfa.ie/are> outlined on the Department's website.

Deputy Seán Barrett: I have supplied to the details of this particular individual to the Minister of State. Is there a programme whereby if he applies, funding will be available?

Deputy Dick Roche: That is precisely what I am saying. There is a process for applications, which are initially considered by an interdepartmental committee. As I have mentioned, some 800 projects have received funding. I am grateful for the details supplied by the Deputy but the individuals have not made a formal application to date. If they wish to do so, it will be considered.

Deputy Seán Barrett: Are there particular guidelines on what would qualify? Would the Minister of State give some guidance to the applicant on what he could apply under? If he does not have the information available now, perhaps he could forward it to me.

Deputy Dick Roche: There are guidelines and there is an application process for the two funds available to the Department. They are outlined on the Department of Foreign Affairs website at www.dfa.ie. If the individuals mentioned by the Deputy have any difficulties or need any further clarification, my office would be delighted to provide it.

Overseas Development Aid.

9. **Deputy Seán Barrett** asked the Minister for Foreign Affairs his views on the proposal advanced by a number of aid agencies that, for the purposes of Ireland's overseas development aid to Third World countries, Ireland should adopt a different and more efficient model involving concentrating the development aid to an individual country, thereby ensuring greater accountability, transparency and control; and if he will make a statement on the matter.
[21689/09]

Deputy Peter Power: Ireland's aid programme, administered by the Department of Foreign Affairs through Irish Aid, has an international reputation for its quality and its effectiveness. As recently as the beginning of this month it has had that reputation validated once again by the OECD development assistance committee, which has commended the programme as "cutting edge" and indicated that "Ireland is a champion in making aid more effective".

Our aid programme has an overarching objective, which is the reduction of poverty in some of the poorest countries in the world. The programme concentrates on nine programme countries — seven in Africa and two in Asia. This focus on nine countries facilitates a balanced approach in terms of the requirement to reach a large number of poor people, the need to mitigate risk across a number of countries and the importance of bringing our influence to bear on the policies of a number of governments, thus maximising the effectiveness on the ground of our development co-operation programme.

Our approach also fosters local ownership of development co-operation and seeks to make governments more accountable to their people. Working on two continents and in a number of countries also facilitates lesson learning across our programmes. This balanced, cautious, sustainable and poverty-focused approach works well and has earned us our enviable reputation.

Most large agencies, NGOs and missionary groups work in a greater number of countries than Irish Aid. We respect this more diverse approach and Irish Aid is one of the largest

donors in the world to NGOs and missionaries. We will continue to support their programmes and projects across the world and, in this difficult economic climate, work even harder with them to ensure that all our shared efforts are carried out and judged through the lens of a result-focused approach.

Deputy Seán Barrett: I thank the Minister of State for his reply but it does not really deal with the issue I am raising. Is there an opportunity to reconsider the manner in which we grant aid in this area in light of the Transparency International figures bandied about that up to \$150 billion is lost to the Third World in corruption annually? At a time when there is a scarcity of money throughout the world and there will be less money than in the past, there may be some justification to reconsider adopting a country, under the UN flag, for five years. This would bring an in-depth knowledge of what the money is being used for. Perhaps countries can be rotated over different periods, with agreement from other nations who are in a similar position to us in granting aid. That is the point I was trying to get across so could it be considered?

Deputy Peter Power: The question did not mention corruption and focused on the feasibility and appropriateness of adopting one country. The supplementary question referred to corruption, which is a very different, although important, issue. The question of whether we can deliver aid effectively by adopting a country is one I do not agree with. If it is brought to a logical conclusion, it would mean that every donor country should adopt a recipient country, although that use of language is slightly outmoded. The Deputy knows what I am getting at.

One would ultimately come back to a real position of neo-colonialism, where a country from the North would adopt a country from the South, with all the very unfortunate consequences attendant on that. I would not like to pick a country for Ireland to adopt but if we did, we would be the sole director of government policy in that country and turn it into a welfare recipient of the donor country. What would happen in a practical way if the relationship broke down and the donor had to withdraw from the recipient country? Where would that leave the recipient country?

Notwithstanding such issues, there would be unfortunate consequences in terms of our lesson learning ability across our programme countries. We gain significant experience in some countries, which we learn from and adopt in other countries in a very systematic way. Such action could lead to very unfortunate consequences and is not recognised as being best practice internationally.

Deputy Michael D. Higgins: The Minister of State is correct in saying there has been a very positive evaluation of Ireland's aid programme. There was also a reference to improvements necessary in coherence between aid, trade, debt and so forth. It would be useful to hear if this will be given priority in the interdepartmental committee relevant to this matter.

With regard to the fundamental matter raised by Deputy Barrett, it is very important to recognise that the United Nations Convention against Corruption has yet to be ratified by Ireland, and only one country from the European Union has ratified it. One of the difficulties identified in Transparency International reports is that pressure is not mounted on both sides of the act of corruption, the donors in other words. I agree with the Minister of State that it would be wrong to narrow the Irish programme to one country. I would question as to whether such a proposal is the view of more than one development organisation.

Deputy Peter Power: I agree with Deputy Higgins that it is not a widely held view, but is in fact a unique one, among the development community which does not stack up when analysed carefully.

[Deputy Peter Power.]

A recipient country's ownership of its programme is another aspect. Modern accepted development standards suggest a government of a developing country should own its programme and, with the help of the donor countries, drive it through its systems. If there were only one donor in charge of directing that, albeit in partnership with a developing country government, it would not allow the recipient country to develop its own ability to manage its affairs because of its sole dependence on one country.

Aid-for-trade, agriculture and other issues which are not strictly development concerns are important. It is crucial that different Departments do not affect adversely our development efforts through a lack of coherence. I chair the interdepartmental committee on aid effectiveness and development which tries to ensure a coherent, whole of government approach to these issues, in so far as it is possible when recognising the different approaches of different Departments.

An Leas-Cheann Comhairle: We will move to Question No. 10.

Deputy Seán Barrett: Sorry, a Leas-Cheann Comhairle but I did not get a chance to come back to the Minister's reply.

An Leas-Cheann Comhairle: Normally, one minute is given as a supplementary.

Deputy Seán Barrett: I did not get a minute.

An Leas-Cheann Comhairle: The Deputy did get a minute. I will, however, happily grant another.

Deputy Seán Barrett: There are two ways of examining any problem, the positive way and the negative way. In this case, the attitude adopted is a negative one. Will the Minister of State consider the proposal advanced by several aid agencies?

Deputy Peter Power: I have given my considered response to this.

Deputy Seán Barrett: The proposal is being put forward in a positive light and not as a smart alec approach to dealing with this issue. There are benefits of adopting a developing country for a certain period, say five years, and following through a development programme to the bitter end. Will the Minister of State adopt a positive attitude in examining this proposal?

Deputy Peter Power: The proposal has been considered by international aid effectiveness bodies, not least the OECD. The common consensus is that this would not be an effective way of delivering aid. Only last month the OECD, which reviewed the Irish programme that concentrates on nine countries, said it is the most effective way of delivering aid. It is not that we are not open to other ideas. However, any analysis of this proposal suggests it is not the most effective way of doing business and leaves open the possibility of very unfortunate consequences if that relationship were to break down.

Third Level Funding.

10. **Deputy Joan Burton** asked the Minister for Foreign Affairs the funding for research commissions that have been mediated through the Higher Education Authority to Irish third level institutions. [21832/09]

73. **Deputy Liz McManus** asked the Minister for Foreign Affairs the research that has been initiated or completed under Irish Aid's programme for strategic co-operation with higher education and research institutions launched in December 2006. [21834/09]

Deputy Peter Power: I propose to take Questions Nos. 10 and 73 together.

The programme of strategic co-operation between Irish Aid and higher education and research institutes, launched in 2006, facilitates high quality research to support Irish Aid's poverty reduction mission. The programme is implemented by the Higher Education Authority on behalf of Irish Aid. This includes the administration and monitoring of funding.

To date 15 project awards totalling €12.1 million have been approved for higher education institutions under the programme. Of this amount, €5.9 million has so far been paid from the official development assistance budget to the Higher Education Authority for disbursement to participating institutions.

The programme has established several collaborative research partnerships between higher education institutions in Ireland and Africa since 2007. The nine universities on the island of Ireland, as well as the Dundalk Institute of Technology and the Dublin Institute of Technology, are now working in partnership with a range of higher education institutions in countries in Africa, including Uganda, Tanzania, Mozambique, Lesotho, Sierra Leone, Kenya, Malawi and Ethiopia.

All research undertaken in the programme has a strong focus on the priority areas for the Government's aid programme. These include health, HIV and AIDS, food and livelihood security, education, gender and good governance. Specific research projects initiated under the programme focus on educational assessment and special needs, the strengthening of health systems, gender and HIV and AIDS, sustainable rural development, and conflict resolution. The research projects undertaken under the programme are due to be completed between 2011 and 2013. The initial outputs will be assessed in a mid-term evaluation of the programme, which will be carried out next year.

Deputy Michael D. Higgins: When the interim review for these projects, which is due shortly, is completed, will the Minister of State publish details of the receiving institutions and the project leaders? In fairness, I do not mind if the follow-up communications to my questions come to me after today. Has the special unit on governance been established in the Department?

Higher education institutions differ in their research approaches to issues such as land tenure. An institution may adopt a classic neoliberal economic model which is based on the premise of land titles which become collateral for loans which in turn allow land ownership to be restructured. A second model, however, may be based on a social anthropological model which would examine the necessity for land in tribal villages, how migrants are affected and so forth. Is the Minister of State willing to instruct the HEA to ensure all models are considered so as not to have narrow research focus?

I am concerned about the proposed Trinity College Dublin-University College Dublin collaborative research proposals which include research on aid projects as one of their strengths of excellence. It is an excellence that has yet to be demonstrated.

Deputy Peter Power: I will take up the Deputy's offer in forgoing the latter part of his question as it is a separate area for the Department of Education and Science. Regarding special governance units, I refer the Deputy to today's Parliamentary Question No. 12. A team

[Deputy Peter Power.]

has been established to take account of the linkages between good governance and the other cross-cutting issues in the delivery of the aid programme.

Land tenure is the subject of an entire debate of its own in development circles. Research will be carried out in Ireland and our developing partner countries on a collaborative basis with the intention that land policy results in an effective ability to transfer land from generation to generation, family to family. We also want it to set up an appropriate system to allow smallholder farmers to access microfinance and use their land to its productive best. That is not the case in large areas of the African continent because of the enormous problems with land tenure. I will return to the Deputy in writing about funding particular research projects in that area.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

Acting Chairman (Deputy Johnny Brady): 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 John O'Mahony — the proposed relocation of the planned office of the Department of Community, Rural and Gaeltacht Affairs from Charlestown, County Mayo; (2) Deputy Seán Ó Fearghaíl — the construction of a new water treatment plant at Kildare town; and (3) Deputy Joe Costello — the need to use the money seized by the Criminal Assets Bureau to fund drug services in disadvantaged urban communities.

The matters raised by the Deputies have been selected for discussion.

Adjournment Debate.

Decentralisation Programme.

Deputy John O'Mahony: I thank the Ceann Comhairle for selecting this issue for debate, which is of great local importance in east County Mayo. Since the news emerged last weekend from the office of the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, that there would be a further delay in the permanent move of his Department to County Mayo, there has been confusion, consternation, conflict and uncertainty in east Mayo as to what is the real motivation of the Government in this respect. I intend to outline the questions that are being asked locally and to provide some background to this issue.

At present, 100 people are located in temporary offices in Tubbercurry. Originally, they were due to relocate to Ireland West Airport Knock but when planning permission was refused there, the destination was switched to Charlestown. The question now being asked is whether this announcement constitutes a further delaying tactic, in order that the Department will continue to rent offices in Tubbercurry, which have cost €300,000 thus far, as I learned recently from a reply to a question I tabled. Alternatively, is this an election gimmick to string along the people of both Charlestown and Kiltimagh, in the hope they might land the major prize, were they to support the Government candidates in the local elections?

The reason now being given for the further delay is that new offices in Kiltimagh are under consideration and clarity on this matter is required quickly. There is no reason this could not have been provided by now and I call on the Minister to stop playing games with this issue. I do not wish to make a political football out of it and in fairness to the Minister, Deputy Ó

Cuíy, he has been consistent in his replies to questions I have tabled to him on this issue over the past two years. He has stated repeatedly, after planning permission was refused at Ireland West Airport Knock, that these offices will be located in Charlestown. On foot of those answers and commitments, the people of Charlestown have had and still have a legitimate expectation that these jobs will be delivered to them.

While Kiltimagh is another town that has suffered great neglect over the years and which also deserves investment, it is reprehensible that the Government's incompetence on policies, or the lack thereof, has put two towns at each other's throats in recent days. In the past, people in Kiltimagh have sought investment for the town and have worked for the town and its environs, which is laudable. The latest episode again brings into sharp focus how the implementation of decentralisation has been poorly thought out and badly handled. The proposal to locate the Department in County Mayo, which is a rural county, was highly appropriate and should never have been subject to criticism. It was both welcomed and fully subscribed to, with staff who wished to transfer there. Nevertheless, all these other problems emerged, which incidentally was not the case in other parts of the country. More than €300,000 has been spent on renting and a further €390,000 was spent on a site at the airport for which planning permission was refused. The least the people of my county deserve is clarity and they need it quickly. I ask the Minister of State to clear up this confusion.

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran): I thank the Deputy for raising this issue and I will respond this afternoon on behalf of my colleague, the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuíy. Under the decentralisation programme, it is been agreed that the headquarters of the Department of Community, Rural and Gaeltacht Affairs will relocate to Charlestown, County Mayo. The decentralisation programme is well advanced in the Department and significant progress has been made to date in fulfilling the Department's commitments on the programme. From a total of 140 staff due to decentralise, 100 staff now have relocated to an interim temporary location at Tubbercurry, County Sligo, where two properties are being rented to accommodate the staff concerned.

I can confirm that a significant number of business units of the Department, including the full rural, community and financial business units now are operating successfully at that temporary decentralised location. As indicated previously, the eventual destination identified by the Government for the Department is Charlestown, County Mayo, and the Office of Public Works has been engaged in the process of selecting and purchasing an appropriate site in Charlestown to build a permanent headquarters for the Department. It should be noted the Office of Public Works is liaising at present with the relevant authorities in respect of a particular site in Charlestown, which it has identified as being suitable for the Department's headquarters.

I should add that the Department of Finance was recently approached by a community development organisation from Kiltimagh, County Mayo, in respect of a turnkey potential property for the headquarters of the Department in Kiltimagh. On foot of this approach, the Office of Public Works is currently examining the property in question to ascertain its suitability as accommodation for the staff of the Department and its suitability to act as a departmental headquarters. I emphasise this is a sensible and prudent response to an approach which has been made to the Government.

The position therefore is that the Office of Public Works is currently examining the options outlined previously, in consultation with the Departments of Community, Rural and Gaeltacht

[Deputy John Curran.]

Affairs and Finance and will advise the Government as to the options available, taking financial and other considerations into account.

Water and Sewerage Schemes.

Deputy Seán Ó Fearghail: I thank the Cathaoirleach for the opportunity to raise in the House the matter of the proposed new waste water treatment system for Kildare. The proposal to upgrade the Kildare sewerage scheme dates back more than two decades and the current proposal, which forms part of the national development plan, has been approved in principle in the water services investment programme for 2007 to 2009 of the Minister for the Environment, Heritage and Local Government, Deputy Gormley.

There are two aspects to this project, which it is estimated will cost more than €21 million. It will involve the construction of a new treatment plant, with a capacity of 28,000 people's equivalent, P.E., in modular form on the existing site at Tully Road, Kildare, as well as the further construction of a new collection system with a new outfall to the River Barrow.

Over the period from 2003 to 2004, interim works, which cost in excess of €500,000 were carried out on the existing plant, due to the failure of the high rate biological filter. However, the case for an entirely new waste water facility is overwhelming. For several years, all the development in Kildare town has ceased, save that undertaken by the local authority itself, due to a lack of sewage treatment capacity. At the height of the boom, when construction was under way throughout the county and nationwide, zoned lands around Kildare town remained undeveloped, which forced the sons and daughters of local people to travel southward along the N7 to source affordable accommodation in places like Portarlinton, Ballybrittas and Mountmellick. In the absence of an adequate treatment system, jobs also have been lost to the area. New enterprises that were interested in establishing businesses locally have been lost, while established businesses in expansion mode have moved out of the town when faced with a planning policy that refuses to allow any new buildings to be occupied, pending the commissioning of a new treatment plant.

Therefore, it is evident that the local community has suffered in respect of housing availability and employment. However, the lack of visible progress to date with the sewage treatment project also has affected the local environment. The existing sewage treatment plant discharges effluent to the nearby Tully river, or stream, which, via the Boherbaun river, is a tributary to the River Barrow. A recent water matter study of the Tully described its overall ecological status as "bad", while the river recorded a "fail" result under the general physicochemical heading. Obviously, this situation must not be allowed to continue.

Local councillors and planning officials will undertake the task shortly of making a new local area plan for the town while conscious that the last plan, which was adopted in 2002 following much work and careful consideration, had little effect due to the sewerage issue. On 2 April 2009, I was advised by the Minister for the Environment, Heritage and Local Government, Deputy Gormley, that his Department had just received and would assess Kildare County Council's tender report for the expansion and upgrade of the treatment plant. The Minister further advised that his Department still awaited Kildare County Council's submissions of revised contract documents for the new collection system. I understand from Kildare County Council that it is hoped these documents will be with the Department by the end of June.

However, I must acknowledge the council has not achieved even one of the indicative time-scales or target dates it set itself for this vital project. I ask the Minister to approve the tender report on the treatment plant element of the project which has been with his Department for

some weeks now. Given that his Department has already allowed Kildare County Council to divide this scheme into two contracts, one for the plant and one for the collection system, I would respectfully suggest that the treatment plant be allowed to proceed and that no further time be lost unnecessarily in waiting for the council to address the collection system.

In advancing the delivery of the national development plan, the Government has decided to prioritise projects that carry economic, social and environmental benefits. I believe the Kildare wastewater treatment system is just such a project. I would also suggest that in a time when financial resources are seriously constrained, the Minister should consider innovative ways of delivering such schemes. As with the case of the Minister for Health and Children and the isolation units for cystic fibrosis patients at St. Vincent's Hospital, this design, build and operate project spread over 15 to 20 years might allow for deferral of initial payments, thereby reducing the burden on the Exchequer and the local authority in the initial stage.

We face many challenges in meeting the standards set down in the EU water framework directive. As a country, we are at risk of incurring heavy financial penalties. This is yet another reason this project should be allowed to move to construction without further delay.

Deputy John Curran: I welcome the opportunity to clarify the position on this important scheme on behalf of my colleague the Minister for the Environment, Heritage and Local Government. Kildare town sewerage scheme is included for funding in the current water services investment programme 2007-09 at an estimated cost of €21.4 million. The scheme will provide for the expansion of the existing wastewater treatment plant, the upgrading of the town's existing collection system and the construction of new sewers to the west and south east of the town. This will have both economic and environmental benefits. In addition to facilitating future residential, commercial and industrial growth in the town, the scheme will also improve water quality in local waterways such as the Tully Stream and the Finnelly River, which, in turn, feeds the River Barrow.

The Minister's Department is currently examining Kildare County Council's tender report and recommendation for the wastewater treatment plant element of the scheme, which were recently received. The council expects to submit the contract documents for the collection networks to the Department shortly.

Looking at the wider picture, a provision of €500 million is available for the water services investment programme for 2009, which is a 1% increase on the record outturn on the programme for last year. The Minister expects that the available resources will allow up to 50 major new schemes to commence this year, some of which have already begun. His Department will prioritise the remaining schemes yet to begin, including the Kildare town sewerage scheme, having regard to both environmental and economic objectives, namely, schemes required to meet national and EU environmental standards in regard to drinking water and wastewater disposal, European Court of Justice cases and works that will support the economic development of hubs and gateways under the national spatial strategy. Due priority will also need to be given to water conservation measures.

Taking account of the aforementioned objectives, the Department will work with local authorities over the coming months to identify the priority projects to form the basis of the next phase of the water services investment programme. The Kildare town sewerage scheme will be considered as part of this process. The Minister assures the Deputy that he is fully aware of the importance of this scheme to Kildare town. His Department and Kildare County Council will continue to work closely together to ensure that the council is in a position to advance the scheme should it be approved to start later this year.

Criminal Assets.

Deputy Joe Costello: I am pleased to have the opportunity to speak on this important issue. A number of local drugs task forces in the city-wide drugs crisis campaign and many other organisations connected to dealing with the drug problem are campaigning strongly on the issue. Since the establishment of the Criminal Assets Bureau in 1996, those of us who have been involved in trying to cope with and take steps to deal with the drug problem have asked that the money seized by CAB would be ploughed back into the local communities from which it came. This is money that has, by and large, been made on the backs of ordinary men and women from ordinary communities when drug barons have taken fine teenagers and turned them into heroin and cocaine addicts.

Over the years the CAB has been eminently successful. It is one of the finest organisations we have set up to counteract the drug business, which is enormous and estimated to be approximately €1 billion, making it one of the most successful businesses in the country and one that is blooming in this time of recession — there is no recession in the drugs trade. Already, the CAB has collected nearly €120 million from the drug barons in taxes that it has managed to obtain and it has over €70 million under interim restraint orders and €35 million under final restraint orders. All of this money will come into the Exchequer kitty in the coming years. As matters stand, we must wait seven years before this money can be used by the State but, nonetheless, it goes into the Exchequer and is not used for purposes related to the drugs trade.

At present, over 400 people die annually from drug-related causes, which is in excess of the number who die on our roads. Gangland crime, violence and shootings are very much related to the drugs trade, which is now the major form of criminality in this country. Moreover, this type of gangland activity terrorises communities and is a major threat to the well-being of the citizen. Of course, the fact that people are addicts, particularly in times of recession, means they will commit crimes to feed their addictions so as we know, burglaries and larcenies are on the increase at present.

All of this could be dealt with if we put enough money back into the disadvantaged communities that particularly bear the brunt. This should be done through treatment, prevention and rehabilitation facilities, as well as dial-to-stop-drug-dealing programmes such as the one the Minister launched last September, which provides a confidential telephone line for those drug addicts and their relatives who are afraid to go to the Garda. It is services like this that make the difference. The only way we can succeed in this area is if we can ring-fence a certain amount of money that would be used in the communities to maintain the services that are in place.

The Minister has been doing his best to prevent cutbacks in this area but, nevertheless, there have been cutbacks in the areas of drugs services, drug projects, drug treatment facilities, community-based programmes and drugs task forces and, of course, the dial-to-stop-drug-dealing campaign will come to an end in September. We need to use this money in the best way possible, namely, to ring-fence the money that has been seized by the CAB given that it, in turn, was seized from disadvantaged and deprived communities, in particular from youngsters and families whose lives are being destroyed. Let us put it back into schools, facilities and programmes and let us fight this drug trade.

Deputy John Curran: I thank Deputy Costello for raising this matter on the Adjournment. I will respond on behalf of my colleague, the Minister for Justice, Equality and Law Reform, who has asked me to set out the Government's position on this matter. The proposal to ring-fence and use assets seized by the Criminal Assets Bureau to fund drug services has been raised and discussed in this House on a number of occasions recently. The Minister, Deputy Dermot

Ahern, and his colleague, the Minister for Finance, Deputy Brian Lenihan, accept that the proposal has been made in good faith. Both Ministers believe there is some potential symbolic value in the idea of diverting seized criminal assets that were accumulated through drug dealing to communities where such dealing took place. While the suggestion that the moneys in question could be used to fund drug services, for example, is an interesting one, it is problematic in so far as it raises a number of difficulties. The difficulties in question lead the Government to believe that, on balance, it is best advised to continue to use the standard Estimates procedures to secure the ongoing provision of significant funding to tackle drug misuse, particularly in those areas where the problem is most acutely experienced. I will elaborate on some of the difficulties to which I have alluded.

The Constitution requires, and Government accounting principles provide, that public moneys be spent as voted or approved by Dáil Éireann, unless otherwise provided by statute. It would be contrary to the normal Estimates process if we were to ring-fence moneys obtained by the Exchequer and reallocate them for a specific purpose. Under the normal process, revenue accumulated by the Criminal Assets Bureau is paid into the Government's Central Fund. The Government draws from this fund for its expenditure on all necessary public services and investment, including the provision of drug services. While there are some specific targeted exceptions, it is believed that earmarking revenues for a specific expenditure programme would constrain the Government in implementing its overall expenditure policy. It could be argued that a significant proportion of the moneys secured by the bureau is owed to the Exchequer in any event, as recompense for the non-payment of taxes and social welfare fraud. I am sure Deputies will agree that the Government is already allocating considerable resources to a wide range of Departments and State agencies, as well as to the community and voluntary treatment sectors, to tackle the issue of drug misuse. I understand that the amount provided for drug services last year was well in excess of €260 million.

There are practical difficulties with Deputy Costello's proposal. The variable nature of the value of the assets seized by the Criminal Assets Bureau in any given year might cause problems as funds are being provided, on an ongoing basis, to fund drugs programmes and projects. Difficulties might also be caused if there are delays as a result of legal challenges to court disposal orders. Such an uncertain revenue source would not facilitate the proper planning of drug treatment programmes by organisations involved in delivering such services. One could argue for the ringfencing of receipts if it was seen as a motivating factor in the generation of higher receipts. However, there is no indication that the Criminal Assets Bureau needs additional motivation in doing its work. I remind the Deputy that additional costs would accrue in the administration of any scheme to divert the bureau's funds to drug programmes. It is not desirable to accrue additional administrative costs without generating additional revenues. I am sure the House will agree that the bureau continues to achieve considerable success in depriving people engaged in criminal activity of the proceeds of such activity.

Members are aware that significant drug services are being provided in disadvantaged urban communities. I emphasise that local and regional drug task forces have been in place for some time in the areas most affected by the problem of drug use. The Government continues to commit substantial resources to task forces to help them to develop a comprehensive and co-ordinated response to the drugs problem at local and regional levels. The State is continuing to invest significantly in a wide range of local drug projects, which have been set up through the task force mechanism. For all the reasons I have mentioned, the Government believes that the policy currently applying to the assets secured by the Criminal Assets Bureau is the most appropriate one.

[Deputy John Curran.]

The Deputy referred to the “Dial to Stop Drug Dealing” campaign, which was launched in September 2008. I rolled out the last phase of the campaign — the midlands phase — in Athlone last week. Deputy Costello’s remarks reflect the perception that there are funding issues. We have delivered a specific programme of targeted intervention on foot of last September’s launch. When people talk about this issue, they often mention the funding of the telephone line. The most innovative step being taken is the information-generating campaigns that are being organised by task forces on the ground. It is not fair to suggest that such campaigns have been stopped due to a lack of funding. That is not the case. We developed a programme and launched it last September. I rolled out the last phase of it last Friday. It has been delivered, from start to finish, in the same way that it was initiated. It will be evaluated in the future to see what lessons can be learnt from it. It is not a repeat of some model that has been used in other jurisdictions — it is quite unique to Ireland.

Deputy Joe Costello: We should keep the call centres open.

