



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

# DÁIL ÉIREANN

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

*Wednesday, 18 November 2009.*

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# DÁIL ÉIREANN

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## DÍOSPÓIREACHTAÍ PARLAIMINTE PARLIAMENTARY DEBATES

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### TUAIRISC OIFIGIÚIL OFFICIAL REPORT

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*Dé Céadaoin, 18 Samhain 2009.*  
*Wednesday, 18 November 2009.*

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

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*Paidir.*  
*Prayer.*

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#### **Visit of US Delegation.**

**An Ceann Comhairle:** Before proceeding with Business, I wish on my own behalf and on behalf of the Members of Dáil Éireann to offer a Cead Mile Fáilte, a most sincere welcome to Ms Christine Quinn, Speaker of the New York City Council.

I hope that you will find your visit enjoyable, successful and to our mutual benefit.

#### **Leaders' Questions.**

**Deputy Enda Kenny:** I welcome Ms Quinn to Ireland. Before putting my question to the Taoiseach, I wish to say that my thoughts this morning are with the families of the four young women who died last night and with all the victims of last night's horrific car crash on the Mayo-Galway border, go ndéana Dia trócaire orthu.

I listened carefully to the debate yesterday evening on the pre-budget position. It is obvious there is a fundamental difference between Government and Opposition parties in the approach to the forthcoming budget. It appears, given the scale of the financial disaster facing us, that the Government is consumed with book-keeping and cutback measures. Having travelled the country extensively, the clear message from businesses who continue to pay wages and struggle to remain in existence in competitive circumstances is that they want a break and assistance, where possible, to allow them continue with their commitment to keep our economy moving.

In the run-in to yesterday's debate, Minister after Minister stated that they would listen constructively to and take on board suggestions from Opposition parties. My comments this

[Deputy Enda Kenny.]

morning are in that light. The Fine Gael Party, having met directly with more than 1,200 to 1,500 business people yesterday put forward, through its spokesperson on finance, Deputy Bruton, the proposition to introduce a tax cut on employment. This tax cut would be funded in the manner outlined, namely, €900 million by way of a 20% cut at the lower rate and a 50% cut at the higher rate, which would affect 175,000 businesses and 1.7 million employees.

The Taoiseach has repeatedly stated, as is his right, that he will do things his way, an approach which, it has been confirmed by Ministers, will result in the loss of a further 72,000 jobs next year. Fine Gael's constructive suggestion is made in the interests of easing the crushing burden on employers, of making it easier for employers to retain employees and of ensuring those on the minimum wage and in receipt of low income remain outside the PRSI net. The proposal has been costed. In the spirit of what Ministers have been saying for the past three weeks, will the Taoiseach accept this proposal and implement it in the budget on 9 December?

**The Taoiseach:** As Deputy Kenny stated, this matter was debated yesterday. Obviously, we will assess constructive proposals from any party in the House in respect of these matters. I do not wish to dismiss or guarantee the Deputy that Fine Gael's proposal will feature in the taxation proposals from the Minister for Finance who will make the decisions in this regard, bring them before Cabinet following which they will be outlined to the Dáil on 9 December.

We all recognise, in the context of the debate in terms of protection of employment, the need to avoid increasing marginal rates of tax if we want to maintain employment and to create further employment for the future. The pre-budget outlook for 2010 outlines that while we hope for growth in the second half of next year the prospect of rising unemployment remains until growth returns to the economy. We must do all we can to assist employers and are doing so in a range of ways.

From our point of view, this is not simply a book-keeping exercise. It is about repositioning the country to be more competitive for the future. It is recognised by all sides of the House that corrections of the order of €4 billion are necessary. I agree the economic debate is not simply about that but, in the context in which we can move forward if we are to effect economic recovery, part of the pillar of that recovery is to restore order to the public finances. Being more competitive is obviously another issue. The Minister for Finance will assess all that was said in the debate, which was in the main constructive, and see what emerges.

**Deputy Enda Kenny:** I hope the Taoiseach can go beyond that and examine carefully what is a well thought-out, well costed serious proposition to ease the burden on employers and to allow the creation of up to 30,000 extra jobs in the coming years. I call this "tax-cut employment". As Deputy Bruton pointed out yesterday, it would be funded by the introduction of a carbon tax, a windfall tax on the rip-off charges levied by power generators, which are estimated at €200 million, and the PRSI ceiling, which would still leave the €352 weekly exemption available to those who are lower paid or on a minimum wage. This would still leave the Government with €200 million extra for deficit reduction or other employment expenditure.

I cannot repeat this strongly enough. The members of Cabinet are focused entirely on reaching the demands set by the Minister for Finance in their Departments and they are coming under pressure in this regard on a daily basis. However, far removed from the Cabinet room, as we speak, there are employers looking at their books and people who are concerned that they might not have jobs after Christmas. This proposal, which equates to a permanent tax cut on employment, should show employers that money saved in this way could make a massive difference in protecting employment while allowing them to invest for future job creation. It affects 1.7 million workers and 175,000 businesses. Whether they are in Donegal, Cork, Dublin

or Wexford, all employers that pay out cheques at the weekend, whatever the rate of PRSI, will find this of benefit.

This is something the Government can do on 9 December. It can send out the message that not only is it listening to constructive suggestions from Opposition parties, but it is prepared to implement them. We made suggestions previously in respect of freezing of rates, reductions in Government charges and the creation of 100,000 jobs through the Coveney plan for an economic recovery authority, but they were all rejected by Government.

This is a serious, costed proposal. We are prepared to make our people available to Government to spell out clearly how this can work. The message can go out in advance of the budget. We are to lose another 72,000 jobs next year; that is almost a full crowd at Croke Park. Is the Taoiseach prepared to accept the constructive suggestion put forward by Fine