The Dáil adjourned at 3.55 p.m. until 2.30 p.m. on Tuesday, 9 June 2009.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].

Questions Nos. 1 to 10, inclusive, answered orally.

Lisbon Treaty Referendum.

11. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which he and his EU colleagues have engaged in the necessary discussions to address the issues arising from Ireland's failure to ratify the Lisbon Treaty; the extent to which other EU Member States are satisfied with any or all of the expected provisions required to meet the concerns as expressed by the Irish people after the defeated referendum; when he expects full and final agreement to be reached in these matters; if diplomatic initiatives or campaigns are expected to arise; and if he will make a statement on the matter. [21803/09]

Minister for Foreign Affairs (Deputy Micheál Martin): Last December the European Council agreed to a comprehensive package of measures to respond to the Irish people's concerns as outlined by the Taoiseach.

Specifically, the European Council agreed that, provided the Treaty of Lisbon enters into force, each Member State will continue to have the right to nominate a Commissioner. It also agreed that the necessary legal guarantees will be given to Ireland in the areas of taxation, defence and the provisions of the Constitution on the right to life, education and family. It further agreed that the high importance the EU attaches to social issues, including workers' rights, will be confirmed.

I am glad to have this opportunity to advise this House that detailed work is underway to give effect to these commitments. In accordance with the December European Council's Conclusions, it is intended that this work should be finalised at the June European Council.

If the Government is fully satisfied with the outcome of this work, we are committed to seeking ratification of the Treaty by the end of the term of the current Commission, which is expected to leave office at the end of October.

Our work is being taken forward at a number of different levels with our EU partners and with the EU institutions. Minister Martin and I have met a number of our colleagues to discuss

[Deputy Micheál Martin.]

this matter, most recently the Czech Minister for European Affairs, ηtefan Füle, who was in Ireland on 14 May.

Our Partners continue to be extremely supportive of our efforts to secure an agreement that will provide necessary reassurance on the issues that arose during last year's referendum campaign. I anticipate that the Taoiseach and Minister Martin and I will need to engage further with our colleagues in the run-up to the June European Council. Throughout our discussions with the other Member States, we have been stressing the need for legally robust guarantees.

As the global economic and financial crisis has underscored, the European Union remains key to the promotion and protection of Ireland's national interests. The Government attaches utmost priority to ensuring that Ireland remains at the heart of the Union and it is our judgement that this requires that we deal with the concerns that arose last year and, on that basis, join with the other 26 Member States in ratifying the Lisbon Treaty.

Overseas Development Aid.

12. **Deputy Joan Burton** asked the Minister for Foreign Affairs when it is proposed to establish a governance unit as proposed in the White Paper and in Irish Aid's operational plan.

[21833/09]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): The White Paper on Irish Aid recommended the establishment of a Governance Unit tasked with ensuring that governance and corruption issues are taken into account across the work of the programme. I am happy to report that work is being completed on the development of Good Governance Guidelines which set out a framework to guide our overall approach to this area.

In line with the White Paper, the internal reorganisation of Irish Aid has now been completed to reflect the commitment to governance and corruption issues. Governance is an area to be mainstreamed across the aid programme. Responsibility for work on governance, as a mainstreamed area, is being shared across the various sections within Irish Aid. Specific focus is being given to this through a Governance Team comprising officers from a number of sections in Irish Aid. This Governance Team will also work closely with the Human Rights Unit and the Conflict Resolution Unit in the Department to develop programme strategies in the area of human rights and support to peace-building and post-conflict governance.

The Governance Team will oversee implementation of the approach and ensure coherence across the range of Irish Aid activities. It will provide a planning resource for Irish Aid as a whole in making choices and identifying priorities among possible governance interventions. It will monitor research, lessons-learned, evaluation and best practice on governance ensuring that this informs Irish Aid's actions, taking account of the linkages between good governance and the other cross-cutting issues.

At country level, locally-recruited governance advisors will continue to provide advice and support to the management team in implementing the programme.

Human Rights Issues.

13. **Deputy Joe McHugh** asked the Minister for Foreign Affairs if he will report on the ongoing efforts at EU level to influence the situation in Burma, including the position of Aung San Suu Kyi; and if he will make a statement on the matter. [21869/09]

27. **Deputy Emmet Stagg** asked the Minister for Foreign Affairs the position regarding the imprisonment of Aug San Suu Kyi; and if he will make a statement on the matter. [21848/09]

29. **Deputy Emmet Stagg** asked the Minister for Foreign Affairs the position as it pertains in Burma. [21847/09]

54. **Deputy Jim O’Keeffe** asked the Minister for Foreign Affairs the steps he has taken arising from the latest behaviour of the military dictatorship in Burma towards the lawful leader Aung San Suu Kyi; and the further steps he will take on the matter. [21690/09]

139. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs if he will report on this situation in Burma; and if he will make a statement on the matter. [21986/09]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 13, 27, 29, 54 and 139 together.

The Minister deplores the arrest of Daw Aung San Suu Kyi, leader of the National League for Democracy in Burma and esteemed Nobel Peace laureate, her imprisonment in the notorious Insein Prison in Rangoon and the laying of charges and institution of court proceedings against her.

In a statement on 14 May, the Minister pointed out that her arrest represented the latest chapter in an ongoing effort to silence this courageous pro-democracy advocate and opposition leader. He noted also that her arrest and incarceration were particularly distressing given the very real concerns regarding her state of health. The Minister made clear his view that Aung San Suu Kyi and all political prisoners in Burma must be released and a process of dialogue and reconciliation initiated without delay.

The EU Presidency also issued a Declaration on 14 May, deeply regretting the arrest of Aung San Suu Kyi and strongly urging the Burmese authorities to release her. The Declaration called on the regime to engage in an inclusive process of national reconciliation, which is essential for setting Burma on a genuine path to stability and prosperity, and to initiate a new phase in the development of the country.

At the General Affairs and External Relations Council (GAERC) meeting on 22 April, EU Foreign Ministers agreed the renewal of the Common Position on restrictive measures on Burma for an additional year. Ministers also agreed to keep open the possibility of revising the Common Position in the light of developments on the ground. In this context, the situation in Burma was discussed again at the GAERC on 18 May and Ministers agreed that, following the arrest of Aung San Suu Kyi, the EU should look at new steps, including additional restrictive measures, which could be taken against the Burmese regime.

On 24 May, the EU-Troika met with the Burmese Minister of Foreign Affairs in the margin of the ASEM Ministerial meeting in Hanoi and conveyed the EU’s demands for the release of Aung San Suu Kyi and other political prisoners directly to him.

There was also an opportunity at the ASEM Ministerial itself for Ireland and our EU partners to convey to the representatives of many of Burma’s neighbours our very strong concerns and views about Aung San Suu Kyi and the situation in Burma more generally. The Chair’s statement issued at the end of the meeting reflected these concerns. It was noteworthy that some of the Asian countries present made clear their own concerns about the treatment of Aung San Suu Kyi, in line with the strong statement made by Thailand in its role as ASEAN Chair on 19 May.

[Deputy Micheál Martin.]

The EU-ASEAN Foreign Ministers' Meeting in Phnom Penh, which began yesterday, will offer further opportunities in this respect. We will be making clear to Burma's neighbours, individually and collectively, how important it is that they use their influence to put pressure on the Burmese regime, including in relation to the position of Aung San Suu Kyi, other political prisoners, the need for dialogue and the elections scheduled for 2010.

The Minister has repeatedly made clear the Government's view that the forthcoming elections in Burma will have no credibility unless all political prisoners are released unconditionally and a political process is initiated with the support of the United Nations on the basis of an inclusive, long-term dialogue in which the opposition and ethnic groups can participate fully. The Minister fully supports the role of the UN Secretary-General's Special Envoy, Dr Ibrahim Gambari, and the personal engagement of the UN Secretary-General himself. The Minister discussed the situation with the Secretary-General when they met in New York on 8 May and very much hopes that Secretary-General will be able to visit Burma shortly, as he plans, and to make concrete progress on the political and humanitarian agenda there.

The Minister welcomes the UN Security Council statement of 22 May expressing concern at the detention of Aung San Suu Kyi and calling for her release. This action by the Council is an important development, particularly given the difficulties in securing consensus on matters relating to Burma which have existed in the past. The Minister hopes the Council will remain seized of the issue and take further action as is necessary.

We will continue to work in the EU and UN frameworks and with the countries of the region to do all possible to advance our objectives in relation to Burma.

Overseas Development Aid.

14. **Deputy John Deasy** asked the Minister for Foreign Affairs the way the reduction of €45 million in the amount of the overseas aid budget being allocated to the nine core programme countries in 2009 will be allocated to each of them; the programme areas within each of the countries that will be affected by these reductions; and if he will make a statement on the matter. [21794/09]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): The Government's aid programme, Irish Aid, provides assistance to over ninety developing countries. Nine have been designated as Programme Countries, with a commitment to long term strategic assistance. These are Tanzania, Zambia, Lesotho, Mozambique, Uganda, Ethiopia, Malawi, Vietnam and Timor Leste. In 2009, the total programme budget for these countries will amount to almost €200 million. Additional funding will be channelled through Irish Aid support for the development work of Non-Governmental Organisations, and in response to humanitarian emergencies. This level of funding underlines the Government's commitment to the central priority of the aid programme — to ensure an effective Irish contribution in the fight against global poverty and hunger, with a strong focus on the least developed countries, especially in sub-Saharan Africa.

I very much regret that it has been necessary to reduce the budget for overseas development assistance for 2009. The total aid budget this year will be €696 million, €571 million of which is administered under Vote 29 of the Department of Foreign Affairs. In implementing the necessary adjustments to the Irish Aid programme, we have worked hard to ensure that our strategic partnerships with developing countries are not undermined. Nonetheless, it has been necessary to adjust elements of our bilateral assistance to Programme Countries.

The original 2009 programme budget allocations for the nine priority countries have been adjusted as follows. The allocation of €33.84 million for Ethiopia has been revised to €27.84 million. The allocation of €12.92 million for Lesotho has been revised to €11.42 million. The allocation of €9.88 million for Malawi has been revised to €8.88 million. The allocation of €46.5 million for Mozambique has been revised to €40.5 million. The allocation of €37.5 million for Tanzania has been revised to €33.5 million. The allocation of €4.92 million for Timor Leste has been revised to €3.42 million. The allocation of €41 million for Uganda has been revised to €35.5 million. The allocation of €19.75 for Vietnam has been revised to €13.75 million. The allocation of €27.21 million for Zambia has been revised to €23.21 million.

These adjustments will be implemented in a manner which ensures the continued delivery of basic services such as health and education, and maintains the Irish Aid focus on the poorest and most vulnerable people and communities. I want to assure the Deputy that the continuity of our agreed development programmes will be maintained. It may now be necessary, however, to extend funding timeframes and modify disbursement rates in some cases.

The difficult decisions we have had to take in relation to the overall aid budget, and our bilateral assistance to the Programme Countries, have been based solely on the need to restore stability to the public finances and ensure a return to sustainable economic growth in Ireland. We have discussed the implementation of the adjustments with the Governments and organisations which are affected. We have also assured them of our clear commitment to resuming the expansion of the aid programme as soon as economic conditions allow.

Diplomatic Representation.

15. **Deputy Charles Flanagan** asked the Minister for Foreign Affairs the position in relation to the investigation into the death of a person (details supplied); and if he will make a statement on the matter. [21781/09]

Minister for Foreign Affairs (Deputy Micheál Martin): At the outset, I would like to confirm that the Department is in ongoing contact with the family of the person mentioned by the Deputy and is liaising with them on all aspects of the case. The Department was represented at the funeral of the deceased.

As the Deputy will be aware, after hearing of the death of this Irish citizen, Minister Martin T.D. immediately instructed the Irish Embassy in Argentina, which is also accredited to Bolivia, to send a diplomatic officer to Bolivia to represent the Government and also to look after the interests of the family.

While in Bolivia, the Irish Embassy representative had meetings with the Bolivian Vice President, the Acting Minister for Foreign Affairs, the Vice Minister of the Interior, the Investigating Attorney in charge of the case, and the Investigating Officer from the Anti-Crime Special Force (FELCE).

The official expressed the Irish Government's concern at reports on the circumstances surrounding the death and enquired from the Bolivian authorities as to the steps they were taking to discover the facts of the case. The Irish Government representative also arranged for the repatriation of the body.

Minister Martin subsequently spoke by telephone to the Acting Foreign Minister and emphasised that the interest of the Irish Government in this case relates entirely to protecting the consular rights of our citizens abroad. He also emphasised that we have a duty to seek the facts in a case where one of our citizens was killed in a violent incident by the security forces in another country.

[Deputy Micheál Martin.]

Minister Quintana assured Minister Martin that the Bolivian authorities wished to cooperate with the Irish Government to the fullest extent and advised that he would discuss the matter with President Morales. He further assured Minister Martin that the Bolivian authorities would take all necessary steps to collect all the evidence possible and that they would provide the Irish Government, through our Ambassador in Buenos Aires, with all reports, including copies of any interim findings.

A Parliamentary Commission with members drawn from both Government and Opposition members in Bolivia was established to inquire into this case. The Commission has yet to report.

Our Ambassador in Buenos Aires has formally requested copies of the post-mortem and ballistics reports and any interim investigation reports. She recently met with her Bolivian counterpart and reiterated the importance attached to receiving these as soon as possible.

Minister Martin also confirmed to the Acting Foreign Minister that the Irish Government would welcome the establishment of an international panel of investigation and that we are ready to assist and cooperate with such a panel, if the Bolivian Government decided to take this course.

I can assure the Deputy that the Government will continue to seek clarification from the Bolivian authorities of the precise circumstances of the death of the citizen concerned. The Consular Section of the Department Affairs will remain in direct contact with the family of the deceased and will continue to provide them with all possible consular assistance.

Human Rights Issues.

16. **Deputy Ciarán Lynch** asked the Minister for Foreign Affairs the recent contact he has had with the Ambassador of Iran in relation to the incarceration of members of the Baha'i faith and the form of the charges against them. [21820/09]

41. **Deputy Jack Wall** asked the Minister for Foreign Affairs the position regarding the Baha'is in Iran. [21843/09]

60. **Deputy Jack Wall** asked the Minister for Foreign Affairs the position regarding the trial of Bahá'í leadership in Iran which in February 2009 was accused of espionage. [21846/09]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 16, 41 and 60 together.

The situation of members of the minority Baha'i faith in Iran has long been a matter of serious concern to the Government and to members of the Oireachtas. In recent years, there has been a progressive increase in harassment of individual Baha'is, and worrying indications that these are part of a concerted effort by the Iranian authorities to destroy the Baha'i faith and community as a whole. Reports suggest that up to 37 Baha'i are imprisoned in Iran at present, many without trial.

Particular concern has arisen in relation to a group of seven Baha'i community leaders, five men and two women, who were detained, one in March and the others in May 2008, and held for almost a year without any formal charge. During this period, outside contacts have been restricted to a family visit of ten minutes approximately once per month. We understand that these seven people constitute an informal leadership group, attempting to maintain links among the Baha'i communities throughout Iran. Their arrest gives rise to particular concern because of the fate of the previous Baha'i leadership, who in 1980 in the early days of the Islamic

Republic were arrested and never seen again. The successor leadership were also arrested in 1981 and executed.

The seven Baha'i currently in custody have now been charged with a number of offences, including running an illegal organisation, anti-regime propaganda, insulting religious values, and espionage on behalf of Israel. These are obviously very serious charges, which could lead to the application of the death penalty, and the basis for which must be seriously questioned. Concerns are heightened by the fact that the lawyers for the accused have been unable to see them at all, have been denied access to the case files, and have themselves been subject to public criticism and harassment. There seems very little prospect of even a semblance of a fair trial in these circumstances. In addition, no trial date has been set and the detainees have never been to court to hear the charges against them. More recently, the espionage charge has been dropped and a charge of "spreading corruption on earth" has been added. Worryingly, this new charge also attracts the death penalty in Iran.

The Minister for Foreign Affairs has directly raised his concerns regarding the treatment of the Baha'i with members of the Iranian Government, including with Foreign Minister Mottaki at the United Nations General Assembly in September 2008. In December 2008, Minister Martin wrote to Foreign Minister Mottaki on human rights concerns in general, and raised the issue of the Baha'i and the case of these seven representatives in particular. In his letter, the Minister stated that: "It is difficult in these circumstances to avoid the conclusion that the Government and authorities of Iran are actively trying to suppress a religious faith." Last month the Minister received a lengthy response from Foreign Minister Mottaki, which he and his officials have studied closely. However, Foreign Minister Mottaki's reply would not appear to go beyond previous statements by the Iranian authorities on human rights issues or provide the necessary assurances in relation to the specific treatment of these seven detained Baha'i.

The European Union has repeatedly drawn attention to the oppression perpetrated against the Baha'i faith and its members by the Islamic Republic of Iran. In February, the EU issued a statement expressing its deep concern that, after being held for so long without due process, the Baha'i leaders may not receive a fair trial and requesting Iran to allow independent observation of the judicial proceedings and to reconsider the charges brought against these individuals. A further EU Declaration, fully supported by Ireland, on the increasing violation of religious freedom in Iran, issued on 25 May. This reiterated concerns about the continued detention without trial of the seven Baha'i leaders and called on the Iranian authorities to uphold their international legal undertakings to safeguard religious freedom and stop their persecution of legitimate religious activities.

Officers of the Department of Foreign Affairs met with the Iranian Ambassador to Ireland at the end of February to restate our strong concerns in relation to human rights in Iran and the treatment of the Baha'i. Officials in the Department also meet regularly with senior representatives of the Baha'i community here, most recently earlier this month. I would like to assure the Deputy that the Government, both directly through our Embassy in Tehran and in cooperation with our EU partners, will continue to monitor this particular case closely and we will not hesitate to bring our views to the notice of the Iranian authorities.

17. **Deputy Shane McEntee** asked the Minister for Foreign Affairs his position with respect to the issue of Armenia's claim of genocide by Turkey in 1917; and if he will make a statement on the matter. [21779/09]

Minister for Foreign Affairs (Deputy Micheál Martin): I would direct the Deputy to the Minister's reply on this matter on 12 May. In that reply, the Minister noted that the events

[Deputy Micheál Martin.]

which resulted in the tragic deaths of very large numbers of Armenians in the Ottoman Empire more than ninety years ago continue to be interpreted very differently in Turkey and Armenia. However, the Minister also emphasised that last month's announcement of a roadmap for the normalisation of relations between Armenia and Turkey was a positive step for the two countries' relations, which will hopefully lead to the opening of diplomatic relations and of the common border between the two countries.

As the Minister mentioned then, official details of the roadmap have not yet been made public, but it appears likely that it will include a mechanism to allow for a joint study of the period and an investigation of claims relating to Armenian deaths. This will hopefully lead to an agreed interpretation of those tragic events. I believe that, in recognising the sensitivity of the issues involved, we should support these recent positive efforts between the two countries to address all outstanding issues, including historical ones.

Overseas Development Aid.

18. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Foreign Affairs his views on the assessment of a person (details supplied) that cuts in Irish overseas aid spending were proportionately more severe than in any other country; if he will make an explicit recommitment that Ireland will reach its target of 0.6% by 2010 and 0.7% by 2012 including a timetable for the reinstatement and increase of funding. [21707/09]

20. **Deputy Noel J. Coonan** asked the Minister for Foreign Affairs if he plans to meet the Government's stated target of spending 0.6% of GNP on the overseas aid budget in 2010; and if he will make a statement on the matter. [21796/09]

24. **Deputy Willie Penrose** asked the Minister for Foreign Affairs his views on whether he will achieve his commitment to 0.7%, its UN target, by 2012. [21842/09]

28. **Deputy Ciarán Lynch** asked the Minister for Foreign Affairs the position regarding the Irish Aid programme; the cuts which have been made to the programme on foot of budgetary cutbacks; and if he will make a statement on the matter. [21821/09]

46. **Deputy Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if he will introduce legislation to make sure that Ireland honours its promise to spend 0.7% of national income on overseas aid; and if so, when he will do so. [21706/09]

57. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Foreign Affairs the implications of the decision to cut overseas aid spending by €45 million in July 2008 by €15 million in October 2008, by €95 million in February 2009 and by an additional €100 million in the supplementary Budget of 7 April 2009 for the world's poorest; and his views on the assessment of a group (details supplied) that Ireland will miss its own overseas aid target of 0.6% by 2010. [21708/09]

62. **Deputy Mary Upton** asked the Minister for Foreign Affairs the percentage of GNP that will be devoted to overseas development aid for the year 2009; the projected percentage by the end of 2010, 2011 and 2012; and when the 0.7% level, to which Ireland has agreed on several different occasions, will be reached. [21824/09]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): I propose to take Questions Nos. 18, 20, 24, 28, 46, 57 and 62 together.

The total Official Development Assistance (ODA) budget for 2009 will be €696 million. €571 million will be administered by the Department of Foreign Affairs, through Irish Aid, with the balance of €125 million being contributions to development co-operation by other Government Departments and through Ireland's allocation to the EU Development Cooperation Budget.

On current projections, this level of funding will represent approximately 0.48% of estimated 2009 Gross National Product (GNP), and should maintain Ireland's position as one of the world's most generous donors on a per capita basis. This remains an enormous achievement, particularly so in the current economic circumstances and one that we should all be pleased to acknowledge.

As the Deputy is aware, the Government has had to make the regrettable but necessary decision to reduce the 2009 development assistance programme by €195 million. This decision was taken solely in the context of the economic situation facing the country. The reduction is one of a series of measures designed to restore the public finances and establish a solid platform for renewed economic growth.

While the cut in the ODA allocation for 2009 is significant, it follows a period of unprecedented growth in ODA volumes. In 1999, for instance, total ODA was just over €230 million. The allocation of €696 million for 2009 represents a trebling in the volume of ODA delivered over the last 10 years. This is an achievement of which all Irish people should be proud.

Nonetheless, both the Government and I are acutely aware that those cuts will have implications for our aid programme — a programme which is renowned internationally for its clear focus on poverty reduction and hunger alleviation, and for its concentration on the least developed countries, especially in sub-Saharan Africa. I am determined that we will maintain this focus and that we will continue to work closely with our partners in pursuit of our shared goals of reducing poverty in line with the Millennium Development Goals (MDGs).

We also recognise that the decision to reduce the ODA budget for 2009 will make it somewhat more difficult to achieve the target of spending 0.7% of GNP on ODA by 2012. However, we will continue to work towards meeting this goal and a full assessment of our capacity to achieve the target will be made in the context of preparing the 2010 Budget.

I think it is also important not to lose sight of Ireland's tremendous progress towards reaching this UN target. At the start of this decade, Ireland contributed 0.3% of GNP to ODA. Last year we contributed 0.58% — almost doubling our GNP percentage expenditure in the intervening period. This level of spending has made us the sixth most generous donor in the world on a per capita basis and well ahead of most of our EU partners in efforts to achieve the EU target of 0.7% of GNP by 2015. Notwithstanding the reduction in the 2009 allocation, Ireland should, in all likelihood, maintain this ranking within the OECD donor countries.

Our aid programme has just been reviewed by the OECD Development Assistance Committee (DAC). The OECD DAC is the pre-eminent international body in relation to benchmarking donors such as Ireland against aid quality. This key report, published this month, states that "Ireland is a champion in making aid more effective" and that "Irish Aid is a strong cutting edge development programme". These are the views of an independent, objective and critical international aid organisation from which we can draw pride. The Government will be working to ensure that these high standards are maintained.

Our aid programme remains one of the best in the world. It reflects our core values and commitments to supporting the poorest people in the world. The decisions that we have taken regarding adjustments to the aid programme were framed in the context of this commitment

[Deputy Peter Power.]

and our determination that, once the Irish economy has returned to a pattern of sustainable growth, we will resume the expansion of our aid programme.

Human Rights Issues.

19. **Deputy Paul Connaughton** asked the Minister for Foreign Affairs if he will contact the US administration to offer his support in its efforts to close Guantanamo Bay; and if he will make a statement on the matter. [21866/09]

Minister for Foreign Affairs (Deputy Micheál Martin): As the Deputy will be aware, the Government has welcomed the Executive Order issued by President Obama on 22 January announcing that the detention facility at Guantanamo Bay should close within one year.

The Minister had a useful discussion with Secretary of State Clinton on the issue when they met over the St Patrick's Day period. At that meeting, he reiterated that we had long called for the closure of the facility at Guantanamo Bay and that we would wish to be helpful in facilitating its closure. This position was subsequently confirmed by the Taoiseach when he indicated that it is incumbent on those who called for the closure of the Guantanamo detention centre to assist the United States in ensuring that certain prisoners be relocated elsewhere and expressed Ireland's readiness to take a small, proportionate number of detainees.

Discussions are ongoing within the EU on a common approach to the various practical and legal issues which arise in the resettlement of former detainees in EU Member States. Contacts have taken place with the US at both EU and national level.

While the question of whether EU Member States might accept former detainees remains a national decision, the Member States are agreed that the EU-level discussions with the United States Administration on this matter should be allowed to take their course.

Question No. 20 answered with Question No. 18.

Overseas Development Aid.

21. **Deputy Liz McManus** asked the Minister for Foreign Affairs the action he proposes to take to implement the Accra Agenda for Action. [21836/09]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): I was delighted to have the opportunity to attend the Accra High Level Forum on Aid Effectiveness in September 2008, where I was able to contribute to the EU Ministerial discussions on the Accra Agenda for Action.

The High Level Forum and the Accra Agenda for Action have been effective in drawing renewed attention to the importance of improving aid delivery and giving value for money, especially at a time of a world economic downturn.

The Accra Agenda for Action highlights three areas where further progress needs to be made by both partner countries and donors. These are: i) strengthening country ownership over development, ii) building more effective and inclusive partnerships and iii) delivering and accounting for better results on the ground.

In response, Irish Aid has developed a Plan of Action to implement commitments under the Accra Agenda for Action. The plan identifies actions Irish Aid will take to implement the Accra agenda. Many of the actions are already underway.

New guidelines on aid effectiveness and training are being rolled out for staff at HQ and field level. We have developed a results based management approach to country assistance programming. Irish Aid is working with other donors to strengthen partner countries' results frameworks and we are increasingly linking our contributions to development outcomes agreed with partner countries and the donor community.

Framework agreements with our multilateral partners, such as the UN system, allow for strengthened monitoring and evaluation with a strong focus on impact. Irish Aid is also working with Dóchas, the NGO umbrella organisation, on how to apply the aid effectiveness principles from the NGO perspective.

The OECD DAC Peer Review of Ireland, published last month, congratulated Ireland on the high level of commitment to aid effectiveness and for embedding aid effectiveness in Irish Aid's systems.

The Accra Action Plan will be monitored closely and updated annually during the business planning process. It will ensure we now build on this excellent international reputation and continue to improve the effectiveness of our aid.

International Agreements.

22. **Deputy Joanna Tuffy** asked the Minister for Foreign Affairs the ongoing consultation between the EU and countries in Africa, the Caribbean and the Pacific with regard to economic partnership agreements in view of his recent attendance at a meeting which demonstrated the damaging effects of proposed EPA's on ACP countries; and if he will make a statement on the matter. [21825/09]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): Ireland has taken a consistently strong position within the EU on the complex range of issues involved in the negotiation of Economic Partnership Agreements with the African Caribbean and Pacific (ACP) group of countries. The negotiations are carried out by the European Commission, on behalf of the EU. Ireland has been one of a group of Member States which has ensured that the negotiations are followed closely, at political level, by the Member States.

These Agreements cover both trade and development issues. They are needed as a result of the decision by the World Trade Organisation (WTO) that the EU's longstanding unilateral trade preferences for ACP countries established unfair discrimination between developing countries. The Cotonou Agreement of 2000 provided for the negotiation of new Agreements with ACP States, which would be acceptable to the WTO. On this basis, the WTO agreed in 2001 to grant a waiver to the EU to continue unilateral preferences until January 2008.

As the Deputy will be aware, the negotiating process has been a difficult one. By the time of the January 2008 deadline, only one of the ACP regional groupings, representing fifteen countries of the Caribbean region, had initialled and signed a full Agreement with the EU. A further 21 ACP countries initialled interim Economic Partnership Agreements. The interim Agreement with Ghana, Ivory Coast and Cameroon has been signed by the European Commission and the Member States. The Agreement was signed by Ireland on 18 December 2008, following Dáil approval. There has also been progress on the Agreement with five of the countries of the Southern Africa Regional Development Community (SADC), which are expected to sign in the coming weeks. Negotiations with the remaining ACP countries are continuing, with a view to signature of interim Agreements during 2009.

In view of the interest in the Agreements which has been expressed on all sides of the House, I was very pleased to attend the recent meeting on the issues involved, which was organised

[Deputy Peter Power.]

by the Irish Section of the Association of European Parliamentarians for Africa (AWEPA). I took full account of the views expressed when I joined with a number of Ministers from other Member States in requesting that progress on the issue of Economic Partnership Agreements be reviewed at the meeting of the EU Development Council, which I attended in Brussels on 18 and 19 May. At the Council, which was attended by the EU Trade Commissioner, Baroness Ashton, I stressed the need to ensure the maximum degree of flexibility in these negotiations which is permissible under World Trade Organisation rules.

Ireland has consistently maintained the position that the objective must be to finalise Agreements which are supportive of the development needs of the ACP countries, and of their poverty reduction policies and programmes. I can assure the Deputy that we will continue to take a strong position, in order to ensure that a genuine partnership approach is maintained in the continuing negotiations between the Commission and its ACP counterparts.

Overseas Development Aid.

23. **Deputy Mary Upton** asked the Minister for Foreign Affairs the reason for the discrepancy between his Minister of State's recent appearance on RTÉ when he stated that since the Irish Aid programme focused on short-term emergency humanitarian aid, that there was no reduction in this, and the statement, later, by his Department that such funding had been reduced by 70%; the implications this has for the Irish Aid programme; and if he will make a statement on the matter. [21823/09]

67. **Deputy Eamon Gilmore** asked the Minister for Foreign Affairs the position in relation to the emergency response fund to human disasters and to the humanitarian relief fund. [21829/09]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): I propose to take Questions Nos. 23 and 67 together.

I welcome this opportunity to clear up any misconceptions about emergency funding through the Government's official overseas development programme, Irish Aid. Emergency response by Irish Aid is provided by way of the Emergency Humanitarian Assistance Fund (EHAF). The revised budgetary figure for EHAF is €56 million for 2009. This is a reduction of 30% and the new figure therefore amounts to 70% of the original figure of €80 million budgeted for spending under EHAF in 2009.

Emergency funding increased sharply in 2005 in the aftermath of the Tsunami. Following this adjustment in the 2009 budget, emergency funding is now in balance with the overall spend on Development Cooperation and now accounts for approximately 8% of total Irish Aid spending, a figure which is in accord with the average spent by all OECD countries.

Spending will be allocated throughout the full range of our established partnerships which include UN agencies, the Red Cross family and humanitarian NGOs.

In addition to EHAF, support for emergency responses is also available through a number of other Irish Aid funding channels. Irish Aid has a separate fund for Emergency Preparedness and Post Emergency Recovery (EPPR); there is the innovative Rapid Response Initiative which provides access to emergency humanitarian supplies at short notice as well as the Rapid Response Corps which makes humanitarian volunteers available to our partner agencies to assist in a response. Furthermore, our Programme Countries also provide emergency funding

from time to time. In 2008, the Ethiopia Country Programme made funding available for an emergency response to the drought in that country.

In addition to our bilateral response we should not forget that the European Union also responds to emergencies on our behalf. Through its Humanitarian Aid Office (ECHO) the EU provides hundreds of millions of Euro to humanitarian emergencies every year.

Question No. 24 answered with Question No. 18.

Diplomatic Representation.

25. **Deputy Pat Rabbitte** asked the Minister for Foreign Affairs his views on the re-establishment of an Irish embassy in Nairobi, Kenya. [21817/09]

33. **Deputy Bernard Allen** asked the Minister for Foreign Affairs the position in relation to establishing an embassy in Nairobi, Kenya; and if he will make a statement on the matter. [21790/09]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 25 and 33 together.

Ireland has a relatively small Diplomatic Service, operating on limited resources. While the opening of resident diplomatic missions abroad, including in Kenya, is considered by the Government on an ongoing basis, any expansion of our diplomatic network can, as I am sure the Deputy will appreciate, only be undertaken having regard to clear priorities and available resources. In sub-Saharan Africa, most of our Missions are located in countries where we operate a priority bilateral aid programme.

Ireland has enjoyed full diplomatic relations with Kenya since 1974. While a resident Irish Embassy was established in Nairobi in 1977, it was with great regret that we found ourselves having to close our Embassy in Kenya in 1988 due to severe budgetary constraints at the time.

The current position is that the Ambassador of Ireland in Tanzania, Ms. Anne Barrington, is also accredited to Kenya on a non-resident basis and there are no plans at present to change this arrangement. Ireland's Honorary Consul in Nairobi, Mr Joseph O'Brien, continues to provide an excellent service to our citizens who live in or visit Kenya.

The lack of resident diplomatic Mission does not diminish the importance we attach to our relations with Kenya. An example of the close engagement Ireland has in support of peace and stability in Kenya was seen following the disputed December 2007 elections and the ensuing violence. Ireland provided significant financial support for the successful efforts of former UN Secretary-General Kofi Annan to broker a peace deal. On foot of this agreement, a Government of National Unity was formed, and the then-Minister for Foreign Affairs, Dermot Ahern T.D., visited Kenya in April 2008 to demonstrate Ireland's support for the peace agreement and to encourage its full implementation.

Foreign Conflicts.

26. **Deputy Martin Ferris** asked the Minister for Foreign Affairs the initiatives that he and the EU will undertake in response to the massacre of thousands of Tamil civilians by the Sri Lankan government. [21712/09]

58. **Deputy Paul Connaughton** asked the Minister for Foreign Affairs the position in relation to the situation in Sri Lanka; and if he will make a statement on the matter. [21789/09]

148. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs if he will report on the emerging situation in Sri Lanka with particular reference to the need to eliminate human rights abuses and restoration of democracy; and if he will make a statement on the matter. [21995/09]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 26, 58 and 148 together.

As stated in response to the Priority Question today, I remain deeply concerned about the situation in Sri Lanka and in particular about the grave humanitarian crisis taking place there.

I fully endorse the conclusions of the EU General Affairs and External Relations Council (GAERC) held on 18 May 2009, which stated that “the EU is appalled by the loss of innocent lives as a result of the conflict and by the high number of casualties, including children, following recent intense fighting”.

I am also deeply disturbed by the reports of serious breaches of international humanitarian law by both sides in the conflict and I am firmly of the view that these must be subject to independent review. A Special Session of the UN Human Rights Council on the situation of human rights in Sri Lanka took place in Geneva on Tuesday and Wednesday. Ireland made a national statement at this Special Session. I very much regret that efforts by the EU and others to initiate an inquiry into breaches of international law during the recent fighting were resisted by a majority of Council members.

The immediate priority now must be to ensure the safety and welfare of all displaced civilians. This is going to be an enormous undertaking as there are already over 200,000 requiring assistance and at least 50,000 more who are expected to seek it in the coming days. The Government of Sri Lanka must fulfil its obligations under international law to protect all people under its jurisdiction. Camps in which displaced people are being assisted must be transferred from army to civilian control, entry to and departure from them must be strictly voluntary, and the camps must be temporary. Humanitarian agencies and independent observers must be given full access to these areas and the people in them.

The second priority is to get a post-conflict strategy underway without delay. This will need to focus on reconstruction, economic and social development, and the restoration of basic services in the Tamil North. Hopefully, plans can be agreed with the Government to enable a comprehensive programme to be mounted.

Thirdly, an inclusive reconciliation and peace process must be initiated. It will be essential that arrangements and mechanisms are in place to ensure the representation of the Tamil population and facilitate dialogue, negotiation and reconciliation. I welcome President Rajapakse’s stated intention to pursue a negotiated settlement with the Tamil community and very much hope that this can begin at an early date. Key to a successful process and sustainable peace will be political dialogue based on the principles of parity of esteem, consent, equality and the rule of law.

It will be important that the international community is involved in the peace process. International experience, expertise and support will be invaluable in terms of guiding the process, keeping it on track and serving as an independent facilitator. As I have stated in this House on a number of occasions, should the relevant parties there seek our advice in relation to the peace process, we would be happy to give consideration as to how we could best help.

Ireland would welcome further action by the international community, in particular by the UN Secretary-General and the UN Security Council, to assist in this process. In this context, I

am delighted that the Secretary-General visited Sri Lanka on 22-23 May. I welcome the emphasis he placed during his visit on the importance of making progress on meeting urgent humanitarian needs, on the fast-tracking of IDP screening processes, and on the initiation by the Government and other parties of a political process of dialogue, accommodation and reconciliation.

The EU has been extremely active in relation to Sri Lanka. As I have indicated above, Sri Lanka was discussed at the General Affairs and External Relations Council (GAERC) on 18 May and comprehensive conclusions were issued. An EU Ministerial Troika visited the country on 12-13 May. The EU has decided to allocate €3 million from its humanitarian response budget to address the needs of all the people affected by the conflict.

In view of the serious humanitarian crisis in the affected areas, Irish Aid is now providing funding of €308,000 for an emergency response through NGO partners, to include emergency medical and nutrition support, the provision of shelter, and distribution of food and non-food items. In addition, a member of Irish Aid's Rapid Response Corps has been deployed to Sri Lanka to assist in the emergency response effort of the UN Refugee Agency (UNHCR).

Question No. 27 answered with Question No. 13.

Question No. 28 answered with Question No. 18.

Question No. 29 answered with Question No. 13.

Good Friday Agreement.

30. **Deputy Damien English** asked the Minister for Foreign Affairs the position in respect of funding for North-South bodies under the Good Friday Agreement which come under his responsibility; and if he will make a statement on the matter. [21765/09]

Minister for Foreign Affairs (Deputy Micheál Martin): Arising from the Good Friday Agreement of 1998, six North-South Implementation Bodies and Tourism Ireland were established. These play a significant role in taking forward North-South co-operation on the island.

The North-South Bodies are jointly funded by the Government and the Northern Ireland Executive. Funding from each jurisdiction is provided on an agreed proportionate basis having regard to the benefits accruing to each jurisdiction and the specific factors related to each Body. The funding of the individual Bodies is a matter for the responsible Departments, North and South, in each case. My Department does not fund any of the North-South Bodies.

Total funding for the Bodies from both jurisdictions in 2008 amounted to some €187 million. Total Government funding for the Bodies in 2008 was €129 million. The budgets of the North-South Bodies for 2009 are under consideration by the sponsor Departments of the Bodies and the Department of Finance, together with their Northern counterparts, with a view to agreement within the North-South Ministerial Council. In that connection, the Department of Finance is working with the Northern Ireland Department of Finance and Personnel on an agreed approach on identifying savings in the budgets of the North-South Bodies in the coming year.

The North-South Implementation Bodies and Tourism Ireland remain an important component of the overall institutional architecture on this island arising from the Good Friday Agreement. They are unique, cross-jurisdictional entities which operate on an all-island basis under the overall direction of the North-South Ministerial Council. Since the re-establishment of the power-sharing institutions in 2007, the relevant Ministers have had a range of useful and productive meetings in relation to the Bodies with their Northern counterparts within the frame-

[Deputy Micheál Martin.]

work of the North-South Ministerial Council. The full and continuing effectiveness of the North-South Bodies remains a high priority for the Government.

Human Rights Issues.

31. **Deputy Arthur Morgan** asked the Minister for Foreign Affairs the steps Ireland and the EU are taking to ensure that medical and food aid and reconstruction materials enter and reach those who need them in Gaza. [21710/09]

143. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the action taken at EU and UN level to improve the situation in the Middle East with particular reference to the alleviation of hardship, human rights abuses, starvation and oppression in Gaza; and if he will make a statement on the matter. [21990/09]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 31 and 143 together.

There is no doubt that the current volume of aid passing into Gaza is insufficient. The UN continues to report on shortages of basic humanitarian supplies and the number of daily truck-loads of goods permitted into Gaza actually declined in April by 20%. While Israel is now allowing in some previously blocked items, such as paper for school books, overall quantities of aid have decreased and remain at the same inadequate levels as before the Israeli offensive in December and January. As a result, the humanitarian situation remains very precarious and the reconstruction process has yet to get truly under way.

Fundamentally, the situation can only be reversed by an immediate and unconditional reopening of the Territory's crossings points for both humanitarian and commercial goods. This is a point that both I and EU colleagues have made repeatedly to the Israeli authorities. Earlier this month, the EU Presidency, the European Commission and High Representative Javier Solana sent a joint letter to the Israeli Foreign Minister calling again for the opening of the crossing points and the unimpeded provision and distribution of humanitarian assistance to Gaza.

While the humanitarian situation is deeply troubling, I am especially concerned by the lack of progress with regard to the reconstruction of the Territory. It is now over four months since the unilateral ceasefires were put in place yet much of Gaza still lies in ruins. Israeli restrictions on the entry of construction materials into Gaza have not only prevented the repair of damaged homes but also the rebuilding of shattered infrastructure. As a result, thousands of Palestinians made homeless by the conflict remain living in tents and temporary shelters while there are also ongoing crippling shortages of clean water and electricity.

The priority remains to focus our efforts not just on the serious humanitarian situation — as pressing as that may be — but also on the longer term economic recovery of Gaza as well as support for efforts to promote Palestinian reconciliation. People in Gaza must be offered an economic and political future. The EU is firmly committed to achieving this goal. It is already the largest donor to the Palestinian people and in 2009 the Commission alone will provide over €554 million in financial assistance. The EU has consistently called for the reopening of Gaza's borders to aid the recovery process and is also prepared to reactivate and possibly extend its assistance in the management of the Territory's borders. The EU will also continue to support the development of the broader Palestinian economy, addressing the needs of the West Bank as well as Gaza, since both territories constitute the pillars of a future Palestinian State.

At a national level, total Irish aid funding to the Palestinian people in 2008 amounted to over €8.6 million which included €3.8 million in core support to the UN Relief and Works Agency (UNRWA), and €3 million for the Palestinian Authority, of which €1.5 million was for the purchase of fuel for the power plant in Gaza. Support was also provided to a range of civil society organisations for human rights and democratisation initiatives.

In 2009, while maintaining our core support for UNRWA, we have already provided an additional €1.5 million in special emergency funding to address the humanitarian consequences of the crisis in Gaza. Further funding allocations to the Palestinian people will be determined as the year progresses.

Middle East Peace Process.

32. **Deputy James Bannon** asked the Minister for Foreign Affairs the contacts he has had with Prime Minister Netanyahu; and if he will make a statement on the matter. [21785/09]

Minister for Foreign Affairs (Deputy Micheál Martin): My reply to Questions Nos. 1 and 4 have set out the importance I attach to making every effort to support and encourage the Middle East Peace Process.

I have not yet had any contact with Prime Minister Netanyahu, who in his short period since taking office has been constructing a budget and carrying out a comprehensive review of policy on the peace process. However, we remain, of course, in close and regular contact with the Israeli authorities through regular diplomatic channels.

Some of the statements and policies ascribed to Mr. Netanyahu and his new coalition partners are matters of concern. However, his Government has yet to set out its intentions following its internal review and his recent meeting with President Obama, and he has professed his commitment to making peace with Israel's Palestinian neighbours. I hope that he will be able to provide the courageous and imaginative leadership which Israel needs at this time.

Question No. 33 answered with Question No. 25.

Territorial Waters.

34. **Deputy Paul Kehoe** asked the Minister for Foreign Affairs the position in relation to Ireland's submission claiming an extension of the continental shelf under the 1982 United Nations Convention on the Law of the Sea; and if he will make a statement on the matter. [21793/09]

Minister for Foreign Affairs (Deputy Micheál Martin): The regime governing the exploration and exploitation of the continental shelf in international law is set down by the United Nations Convention on the Law of the Sea of 1982. Under that convention a coastal state is entitled to a continental shelf 200 nautical miles (approximately 370 km) in breadth regardless of whether its continental shelf physically extends that far, subject only to the similar rights of its coastal neighbours. It may also claim a broader shelf where it can show that the natural prolongation of its land territory under water actually extends beyond that limit. A claim to extended shelf must be supported by scientific and technical data and be established to the satisfaction of the UN Commission on the Limits of the Continental Shelf, which was created by the convention for this purpose. Ireland's shelf naturally extends beyond 200 nautical miles both to the west and to the south of the country. For the purposes of our claims we have divided the extended shelf into three sectors.

[Deputy Micheál Martin.]

The first sector is to the south-west of the country on the edge of an area known as the Porcupine Abyssal Plain. This sector (which is approximately half the size of the State's land territory) is not disputed by any other state and was therefore the subject of Ireland's first submission to the Commission, made in May 2005. Having considered this submission, in April 2007 the Commission issued its recommendations. These confirmed Ireland's entitlement to extend our continental shelf beyond 200 nautical miles in this sector and set out details of where the outer limit of the shelf should be established there. The recommendations permit Ireland to designate extended shelf of approximately 39,000 square kilometres in area.

This is a very satisfactory outcome and, accordingly, on 31 March last the Government made an Order under section 2 of the Continental Shelf Act 1968 which designates the additional seabed enclosed by the recommended limits as an area to which the 1968 Act applies. The Order has been laid before both Houses of the Oireachtas in accordance with section 14 of the Act. The effect of the Order is formally to establish the area concerned as Irish continental shelf.

The second sector of claimed extended continental shelf is in the Celtic Sea and the Bay of Biscay, where there are unresolved boundary issues with the UK, France and Spain. This sector was the subject of a joint submission made by the four countries in May 2006. It covers an area of approximately 80,000 square kilometres, which is slightly larger than the State's land territory.

The joint submission was examined by a subcommission established to consider the evidence submitted in support of it. The four states met with the subcommission on a number of occasions, following which it formulated draft recommendations on the entitlement of the four to extend the continental shelf in this sector and setting out details of where the outer limit should be established there. These recommendations were transmitted to the full Commission, which in turn adopted them on 24 March last. The recommendations are now under examination by the four states concerned, after which the question of division of the area between them will also be addressed.

Ireland also claims continental shelf in the part of the North-East Atlantic Ocean known as the Hatton-Rockall Area, which extends up to 500 nautical miles from the coast. Ireland and the UK agreed a maritime boundary on the continental shelf here in 1988 but this is not accepted by Iceland or Denmark, which is acting on behalf of the Færøe Islands, both of which also make extensive overlapping claims. The UN Commission's rules of procedure prevent its consideration of a submission concerning an area of disputed continental shelf without the consent of the states concerned. The four have met regularly since 2001 (most recently in London before Christmas) but have so far failed to reach an agreement that would allow the Commission to consider a submission on the area concerned.

In view of this, and in consideration of the 12 May 2009 deadline for the making of submissions that applied to Ireland, the Government authorised the making of a national submission to the Commission in respect of the Hatton-Rockall Area. This submission was lodged with the Commission in New York on 31 March. While the Commission's rules of procedure prevent its consideration without the consent of all the states concerned, submission at this time does preserve Ireland's legal position. In the meantime, the four states intend to keep the matter under regular review and we will continue to work for the creation of conditions that will permit consideration of the submission by the Commission as soon as possible.

Diplomatic Representation.

35. **Deputy Ulick Burke** asked the Minister for Foreign Affairs the reason he is closing down Ireland's consulate in Wales; if this will adversely affect relations with Wales; if there are plans to close further consulates; and if he will make a statement on the matter. [21867/09]

Minister for Foreign Affairs (Deputy Micheál Martin): It was with regret that I recently informed the Right Honourable, Rhodri Morgan A.M., First Minister of Wales, of the decision to close our Consulate General in Cardiff.

While the closing of the office will mean that we no longer have a full time representative based in Wales, I am determined that this necessary but regrettable action will not adversely affect Ireland's close relations with Wales and with the Welsh Assembly.

I assured the First Minister that this decision should in no way be construed as a downgrading of our relationship with Wales or with the Welsh Assembly. The Government is determined that the close co-operation between the two administrations will continue to be developed, bilaterally and through the British Irish Council. I am confident that Ireland's bilateral relationship with Wales can be fully sustained and promoted through the Irish Embassy in London and I have asked our Ambassador there to allocate the necessary resources to ensure this.

Ireland has a small diplomatic service, operating with limited resources. The significant budgetary pressures currently being faced by my Department, as for all Government Departments, means that difficult decisions are required. The decision to close the Consulate General in Cardiff was taken in this context. There are no plans currently to close further Consulates.

In the Government's "Smart Economy" document, published at the end of 2008, my Department committed to reviewing its network of missions abroad in order to ensure that they are operating at an optimum level of efficiency, are delivering tangible services and outcomes for the benefit of Ireland and its citizens, and that resources are aligned with our strategic objectives.

Foreign Conflicts.

36. **Deputy John Perry** asked the Minister for Foreign Affairs his views on Zimbabwe; if the international community is positive about the formation of a unity Government; and if he will make a statement on the matter. [21868/09]

Minister for Foreign Affairs (Deputy Micheál Martin): The formation of a unity government in Zimbabwe in February was far from being a solution to Zimbabwe's problems, but was nonetheless a sign of some limited progress in the political process. Three months on, there have been some improvements in the situation on the ground in Zimbabwe, notably in curbing hyperinflation and adopting the South African rand as the reference currency. However, the political situation remains very fragile, and I am gravely concerned by reports of continuing human rights violations, arbitrary arrests, torture of prisoners and abuse of the rule of law. The lack of real progress on many issues vital to Zimbabwe's recovery and the failure to reform media laws to allow for meaningful press freedom are causes of ongoing concern.

Among the many challenges facing the unity government is the continued failure of President Mugabe to address the issue of senior government appointments in a manner consistent with the September 2008 power-sharing agreement. Most notably, the retention of Gideon Gono as Governor of the Reserve Bank of Zimbabwe is detrimental to the interests of the country. The removal of Gono, whose abject mismanagement of the economy is blamed for Zimbabwe's

[Deputy Micheál Martin.]

collapse into financial ruin, is vital to build confidence among donors and among the international investors which Zimbabwe will need to contribute to its economic recovery.

The international community has stated its willingness to support the economic and social recovery of Zimbabwe, however re-engagement with the Zimbabwean government remains conditional on it meeting key benchmarks in respect of political reform, consistent with the goals set out in the power-sharing agreement. These agreed goals include full access to humanitarian assistance, restoration of the rule of law, commitment to the democratic process, respect for human rights and commitment to macro-economic stabilisation. The international community remains seized of the situation in Zimbabwe, and is monitoring the developments closely.

Ireland has worked closely with our EU partners in developing a consistent approach to Zimbabwe, and we have repeatedly stated our willingness to re-engage with a Zimbabwean government which returns to respect for human rights, the rule of law and sound economic management. Ireland and the EU will continue to monitor the situation, and maintain contacts with key African partners, including the African Union and the Southern African Development Community. It is clear that Zimbabwe's neighbours have a critical role to play in encouraging reform, and can bring the greatest influence to bear in achieving progress in implementing the power sharing agreement.

In keeping with other international donors, Ireland does not provide funding to the Zimbabwean government, but responds to the humanitarian needs of the Zimbabwean people through support for the work of multilateral and non-governmental organisations. Thus far in 2009, Ireland has committed funding of over €5 million to a range of humanitarian programmes in Zimbabwe, focused on food security, tackling HIV and AIDS and supporting civil society organisations providing essential services for the population.

It is vital for the future of Zimbabwe that the unity government delivers on the promise of reform, and secures for Zimbabwe's people real political freedoms, a return to the rule of law and economic development. Ireland will continue to work with our partners in the international community to encourage progress in these areas.

Overseas Development Aid.

37. **Deputy Kieran O'Donnell** asked the Minister for Foreign Affairs the percentage of the overall overseas aid budget which is being devoted to the implementation of the recommendations of the Hunger Task Force; and if he will make a statement on the matter.

[21800/09]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): The Report of the Government's Hunger Task Force (HTF), which was published in September 2008, recommended that Ireland can make a real contribution to tackling the root causes of hunger by increasing the productivity of smallholder farmers in Africa, by implementing programmes on maternal and infant under-nutrition and by ensuring that there is committed political action at national and international levels to give world hunger the priority it deserves.

I have welcomed this focused approach by the HTF on these three thematic areas and have also announced that the eradication of hunger will be identified as a key component of the official aid programme. In addition to making practical recommendations, the HTF also recommended that Ireland adopt an indicative target for the level of development assistance going to hunger related areas and suggested an allocation of 20% of Ireland's Overseas Development

Assistance be focused on hunger and hunger related activities by 2012. We are now working towards spending approximately 20% of our aid programme on hunger and hunger related projects and programmes.

Human Rights Issues.

38. **Deputy Martin Ferris** asked the Minister for Foreign Affairs if he will follow the French lead and without further delay make arrangements to offer protection to some of the innocent men in Guantanamo who will not be charged but have nowhere to go. [21711/09]

Minister for Foreign Affairs (Deputy Micheál Martin): I understand that France has taken an Algerian individual detained in Guantanamo who was cleared for release and who has family connections in France.

The acceptance of detainees is a matter for decision by individual Member States. The Taoiseach has indicated that Ireland is willing to be helpful to the US on this issue. This position was confirmed at a recent meeting between Irish and US officials. Along with our EU partners, we are working towards a common EU approach to the acceptance of detainees by Member States who decide to accede to the US request.

Overseas Development Aid.

39. **Deputy Deirdre Clune** asked the Minister for Foreign Affairs the Irish and other development non-governmental and missionary organisations that have been informed of reductions in funding from the overseas aid budget in 2009; the amount of the reduction in each case; and if he will make a statement on the matter. [21798/09]

43. **Deputy Tom Hayes** asked the Minister for Foreign Affairs the amount of the overseas aid budget that will be channelled through Irish and other development non-governmental and missionary organisations in 2009; and if he will make a statement on the matter. [21797/09]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): I propose to take Questions Nos. 39 and 43 together.

The overarching goal of the Government's aid programme, administered by Irish Aid, is the reduction of global poverty and hunger. Our partnership with development Non-governmental Organisations (NGOs) and missionaries represents a very important element of this effort, reflecting the broad support among the Irish people for the development programme. The OECD has confirmed that the proportion of funding channelled by Irish Aid through NGOs is higher than for any other international donor.

Irish Aid engages with development NGOs through the Multi-Annual Programme scheme, the Civil Society Fund and a number of Emergency funding schemes. It provides significant additional funding to NGOs under the development programmes in the nine priority countries for Irish Aid, where there is a commitment to long-term strategic assistance. Irish Aid also co-operates closely with Mísean Cara, representing the range of Irish missionaries working with the poor in the developing world.

In 2009, the total funding from the aid budget which will be provided to development NGOs and missionaries will amount to over €135 million. This funding will support the work of NGOs in livelihood and food security, rural economic development, health, education, gender equality and the fight against HIV and AIDS. Irish Aid will also provide significant additional funding to development NGOs in response to humanitarian emergencies and crises during the year.

[Deputy Peter Power.]

These figures reflect the decisions which have had to be taken across the aid programme following the difficult decision by the Government to reduce the overall budget for development assistance in 2009 to €696 million. The adjustment in funding plans includes a reduction of some 20% in funding for NGOs with which we have multi-annual funding agreements for long-term development activities and which receive annual grants of more than €500,000. The NGOs in question have been informed of the reductions. They are: Trócaire, Goal, Concern, Christian Aid, Self Help Ireland, Mísean Cara, Aidlink, Christian Blind Mission, Childfund, Children in Crossfire, Fairtrade, Fodesapso, Plan Ireland, Progressio, Sightsavers International Ireland, Tearfund, The Carter Center, Vita, VSO Ireland, and War on Want NI.

There has been no reduction in funding for NGOs which have multi-annual funding commitments of less than €500,000 per year for long term development activities.

I very much regret the need to reduce the overall budget for development assistance, and the decisions which have been necessary on funding to the NGO sector. They have been taken solely in the context of the need to stabilise the public finances. The NGOs affected by the budget adjustments have significant autonomy in the management of these adjustments across their programmes, in the context of their overall budgetary situation. Irish Aid is working closely with the representatives of the organisations to ensure that the impact of budget reductions on the poorest and most vulnerable is minimised.

40. **Deputy Tom Sheahan** asked the Minister for Foreign Affairs the number of long-term development workers, volunteers and missionaries in the developing world who will be funded in 2009 by the aid programme administered by Irish Aid; and if he will make a statement on the matter. [21799/09]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): The Government aid programme, administered by Irish Aid, is supporting and is supported by over 1,300 long term development workers, volunteers and missionaries in the developing world. Their work is an important element in the overall Irish contribution to the reduction and eventual eradication of global poverty and hunger.

The Government has directly supported the work of volunteers in the developing world since the official aid programme was established over 30 years ago. Initially, support was administered through the Agency for Personal Service Overseas. Since 2003, it has been administered directly through Irish Aid. Many of the non-governmental organisations which receive funding from Irish Aid also devote a proportion of this support to the participation of voluntary workers in their programmes. In addition to providing funding for Mísean Cara, the organisation which covers the personnel costs of missionaries in the developing world, Irish Aid supports a range of organisations which send long term and short term volunteers overseas. These include Voluntary Service Overseas, Suas, Serve, Goal and the United Nations Volunteer Organisation.

The Government will continue to provide substantial support for volunteering in 2009. I strongly welcome the interest being demonstrated by Irish people in pursuing volunteering opportunities in developing countries. The Irish Aid Volunteering and Information Centre was established in 2008 to promote responsible volunteering and to facilitate and harness this public interest in a constructive and positive manner. I was very pleased that over 400 people attended the Volunteering Fair organised by Irish Aid on 18 April in the Centre earlier this year. This level of interest reflects the high public support in Ireland for development and for our commitment to fighting global poverty.

Question No. 41 answered with Question No. 16.

42. **Deputy Eamon Gilmore** asked the Minister for Foreign Affairs the aid that has been given in recent times to the Karamoja area of northern Uganda. [21831/09]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): Uganda is one of the nine Programme Countries for the Government's aid programme, where we have a commitment to long term strategic assistance. The programme of support for Uganda, administered by Irish Aid, focuses on areas which will have the greatest impact on the poorest and most vulnerable people and communities.

Karamoja, in Northern Uganda, is the least socially and economically developed region in the country, with poverty levels of 69%, which is more than twice the national average. Literacy rates in the region are the lowest in Uganda, at 6%, compared to over 70% nationally.

Irish Aid has been providing support to Karamoja since 2004, focusing on the provision of secondary education. The main components of the programme are the construction and rehabilitation of schools, the provision of laboratory equipment, and a bursary scheme. In 2008, Irish Aid provided €4 million for school construction and rehabilitation. This programme involves the rehabilitation of 13 post-primary and training institutions in Karamoja and the construction of administration blocks, teachers' houses, latrines, classrooms, dormitories, libraries and laboratories. The construction of these new facilities, once completed, is expected to provide over 2,000 new school places.

In 2008, €200,000 was also allocated for the bursary scheme which provides support to allow students to avail of secondary education, 65% of these students are girls.

In addition to funds provided directly through the programme budget, Irish Aid provides significant support to a number of Irish non-governmental organisations in Karamoja, where Goal, Concern, and Trócaire are working to improve rural livelihoods and food security. Last year, Irish Aid also provided humanitarian funding of over €200,000 in response to emergencies caused by drought and food insecurity in Karamoja.

Question No. 43 answered with Question No. 39.

State Visits.

44. **Deputy Dinny McGinley** asked the Minister for Foreign Affairs the reason he did not meet opposition figures during his official visit to Cuba in February 2009; and if he will make a statement on the matter. [21870/09]

Minister for Foreign Affairs (Deputy Micheál Martin): I visited Cuba from 17 -19 February 2009 on what was the first working visit by an Irish Minister for Foreign Affairs. Cuba is undergoing a major transformation, and its relations with the EU have entered a new phase. I availed of this new context to discuss a wide range of political, economic and social issues, including human rights.

I held consultations with the then Foreign Minister, Mr. Felipe Pérez Roque. Our discussions focused on the ways and means to develop bilateral relations between Ireland and Cuba, as well as on EU-Cuba relations.

During my visit to Cuba, I also met with the Cuban Minister of Foreign Investment and Economic Co-operation to discuss possible sectors for economic cooperation. In this connection, I visited the world-renowned Genetic Engineering and Biotech Institute.

[Deputy Micheál Martin.]

Human rights issues formed a substantial part of the agenda in my consultations with the Foreign Minister. As the purpose of my visit to Cuba was to open up contact with the Cuban authorities, I did not meet with representatives of opposition figures. I hope and expect that Irish and EU relations.

Overseas Development Aid.

45. **Deputy Pat Breen** asked the Minister for Foreign Affairs the action he has taken in responding to the UN's appeal for humanitarian aid for more than 1.5 million people being displaced by fighting in Pakistan; and if he will make a statement on the matter. [21864/09]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): Since August 2008, conflict between militants and government troops in parts of Pakistan's Federally Administered Tribal Areas (FATA) has led to over half a million people being displaced. Over the last two weeks, an additional 1.1 million people have been displaced from a number of districts of the North West Frontier Province (NWFP) as a result of increased fighting between the Pakistan Army and militants. The total number of registered Internally Displaced People (IDPs) is now estimated by local authorities to be 2 million, out of which an estimated 65% are children. Thankfully the vast majority of these people are staying with relatives and friends and have not been obliged to live in camps.

I am very concerned about the welfare of the people who have been displaced and my Department is currently examining the UN Flash appeal for humanitarian assistance. We are also in discussions with a number of our established NGO partners. The outcome of this examination and of our on-going discussions will determine our response to this humanitarian crisis.

In the meantime, an immediate response has been provided by the UN's Central Emergency Response Fund (CERF) which has released more than US\$8.3 million so far this year. Ireland is the 7th largest donor to the CERF. We will continue to monitor the situation carefully and will make a decision on any further assistance based on the needs of the Pakistani people as well as our ability to make an effective intervention.

Question No. 46 answered with Question No. 18.

Military Neutrality.

47. **Deputy Aengus Ó Snodaigh** asked the Minister for Foreign Affairs his views on whether it is appropriate for the vice-president of the United States to address US military troops in Shannon Airport in view of the fact that Ireland is a neutral country and the US military involvement in the war in Iraq. [21705/09]

Minister for Foreign Affairs (Deputy Micheál Martin): The arrangements in place regarding the use of Shannon by the US military are long-standing arrangements which have been in place for decades and are not specific to the current situation in relation to Iraq. The Deputy will be aware that a resolution to continue to make the Shannon facilities available was approved by the Dáil in March 2003. I would further point out that the present US military involvement in Iraq is as part of the Multinational Force authorised under UN Security Council Resolution 1511 and for which the Security Council reaffirmed its support in Resolution 1546 of 8 June 2004.

The aircraft carrying US Vice-President Joseph Biden landed in Shannon on the evening of 18 May 2009 in order to refuel. Vice President Biden was en-route from Andrews Air Force

base to Sarajevo. Permission for the aircraft to land at Shannon airport was granted in accordance with the normal procedures.

I understand that during his stopover the Vice-President met with and spoke to a number of US military personnel in transit at the time. This appears to have arisen spontaneously. It has no implications whatsoever for Ireland's traditional policy of military neutrality.

Diplomatic Relations.

48. **Deputy Paul Kehoe** asked the Minister for Foreign Affairs the contacts he has had with the new President of South Africa; and if he will make a statement on the matter. [21783/09]

Minister for Foreign Affairs (Deputy Micheál Martin): Jacob Zuma was elected President of South Africa by the country's parliament on 6 May, following a general election in which Mr. Zuma's African National Congress won more than 66% of the vote. Mr. Zuma becomes the fourth President of South Africa since the transition to democracy following the end of the apartheid regime.

On behalf of the people of Ireland, President McAleese has written to President Zuma to congratulate him on his election and wish him well in his new position. The President was represented at President Zuma's inauguration in Pretoria on 9 May by our Ambassador to South Africa.

Ireland enjoys a strong relationship with South Africa, and senior officials from both countries met in Dublin in late April in the aftermath of the South African general election in the context of the Ireland-South Africa Partnership Forum. South African officials provided a briefing on the priorities of the incoming administration, in the areas of education, health, safety and security, judicial reform and job creation.

South Africa continues to be a source of stability in the southern African region, and an important partner for both Ireland and the EU. I look forward to working with President Zuma's new administration to advance our common interests internationally and to support peace, stability and prosperity in Africa.

Overseas Development Aid.

49. **Deputy Róisín Shortall** asked the Minister for Foreign Affairs the extent of the cut to Ireland's contribution to the Global Fund to Fight Aids, Tuberculosis and Malaria; the impact of this cut on the prevention and treatment of disease in developing countries; and if he will make a statement on the matter. [21850/09]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): I very much regret the fact that the Government were obliged, in response to budgetary pressures, to make short term reductions in the development co-operation budget. This adjustment to the aid budget has necessitated some modification in planned expenditure across the programme consistent with the central priority of our aid programme — the reduction of global poverty and hunger in the poorest countries of the world, especially in Africa. We are determined, once the Irish economy has returned to a pattern of sustainable growth, that we will resume expansion of the aid programme. Notwithstanding the reductions in the development co-operation budget, Ireland will continue to spend over €100 million a year to address HIV and AIDS and other communicable diseases.

Our contribution to the Global Fund to Fight Aids, Tuberculosis and Malaria will be €10 million in 2009. This is a reduction from the €17 million originally envisaged. However, total

[Deputy Peter Power.]

donor pledges to the Global Fund amount to US\$19.2 billion, of which US\$9.5 billion are for the three years 2008 to 2010. In this context the cut of €7 million represents only about one tenth of 1%, and will therefore not have any major negative impact on Global Fund operations. It should also be noted that, even with our reduced contribution, Ireland remains one of the world's top ten most generous nations in terms of Global Fund support in relation to GNP *per capita*.

Ireland will continue to play a key role in the Global Fund. In fact, engagement is set to increase as Ireland takes up the vice-chair of the influential Point Seven constituency of the Fund, with which comes an alternate seat on the Executive Board. In this position Ireland will use its comparative strength in relation to aid effectiveness to pursue improved efficiency in the use of funds, and thus the attainment of greater overall value for money and improved outcomes for the prevention and treatment of these three diseases.

Greenhouse Gas Emissions.

50. **Deputy Joanna Tuffy** asked the Minister for Foreign Affairs if he will ensure that the European Union will offer adequate financial support to countries which have to adhere to climate change targets and may have difficulty in doing so. [21827/09]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): Under the United Nations Framework Convention on Climate Change (UNFCCC), and its Kyoto Protocol, binding targets have been set for the developed countries, but not for developing countries. The targets relate to reductions in the amount of greenhouse gases being emitted by developed countries. They are referred to as mitigation targets. No mitigation targets have been set for developing countries, in recognition of their minimal contribution to past greenhouse gas emissions and of the current and future needs of their economies.

The EU has demonstrated global leadership on the issue of emissions reduction and mitigation. It has translated the collective EU target set in Kyoto in 1997 into individual national targets for the Member States. It is agreed that any shortfall in meeting these individual targets will be met by Member States through the purchase of carbon credits under the EU carbon emissions trading scheme. These credits are purchased primarily through public finances, and are used to fund emission reduction activities in developing countries.

The EU has also taken a strong lead role in the preparations for the major international conference to be held in Copenhagen in December to agree a successor to the Kyoto Protocol. Ireland is participating actively in the development of the EU's position on the complex range of issues which need to be addressed, taking into account the needs of the environment, and of development. We consider it crucial that a global, comprehensive and ambitious climate change agreement is reached at Copenhagen.

The Minister for the Environment, Heritage and Local Government has primary responsibility in this area. In order to ensure a consistent and coherent Irish position, the Department of Foreign Affairs has worked closely with his Department and with the Department of Finance in relation to climate change targets. We are all in agreement that the outcome of the Copenhagen Conference should support existing efforts to assist developing countries in dealing with the devastating effects of climate change.

The Spring European Council on 19 and 20 March 2009 confirmed clearly that the European Union will take on its fair share in helping finance the far-reaching measures which developing countries will have to take in order to adapt to the effects of climate change. The detailed

implications for the EU will be examined further by the June European Council. The Government strongly supports the position that the EU must contribute its fair share in financing climate change actions in developing countries under any future global climate change agreement.

EU Enlargement.

51. **Deputy Dinny McGinley** asked the Minister for Foreign Affairs if all obstacles have been cleared to make way for Croatia's entry to the EU; and if he will make a statement on the matter. [21871/09]

Minister for Foreign Affairs (Deputy Micheál Martin): Croatia hopes to conclude its accession negotiations in 2009. The European Commission has produced a road map for the conclusion of these negotiations, but this depends on Croatia making the required progress on the outstanding issues. These include privatising shipyards; judicial reform; organised crime; minority rights; and co-operation with the International Criminal Tribunal for the Former Yugoslavia (ICTY).

To date, Croatia has opened 22 of the 35 chapters of the negotiations. Of these, seven negotiating chapters have been provisionally closed. A dispute with Slovenia over maritime and land borders has blocked the opening of a further eleven chapters. Two planned inter-governmental conferences with Croatia to deal with accession issues have been postponed. The European Commissioner for Enlargement, Olli Rehn, has made a number of proposals to try and solve the border issue in a way that would allow the accession negotiations to proceed. His latest proposals are still being considered by the parties.

Ireland is fully supportive of Commissioner Rehn's efforts to find a solution to the impasse. A resolution to this dispute would give a significant boost to the accession process by removing one of the few remaining obstacles to the further progress of the negotiations.

Inter-Country Adoptions.

52. **Deputy Michael D. Higgins** asked the Minister for Foreign Affairs the efforts he is making to finalise an agreement on inter-country adoption with the Socialist Republic of Vietnam; if he plans on visiting that country to help secure the agreement; the level of support he is providing to the Department of Health and Children; and if he will make a statement on the matter. [21851/09]

Minister for Foreign Affairs (Deputy Micheál Martin): As the Deputy is aware, the Office of the Minister for Children and Youth Affairs is working to create the appropriate legislative, policy and administrative frameworks that will ensure a well regulated regime of adoption, the aim of which is to support and protect prospective parents and, more importantly, the children for whom adoption services are devised and provided.

In addition, the Government is working towards securing a strengthened bilateral agreement with Vietnam. In light of concerns raised by other countries and which emerged during 2008, the Government decided it was necessary to seek a strengthening of the existing arrangements with Vietnam. With the publication of the Adoption Bill 2009, it was also considered necessary to ensure that both the content of a new agreement and its implementation would meet the minimum standards set out in that Bill and in the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption. There has been ongoing close co-operation between my Department, the Office of the Minister for Children and Youth Affairs and the Attorney General's Office on the issue.

[Deputy Micheál Martin.]

The Embassy in Hanoi has also played a major role in facilitating on-going dialogue with the Vietnamese authorities, and has been in regular contact with a number of Government Departments in Hanoi, again with a focus on achieving the requisite strengthening of procedures for the protection of children in any new bilateral arrangement.

The Minister for Children and Youth Affairs has stated on several occasions his wish to speedily conclude discussions on the text of the bilateral agreement, a draft of which is already under consideration. However, that is not to say that any guarantee can be provided in relation to the outcome of that process.

I and my Cabinet colleagues do not wish to speculate on the timeframe for or the outcome of these negotiations. There has been a high level of engagement on both sides and it is clear from progress so far that there is a willingness on both sides to bring the negotiations to a successful conclusion.

The need for any ministerial visit to Vietnam will be determined by the developments in the coming days and weeks. Our Embassy in Hanoi is keeping in close contact with the Vietnamese authorities. In this regard, the Deputy will be aware that the Minister for Children and Youth Affairs is already committed to travelling to the Socialist Republic of Vietnam at any time to facilitate the successful conclusion of these discussions, as and when appropriate.

Foreign Conflicts.

53. **Deputy Olwyn Enright** asked the Minister for Foreign Affairs the position in Pakistan; and if he will make a statement on the matter. [21767/09]

63. **Deputy Seán Sherlock** asked the Minister for Foreign Affairs his views on the language being used in relation to the response to terrorism by the government of Pakistan, which was reported as seeking the elimination of all terrorists. [21819/09]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 53 and 63 together.

The military offensive against the Taliban, which re-opened in the Swat area of Pakistan at the start of May, is continuing. It follows the breakdown in a ceasefire agreement with local militants which had allowed for the introduction of sharia law in the Malakand district to which Swat belongs. Real concern had been expressed, both in Pakistan and within the international community, about the extension of Taliban influence in the country.

The human cost of the military offensive is very great. The most recent figures provided by UNICEF state that the number of displaced people formally registered by local authorities, including since 2 May as a result of fighting in the Lower Dir, Buner and Swat districts of Pakistan's north-west, has now surpassed 2 million. About 200,000 of these are in camps and the rest are staying with their families and friends or in schools and other communal buildings.

The UN has acknowledged that the scale of the displacement is extraordinary in terms of its size and speed, and that it is causing incredible suffering. A UN Flash Appeal for humanitarian assistance has been launched and is currently being examined in my Department. My officials are also in discussion with a number of our established NGO partners. For its part, the European Commission announced on 14 May that it will release €5.5 million in immediate humanitarian assistance and that it is ready to step up this assistance if required.

There is no doubt that the Government of Pakistan is facing enormous internal security challenges. The Irish Government fully recognises the sacrifices made by the Pakistani people in their struggle against terrorism and extremism. However, I do not believe that use of the kind of language to which Deputy Sherlock refers in his question is helpful.

It is essential that the Pakistan authorities conduct the military campaign against the Taliban with full regard for the welfare of the internally displaced persons (IDPs). In this respect, I fully support the EU Presidency statement of 14 May which called on the Government of Pakistan to pay close attention to the situation of the IDPs as well as to the protection of human rights. The Government must continue its efforts to strengthen civil society mechanisms in Pakistan so that the lives of all its citizens can be improved.

There is a keen desire in the EU to strengthen and deepen relations with Pakistan and Ireland is strongly supportive of these efforts. Pakistan is critical for regional stability and co-operation in South Asia, as well as in the global context. Foreign Ministers discussed Pakistan at the General Affairs and External Relations Council (GAERC) on 8 December last and issued comprehensive Council Conclusions. These welcomed the consolidation of democratic civilian rule in Pakistan in 2008 and outlined steps for further strengthening bilateral relations. In this context, the first EU-Pakistan summit meeting will be held in Brussels on 17 June. I hope that there will be tangible results from this meeting, including in the areas of trade and development co-operation, and that it will provide the basis for enhanced engagement into the future.

Question No. 54 answered with Question No. 13.

Lisbon Treaty Referendum.

55. **Deputy Phil Hogan** asked the Minister for Foreign Affairs the position in relation to the holding of a second referendum on the Lisbon Treaty; and if he will make a statement on the matter. [21786/09]

72. **Deputy Róisín Shortall** asked the Minister for Foreign Affairs the date and the form, including such guarantees as have been referred to in the press, of his next proposed consultation with the public here on the matter of a European treaty. [21849/09]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 55 and 72 together.

The Government is working with the other Member States and the EU institutions to finalise the texts of the legal guarantees which the European Council agreed in December should be given to Ireland.

Specifically, we are finalising texts in the areas of taxation, defence and the provisions of the Constitution on the right to life, education and family. We are also working on a Declaration confirming the high importance the EU attaches to social issues, including workers' rights. In accordance with the December European Council's Conclusions, it is intended that this work should be finalised at the June European Council.

If the Government is fully satisfied with the outcome of this work — and we have stressed the need for legally robust guarantees — we are committed to seeking ratification of the Treaty by the end of the term of the current Commission, which is due to leave office at the end of October.

[Deputy Micheál Martin.]

In this event, the Government will introduce legislation — possibly before the summer recess — to provide for the holding of a referendum later in the year.

Foreign Conflicts.

56. **Deputy Seán Sherlock** asked the Minister for Foreign Affairs the progress made through the medium of the United Nations or other agencies towards resolving the conflict over the future of Kashmir. [21818/09]

Minister for Foreign Affairs (Deputy Micheál Martin): The situation in Jammu and Kashmir continues to be fragile, despite improvements following the State elections in Indian-administered Jammu and Kashmir in December 2008. I very much welcome the fact that these elections took place in a generally peaceful atmosphere. The elections resulted in the victory of the National Conference Party and the swearing-in of Omar Abdullah as Chief Minister in the State. Likewise, I welcome the fact that the more recent Indian General Election in Indian-administered Jammu and Kashmir also went off relatively smoothly and peacefully. I believe that the elections are indicative of the strong desire of the people of Kashmir to live in a society where politics rather than militancy determines their future.

A new government has also recently been elected in India with Prime Minister Manmohan Singh returning to power with a much strengthened mandate. This, along with the election last December of the new state government in Jammu and Kashmir, presents a fresh opportunity for India to focus its efforts on finding a solution to the problem of Kashmir, which has long been an obstacle to the normalisation of relations with its neighbour, Pakistan.

Developments in Pakistan, including the holding of democratic elections in February 2008, which ushered in the formation of a new government, and President Zardari's subsequent accession to office in September, had also augured well for an improvement in relations between the countries, and brought hope that progress might be made on resolving the conflict in Jammu and Kashmir.

Indications of the potential for an improvement in relations were evident in the outcome of a meeting in September last year between Prime Minister Singh of India and President Zardari, which included a pledge to resolve all outstanding issues between the two countries and bring lasting peace to the region.

Unfortunately, the Mumbai attacks of 26 November provoked an increase in tensions between India and Pakistan and the suspension of the Composite Dialogue, a process established in January 2004 to address contentious issues between the two countries, including Jammu and Kashmir. As a result, there has been an absence of progress in efforts to resolve the conflict.

Any resolution of the conflict will be dependent on good relations between India and Pakistan, as well as political will on both sides. It is important that every effort be made by the two countries to resolve the issues which have fuelled current tensions. The United Nations Military Observer Group in India and Pakistan (UNMOGIP) continues to serve in the State of Jammu and Kashmir. Its mandate is to supervise the ceasefire between India and Pakistan. The mandate does not include a political element.

Ireland, together with its EU partners, will continue to monitor the situation closely and encourage all constructive efforts to make progress on the issue.

Question No. 57 answered with Question No. 18.

Question No. 58 answered with Question No. 26.

Decentralisation Programme.

59. **Deputy David Stanton** asked the Minister for Foreign Affairs the cost to date of the decentralisation of Irish Aid to Limerick; and if he will make a statement on the matter. [21801/09]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): Under the Government's decentralisation programme announced in 2003, 125 posts attached to the Development Cooperation Division of the Department of Foreign Affairs were to decentralise to Limerick. The Division is the Headquarters of Irish Aid. Following sanction of an additional 20 posts by the Department of Finance in 2005, the total number of posts attached to Irish Aid Headquarters increased to 145. Of these, 138 have now decentralised, moving to the new Irish Aid Headquarters building in Limerick in November 2008.

The principal cost associated with decentralisation is that of accommodation. This is a matter for the Office of Public Works. In addition to such property costs, and excluding staff costs, the Department of Foreign Affairs spent €833,276 in the period from January 2004 to date on the completion of the decentralisation project. The largest elements in these costs related to the purchase of ICT equipment and office machinery, as well as additional telecommunications costs for the interim premises and new permanent Headquarters.

In addition to the costs associated with the implementation of decentralisation, there are ongoing travel and subsistence costs associated with travel on business by officials between Limerick and Dublin.

Question No. 60 answered with Question No. 16.

Foreign Conflicts.

61. **Deputy Denis Naughten** asked the Minister for Foreign Affairs if the political situation in the Balkans is causing instability in the region; and if he will make a statement on the matter. [21863/09]

Minister for Foreign Affairs (Deputy Micheál Martin): Together with its EU partners, Ireland attaches considerable importance to achieving stability in the countries of the Western Balkans, which the European Council, meeting in Thessaloniki in 2003, recognised as having a perspective towards EU membership. The European Union's Stabilisation and Association (SAA) process provides the framework for co-operation on economic, political and legal matters and aims to bring countries closer to EU standards and principles. Stabilisation and Association Agreements have now been signed with all the countries in the region except Kosovo.

Croatia is at an advanced stage in its EU accession negotiations and hopes to bring them to completion as soon as possible — provided it addresses the outstanding issues, including full cooperation with ICTY.

The EU continues to work closely with the former Yugoslav Republic of Macedonia as it works towards opening EU accession negotiations. In March, elections were held there and in Montenegro. The conduct of these polls was found to be largely in line with accepted international standards, which will be taken into account in the Commission's reports on these countries due later this year. On 15 December 2008, Montenegro submitted its application to the European Union, which the Council has referred to the European Commission for a formal opinion.

[Deputy Micheál Martin.]

Albania submitted a formal application to join the EU on 28 April 2009.

Serbia signed a Stabilisation and Association Agreement (SAA) and an Interim Agreement, dealing with economic and trade matters, on 29 April 2008. The subsequent arrest of Radovan Karadzic on 21 July 2008 was welcomed by the September GAERC as a major achievement in Serbia's cooperation with the International Criminal Tribunal for Yugoslavia (ICTY). However, the SAA ratification process and the implementation of the Interim Agreement will not proceed until the Council decides unanimously that Serbia is cooperating fully with the Tribunal.

With regard to Bosnia-Herzegovina, the November 2008 GAERC noted the lack of progress achieved since it signed a Stabilisation and Association Agreement last June. Enhanced EU engagement was agreed to be necessary to help promote stability, especially during the transition from the Office of the High Representative to that of EU Special Representative. Earlier this month, the Council welcomed progress on preparatory work for a possible evolution of Operation ALTHEA. This force had originally been deployed under Chapter VII of the UN Charter to ensure continued compliance with the Dayton/Paris Agreement and to contribute to a safe and secure environment in BiH. The May GAERC agreed this Operation would be kept under regular review so that a decision on its future could be taken once the necessary conditions had been met. The Council reiterated that the possible evolution of Operation ALTHEA would need to take political developments, including the future role of the EU Special Representative, into account.

After the Kosovo Assembly's declaration of independence on 17 February 2008, EU Foreign Ministers quickly agreed a common response reaffirming willingness to play a leading role in strengthening stability, including by means of the ESDP rule of law mission, EULEX KOSOVO. It also agreed that Member States would decide, in accordance with national practice and international law, on their relations with Kosovo.

As the Deputy may be aware, 22 EU Member States, including Ireland, have recognised Kosovo's independence. Following the coming into force of the new Kosovo Constitution on 15 June, the EU's main aim has been the smooth transition from the UN mission (UNMIK) to EULEX KOSOVO. Since 9 December 2008, the latter Mission has been operating throughout Kosovo, including the Serb majority areas in the North, and has contributed greatly to maintaining stability in the country. EULEX KOSOVO includes eight members of the Garda Síochána and one support staff member from the Department of Defence. During a visit to Kosovo on 22 December, the Taoiseach and the Minister for Defence met with members of the 233-strong UN-mandated KFOR peacekeeping force and Garda members of EULEX. The visit also included a meeting with Kosovo's President Sejdiu and Prime Minister Thaci. Since then, on 21 January 2009, the new Kosovo Security Force (KSF) was launched and assumed its duties under the supervision of NATO. It comprises 2,500 troops with 800 reservists.

On 8 October 2008, on the basis of a draft resolution tabled by Serbia, the UN General Assembly agreed to request an advisory opinion of the International Court of Justice (ICJ) on whether Kosovo's unilateral declaration of independence is in accordance with international law. With Government approval, my Department presented a written statement to the International Court of Justice in support of the unilateral declaration of independence by Kosovo of 17 February 2008. This approach has been followed by a number of other countries, including some EU Member States and the US, while Serbia has tabled documents in support of its position, which is shared by some Member States of the EU and others. The ICJ is now considering the submissions and its further deliberations are awaited.

I can assure the Deputy that Ireland, together with our EU partners, will continue to engage closely with developments in the Western Balkans. The international community shares our concern for stability in the region, as shown by recent visits of the EU's High Representative and the Vice President of the United States.

Question No. 62 answered with Question No. 18.

Question No. 63 answered with Question No. 53.

Overseas Development Aid.

64. **Deputy Willie Penrose** asked the Minister for Foreign Affairs the number of meetings that have been held of the inter-departmental committee on aid. [21841/09]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): The Government's 2006 White Paper on Irish Aid included the commitment to establish an Inter-Departmental Committee on Development, to be chaired at Ministerial level. The Committee was launched in April 2007 with the objective of strengthening coherence in the Government's approach to development and making best use of the expertise and skills available across the public service.

To date, eight meetings of the Inter-Departmental Committee on Development have been held. The most recent meeting was held last week, on 21 May 2009. Once agreed, minutes of the meetings are placed on the Committee's webpage along with reports and presentations made to the Committee by guest speakers.

As the current Chair of the Committee, I am pleased that it has become the key forum for the sharing of knowledge and views on development issues across Government Departments. The Committee is working to ensure that a strong development perspective is integrated into Government decision-making in all relevant areas. Based on a recommendation in its first Annual Report last year, the Committee is currently examining the preparation by a number of Departments of statements on their contribution to the improvement of policy coherence on development issues.

Since its inception, the Committee has discussed a number of important issues which cut across the responsibilities of a range of Departments. These include the report and recommendations of the Government's Hunger Task Force; the impact of climate change on development; the views of Non-Governmental Organisations on improving policy coherence for development; Ireland's engagement with the Bretton Woods Institutions; and the Netherlands' experience in developing a more integrated approach to development issues. The Committee has also received two presentations from the Institute for International Integration Studies at Trinity College Dublin on the preparation of its forthcoming report, 'Policy Coherence for Development, the State of Play in Ireland.' At each meeting, the Committee has also received updates on developments at EU level and on the ongoing work on policy coherence for development within the Organisation for Economic Co-operation and Development.

Foreign Conflicts.

65. **Deputy Olwyn Enright** asked the Minister for Foreign Affairs the position in Nepal; and if he will make a statement on the matter. [21766/09]

Minister for Foreign Affairs (Deputy Micheál Martin): The situation in Nepal has deteriorated since I last replied to a Parliamentary Question on Nepal on 27 January.

[Deputy Micheál Martin.]

The situation has been especially tense since the decision by the former Prime Minister, Pushpa Kamal Dahal (or “Prachanda”), to dismiss the Commander-in-Chief of the Army, Gen. Rookmangood Katawal, on 3 May over a disagreement regarding the integration of former Maoist combatants and the recruitment of soldiers into the Nepalese army. The decision caused the Communist party of Nepal — Unified Marxist-Leninist (CPN-UML) — to withdraw its support from Prachanda and his Maoist-led Government. In turn, the decision by the Nepalese President, Ram Baran Yadav, to veto the Commander-in-Chief’s dismissal led on 4 May to the resignation of the Prime Minister himself.

The integration of Maoist army personnel into a reformed national army is a central element of the peace process, but one which unfortunately remains unfulfilled. It was a key principle to which all parties subscribed under the Comprehensive Peace Agreement, but details as to how it would be implemented (including the number of former Maoist combatants who could join), were not agreed and the process of army reform has not yet begun. Recent reports of the recruitment of new personnel by the Nepalese Army, in contravention of the 2006 ceasefire agreement, has led to further dissension. It is vital that all sides comply with agreed commitments on this issue and work towards its speedy resolution.

I welcome the election of the new Prime Minister, Madhav Kumar Nepal, on 23 May. However, I note that the Maoists have said that they will not join the new Government. I call on all parties to act responsibly and in accordance with democratic principles in order to find common ground for peace and stability in the national interests of Nepal. It is important that all the political challenges facing the country should be resolved through dialogue and by peaceful means. In this context, the importance of making progress on the preparation of a new constitution before the deadline of 28 May 2010 set by the parties cannot be over-estimated.

Ireland is accredited diplomatically to Nepal through our Ambassador in New Delhi, who presented credentials there in April. Our Embassy in Delhi monitors developments in Nepal closely and remains in regular contact with parties there, including the Nepalese Government. The new Ambassador took the opportunity of his visit to Nepal in April to engage in political consultations with the Government and other parties and interests and to convey our views and concerns.

The EU is also actively engaged in Nepal and deployed an Election Observation Mission to monitor the elections in April 2008, to which Ireland contributed. Likewise, the UN Mission in Nepal (UNMIN) plays a vital role in facilitating the peace process. Its current mandate runs until 23 July. Ireland remains fully supportive of its work.

In 2008, Irish Aid provided funding of over €1.2 million to civil society organisations for development activities in Nepal. In addition, Ireland responded to the serious flooding in Nepal through a contribution of €89,000. A further €15,000 was provided towards the work of the Office of the High Commissioner for Human Rights in support of the Nepali Peace Process. To date in 2009, more than €650,000 has been allocated to civil society organisations for development activities in Nepal.

66. **Deputy Arthur Morgan** asked the Minister for Foreign Affairs if he will call for the suspension of the EU-Mediterranean Association Agreement with Israel, if Israel refuses to fully co-operate with the UN Human Rights Council Inquiry into war crimes in Gaza. [21709/09]

71. **Deputy Brian O’Shea** asked the Minister for Foreign Affairs the position regarding the commission of possible war crimes arising from recent events in Gaza. [21828/09]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 66 and 71 together.

During the course of the military operations in Gaza in December and January, I strongly and consistently condemned the use of disproportionate military force in the heavily populated area of Gaza, which carried with it a very high risk, indeed almost a certainty, of high civilian casualties. This was tragically proven to be the case. I also called therefore, on behalf of the Government, for a full investigation into military actions which might have been contrary to international law and/or international humanitarian law. These could include use of heavy weapons in close proximity to civilians, attacks on specific types of target, or inappropriate use of munitions such as white phosphorus incendiaries.

My condemnation of such military actions stands, whether or not they can be specifically judged to be war crimes, which depends on questions such as the intent in their use, the military value of the intended target, the efforts made to avoid civilian casualties etc.

It should also be clear that rocket attacks from Gaza, which are deliberately aimed at Israeli civilian populations, are contrary to international law and unacceptable.

I therefore welcomed the establishment by UN Secretary-General Ban of a panel of investigation into incidents involving UN facilities during the conflict. These included missile or artillery attacks by Israeli forces on or adjacent to UN premises, and the burning of buildings and humanitarian aid in the UNRWA compound following a phosphorus attack. Secretary-General Ban has now presented the Security Council with a summary of the conclusions of the panel, which includes strong criticism of the actions of Israeli forces in relation to a number of incidents. The UN is now pursuing these issues, including the question of compensation for material damage, with the Israeli authorities.

The UN Human Rights Council (HRC) has also established a panel to examine violations of international human rights and humanitarian law committed during the Gaza conflict. It is regrettable and unhelpful that the HRC mandate referred exclusively to actions by Israeli forces. However, both the President of the HRC and the head of the new inquiry have made clear their view that the team must investigate allegations against all sides. The appointment of the distinguished former South African judge Richard Goldstone to head the enquiry adds greatly to its credibility. Judge Goldstone's three colleagues include a retired Irish Army officer, Colonel Desmond Travers. Unfortunately, Israel has said it is not prepared to facilitate this investigation, on the basis that the HRC Resolution and mandate which established it have already pre-judged the facts. Nonetheless I am hopeful that the enquiry will be able to carry out its work.

EU Association Agreements with our Mediterranean partners provide the framework for the conduct of our relations, including especially practical cooperation on matters of mutual benefit. They also allow for direct political dialogue, including on issues of concern. The Government has consistently been opposed to proposals for trade, diplomatic, cultural, academic, sporting or other boycotts against Israel. We need to encourage and support Israeli and Palestinian political leaders in their efforts to negotiate a settlement based on a two-State solution. A policy of boycotts or exclusion would clearly not contribute to that process. Nor would such a proposal have any prospect of being agreed by the Council: rather it would only marginalise Ireland's voice on these important issues.

Question No. 67 answered with Question No. 23.

Overseas Development Aid.

68. **Deputy Denis Naughten** asked the Minister for Foreign Affairs the steps he is taking to ensure value for money with the overseas development aid budget; and if he will make a statement on the matter. [21691/09]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): As Minister of State with responsibility for our overseas aid budget, I am deeply conscious of the need to ensure value for money and impact on the ground in terms of poverty reduction.

I can assure you that the aid programme has in place a comprehensive programme of appraisal, planning, audit, and evaluation to ensure that funds are spent effectively and benefit the most vulnerable and poorest people of the countries in which we and our partners operate.

Our systems seek to maximise aid effectiveness and poverty impact, and ensure value for money. Proposals are appraised by Irish Aid staff using a number of different criteria, including quality of intended impact, sustainability, cost effectiveness and efficiency in the use of resources.

The Irish Aid strategic and annual business planning processes have a strong results focus which identifies specific results against which Irish Aid programmes are measured and evaluated. Programmes are continually monitored and assessed by both staff in the field and at headquarters to ensure that they are achieving results and that intended objectives and goals are being accomplished. External reviews are also conducted as necessary.

Irish Aid expenditure is subject to rigorous accounting, evaluation and audit controls. Programmes are regularly audited and evaluated by independent audit firms and by Irish Aid's Evaluation and Audit Unit. The Unit's work is also examined by my Department's independent Audit Committee. These audits and evaluations provide assurance that funds are used for the purposes intended and have a particular focus on poverty outcomes and value for money.

I am satisfied that the methods used by Irish Aid for planning and monitoring programmes, together with the audit and evaluation systems we have in place, serve to ensure value for money. Such methods are in accordance with international best practice and the highest standards in this area.

The OECD Development Assistance Committee (DAC) Peer Review of Ireland's Aid Programme, published last month, highly commended the quality and effectiveness of the Irish Aid programme. The Report stated that Ireland was a champion of aid effectiveness.

69. **Deputy Brian O'Shea** asked the Minister for Foreign Affairs the contacts he has had with a bank (details supplied) in terms of constructing an appropriate response to the impact of the global economic crisis on sub-Saharan Africa. [21830/09]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): The global crisis is beginning to adversely affect developing countries. In sub-Saharan Africa growth in 2009 is currently projected to fall to 1.7%. This follows years of solid growth. There is a real risk that cuts in public expenditure will reduce the provision of basic services in health, education and agriculture and progress towards the Millennium Development Goals (MDGs) could be reversed.

The Government's official overseas development programme, Irish Aid, is working internationally with our donor partners and in our priority Programme Countries to build joint responses to the crisis by agreeing on fast-acting measures that limit the impact on poor people and protect progress towards the MDGs.

The EU has just agreed a series of measures to support developing countries in coping with the crisis. These include the frontloading of the €1bn Food Facility and the establishment by the Commission of a special mechanism, which will provide rapid funding to support social protection measures in 2009 and 2010.

Ireland is not a member of the African Development Bank (AfDB). Irish Aid co-funds many programmes, including in health, education and agriculture, with the AfDB in our Programme Countries. Our Programme Country based staff are engaged with Governments and other donors, including the AfDB, to ensure that the provision of basic services, and other programmes critical to the lives and livelihoods of the poor, are protected as our Programme Countries seek to cope with the global economic downturn. Ireland is striving to ensure that the international response adequately addresses the needs of Least Developed Countries and that the national response provides protection to the poorest people in these countries.

Human Rights Issues.

70. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which he and his EU and UN colleagues have identified the top 10 countries worldwide wherein it is deemed that the most serious human rights abuses take place; the extent to which it has been possible to make a positive interference to address the issues; the extent to which the relevant authorities have accepted or intend to accept responsibility and are prepared to co-operate with the international community to resolve the problems; and if he will make a statement on the matter. [21802/09]

146. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs if he is satisfied that adequate steps are being taken or can be taken through the EU or UN to deal with human rights abuses; and if he will make a statement on the matter. [21993/09]

147. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the 20 countries currently most readily recognised for human rights abuses; the action taken or planned at EU and UN level to bring about an improvement in the situation; and if he will make a statement on the matter. [21994/09]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 70, 146 and 147 together.

Unfortunately, no part of the world is totally free from human rights abuses. As has been stated on previous occasions, in response to similar Questions, it is not the policy of the Government to draw up a 'league table' of countries deemed guilty of the most serious human rights abuses.

Human rights concerns remain central to our foreign policy. Together with our EU partners, the Government closely monitors the human rights situations in many countries throughout the world, on the basis of information obtained from a variety of sources including both official and non-governmental organisations.

Where and when the situation warrants, we make known our concerns about human rights violations to the Governments in question, either bilaterally, through the EU, or through action at the UN General Assembly and the UN Human Rights Council, including, in the case of the latter, through the new Universal Periodic Review process whereby the human rights performance of each UN State is reviewed.

[Deputy Micheál Martin.]

We support the use of the full UN human rights machinery in responding to human rights abuses, including supporting the role of UN Treaty Monitoring Bodies, Special Procedures and Mandate Holders and the convening, where appropriate, of Special Sessions of the UN Human Rights Council. At these UN bodies, the EU regularly makes statements on the human rights situations in a number of countries from all regions. Ireland is fully associated with these statements. The EU also introduces or supports resolutions dealing with specific countries.

Active participation in multilateral organisations such as the EU, the UN and the Council of Europe provides opportunities for Ireland to voice its concerns regarding human rights abuses. Through these organisations, international pressure can be brought to bear on those responsible for the violation of human rights.

The EU has adopted Common Positions on certain countries, which attach priority to promoting human rights, democracy, good governance and the rule of law. In addition, the EU conducts human rights dialogues with a number of countries and also raises human rights concerns as part of political dialogue meetings.

Together with our EU partners, Ireland has been a consistent and strong supporter of the International Criminal Court, recognising it as an essential means to combating impunity for the most serious violations of international humanitarian law and human rights law. The Court's Prosecutor has opened investigations into a number of country situations and we will continue to monitor this work closely.

The extent to which individual States comply with international human rights standards and obligations varies. Ireland urges all States to comply with their international obligations and in this regard stands ready, if requested, to assist States in complying with their obligations.

The risk of human rights violations is greater where political, economic and administrative systems are weak. Development is essential to allow people the full enjoyment of their human rights, and this concern is at the heart of Ireland's development co-operation programme. Irish Aid supports specific actions designed to promote human rights, including by strengthening government systems and in-country human rights institutions, in particular through legal training. Support is also provided for legal aid programmes targeted at victims of human rights abuses. Irish Aid has a specific focus on governance in several programme countries.

The Government will continue to avail of all the above-mentioned mechanisms as a means of highlighting violations of human rights and furthering their protection.

Question No. 71 answered with Question No. 66.

Question No. 72 answered with Question No. 55.

Question No. 73 answered with Question No. 10.

Consumer Protection.

74. **Deputy Finian McGrath** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will support a matter (details supplied). [21918/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): Prices are ultimately determined by prevailing market conditions including the costs of doing business.

As the circumstances outlined by the Deputy appear to be a business to business transaction it does not fall within the remit of the National Consumer Agency. In any event it is a matter for the purchaser to ensure that he/she gets best value from the market.

Community Employment Schemes.

75. **Deputy Noel Ahern** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position regarding numbers on community employment schemes; the number in each category on schemes, that is, invalidity, over 55 years, lone parents and so on; if additional numbers are being allowed; the instructions that have been given to FÁS to create new vacancies in view of the fact that persons in the over 55 years category are being let go to make room for more spaces. [21940/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): Community Employment (CE) is an active labour market programme designed to provide eligible long term unemployed people and other disadvantaged persons with an opportunity to engage in useful work within their communities on a fixed term basis. The purpose of CE is to help unemployed people to re-enter the open labour market by breaking their experience of unemployment through a return to a work routine and to assist them to enhance/develop both their technical and personal skills.

In response to the current economic difficulties, persons that are considered job-ready are progressed through FÁS Employment Services onto other options thus freeing up CE places for others in greater need.

In the April Budget I provided funds for 400 additional Community Employment places. Anyone wishing to apply for any CE scheme should register with their local FÁS Employment Services Office where their needs will be matched to the most appropriate FÁS intervention, which may include CE. All the additional CE places will be allocated through the normal FÁS gateway process operated by FÁS Employment Services.

A breakdown of the numbers on CE as at 25th May is provided in the following table.

Eligibility	Under 55	55 and over	Total
Lone Parents	4,745	218	4,963
Persons with Disabilities	3,619	2,237	5,856
Jobseekers Benefit	2,504	1,567	4,071
Jobseekers Allowance	3,145	1,388	4,533
Widows	249	471	720
Other	689	191	880
Supervisors	938	480	1,418
Total	15,889	6,552	22,441

Departmental Schemes.

76. **Deputy Niall Collins** asked the Minister for Finance the details of the cycle to work scheme as announced by him in the supplementary Budget of 7 April 2009; and if he will make a statement on the matter. [21901/09]

Minister for Finance (Deputy Brian Lenihan): Legislation was introduced in the Finance (No. 2) Act 2008 which allows an employer to incur the expense of providing an employee

[Deputy Brian Lenihan.]

with a new bicycle. The scheme also applies to safety equipment relating to cycling without the employee being liable for benefit-in-kind taxation. The legislation also permits the benefit-in-kind tax exemption to apply in the context of salary sacrifice, that is, where an employee agrees to forgo or sacrifice part of his/her salary in lieu of the provision of new bicycle by the employer. The employee will not pay tax, PRSI or income levies on the remuneration sacrificed. The scheme allows an employer to purchase a new bicycle and/or bicycle safety equipment up to a value of €1,000 once every 5 years on behalf of an employee.

A guidance note on the scheme including a series of Questions & Answers provided by the Revenue Commissioners can be found at: <http://www.revenue.ie/en/practitioner/law/bik-exemption-for-bicycles.pdf>. Circular 16/2009 Cycle-to-work relating to implementation in the civil service has just issued and may be viewed on www.finance.gov.ie.

OPW advertised last week for expressions of interest from vendors of bicycles, pedelecs and electrically assisted bicycles who wish to supply such equipment to those availing of the scheme in the civil and public service. The OPW information can be found at:

<http://www.opw.ie/en/OurBusinessUnits/GovernmentSuppliesAgency/Cycle-to-WorkScheme/>.

This site contains a list of suppliers. The list may be limited at the outset but shops and suppliers may apply to join at any stage.

National Flag.

77. **Deputy Lucinda Creighton** asked the Minister for Finance the reason the national flag is no longer flown in the front courtyard of a complex (details supplied) in Dublin 4 which is under the management of the Office of Public Works; and if he will make a statement on the matter. [21938/09]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The matter raised by the Deputy is currently under investigation by the Office of Public Works. I will write to the Deputy as soon as the results of the investigation are to hand.

Pensions Provisions.

78. **Deputy Michael Ring** asked the Minister for Finance if persons in permanent part-time employment have to pay the pension levy. [21963/09]

Minister for Finance (Deputy Brian Lenihan): Qualifying public servants are liable to pay the pension-related deduction whether they are permanent or temporary, and whether they are full-time or part-time. Section 2, subsection (1) of the Financial Emergency Measures in the Public Interest Act 2009 sets out the basis of qualification for liability to the deduction.

I should point out that the amended rates and bands, effective from 1 May 2009, mean that in future earnings up to €15,000 will be exempt from the deduction.

Medical Cards.

79. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the reason a person (details supplied) in Dublin 10 was refused a medical card. [21897/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Health Levy.

80. **Deputy Róisín Shortall** asked the Minister for Health and Children the steps a person should take to reclaim the health levy where it has been mistakenly taken from them over a number of years; and the number of years they are entitled to reclaim. [21875/09]

Minister for Health and Children (Deputy Mary Harney): A person who considers that they have made excess payments in respect of health contributions, should submit a claim in writing to the PRSI refund section of the Department of Social Community and Family Affairs. They are entitled to a full refund of any excess payments regardless of the number of years involved.

National Treatment Purchase Fund.

81. **Deputy Kathleen Lynch** asked the Minister for Health and Children if she will investigate if a person (details supplied) in County Cork will be treated under the National Treatment Purchase Fund; and if she will make a statement on the matter. [21878/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Community Care.

82. **Deputy Joe Costello** asked the Minister for Health and Children the resources she provided for support services for carers; the support provided for an association (details supplied) in Dublin 15; and if she will make a statement on the matter. [21879/09]

Minister for Health and Children (Deputy Mary Harney): My Department does not provide multi-annual funding to community or voluntary sector organisations. However, my Department does provide funding each year to community and voluntary organisations through its National Lottery allocation. In addition the Health Service Executive funds a wide range of voluntary bodies to provide services on its behalf or which are similar or ancillary to the services it provides. This funding includes the allocation of funds from the National Lottery Fund under its Vote.

The Deputy will be aware that this Government has, over recent years, provided significant additional investment either to put in place, or expand, a range of community based services such as Home Helps, Home Care Packages, Day/Respite Care, and Meals-on-Wheels. All of these are designed to support recipients and their families, so that those requiring care can remain in their own homes and communities for as long as possible. Additional funding of just over €200 million was provided to develop community services and supports for older people over the period 2006-2008.

I understand that part of the Deputy's question relates specifically to the Carer's Association in Blanchardstown, Dublin 15. The Department has not provided lottery funding to the Association in recent years. However I understand that the Executive provides ongoing funding to the Carers Association and I have asked the Executive to provide details of the funding allocated specifically to the Blanchardstown branch.

Health Services.

83. **Deputy Edward O'Keeffe** asked the Minister for Health and Children if she will make a home curam care grant available to a person (details supplied) in County Cork. [21885/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply.

84. **Deputy Edward O’Keeffe** asked the Minister for Health and Children if she will arrange an appointment in respect of a person (details supplied) in County Cork. [21886/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Hospitals Building Programme.

85. **Deputy James Reilly** asked the Minister for Health and Children if construction of the new National Rehabilitation Hospital facility in Dún Laoghaire, Dublin, will commence in 2009; if so, the quarter in which it will commence; and if she will make a statement on the matter. [21889/09]

Minister for Health and Children (Deputy Mary Harney): The Department of Health and Children and the Health Service Executive have been involved in ongoing discussions with the National Rehabilitation Hospital regarding its development proposals.

Clearly, development proposals such as this need to be considered within the context of an overall policy for the delivery of the relevant service. In the case of rehabilitation, there is an increasing demand, not just in Dublin but across the country, for new services and a growing requirement to enhance existing services.

Against that background, in July 2008, the Department of Health and Children and the Health Service Executive established a Working Group to develop a policy for the provision of rehabilitation services. Its terms of reference include the development of an appropriate policy framework for rehabilitation and a preferred model of care for the provision of rehabilitation services.

The Deputy will appreciate the need to ensure that the proposed development at the National Rehabilitation Hospital is in keeping with any future policy direction determined by the Minister in the light of the work of this Group. The Group is due to report later this year.

The proposed development at the National Rehabilitation Hospital will be considered further in the light of the findings and recommendations of the Working Group on the Provision of Rehabilitation Services, available health capital funding and other competing investment priorities.

Inquiry Report.

86. **Deputy James Reilly** asked the Minister for Health and Children her views on the recommendations of the recent report on the Monageer case (details supplied); if she will supply details of the implementation plan which has been put in place; the Department that has responsibility for ensuring that each of the recommendations are implemented; and if she will make a statement on the matter. [21890/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): I welcome the publication of the redacted report of the Monageer Inquiry. I believe that publication of the redacted report will facilitate greater awareness of the needs of families and will improve the response of service providers, and that there is great value in this.

The provision of appropriate, robust and responsive child welfare and protection services is a key priority for both me, as Minister of State with responsibility for Children and Youth Affairs, and the Government. The report of the Monageer Inquiry has identified a number of issues in relation to services for children and families, and my Office, the HSE and An Garda Síochána are taking actions on addressing the report's recommendations.

Some of the issues raised in the inquiry report relate to coordination and integration of HSE delivered services from hospitals, general practitioners, public health nurses, early intervention teams and other social work services, and the identification of a family with particular needs and the response to those needs.

I am pleased to acknowledge the new proposals unveiled in recent weeks by the HSE to support a more integrated health and social care system. The plan is to put in place a post under a National Director for Service Integration to address the service needs of children and families across the HSE. This is the first time that such an appointment has been made in respect of health and social services for children. Coordinating these services in order to provide an integrated multidisciplinary solution with good communication and clarity of roles and responsibilities goes to the heart of the recommendations of the Monageer Inquiry Report.

Another major development, and one which addresses some of the major communications issues identified by the Inquiry team, is the establishment by the HSE in February, 2009 of a Task Force to standardise policies and procedures for Child Protection and Welfare Services across the country, to be completed by the end of this month and implemented in June. This Task Force has involved detailed, in-depth consultation with social work staff and management in the HSE around the country and will set national standards across the HSE. It has examined issues around the reform of social work services, analysis of key management information flows and the definition and implementation of standardised business processes. The work of the Task Force will be significantly enabled through initiatives taken in the context of Information and Communication Technology (ICT) and my offices Knowledge Management Strategy.

Whilst I acknowledge the need to provide out of hours services across the country, a key finding of the Inquiry reads: "that even if the Gardai or Social Services had called to the Dunne family home during the course of the weekend, it is likely that the tragedy would not have been averted".

From June 2009, the HSE will operate a place of safety service for children, to enable gardai to place children in a safe environment when they have to remove children from a situation of extreme risk. The HSE is also putting in place a more integrated multi-disciplinary approach to out of hours services, building on existing GP, acute hospital and mental health services, to ensure that people seeking services outside normal working hours can be provided with appropriate advice, information and support and in emergency situations access to specialist staff such as professionals working in the areas of mental health and suicide prevention; Other recent initiatives include: The HSE is commencing a comprehensive review of nursing services in the community, which will cover public health nursing services as part of the HSE Transformation Programme and development of Primary Care Teams. This review will have regard to the role, function and reporting relationships of public health nurses and community registered general nurses, and will take specific account of the public health nursing service for children under five years of age by reviewing systems currently in place; In March 2009, the HSE initiated a process, led by a small group with experience in EIT services, to prepare a framework for the delivery of Early Intervention Services, covering both statutory and non statutory providers, to ensure a standard and consistent approach to the delivery of such services. The

[Deputy Barry Andrews.]

policy of the HSE is to refer children with disabilities to Early Intervention Teams as early as possible. The group has carried out an extensive survey to establish the stage of development of Early Intervention services in each region. Work will shortly be completed on the linkages and respective roles between Primary Care Teams and Early Intervention Services (including the role of the public health nurse). This will assist in early intervention identification and appropriate referral by GP's, public health nurses and others; The development and implementation of Standardised Business Processes for social work related services for children across the country, is a prerequisite to the implementation of the computerised single National Child Care Information System (NCCIS). The HSE has allocated additional resources to this work over the past 12 months and it is at an advanced stage.

The Child Welfare and Protection (CWP) processes being standardised include: Referral; Assessment; Child Protection; Family Support; Family Welfare Conferences; Children in Care; After Care Services; Fostering; Youth Homelessness; Separated Children Seeking Asylum; and Adoption.

The NCCIS is aimed at supporting front-line staff in their day-to-day operations; improving the quality and consistency of CWP services provided; and enabling collaboration between these services and Community and Voluntary services. The existing collection of legacy computer systems which are at the end of their lifespan cannot provide the type of management information on children at risk that is required at local and national level.

To date the HSE and the OMCYA have expended a considerable amount of time preparing the groundwork for the NCCIS which is urgently required to support Case Management. The NCCIS will facilitate the recording of the case history of every child referred, from initial contact with the HSE through to final outcome. The HSE has developed a Business Case to advance the implementation of this system which is under the Department of Finance for approval via a review process. The Monageer Report identified a significant number of issues in respect of Public Health Nursing, Early Intervention Teams and Child Care Services. A pilot project is currently underway in Wexford and will be fully rolled out from July 2009, taking account of the Report's recommendations. The learning achieved will inform the HSE National Transformation Programme (2007-2010).

The pilot project includes:

Mental Health Service — Suicide Crisis Assessment Nurse (SCAN)—

The SCAN Service provides a speedy response to the GPs or Primary Care Teams' request for those in suicide/self harm crisis. This service started in April 2008 in the Wexford and New Ross areas with 24 participating GP practices and will be expanded across Wexford county to all GPs and Primary Care Teams and will include Out of Hours provision;

Early Intervention Services—

A Project Worker will be appointed to undertake a system review of the Early Intervention Service in accordance with national standards and criteria and will improve co-ordination between the Early Intervention Service, Primary Care Teams, Specialist Services and the Acute Hospital and;

Enhanced Communication—

The use of Information Communication Technology to support the transfer of information between various health professionals.

I also wish to note the ongoing work to develop a greater understanding of the phenomenon of familicide. To further our understanding of the complexities of this occurrence, the HSE established a group headed by Geoff Day, Director of the National Office of Suicide Prevention in 2008. The work of the group is focusing on identifying risk and protective factors and the measures that can be taken to minimise such risks. The above initiatives demonstrate that the Government and the HSE have been quick to respond to the findings, conclusions, and recommendations of the report. The learning from this Inquiry is already being put to good use and my determination to improve services as a result of this learning is bearing fruit. This is what we should be concentrating on because we must look forward, learn and thus improve our responses in a coordinated and focused way in the best interests of children.

Child Care Services.

87. **Deputy James Reilly** asked the Minister for Health and Children if she will confirm that the arrangements to be put in place under recommendation 8.2 regarding the taking into care of a child, under Section 12 of the Child Care Act 1991, will include the simultaneous attendance of a Health Service Executive employee at the house, or other place, from where the gardaí intend to remove the child and that the handing over of the child to the custody of the HSE, as provided for under Section 12.3(1) of the Act will be made directly to an employee of the HSE and not to a person contracted by the HSE; and if she will make a statement on the matter. [21891/09]

88. **Deputy James Reilly** asked the Minister for Health and Children the number of families approved to participate in the new Health Service Executive foster care that will enable gardaí to place children in a safe environment when they have to remove children from a situation of extreme risk; and if she will make a statement on the matter. [21892/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): I propose to take Questions Nos. 87 and 88 together.

As these are service matters they have been referred to the HSE for direct reply.

Primary Care Services.

89. **Deputy James Reilly** asked the Minister for Health and Children the primary care centres that are up and running under the primary care strategy; the location of these facilities; and if she will make a statement on the matter. [21893/09]

Minister for Health and Children (Deputy Mary Harney): As the Deputy's question relates to a service matter it has been referred to the Health Service Executive for direct reply.

Medical Negligence Cases.

90. **Deputy James Reilly** asked the Minister for Health and Children the number of medical negligence cases involving mishaps at birth over the past three years; the settlement in each case; the amount paid in legal fees; the duration between lodging the claim and the judgement or settlement; and if she will make a statement on the matter. [21894/09]

Minister for Health and Children (Deputy Mary Harney): I have asked the State Claims Agency to compile the information requested by the Deputy and will arrange for it to be forwarded to him.

Medical Cards.

91. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the option available for persons (details supplied) in Dublin 10; and if she will make a statement on the matter. [21895/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Health Services.

92. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the reason a person (details supplied) in Dublin 10 has been refused adaptations for their house; and if she will make a statement on the matter. [21896/09]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Hospital Waiting Lists.

93. **Deputy Joe Costello** asked the Minister for Health and Children when a person (details supplied) in County Sligo will have their long awaited operation; and if she will make a statement on the matter. [21900/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Health Services.

94. **Deputy Joe Costello** asked the Minister for Health and Children if she will provide rehabilitation in Dún Laoghaire Rehabilitation Centre for a person (details supplied) in Dublin 1; and if she will make a statement on the matter. [21912/09]

Minister for Health and Children (Deputy Mary Harney): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

Hospital Waiting Lists.

95. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support the case of a person (details supplied) in Dublin 5. [21915/09]

Minister for Health and Children (Deputy Mary Harney): As this a service matter, it has been referred to the HSE for direct reply.

Hospital Services.

96. **Deputy Finian McGrath** asked the Minister for Health and Children if she will clarify a matter (details supplied). [21916/09]

Minister for Health and Children (Deputy Mary Harney): Refurbishment work took place last year in St Vincent's University Hospital to provide eight single en-suite rooms for the exclusive use of people with cystic fibrosis.

The next stage in the development of St. Vincent's Hospital will involve the building of a new ward block to replace existing accommodation. The new ward block will include accommodation for cystic fibrosis patients with appropriate isolation facilities for the treatment of their condition.

I am anxious to ensure that the project is delivered without delay. The HSE, in partnership with St. Vincent's Hospital, have structured the tender for this development in such a way that payments for the works can be deferred towards the end of the construction period.

The design team have been instructed to proceed on this basis. They have now signed off on the design and will shortly be going to tender for the construction of the new building. It is intended that the construction, equipping and commissioning of this block will be completed as early as possible in 2011.

My Department has asked the HSE to respond to the Deputy directly in relation to the operational issues raised.

97. **Deputy James Reilly** asked the Minister for Health and Children the reason video fluoroscopy equipment was not available at Tallaght Hospital, Dublin, on the week of 18 May 2009 (details supplied); the arrangements in place to make such examinations available if a machine has broken down; and if she will make a statement on the matter. [21925/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Hospital Waiting Lists.

98. **Deputy James Reilly** asked the Minister for Health and Children when a person (details supplied) in County Kildare can expect to have surgery carried out; and if she will make a statement on the matter. [21926/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Health Services.

99. **Deputy Mary Upton** asked the Minister for Health and Children if she will address the needs of a person (details supplied) in Dublin 6W for home respite care; and if she will make a statement on the matter. [21927/09]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

Medical Cards.

100. **Deputy Frank Feighan** asked the Minister for Health and Children the reason a GMS card has not been reviewed for a person (details supplied) in County Roscommon; the further reason they were not notified personally; and when this error will be corrected and a GMS card re-issued to them. [21932/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Health Services.

101. **Deputy Emmet Stagg** asked the Minister for Health and Children the reason a child (details supplied) in County Kildare with ADHD and mild autism, who has been referred to Kill Health Centre for assessment, cannot be seen in view of the fact that there is no waiting list and only emergency cases are being dealt with. [21942/09]

Minister of State at the Department of Health and Children (Deputy John Moloney): As this is a service matter the question has been referred to the HSE for direct reply.

102. **Deputy Edward O’Keeffe** asked the Minister for Health and Children if she will investigate an application for funding to provide new windows for a person (details supplied) in County Cork. [21957/09]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Medical Cards.

103. **Deputy Edward O’Keeffe** asked the Minister for Health and Children if she will investigate the withdrawal of a medical card in respect of a person (details supplied) in County Cork with a long term illness. [21960/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Waiting Lists.

104. **Deputy Billy Timmins** asked the Minister for Health and Children the position regarding a person (details supplied) in County Wicklow; and if she will make a statement on the matter. [21964/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply.

105. **Deputy Mary Upton** asked the Minister for Health and Children the reason a person (details supplied) in Dublin 12 who is on a public hospital waiting list for more than six months is unable to access treatment under the National Treatment Purchase Fund and in view of her recent statement that a person may apply directly to the NTPF; and if she will make a statement on the matter. [21966/09]

Minister for Health and Children (Deputy Mary Harney): I understand that the Deputy has already been in communication with the National Treatment Purchase Fund (NTPF) in relation to this case and received a response from the Fund on 21 May.

I appreciate that the person in question has been more than three months waiting for his operation. However, in line with policy, the NTPF is prioritising those who have been waiting longest for their surgery. If the person’s condition has deteriorated significantly, he should contact his general practitioner who may decide to request the consultant to reassess the case to determine if more immediate attention is warranted.

Health Services.

106. **Deputy Michael Creed** asked the Minister for Health and Children if a person (details

supplied) in County Cork will be approved for benefit under the supplementary welfare allowance scheme towards the cost of dental works; the reason these works are not eligible under their medical card or social insurance scheme; and if she will make a statement on the matter. [21968/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

General Medical Services Scheme.

107. **Deputy David Stanton** asked the Minister for Health and Children if hyoscine is available on the GMS; and if she will make a statement on the matter. [21969/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Neurology Services.

108. **Deputy Damien English** asked the Minister for Health and Children when the Health Service Executive Strategic Review of Neurology and Neurophysiology Services will be published; the reason for the delay in the publication of this review following its completion in December 2007 and subsequent submission to the National Hospitals Office for review; and if she will make a statement on the matter. [21970/09]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive (HSE) undertook a national review of Neurology Services to improve integration of services and optimise patient outcomes. Following consideration of the Review report, the HSE decided to seek an external expert opinion on the model of care proposed to ensure that the recommendations were properly aligned with the HSE Transformation Programme. The findings of the external experts are currently being considered by the HSE.

The issue of publication of the review is a matter for the Executive and accordingly my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have a reply issued directly to the Deputy in this regard.

National Treatment Purchase Fund.

109. **Deputy Ciarán Lynch** asked the Minister for Health and Children the sum of money designated for hip and knee operations under the National Treatment Purchase Fund in the Health Service Executive south area; and if she will make a statement on the matter. [21974/09]

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.

Cancer Treatment Services.

110. **Deputy Ciarán Lynch** asked the Minister for Health and Children if there is a designated specialist breast unit in Cork University Hospital; the location and facilities in relation to same; the names and years of experience of specialist breast surgeons in CUH; the number of breast operations performed at CUH in the years 2006, 2007 and 2008; and if she will make a statement on the matter. [21975/09]

111. **Deputy Ciarán Lynch** asked the Minister for Health and Children the number of operations performed in the breast services unit in South Infirmery Victoria University Hospital, Cork in each of the years 2006, 2007 and 2008; the number of specialist consultant breast surgeons employed; the surgeons' names and their years of experience; and if she will make a statement on the matter. [21976/09]

Minister for Health and Children (Deputy Mary Harney): I propose to answer Questions Nos. 110 and 111 together.

Under the National Cancer Control Programme there will be no Centre where diagnosis and treatment will be provided for one single cancer. Cancer centres will provide for a number of cancers in keeping with decisions made by Professor Tom Keane.

Symptomatic breast services have been identified as the first cancer services to be amalgamated and enhanced under the programme, followed by lung and prostate. In the South, this commenced with the successful relocation of the initial diagnostic and surgical symptomatic breast care services from Kerry General Hospital to Cork University Hospital Cancer Centre (CUHCC). The NCCP has set aside funding of €5m from its capital allocation in 2009 to further support and develop the CUHCC. This will enable the development of an integrated diagnostic centre, accommodating the symptomatic breast service and the planned rapid access diagnostic clinics for lung cancer and prostate cancer. On completion of this project, symptomatic breast services will transfer to CUHCC from South Infirmery Victoria University Hospital (SIVUH). The amalgamation on one site of highly-skilled experts affords an opportunity to consolidate and further develop an unrivalled service for patients in the South.

The number of operations carried out by the symptomatic breast disease services at CUH and SIVUH in 2006, 2007 and 2008, based on Hospital In-Patient Enquiry (HIPE) data received to end of April 2009, is as follows:

	2006	2007	2008
CUH	102	113	118
SIVUH	181	234	228

Data refer to the number of breast cancer procedures carried out on women with a principal diagnosis of breast cancer. The 2008 data for CUH are 99.9% complete while the data for SIVUH are 93.6% complete. In addition, a further 181 operations were carried out under the BreastCheck programme based at SIVUH.

Accident and Emergency Services.

112. **Deputy Ciarán Lynch** asked the Minister for Health and Children the number of complaints which have been made in regard to the accident and emergency service at Cork University Hospital; if it is intended to publish such figures; and if she will make a statement on the matter. [21978/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Inter-Country Adoptions.

113. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if an agreement entered into prior to 1 May 2009 to adopt a Vietnamese child will be binding in view of

the State's non-renewal of the bilateral adoption agreement with Vietnam; and if she will make a statement on the matter. [22000/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): As the Deputy is aware, the Adoption Board has statutory responsibility for the registration and recognition of foreign adoptions in the State. In relation to the Socialist Republic of Vietnam, the Board has advised that the situation regarding adoptions and applicants is as follows. All adoptions from Vietnam, which have been registered on the Register of Foreign Adoptions, are safe and secure. All applicants who have adopted children from Vietnam and returned to Ireland but as yet, have no entry in the Register of Foreign Adoptions will be registered subject to the usual statutory requirements. Applicants who have referrals in respect of children from Vietnam will be allowed to complete their adoption. There will be no new referrals from May 1st, 2009. The process of granting Declarations (which are not country specific) is not affected by the ending of the Bilateral Agreement with Vietnam.

Hospital Services.

114. **Deputy Eamon Scanlon** asked the Minister for Health and Children the position regarding the stroke unit and the orthopaedic unit at Sligo General Hospital; the future plans for the services at Sligo General Hospital; and if she will make a statement on the matter. [22006/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Medical Cards.

115. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a medical card renewal will issue to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [22009/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Care of the Elderly.

116. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when respite care will be offered to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [22010/09]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Medical Cards.

117. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a medical card will be awarded in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [22012/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Health Services.

118. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if a review and an appeal will be offered to persons (details supplied) in County Kildare; and if she will make a statement on the matter. [22013/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Services for People with Disabilities.

119. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when domiciliary care allowance will be awarded in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [22035/09]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

Garda Strength.

120. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform the number of members serving in each rank in the Garda Síochána; the number of members in respect of each rank under the age of 30, between 30 and 40 and between the ages of 40 and 50; the number in respect of each rank of members who have served fewer than ten years, between ten years and 20 years, between 20 years and 30 years and 30 years or more; the number of promotions to each rank above the rank of garda in each of the past five years; the number of persons recruited to the Garda Síochána in each of the past five years; and if he will make a statement on the matter. [21919/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The information requested by the Deputy is outlined as follows.

Number of Members Serving in each Rank

Rank	Number
Commissioner	1
Dep. Commissioner	2
Asst. Commissioner	12
Chief Superintendent	50
Superintendent	180
Inspector	348
Sergeant	2,220
Garda	11,668

Age Profile by Rank

	less than 30 years old	30 to 40 years old	40 to 50 years old	50 years +
Commissioner				1
Dep. Commissioner				2
Asst. Commissioner			3	9
Chief Superintendent			13	37
Superintendent			81	99
Inspector		20	242	86
Sergeant	19	720	1,055	426
Garda	4,789	3,903	1,989	987

Service Profile by Rank

	less than 10 years	10 to 20 years	20 to 30 years	30 years +
Commissioner				1
Dep. Commissioner				2
Asst. Commissioner			3	9
Chief Superintendent			13	37
Superintendent		1	81	98
Inspector		42	230	76
Sergeant	123	844	899	354
Garda	6,895	2,259	1,701	813

Promotions to each Rank 2004-2008

Promotions to:	2004	2005	2006	2007	2008
Commissioner				1	
Dep. Commissioner				1	1
Asst. Commissioner	1	6		3	4
Chief Superintendent	8	14	6	12	8
Superintendent	17	40	14	40	22
Inspector	25	54	26	90	49
Sergeant	114	122	128	273	251

Recruitment in Each Year 2004-2008

	2004	2005	2006	2007	2008
Number of Gardaí Recruited	523	1,125	1,117	1,023	926

Garda Equipment.

121. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform if he plans for the automatic fingerprint identification system to become live at Coolock Garda Station, Dublin; and if he will make a statement on the matter. [21921/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The current Automated Fingerprint Identification System (AFIS), which went live in October 2007, is designed to meet both Garda and immigration requirements. The Garda Síochána has selected a number of locations, based on operational requirements, where the electronic capture of prints will be facilitated. In all other locations, fingerprints will continue to be captured and be forwarded to the Garda Technical Bureau for input to the system. I am advised by the Garda Síochána that there are no plans to extend the electronic system to Coolock Garda station.

Proposed Legislation.

122. **Deputy Noel Ahern** asked the Minister for Justice, Equality and Law Reform the position regarding enduring powers of attorney; the reason a person wishing to appoint a person with power of attorney over their affairs must notify all relatives of such appointment; his views on the recommendations of the Law Reform Commission in its report on vulnerable adults

[Deputy Noel Ahern.]

and the law; if he will introduce changes of law to allow named persons not to be so notified (details supplied); and if he will make a statement on the matter. [21939/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Section 9 of the Powers of Attorney Act 1996 provides that an attorney under an enduring power must comply with the notice requirements set out in the First Schedule of the Act before applying to the court for registration of the power. Section 3 of the First Schedule provides that certain classes of person, who are related to the donor of the power by blood or marriage, are entitled to receive notice of the court application. An application to dispense with this notice requirement for particular individuals may be made by the attorney to the court under section 4(2) of the First Schedule, which the court may grant if satisfied that it would be undesirable or impracticable to give such notice or where no useful purpose is likely to be served by giving it.

Section 10 of the Act provides that those given notice may make a formal objection to the registration of the power, which the court must take into account. An objection may be made on a number of grounds including fraud, undue pressure and the unsuitability of the attorney. This is an important safeguard to protect vulnerable persons from exploitation.

The Scheme of the Mental Capacity Bill, which I published in September 2008, provides for reform of this area of the law. The Scheme takes account of the recommendations made in the Law Reform Commission's Report on Vulnerable Adults and the Law. The Government's Legislation Programme announced on 22 April 2009 indicates that publication of the Bill is expected in late 2009.

Residency Permits.

123. **Deputy Bernard Allen** asked the Minister for Justice, Equality and Law Reform when a decision will be made on the application by a person (details supplied) in County Cork. [21972/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): There is currently no application pending in my Department for residency in the case of the person whose details were supplied.

If an application for asylum has been made by the person concerned the Deputy will of course be aware that it is not the practice to comment on asylum applications that are pending.

Asylum Applications.

124. **Deputy Bernard Allen** asked the Minister for Justice, Equality and Law Reform when a decision will be made on the application by a person (details supplied) in County Cork. [21973/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 16 January, 2006. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 27 February, 2009, that the Minister proposed to make a Deportation Order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State. In addition, she was notified of her

entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006).

The person concerned has submitted an application for Subsidiary Protection in the State and an application for Leave to Remain in the State. The Subsidiary Protection application will be considered first, following which the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered under Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the case file is passed to me for decision.

125. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the progress made to date in the application for residency status in the case of a person (details supplied) in County Louth; and if he will make a statement on the matter. [22014/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 16 April, 2003. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 29 May, 2007, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006).

The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered under Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the case file is passed to me for decision.

126. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency in the case of a person (details supplied) in County Louth; and if he will make a statement on the matter. [22015/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my detailed Reply to his recent Parliamentary Question, No. 95 of Thursday, 14 May, 2009, in this matter. The position is unchanged.

Citizenship Applications.

127. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform

[Deputy Bernard J. Durkan.]

the current or expected citizenship status in the case of a person (details supplied) in Dublin 7; and if he will make a statement on the matter. [22016/09]

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 on 1 November 2006.

Officials in that section inform me that processing of the application is ongoing and the file will be forwarded to me for a decision in the coming months.

Residency Permits.

128. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding family reunification and residency in the case of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [22017/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Irish Naturalisation and Immigration Service (INIS) that the person concerned has recently made a Family Reunification application on behalf of his wife and five children and submitted documentation to INIS on 23rd April 2009 in support of his application.

The Family Reunification section has written to the legal representative of the person in question to request further documentation and information.

Citizenship Applications.

129. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will waive the social welfare bus lane offence as a means for refusal of citizenship in the case of a person (details supplied) in Dublin 7; and if he will make a statement on the matter. [22018/09]

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.

An application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in January, 2007 and I decided to refuse the application. The reason for refusal was disclosed to the applicant in a letter issued on 2 April, 2009.

It is open to the person in question to lodge a new application for a certificate of naturalisation with the Citizenship Division of my Department at any time. However, in doing so he should bear in mind the reasons for refusal of his previous application.

Asylum Applications.

130. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency in the case of a person (details supplied) in Dublin 1; and if he will make a statement on the matter. [22019/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 27 May, 2003. He subsequently withdrew that application and indicated a willingness to return voluntarily to his country of origin. However he did not complete the voluntary return process. The person concerned subsequently consented to depart-

ation and against this background a Deportation Order was signed in respect of him on 6 May, 2004. However, as this Deportation Order was not enforced by the relevant date it ceased to have effect.

The person concerned subsequently sought to be re-admitted to the asylum process and this request was facilitated with the consequence that his new asylum application was lodged on 3 March, 2005. His asylum application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 14 November, 2005, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State.

Representations have been submitted on behalf of the person concerned and these representations will be fully considered, under Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement, before the file is passed to me for decision.

Asylum Support Services.

131. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if permanent accommodation will be offered to a person (details supplied) in County Wexford; and if he will make a statement on the matter. [22020/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Reception and Integration Agency (RIA) is responsible for the accommodation of asylum seekers in accordance with the Government policy of direct provision and dispersal. The person referred to in the details supplied applied for asylum on 9 March 2005 and is currently availing of RIA direct provision accommodation at The Old Rectory accommodation centre, New Ross, Co. Wexford. Until such time as there is a resolution of this person's status he can continue to avail of accommodation in accordance with Government policy. The State does not provide permanent accommodation to such persons.

Citizenship Applications.

132. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected citizenship status in the case of a person (details supplied) in Dublin 7; and if he will make a statement on the matter. [22021/09]

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 Division of my Department in May 2009.

On examination of the application submitted it was determined that the application in its entirety be returned to the person concerned for further attention on 14 May, 2009. In order to be fair to all applicants, only valid applications can be considered.

It is open to the person in question to re-submit the application to the Citizenship Division of my Department at any time.

Asylum Applications.

133. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position in the matter of residency or application under subsidiary protection in the case of a person (details supplied) in Dublin 7; and if he will make a statement on the matter. [22022/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Questions No. 234 of Thursday, 18 December, 2008 and No. 154 of Thursday, 26 June, 2008 and the written Replies to those Questions.

The person concerned arrived in the State on 24 June, 2003 and applied for asylum. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 18 May 2005, that the Minister proposed to make a Deportation Order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State. Representations were submitted by the person concerned at that time.

On 26 July, 2005, the Minister signed a Deportation Order in respect of the person concerned. Notice of this Order was served by registered post. This communication advised the person concerned of the legal requirement that she ‘present’ herself at the Offices of the Garda National Immigration Bureau (GNIB) on 18 August, 2005 in order to make arrangements for her deportation from the State. The person concerned ‘presented’ on this occasion but failed to ‘present’ on a subsequent occasion and was therefore classified as a person evading deportation.

This position continued to obtain until May 2008 when the legal representative of the person concerned enquired into the possible entitlement of the person concerned to make an application for Subsidiary Protection in the State. Arising from this enquiry, and in accordance with the Minister’s discretion under Regulation 4 (2) of the European Communities (Eligibility for Protection) Regulations 2006, the person concerned was allowed to submit an application for Subsidiary Protection in the State which she duly did. This application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

The person concerned remains the subject of a valid Deportation Order. However, the Deputy may be assured that this Order will not be enforced pending the determination of the Subsidiary Protection application.

Residency Permits.

134. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding the application for residency in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [22023/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): An application for long-term residency by the person referred to by the Deputy was made on 22 September last year. Officials have advised me that applications from September 2007 are currently being dealt with. In the interest of fairness, applications are processed in chronological order. As soon as a decision is made on the case, the person concerned will be notified.

135. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the residency status in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [22024/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Question No. 345 of Wednesday, 6 May 2009, and the written Reply to that Question.

In the meantime, the person concerned has submitted an application for Subsidiary Protection in the State and an application for Leave to Remain in the State. The Subsidiary Protection application will be considered first, following which the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered under Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the case file is passed to me for decision.

136. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if it is expected to grant permission to remain or family reunification in the case of a person (details supplied) in County Kildare; if it is possible for them to finish their exams; and if he will make a statement on the matter. [22039/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have been informed by the Irish Naturalisation and Immigration Service that they informed the person referred to in the Deputy's Question that his application was refused and advised him to leave the State by the 8th May 2009.

Good Friday Agreement.

137. **Deputy Billy Timmins** asked the Minister for Foreign Affairs the position regarding funding for Irish bodies under the Good Friday Agreement. [21949/09]

Minister for Foreign Affairs (Deputy Micheál Martin): Arising from the Good Friday Agreement of 1998, six North/South Implementation Bodies and Tourism Ireland were established. These Bodies play a significant role in taking forward North/South co-operation on the island.

The North/South Bodies are jointly funded by the Government and the Northern Ireland Executive. Funding from each jurisdiction is provided on an agreed proportionate basis having regard to the benefits accruing to each jurisdiction and the specific factors related to each Body. The funding of the individual Bodies is a matter for the responsible Departments, North and South, in each case. My Department does not fund any of the North/South Bodies.

Total funding for the Bodies from both jurisdictions in 2008 amounted to some €187m. Total Government funding for the Bodies in 2008 was €129m.

The budgets of the North/South Bodies for 2009 are under consideration by the sponsor Departments of the Bodies and the Department of Finance together with their Northern counterparts with a view to agreement within the North South Ministerial Council. In that connection, the Department of Finance is working with the Northern Ireland Department of Finance and Personnel on an agreed approach on identifying savings in the budgets of the North/South Bodies in the coming year.

The North/South Implementation Bodies and Tourism Ireland remain an important component of the overall institutional architecture on this island arising from the Good Friday Agree-

[Deputy Micheál Martin.]

ment. They are unique, cross-jurisdictional entities which operate on an all-island basis under the overall direction of the North South Ministerial Council. Since the re-establishment of the power-sharing institutions in 2007, the relevant Ministers have had a range of useful and productive meetings in relation to the Bodies with their Northern counterparts within the framework of the North South Ministerial Council. The full and continuing effectiveness of the North/South Bodies remains a high priority for the Government.

Foreign Conflicts.

138. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs if he will report on the situation in the Democratic Republic of Congo with particular reference on the hardship experienced by the international community; and if he will make a statement on the matter. [21985/09]

Minister for Foreign Affairs (Deputy Micheál Martin): The Democratic Republic of the Congo (DRC) is slowly recovering from the effects of the brutal civil war which lasted from 1996 to 2003. While much of the country now enjoys a degree of stability, I remain deeply concerned by the situation in the east of the country. Renewed heavy fighting broke out in North Kivu in August 2008 between the Congrès National pour la Défense du Peuple (CNDP) and the armed forces of DRC. An unknown number of civilians were killed by both sides, many women were raped, and 250,000 people were forced to flee their homes, bringing to over 1 million the number displaced in North Kivu. The CNDP declared a ceasefire in October 2008, and talks began in Nairobi in December between representatives of the DRC government and the CNDP, under UN and African Union facilitation and CNDP fighters are now being integrated into the DRC armed forces.

In parallel with the Nairobi talks, the governments of DRC and Rwanda agreed to put aside the mutual hostility which has persisted since previous Rwandan incursions into DRC in support of ethnic Tutsis, and their armed forces began joint operations against the Forces Démocratiques de Libération du Rwanda (FDLR), many of whom fled Rwanda to escape punishment for crimes committed during the 1994 Rwandan genocide. The joint offensive did not achieve its objectives and the FDLR continues to be a threat to the civilian population. Since January, attacks by the FDLR in North and South Kivu have driven more than 370,000 people from their homes and into forests and other places of refuge.

Separately, appalling atrocities have been committed in Orientale Province in north-eastern DRC by the Ugandan rebel group, the Lord's Resistance Army (LRA). Following the LRA's failure to sign a negotiated peace agreement, Ugandan and Congolese armed forces launched a joint offensive against the group in December 2008. Fleeing this offensive, LRA fighters carried out brutal attacks on the civilian population, in which up to 1,100 civilians were killed. In March 2009, the Ugandan Army stated that it had achieved its objective of dismantling the LRA's command structure, and began a phased withdrawal of troops from north-eastern DRC.

I am gravely concerned by recent reports of an increase in attacks against international aid organisations and humanitarian workers in North and South Kivu. UN agencies have reported 44 attacks against humanitarian workers in the region between January and April. The vehicles of humanitarian organisations have been intercepted to transport fighters, and in some cases property has been looted. The security situation, as well as difficulties in securing access to those in need, due to poor roads which are frequently impassable due to rains, pose enormous challenges for international aid agencies and humanitarian workers who aim to address the needs of civilians affected by conflict.

The international community has sought to enhance stability in DRC through the work of MONUC, the UN's largest peacekeeping mission. Ireland and our EU partners strongly support MONUC, and have welcomed the UN Security Council's decision to authorise the reinforcement of the mission to allow it to meet more effectively the challenges it currently faces. Ireland contributes three members of the Defence Forces to MONUC as Military Liaison Officers.

Ireland has been able to respond quickly to the humanitarian dimension of the crisis in DRC. An airlift of emergency relief supplies was made to eastern DRC in December 2008. Thus far in 2009, Irish Aid has allocated more than €4 million in humanitarian funding to the DRC through the UN and NGO partners, bringing total humanitarian support to the country since 2006 to over €26 million.

Question No. 139 answered with Question No. 13.

Overseas Development Aid.

140. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which the international community is combating the problem of AIDS in Africa; and if he will make a statement on the matter. [21987/09]

Minister for Foreign Affairs (Deputy Micheál Martin): The international community has demonstrated real commitment to combat HIV and AIDS and its consequences through a number of high profile agreements that include the Millennium Development Goals universally supported in 2000, the commitment signed by 189 UN Member States following the United Nations General Assembly Special Session on HIV and AIDS in 2001, and the special commitment made in 2005 by the G8 grouping to support universal access to treatment.

Ireland, through Irish Aid, is supporting actions to address HIV and AIDS through expenditures of more than €100 million a year to address that disease and other communicable diseases. This commitment by Ireland has been recognised by the OECD in the Peer Review published earlier this month.

Progress towards these international commitments has been impressive. The UNAIDS world report for 2008 points to a six-fold increase in funding available for HIV and AIDS in this decade so far and describes a remarkable boost in delivery of important HIV and AIDS services and activities at global, regional and country levels, with very particular emphasis in those countries most affected. A notable and valuable development has been the unprecedented number of civil society groups that have become active in HIV and AIDS work and have joined hands with their government counterparts to more effectively tackle common challenges through partnerships.

It is possible to sustain and replicate the gains we see today with effective global and national leadership and with commitment by donors to support HIV and AIDS services and activities. Ireland continues to promote the need for leadership and engagement at the highest political level internationally, in order to push back this pandemic. At country level, Ireland works closely with and supports national leadership to hold the ground already gained and to continue to make further progress.

EU Enlargement.

141. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which he and his EU colleagues remain to be engaged in positively influencing the situation in the

[Deputy Bernard J. Durkan.]

Western Balkans with particular reference to EU enlargement; and if he will make a statement on the matter. [21988/09]

Minister for Foreign Affairs (Deputy Micheál Martin): Together with its EU partners, Ireland attaches considerable importance to achieving stability in the countries of the Western Balkans, which were recognised as having a perspective towards EU membership by the European Council at Thessaloniki in 2003. The efforts made by the countries of the region to meet the criteria for membership of the EU have varied.

While the future prospect of EU membership is a very important element of our relations with countries in the Western Balkan region, the European Union's Stabilisation and Association (SAA) process provides the framework for co-operation on economic, political and legal matters and aims to bring countries closer to EU standards and principles. The SAA process, therefore, is the framework in which our engagement is managed on an ongoing basis in order to positively influence the situation in the region. Stabilisation and Association Agreements have now been signed with all the countries in the region except Kosovo.

In terms of EU enlargement, Croatia is at an advanced stage in its accession negotiations and hopes to bring them to completion as soon as possible, but it needs to address some outstanding issues, including full cooperation with the International Criminal Tribunal for Yugoslavia. The EU continues to work closely with the former Yugoslav Republic of Macedonia as it works towards opening EU accession negotiations. In March, elections were held there and in Montenegro. The conduct of these polls was largely in line with accepted international standards. On 15 December 2008, Montenegro submitted its application to join the European Union, which the Council has referred to the European Commission for a formal opinion. Albania submitted a formal application to join the EU on 28 April 2009.

Ireland, together with our EU partners, will continue to monitor developments in this region closely. Through our programme of assistance to new Member States and candidate countries, a large number of officials from these countries have participated in Irish-run training programmes. These have served to enhance their knowledge of the EU and to assist them with their preparations for accession to the Union.

In our contribution to EU discussions, we will continue to support the reform process across the Western Balkans as this represents the best way in which these countries can prepare for the fulfilment of their aspirations with regard to EU membership.

Diplomatic Representation.

142. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which it is expected or intended to establish further embassies abroad; and if he will make a statement on the matter. [21989/09]

Minister for Foreign Affairs (Deputy Micheál Martin): Ireland has a network of 75 resident diplomatic and consular Missions abroad, as well as the British-Irish Inter-Governmental Secretariat in Belfast and the North-South Ministerial Council Joint Secretariat in Armagh.

While the opening of new Embassies abroad is considered by the Government on an ongoing basis, any expansion of our diplomatic network can, as I am sure the Deputy will appreciate, only be undertaken having regard to clear national priorities and available resources. The significant budgetary pressures currently being faced by my Department, as for all Government Departments, means that any decision to open a new Mission overseas must be on the basis of an anticipated significant return for the State.

The United Arab Emirates was identified as a country where increased diplomatic representation would offer significant potential economic value to Ireland. Accordingly, and in order to take advantage of this potential, the Government decided to establish an Embassy in Abu Dhabi, which will open in the Autumn.

The Strategic Review of US-Ireland Relations was launched by the Taoiseach in March of this year. The Review recommended the opening of a Consulate General of Ireland in Atlanta. The implementation of this recommendation is currently under consideration.

The most recent Embassy to be established was in Malawi in October 2007. The Government decided to establish an Embassy there, after the White Paper on Irish Aid, published in September 2006, designated Malawi as Ireland's ninth programme country.

In the Government's "Smart Economy" document, published at the end of 2008, my Department committed to reviewing its network of missions abroad in order to ensure that they are operating at an optimum level of efficiency, are delivering tangible services and outcomes for the benefit of Ireland and its citizens, and that resources are aligned with our strategic objectives.

Question No. 143 answered with Question No. 31.

Overseas Development Aid.

144. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs if procedures have been put in place to ensure that all international aid goes directly to those for whom it was intended thereby eliminating waste or corruption; and if he will make a statement on the matter. [21991/09]

145. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs if specific new efforts are being made to ensure that international aid to various countries is received in full by those for whom it was intended; and if he will make a statement on the matter. [21992/09]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): I propose to take Questions Nos. 144 and 145 together.

The Government's aid programme, administered by Irish Aid, is recognised internationally for its lead role in ensuring the effectiveness of development aid. The recently published report of the peer review of the aid programme, which was carried out by the Development Assistance Committee of the OECD, described Irish Aid as "a strong, cutting edge development cooperation programme" focusing on delivering results. It stated that "Ireland is a champion in making aid more effective". In the face of global economic crisis, when aid budgets internationally are under pressure, we owe it to the people of the developing world to redouble our efforts to ensure that international development assistance is clearly focused on achieving results for the poorest people and communities in the world. Ireland will continue to play a strong international role in this regard.

Ireland's development aid programme provides assistance to over ninety developing countries. It has a particular focus on nine programme countries, where we have a commitment to long term strategic support. These are Ethiopia, Lesotho, Mozambique, Tanzania, Timor-Leste, Uganda, Vietnam and Zambia. In our programme countries, development strategies are agreed in consultation with national Governments in support of their own poverty reduction strategies. These agreed strategies outline the areas where Irish Aid will provide support over a three to five year period. They contain monitoring frameworks with indicators and targets against which to measure improvements in basic services. The promotion of good governance is an essential element of all our country strategies. Irish Aid also works in cooperation with other inter-

[Deputy Peter Power.]

national donors to strengthen public financial management systems and institutions of Government, such as the Auditor General function, in order to eliminate waste and corruption.

In addition, Irish Aid supports a number of initiatives at international level which are helping to improve governance. This includes assistance towards the work of the leading anti-corruption NGO, Transparency International, which is helping to fight corruption globally and the Association of Western European Parliamentarians for Africa which is helping to build the oversight capacity of Parliaments in Eastern Africa.

The Government has put in place rigorous accounting and audit controls for Irish Aid, to ensure its programmes are regularly audited and evaluated by independent audit firms, by Irish Aid's own Evaluation and Audit Unit and by the independent Audit Committee of the Department of Foreign Affairs. This is essential, in order to ensure that funding is directed to those areas most in need, is used for the purposes intended and represents the best value for money. We will continue to deliver on our commitment that all aid funded by the taxpayer will benefit the poorest and most vulnerable in the countries with which Irish Aid is working.

Questions Nos. 146 and 147 answered with Question No. 70.

Question No.148 answered with Question No. 26.

Foreign Conflicts.

149. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which the international community expect to stabilise the situation in Darfur; and if he will make a statement on the matter. [21996/09]

150. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which the international community plans to make further positive intervention in the Sudan; and if he will make a statement on the matter. [21997/09]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 149 and 150 together.

The situation in Sudan continues to be a focus of considerable international concern with attention centring on the resolution of the ongoing conflict in Darfur, support for the Comprehensive Peace Agreement which ended the north-south civil war, and efforts to address the consequences of the Sudanese Government's decision in March to expel thirteen international humanitarian agencies from the country. Recent months have seen considerable engagement on these issues by the United Nations, by Sudan's regional neighbours through the African Union, and by the European Union.

The persistence of the conflict in Darfur, coupled with the ongoing suffering of the people of the region, are matters of grave concern. Despite a number of ceasefires and peace agreements, hostilities on the ground continue. International efforts to bring an end to the conflict are being led by the joint AU-UN chief mediator, Djibril Bassolé, whose work Ireland fully supports. Progress in peace talks has been disappointingly slow and the "Agreement of Good Will and Confidence Building" signed in Doha in February by the Sudanese Government and the JEM rebel group, falls far short of a full peace deal. The AU has established a High Level Panel on Darfur, under the chairmanship of former President Thabo Mbeki, whose mandate encompasses peace and reconciliation in Darfur. Members of the Panel visited Darfur in April and are due to report in July. Meanwhile the fighting in Darfur continues. It is imperative and

long overdue that all sides demonstrate the political will and commitment needed to resolve this long-running conflict.

Ensuring the full implementation of the 2005 Comprehensive Peace Agreement (CPA), which brought an end to the north-south conflict in Sudan, is also a priority for the international community. Serious north-south violence continues to erupt from time to time, and there are continuing tensions over north-south boundary demarcation and the division of oil wealth. South Sudan remains chronically under-developed and a referendum on independence is scheduled for 2011. International donors, including the EU, are currently examining the most appropriate modalities for supporting the development of the south and the consolidation of the peace deal.

The expulsion by the Sudanese Government in March of thirteen international humanitarian organisations, following the announcement by the International Criminal Court of the issue of a warrant for the arrest of Sudanese President, Omar al-Bashir, gave rise to serious concern internationally. The agencies concerned accounted for over 40 per cent of all aid in Sudan, and provided food, safe water and basic health care to more than a million people. The United Nations has been very active in assessing the potential consequences of these expulsions and working to put alternative humanitarian capacity in place. International partners have put strong pressure on the Sudanese Government to encourage them to reconsider the expulsions, and to ensure that their impact on the humanitarian situation is minimised.

Ireland has played an important part in the international response to the humanitarian situation in Sudan. Since 2006, Ireland has provided over €50 million in funding for work in Sudan, including Darfur. The Irish Aid Rapid Response Corps currently has five people on deployment with UN agencies in Sudan.

151. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which the situation in Chad has improved or stabilised; if intervention by the international community can assist; and if he will make a statement on the matter. [21998/09]

Minister for Foreign Affairs (Deputy Micheál Martin): The situation in Chad has long been characterised by north-south tensions, and since 2002 the stability of the country has been threatened by armed rebellion against the government of President Idriss Déby. While the government signed an accord with civilian opposition parties in 2007, providing for a degree of political reform, armed rebel groups have remained active and intent on overthrowing the government by force. A major rebel offensive threatened the capital, N'Djamena, in February 2008, but was ultimately defeated by government forces.

The consolidation of a range of disparate rebel groups under the banner of the Union des Forces de la Résistance (UFR) in November 2008 preceded a significant military build-up by both government and rebel forces. After a prolonged period of relative calm, the UFR launched an offensive from the vicinity of the border with Sudan in early May. The rebels' objective appears to have been to reach N'Djamena, as they had previously. In an engagement on 7 May near Am Dam in eastern Chad, government forces succeeded in halting the rebel advance.

The Chadian government has accused Sudan of supporting the rebels, and there are clear links between fighting in Chad and the ongoing conflict in Darfur. The significant flow of refugees from the Darfur conflict into eastern Chad has also had consequences for the stability of the region. In the main, interventions by the international community in Chad have been aimed at protecting these refugees, and ensuring that humanitarian assistance can be provided. These interventions have had a positive impact in stabilising the situation in eastern Chad.

[Deputy Micheál Martin.]

The European Union operation in Chad and the Central African Republic (EUFOR Tchad/RCA) was established for a period of one year from March 2008. It played a key role in ensuring the security of refugees and displaced persons living in camps along the eastern border of Chad, and in facilitating the provision of humanitarian relief. I wish to pay tribute to the success of EUFOR and to the professionalism of the members of the Irish Defence Forces who participated in the mission, including Lieutenant General Pat Nash, the Operation Commander.

EUFOR transferred authority to the UN mission, MINURCAT, on 15 March 2009. Over 400 Irish troops are now serving with MINURCAT. The mandate of the military aspect of MINURCAT is similar to that of EUFOR. Since the UN took over responsibility it has faced a number of challenges, including the upsurge in rebel activities, and difficulties with force generation. Ireland has strongly supported the EUFOR mission from the outset, and we will continue to support MINURCAT.

Given the links between instability in Chad and the conflict in Darfur, efforts by the international community to resolve the Darfur crisis are likely, if successful, to have a positive impact on the situation in Chad. Cooperation between the governments of Sudan and Chad in addressing the causes of instability in the region is also vital, and I urge both governments to work together towards this objective. Ireland will continue to monitor the political and humanitarian situation in Chad, and support humanitarian relief efforts, to which Irish Aid has contributed more than €14.6 million since 2007.

Sports Capital Programme.

152. **Deputy Jack Wall** asked the Minister for Arts, Sport and Tourism the funding available from the agencies or grant systems within his Department to a community based group who are seeking to provide water based sports facilities such as canoes, boats, water safety gear and so on for their community; and if he will make a statement on the matter. [21930/09]

153. **Deputy Jack Wall** asked the Minister for Arts, Sport and Tourism the grants or funding from his Department or agencies attached thereto available to a community based group who are seeking to provide water based sports facilities for their community; and if he will make a statement on the matter. [21931/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I propose to take Questions Nos. 152 and 153 together.

Under the Sports Capital Programme, which is administered by my Department, funding is allocated towards the provision of sports facilities at national, regional and local level. Over 7,400 projects providing a range of essential sports facilities have now benefited from sports capital funding since 1998 bringing the total allocation in that time to over €725 million. No decision has been taken about the timing of future rounds of the Programme.

Decentralisation Programme.

154. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if he is considering any other sites for the decentralisation of his Department (details supplied). [21909/09]

155. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs the plans which have been made for the decentralisation of his Department (details supplied). [21910/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 154 and 155 together.

As the Deputy will be aware, under the decentralisation programme my Department will relocate to Charlestown, Co. Mayo. A total of 100 staff in my Department have already relocated to interim temporary accommodation in Tubbercurry, Co. Sligo.

In relation to a permanent headquarters for the Department, OPW continue to liaise with the relevant authorities in relation to a site that has been identified in Charlestown, Co Mayo.

I should add that the Department of Finance were recently approached by a community development organisation in Kiltimagh, Co. Mayo in relation to a turn-key potential property for the headquarters of this Department in Kiltimagh and on foot of this approach, OPW will examine the property in question. I should emphasise that this is a prudent response to such an approach and implies no decision.

Housing Grants.

156. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if a person (details supplied) in County Mayo will be approved and awarded the Gaeltacht house grant. [21924/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The grant in question has now been sanctioned and will be paid when the work has been completed to the satisfaction of my Department.

Inland Waterways.

157. **Deputy Frank Feighan** asked the Minister for Community, Rural and Gaeltacht Affairs if he will ensure new markings and signage for Waterways Ireland on the Upper Shannon. [22005/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I am informed that Waterways Ireland conducts routine inspections of navigation markers and signage on the North Shannon, i.e. north of Lanesborough Bridge, to ensure a high level of service to waterway and facility users. There are 428 permanent navigation markers on the North Shannon. Temporary markers are also installed, as required, to mark temporary obstructions in the Navigation. During the last 12 months, 122 markers have been repainted and 14 old markers have been completely replaced (new piles and top marks). Within the last 18 months, facility location signs have been erected at each of the main amenities/facilities in the North Shannon. Further directional signage will be installed in 2009 as resources permit.

Social Welfare Benefits.

158. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when rent support will be offered to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [22011/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The position remains as advised in Parliamentary Question No. 317 which I answered for the Deputy on 19th May 2009. The Executive has advised that payment of rent supplement and arrears due from 1 January 2009 was made to the person concerned on 30 March 2009. Payment has also been made in respect of the months of April and May.

159. **Deputy Denis Naughten** asked the Minister for Social and Family Affairs the reason the first €95.23 in maintenance is taken into account for calculating rent allowance; if this discourages one parent families from declaring the fathers name and maintenance payment; and if she will make a statement on the matter. [21920/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The means test for the supplementary welfare allowance scheme, through which rent supplement is provided, requires that all types of household income, including maintenance payments for a lone parent and his/her children, must be taken into account in determining a person's entitlement under the scheme.

Rent supplement is normally calculated to ensure that a person, after the payment of rent, has an income equal to the rate of supplementary welfare allowance appropriate to their family circumstances less a weekly minimum contribution of €18, which recipients are required to pay from their own resources. Many recipients pay more than €18 because recipients are also required, subject to income disregards, to contribute any additional assessable means that they have over and above the appropriate basic supplementary welfare allowance rate towards their accommodation costs.

A person who claims a one-parent family payment is required to seek maintenance from her/his spouse or the other parent of the child. These maintenance payments are assessed as means for the purpose of determining entitlement to a one-parent family payment. However, vouched housing costs of up to €95.23 per week (rent or mortgage) are disregarded in establishing the rate of one-parent family payment due. Given that up to €95.23 per week of maintenance payments is disregarded in the means test for the one-parent family payment to allow for housing costs, maintenance of this amount is assessable in determining the appropriate level of rent supplement payable, as the amount of rent supplementation is based on the net amount that a person has available to meet their accommodation costs from their own resources.

Where a person has weekly maintenance payments of more than €95.23, the first €75 a week together with 25% of any additional maintenance above €75 can be disregarded for means assessment purposes. This is to ensure that the family benefits from the extra maintenance income up to that level before it affects their entitlement to rent supplement.

Overall, the means assessment rules are designed to give an incentive to lone parents to seek maintenance payments to improve their household income position, while ensuring that families in that situation have access to the appropriate levels of rent supplementation to meet their accommodation needs. The department is not aware of any evidence to suggest that these measures discourage one parent families from declaring the name of the other parent or details of maintenance payments.

Social Welfare Appeals.

160. **Deputy Finian McGrath** asked the Minister for Social and Family Affairs if she will support a person (details supplied) in Dublin 9. [21946/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The supplementary welfare allowance scheme, which includes mortgage interest supplement, is administered on behalf of the Department by the community welfare service of the Health Service Executive.

The person concerned was awarded a reduced rate of mortgage interest supplement based on the interest paid on his original loan application relating to his primary residence. He appealed against this decision to an Appeals Officer of the Executive but this appeal was unsuccessful. The Executive has advised that the person concerned has now appealed this

decision to the Social Welfare Appeals Office (SWAO). This office will be in contact with person concerned when a decision has been made on his appeal.

Social Welfare Benefits.

161. **Deputy Edward O’Keeffe** asked the Minister for Social and Family Affairs if her attention has been drawn to the difficulties which some pensioners are experiencing in travelling to their post office to collect their State pensions as some are residing in rural areas and the only bus to the nearest town is not available on the day they can collect their pensions; and if she will arrange to have the State pension collected on a Thursday instead of a Friday for those with such difficulties. [21952/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The current range of payment options offered by the Department to state pension recipients include payment at a local post office or to a bank or building society account or certain credit unions that have been authorised by the banking and credit union regulators. State pension recipients can opt for a payment method having regard to their own personal circumstances.

The Department administers a variety of schemes which have a weekly and monthly payment cycle. For operational reasons, and to facilitate the distribution of payments through the post office network, each scheme is assigned a day of the week for payment. These measures ensure that payments to be distributed through post offices are spread across the week. A state pension recipient can collect their payment on the due date, Friday, or on any day of the week within 60 days thereafter.

162. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social and Family Affairs if domiciliary care allowance will be granted to a person (details supplied) in County Cork. [21962/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): In order to qualify for Domiciliary Care Allowance a child must have a disability so severe that he or she requires care and attention and /or supervision substantially in excess of another child of the same age. The level of care and attention required to allow the child to deal with the activities of daily living must essentially require the fulltime attention of the applicant. The child must be likely to require this level of care and attention for at least 12 months.

An application for Domiciliary Care Allowance was received by the Department on 24th April 2009. This application was referred to one of the Departments Medical Assessors who found that the child in question was not medically eligible for Domiciliary Care Allowance.

A letter issued to the person in question on 14th May 2009 where she was advised of the decision to refuse Domiciliary Care Allowance. In the case of an application which is refused on medical grounds, the applicant may submit additional information and/or ask for the case to be reviewed by a different Medical Assessor specially designated for this task. Where a person is not satisfied with the decision of a Deciding Officer they may appeal the decision to the Social Welfare Appeals Office.

Social Welfare Appeals.

163. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when unemployment assistance or unemployment benefit will be awarded in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [22025/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): A claim by the person concerned for Jobseekers Benefit was disallowed on 25 March 2009 by a Deciding Officer of the Department on the grounds that she was not genuinely seeking employment. I am advised by the Social Welfare Appeals Office that an appeal was received on 15 May 2009 together with the documentation in the case and the Deciding Officer's comments on the grounds of the appeal. These have been referred to an Appeals Officer for consideration. The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Benefits.

164. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the reason mortgage support has been refused in the case of a person (details supplied) in County Kildare; if a full review will be undertaken in this regard; and if she will make a statement on the matter. [22030/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The supplementary welfare allowance scheme, which includes mortgage interest supplement, is administered on behalf of the department by the community welfare division of the Health Service Executive.

The Executive has advised that the person concerned applied for mortgage interest supplement in September 2008 but her claim was refused as her total income from one-parent family payment, jobseekers benefit and maintenance payments was deemed to be sufficient to meet her mortgage interest payment. If her circumstances have changed she should contact the community welfare officer at her local health centre and renew her application for mortgage interest supplement.

165. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if she will restore full payment of illness benefit to a person (details supplied) in County Kildare; the full entitlement for a person in such circumstances; and if she will make a statement on the matter. [22031/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The person concerned was referred for a medical examination which was scheduled for 16/04/09. She failed to attend and her illness benefit was suspended for 4 weeks from 21/04/09. However her reason for not attending was accepted and her entitlement to payment has been restored. Illness benefit arrears of €425.00 have been issued by cheque dated 26/05/09.

This payment was calculated as follows:

From Date	To Date	Weeks/days	Weekly Rate	Amount Due
21/04/09	18/05/09	4 weeks	€117.80	€471.20

The balance of €46.20 (€471.20 less €425.00) was initially withheld to refund Supplementary Welfare Allowance payments. It subsequently came to light that these payments related to a period outside the arrears period and as such, the balance of €46.20 will be issued without delay.

The claim to illness benefit of the person concerned is from 31/07/08. Under current regulations, the rate payable depends on a person's reckonable earnings in the governing contribution year. As she had no reckonable earnings in 2006 (the contribution year governing her claim), she qualifies for the minimum graduated rate of illness benefit which is currently €117.80 (€91.80 personal rate + € 26.00 child dependant allowance rate).

166. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when an increase in rent support will be offered to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [22033/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Rent supplement is administered on behalf of the Department by the community welfare division of the Health Service Executive as part of the supplementary welfare allowance scheme. The person concerned recently advised the community welfare officer of a change in her circumstances and her entitlement to rent supplement was reviewed. The Executive has indicated that the person concerned has now been advised of her new rate of rent supplement.

167. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when mortgage support will be offered to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [22037/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The position remains as advised in Parliamentary Questions 361 which I answered for the Deputy on 28th April 2009. The Health Service Executive has advised that an application for mortgage interest supplement from the person concerned has been refused. He was notified of this decision and also advised of his right of appeal against this decision to an Appeals Officer of the Executive. The Executive has further advised that to date, no appeal has been received from the person concerned.

Social Welfare Appeals.

168. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when rent support will issue in the case of persons (details supplied) in County Kildare; and if she will make a statement on the matter. [22041/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The position remains as advised in Parliamentary Question 320 which I answered for the Deputy on 12 May 2009. The Executive has advised that rent supplement was refused as total household income was deemed to be sufficient to meet the accommodation costs of the person concerned. He appealed against this decision to an Appeals Officer of the Executive but that appeal was unsuccessful. The person concerned was notified of the Appeals Officer's decision on 19 February 2009 and advised of a further right of appeal to the Chief Appeals Officer of the Department of Social and Family Affairs. No such appeal has been received to date.

Local Authority Staff.

169. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government if he will further clarify the case of a person (details supplied). [21914/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply to Question No. 370 of 26 May 2009. The position is unchanged.

Social and Affordable Housing.

170. **Deputy Mary Upton** asked the Minister for the Environment, Heritage and Local Government if legislation is in place to allow tenants in an affordable housing scheme (details supplied) in Dublin 8 go to a 100% mortgage with Dublin City Council. [21928/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Housing loans are provided by local authorities for households

[Deputy Michael Finneran.]

who wish to build or purchase their own home, including affordable housing purchasers and local authority tenants who wish to purchase under the tenant purchase scheme, but cannot access finance from private institutions. To ensure effective targeting of resources to support households most in need, income limits are applied, distinguishing between single and dual income households. A maximum loan limit is also applied and local authorities, in assessing loan applications, take account of the household's ability to finance the loan based on their net household income.

I recently introduced new regulations to underpin local authority lending. The Housing (Local Authority Loans) Regulations 2009 replace the previous regulations, providing for a new loan limit of €220,000 and maximum earnings of €75,000 in the case of joint applicants and €50,000 for single applicants. The previous maximum loan to value ratio of 97% still applies.

The Regulations also provide for the introduction of a formal credit policy to ensure prudence and consistency of approach for all local authority mortgage lending.

Planning Issues.

171. **Deputy Noel Ahern** asked the Minister for the Environment, Heritage and Local Government if he will clarify the position in relation to the previously announced decision to introduce a planning approval requirement to turn residential gardens into patios and so on; if regulations have been introduced; if not, the target date for same; if a summary of requirements will be given; and if he will make a statement on the matter. [21941/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): My Department issued Draft Guidelines to Planning Authorities on the Planning System and Flood Risk Management in Autumn 2008 for public consultation. Among the issues addressed in these draft guidelines, which are aimed at ensuring a more consistent, rigorous and systematic approach to the full incorporation of flood risk assessment and management into the planning system, was a proposal to review the exemptions from planning permission set out in the Planning and Development Regulations 2001, to provide that works involving the installation of a hard surface within the curtilage of a house will only be exempted development where they comply with sustainable drainage principles. In conjunction with the Office of Public Works, my Department is currently considering the many issues and observations raised in the submissions received on the draft Guidelines, including those relating to sustainable urban drainage and planning exemptions. I intend shortly to publish final Guidelines that will address this matter and other related issues.

172. **Deputy Edward O'Keeffe** asked the Minister for the Environment, Heritage and Local Government if he will release documentation regarding a project application to a person (details supplied) in County Cork. [21961/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): My Department has no record of a request for documentation relating to the project referred to. However, in the event of such a request being made, the matter will be dealt with as expeditiously as possible.

National Landscape Strategy.

173. **Deputy Liz McManus** asked the Minister for the Environment, Heritage and Local Government the reason for the delay in publishing a draft national landscape strategy for public consultation; the person in his Department who is preparing the NLS; the qualifications these

staff have in landscape architecture, landscape management and landscape planning; the timetable he is working to, in preparing the NLS; when he will publish the final document; the further reason Ireland has not been represented consistently at the Council of Europe's series of conferences, workshops and seminars on the European Landscape Convention; and if he will make a statement on the matter. [21971/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): My Department has established a Steering Group comprised of all key stakeholders to develop and progress a National Landscape Strategy (NLS). The aim of the (NLS) is to establish principles and provide the framework for promoting sustainable development, protecting and enhancing the landscape and positively managing its change as well as providing the context within which the design of appropriate development can take place.

The nature and content of the framework will be informed in the first instance by the Tara/Skryne Pilot Landscape Character Assessment (LCA) now underway. The pilot is being overseen by a Steering Group, chaired by Dr. Loreto Guinan, the Meath County Heritage Officer, and comprising representatives of the local authority, the Heritage Council and my Department. The project is also being part-funded by my Department and the Heritage Council.

The NLS will also be informed by the work of the Historic Landscape subgroup of the Expert Advisory Group which I established to review archaeological policy and practice in Ireland; this subgroup is chaired by Dr. Conor Newman.

Work on a draft National Landscape Strategy will be progressed over the coming months; it is not possible at this time to provide a date for publication of the final document.

Attendance by my Department at conferences, workshops and seminars is considered on a case by case basis.

Planning Issues.

174. **Deputy Noel Ahern** asked the Minister for the Environment, Heritage and Local Government the position in relation to the raising of financial contributions in the case of €36,000 for three prefab buildings against a school (details supplied) in Dublin 3, a voluntary body being the school's board of management; if, from a planning aspect, this is correctly charged; if there is a process to pursue a waiver exemption or reduction for a school or voluntary body; the process in relation to same; if it is reasonable to expect a body to fundraise for this; if planning approvals for prefab schools are always temporary; if full approval will be given; if limited five year approvals are the usual case; and if he will make a statement on the matter. [21981/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Under section 30 of the Planning and Development Act 2000, I may not exercise any power or control in a particular case with which a planning authority or An Bord Pleanála may be concerned.

The Planning and Development Act 2000 introduced changes to the operation of the development contributions system, including the introduction of a statutory requirement that such contributions may now be levied only in accordance with a development contribution scheme drawn up by the planning authority and approved by the elected members following a public consultation process.

[Deputy John Gormley.]

Section 48 (3)(c) of that Act states that a development contribution scheme may allow for the payment of a reduced contribution or no contribution in certain circumstances, in accordance with the provisions of the scheme.

The adoption of development contribution schemes is a reserved function of the locally elected members of each planning authority. It is a matter for the members to determine the level of contribution and the extent, if any, of contribution waivers and the types of development to which they will apply. Details of individual development contribution schemes are available directly from each planning authority.

It is open to an applicant for planning permission to appeal a planning decision to An Bord Pleanála if the applicant considers that the terms of a development contribution scheme or supplementary development contribution scheme have not been properly applied in respect of any planning condition laid down by the planning authority.

Class 20B of the Planning and Development Regulations 2008 provides an exemption, following a grant of permission or outline permission for a permanent structure, for the use of a temporary school structure up to a maximum of 50% of the size, and up to same height, of the proposed permanent structure. This exemption is for a five year period only.

Grant Payments.

175. **Deputy Edward O’Keeffe** asked the Minister for Agriculture, Fisheries and Food the position regarding an application for installation aid by a person (details supplied) in County Cork. [21880/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Only fully completed applications made under the Young Farmers’ Installation Scheme and received by my Department up to and including 14 October 2008 are being processed.

176. **Deputy Edward O’Keeffe** asked the Minister for Agriculture, Fisheries and Food the position regarding an application for installation aid by a person (details supplied) in County Cork. [21881/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Only fully completed applications made under the Young Farmers’ Installation Scheme and received by my Department up to and including 14 October 2008 are being processed.

Departmental Records.

177. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the cost of compiling mart prices on a weekly basis in all centres here; the cost of travel and subsistence for the staff involved; and if he will make a statement on the matter. [21929/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Cattle and sheep prices are collected at livestock marts by officials of my Department on a weekly basis. The prices are collected in order to (a) provide weekly reports of price data to the EU Commission in the context of the market support systems for cattle and sheep and (b) provide a basis for the on-farm valuation system which underpins the compensation regime available under the disease eradication programmes for TB, Brucellosis, Scrapie and BSE.

In view of the fact that the officials involved in the compilation of these prices undertake a range of other duties, it is difficult to give the precise cost associated with attendance at marts

for price reporting purposes. However, it is estimated that the weekly cost of the latter duties is approximately €1,800, of which approximately €500 represents travel and subsistence payments.

With regard to the reporting of cattle and sheep prices to the European Commission, my Department is obliged under EU rules to collect price data on a weekly basis in order to establish average Community prices which are used by the Commission to manage the market in these sectors. With regard to the prices relevant to the valuation scheme, it is important that valuers have access to up-to-date prices for use as a reference when valuing animals removed as reactors. This arrangement was agreed with the farming representative organisations prior to the introduction of this scheme in 2002.

Farm Waste Management.

178. **Deputy Frank Feighan** asked the Minister for Agriculture, Fisheries and Food when payment will issue to persons (details supplied) under the farm waste management scheme. [21933/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The arrangements for payment of grants under the Farm Waste Management Scheme on a phased basis have been confirmed with 40 per cent being paid this year as claims are approved. A further 40 per cent will be paid in early January 2010 and the remaining 20 per cent in January 2011. I have also announced that a special ex-gratia payment not exceeding 3.5 per cent of the value of the deferred amount will be made to farmers whose Farm Waste Management grants have been partially deferred. This payment will be made in January 2011 along with the final instalment.

My Department is currently examining the application concerned and a decision will be made as soon as possible.

Grant Payments.

179. **Deputy Joe McHugh** asked the Minister for Agriculture, Fisheries and Food the time-frame as to when the funding for the meat processing sector (details supplied) will be rolled out; and if he will make a statement on the matter. [21982/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Funding awarded under the Beef and Sheepmeat Fund for investments in the meat processing sector is being provided over a multi-annual period. In the case of eligible capital investments carried out up to 31 December 2008, grant aid will be paid out at the latest by 30 June 2010. Grant aid in respect of eligible capital investments carried out after 31 December 2008 will be paid out in the years 2011-2012.

180. **Deputy David Stanton** asked the Minister for Agriculture, Fisheries and Food the position regarding a payment to a person (details supplied) in County Cork; and if he will make a statement on the matter. [21983/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The file belonging to the above named cannot be processed until a reply is received to a letter issued by my officials on 24 March 2009.

Higher Education Grants.

181. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the number of stamp four applicants refused higher education grants and on what basis by vocational edu-

[Deputy Bernard J. Durkan.]

cation committees in each of the past four years; and if he will make a statement on the matter. [22038/09]

Minister for Education and Science (Deputy Batt O’Keeffe): Under the terms of the maintenance grant schemes, grant assistance is awarded to students who meet the prescribed conditions of funding including those which relate to nationality, residency, means and previous academic attainment. The decision on eligibility for a higher education grant is a matter for the relevant local authority or VEC as appropriate.

These bodies do not collect data on the number of applicants refused a grant on the basis of Stamp 4. An individual can be refused a grant for other reasons under the nationality requirement of the Schemes.

It is the candidate’s nationality or his/her immigration status in the State that determines whether or not he/she meets the nationality requirement outlined in the student grant schemes. Possession of a ‘Stamp 4’ does not automatically satisfy the nationality requirement of the grant schemes.

Special Educational Needs.

182. **Deputy Pádraic McCormack** asked the Minister for Education and Science if a decision has been made on the appeal by a school (details supplied) in County Galway to retain their special class; and if he will make a statement on the matter. [21874/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The correspondence submitted by the school referred to the Deputy in support of its appeal is currently being considered by my Department. This process is well advanced and it is expected that a decision will be conveyed to the school shortly.

Schools Building Projects.

183. **Deputy Ruairí Quinn** asked the Minister for Education and Science when he expects the new school (details supplied) in County Louth to be constructed; and if he will make a statement on the matter. [21877/09]

Minister for Education and Science (Deputy Batt O’Keeffe): There is on-going liaison between my Department and local authorities to establish the location, scale and pace of any major proposed developments and their possible implications for school provision.

My Department has made submissions to the Local Area Plan for the area in question, in which the land requirements for additional primary and post-primary provision were outlined, based on projected population figures provided by the Local Authority.

The delivery of any additional school facilities in the area referred to by the Deputy will be dependant upon the pace and scale of housing developments in the area. My Department will continue to monitor planned developments and population growth in the area to ensure that school accommodation needs are provided in a timely manner.

School Staffing.

184. **Deputy Michael Ring** asked the Minister for Education and Science if a school (details supplied) in County Mayo will be retaining their teacher numbers for the 2009/2010 school year; and if he will make a statement on the matter. [21911/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I am committed to providing information in relation to the allocation of teachers to schools and as a new feature on my Department’s website. The process has begun with the provision earlier this year of initial information on the allocation of mainstream classroom teachers to primary schools under the revised schedule for 2009/10.

In terms of the position at individual primary school level the key factor for determining the level of resources provided by my Department is the pupil enrolment at 30 September 2008. The annual process of seeking this enrolment data from schools took place in the autumn and the data has since been received and processed in my Department enabling the commencement of the processes by which teaching resources are allocated to schools for the school year that begins next September.

My Department has written to the primary schools that are projected to have a net loss or gain in classroom teaching posts in September, 2009. As part of my efforts to ensure that relevant information is openly available to the public detailed information on the opening position for primary schools is now published on my Department’s website. This provisional list sets out the details on individual schools that, taken collectively, are projected to gain 128 posts and to lose 382 posts — a net reduction of 254 posts. It is my intention to have this information updated and ultimately to set out the final position when the allocation processes are completed.

The final position for any one school will depend on a number of other factors such as additional posts for schools that are developing rapidly and posts allocated as a result of the appeals processes. The operation of redeployment arrangements also impacts on the final position as a teacher can remain in his or her existing school where a suitable redeployment position does not exist. The final staffing position for all schools will therefore not be known until the autumn. At that stage the allocation process will be fully completed for mainstream classroom teachers and appeals to the Staffing Appeals Board will have been considered.

Particular difficulties in relation to learning in the school referred to by the Deputy have been brought to the attention of my Department. Having considered the matter and in order to assist the school in implementing a programme to address the specific deficiencies identified an additional post will be retained by the school for the coming school year as an exceptional measure.

Furthermore the school will be supported through a plan of sustained support which will be drawn up in consultation with the Inspectorate and the Primary Professional Development Service (PPDS).

School Accommodation.

185. **Deputy Denis Naughten** asked the Minister for Education and Science the procedure for closing a primary school into another local school; and if he will make a statement on the matter. [21922/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The Commission on School Accommodation published two reports in September 2001; namely the Amalgamation of First Level Schools and Amalgamation of Second Level Schools. These reports present a framework of key issues and recommends detailed models for the amalgamation process together with other recommendations on dealing with amalgamations in the future. The recommendations in the report are incorporated in the best practice in dealing with amalgamation within the Department.

The Report is available on my Department’s website www.education.ie.

School Transport.

186. **Deputy Denis Naughten** asked the Minister for Education and Science if school transport will be provided for a child (details supplied) in County Roscommon; and if he will make a statement on the matter. [21923/09]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): The case referred to by the Deputy, in the details supplied, is subject of an appeal to the Independent School Transport Appeals Board.

The School Transport Appeals Board is scheduled to sit on Thursday 18th June 2009. The Family will be advised of the decision thereafter.

Primary School Ownership.

187. **Deputy Ruairí Quinn** asked the Minister for Education and Science the name, address and roll number of each primary school owned by bodies (details supplied); and if he will make a statement on the matter. [21937/09]

Minister for Education and Science (Deputy Batt O’Keeffe): As the Deputy will be aware there are in excess of 3,200 primary schools in the country, most of which are not owned by the State but rather are owned by diocesan trustees of various religions or by religious orders, including the religious orders referred to by the Deputy. These schools are privately owned and as such the information sought by the Deputy is not readily available in a format that is readily retrievable. The legal documents relating to the interest of the State in buildings constructed on sites not in the ownership of the State are generally held on individual files as distinct from a central database.

Schools Recognition.

188. **Deputy Jack Wall** asked the Minister for Education and Science the reason a proposed school (details supplied) in County Kildare which has pre-enrolled the required number of students according to his Department’s guidelines has not been deemed as acceptable in view of the fact that the statistics for the area in question show a demand for such a school; and if he will make a statement on the matter. [21953/09]

Minister for Education and Science (Deputy Batt O’Keeffe): A Notification of Intention to apply for recognition of a new primary school in the Athy area has been received from the Patron Body for Educate Together.

I have recently announced a review of the procedures for the establishment of new primary schools under the Commission on School Accommodation. It is expected that the review of procedures for recognising primary schools will be completed and revised arrangements will be in place within a two year time frame.

In the interim it is not proposed to recognise any new primary schools, except in areas where the increases in pupils numbers cannot be catered for in existing schools and which require the provision of new schools. This means that new schools will not be established for reasons unrelated to demographic growth in areas where there is already sufficient school accommodation or where increases can be catered for by extending existing school accommodation.

The Forward Planning Section of my Department is in the process of identifying the areas where significant additional accommodation will be required at primary and post-primary level for future years and Athy will be included in this process.

Factors under consideration include population growth, demographic trends, current and projected enrolments, recent and planned housing developments and capacity of existing schools to meet demand for places. Having considered these factors decisions will be taken on the means by which emerging needs will be met within an area.

Special Educational Needs.

189. **Deputy John Cregan** asked the Minister for Education and Science if he will confirm if a child (details supplied) in County Limerick can remain in a special school for an additional 12 months; and if he will make a statement on the matter. [21954/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The position is that my Department’s policy in relation to the retention of pupils in primary schools is set out in Primary Circular 32/03 which issued to all primary schools in December 2003.

The primary school curriculum is designed as an eight year course, including a two year infant cycle followed by six years in standards from first to sixth, with children progressing to the next grade at the end of each school year.

My Department is providing considerable support for pupils with learning difficulties in schools. Learning support teachers, resource teachers, special needs assistants, computer equipment and a wide range of resources under the various schemes for schools in areas designated as disadvantaged are among the forms of provision allocated to schools for these pupils.

Under my Department’s policy, pupils should only repeat a year for educational reasons and under no circumstances should an additional grade level (middle infants or repeat sixth class) operate through the retention of all or a substantial number of pupils for a second year at a grade level. The level of provision now available should enable pupils to make progress in keeping with their needs and abilities and to move consecutively through the different class levels in the school in keeping with their peers.

In accordance with the terms of the circular, a principal teacher should consult with the learning support teacher, class teacher and parents of a pupil and if all parties conclude that the pupil would benefit educationally by repeating a class, the pupil may be retained. However, a record outlining the educational basis for the decision to retain a pupil in a class for a second year should be kept for any pupil retained. In addition, there should be a clear programme outlined for such a pupil that records precisely what new approach will be used for her/him and what its expected benefit will be. These records should be retained within the school and should be brought to the attention of the Inspector. No pupil should repeat a grade more than once in a primary school.

Schools Building Projects.

190. **Deputy Noel Ahern** asked the Minister for Education and Science if he will clarify the position in so far as his Department is involved in relation to planning approval sought by a school (details supplied) in Dublin 3 for three new prefab classroom buildings of six classrooms in total; if local authorities always only give temporary five year approvals for prefab school buildings; if a local authority financial contribution of approximately €36,000 for three prefabs is appropriate; if such amounts are paid by his Department to school authorities; and if there is a process of waiver or reduction if schools have to fundraise for such and so on. [21980/09]

Minister for Education and Science (Deputy Batt O’Keeffe): In general where a school has demonstrated a need for the provision of additional or replacement prefabricated accom-

[Deputy Batt O’Keeffe.]

modation grant-aid is provided by my Department on a devolved basis, as in the case of the school referred to by the Deputy.

I understand that where planning permission for prefabricated units is required an initial five year period of approval is generally granted by the relevant local Authority.

The matter of local authority development charges is embodied in planning legislation which comes under the remit of my colleague, the Minister for the Environment, Heritage and Local Government and accordingly is a matter between the school and the relevant Local Authority.

Higher Education Grants.

191. **Deputy Bernard J. Durkan** asked the Minister for Education and Science if each vocational education committee applies different guidelines for stamp four students who have permission to work and study here; and if he will make a statement on the matter. [21984/09]

Minister for Education and Science (Deputy Batt O’Keeffe): It is the candidate’s nationality or his/her immigration status in the State that determines whether or not he/she meets the nationality requirement outlined in the student grant schemes. Possession of a ‘stamp 4’ does not automatically satisfy the nationality requirement of the grant schemes. My Department understands a ‘stamp 4’ can be awarded to categories of applicants other than those specified in my Department’s grant schemes.

The decision on eligibility for a maintenance grant is a matter for the relevant local authority or VEC as appropriate. It is for each VEC/local authority to determine whether the nationality/immigration status of the candidate meets the nationality requirements in the Scheme.

In order ensure consistency of assessment practice, guidance on the provisions of the schemes is provided to the awarding authorities at the annual briefing day on the administration of the grant schemes.

Special Educational Needs.

192. **Deputy Frank Feighan** asked the Minister for Education and Science if he will review, revise and revert a decision in relation to a person (details supplied). [21999/09]

Minister for Education and Science (Deputy Batt O’Keeffe): As the Deputy will be aware, 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 (SNAs) to schools to support children with special needs. The NCSE operates within my Department’s criteria in allocating such support.

Applications for SNAs may be considered by the NCSE where a pupil has a significant medical need for such assistance and where there are identified care needs arising from a diagnosed disability. A pupil’s level of care may diminish over time as the child matures. Pupils may move to a different school or on to post-primary school. In such situations, the NCSE will review and adjust the SNA support required in the school. This may mean that some pupils who had previously been supported by a full time SNA may have their needs met through the shared support of an SNA or perhaps they may have no need for SNA support.

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.

I have arranged for the information provided by the Deputy to be forwarded to the NCSE for their direct reply.

Site Acquisitions.

193. **Deputy Joanna Tuffy** asked the Minister for Education and Science the position regarding the need for a site and new building for a school (details supplied) in County Dublin; and if he will make a statement on the matter. [22001/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The OPW has been recently instructed to recommence negotiations up to contract stage for a site for the school. Due to commercial sensitivities attaching to site acquisitions generally, the Deputy will appreciate that I am not in a position to comment on the details of the matter. The further consideration of the proposed site acquisition and any subsequent building project for the school will be considered in the context of my Department’s multi-annual school building and modernisation programme.

Schools Building Projects.

194. **Deputy Joanna Tuffy** asked the Minister for Education and Science the position regarding the need for an extension to a school (details supplied) in County Dublin; and if he will make a statement on the matter. [22002/09]

Minister for Education and Science (Deputy Batt O’Keeffe): My Department has built an 8 classroom building for the school to which the Deputy refers. The building, which opened in September 2008, meets the immediate accommodation requirements of the area to which the Deputy refers.

The Forward Planning Section of my Department is currently identifying the areas throughout the country where significant additional accommodation will be needed at primary and post-primary level for 2009 and onwards. This process will include an examination of the area in County Dublin where the school to which the Deputy refers is located.

Factors under consideration include population growth, demographic trends, current and projected enrolments, recent and planned housing developments and the capacity of existing schools to meet the demand for places.

Any further accommodation needs of the school concerned will be considered in this context.

Site Acquisitions.

195. **Deputy Joanna Tuffy** asked the Minister for Education and Science the position regarding the need for a site and school building for a school (details supplied) in County Dublin; and if he will make a statement on the matter. [22003/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The acquisition of a site for the school to which the Deputy refers will be considered in the context of the capital budget available to my Department for school buildings generally. In light of current competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the acquisition of a school site at this time.

Forward Planning Section of the Department is in the process of identifying the areas where significant additional accommodation will be required at primary and post-primary level for 2009 and onwards. Factors under consideration include population growth, demographic trends,

[Deputy Batt O’Keeffe.]

current and projected enrolments, recent and planned housing developments and capacity of existing schools to meet demand for places.

Educational accommodation requirements in the area concerned, and any subsequent issues which may arise, will be considered in this context.

School Transport.

196. **Deputy Jimmy Deenihan** asked the Minister for Education and Science if he will introduce some form of easy payment option for school transport charges for the 2009/2010 academic year; and if he will make a statement on the matter. [22008/09]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): School transport ticket invoices for the 2009/2010 School Year will be issued by Bus Éireann in July 2009. The payment options being offered to parents are as follows:

- Payment of the full amount by the deadline date of 31 July 2009
- Spreading the amount due over two payments payable in July and December 2009.

Parents who pay the full annual charge, in advance, will benefit from ticket(s) being issued for the full school year. This arrangement includes pupils on concessionary travel.

Parents who pay 50% of the annual amount by the deadline date of 31 July, 2009 will be issued with a ticket valid for travel up to 22 December, 2009. The balance due must be paid by 4th December, 2009. Upon receipt of this payment a second ticket valid for travel up to the end of the school year in June, 2010 will be issued.

On-line payment facilities have been introduced by Bus Éireann to make it more convenient for parents to make their payment from home, if desired. This facility is made available when ticket invoices are issued and the option to use a credit or debit card is offered.

I would highlight the fact that school transport charges have been confined to eligible post-primary children and children availing of concessionary transport. Charges continue to be waived in the case of eligible post-primary children where the family is in possession of a valid medical card. Eligible children attending primary schools and children with special needs will still travel free. A maximum family rate of €650 will also be applied.

It is not envisaged that there will be a reduction in the annual charge or a change in the payment arrangements as outlined above.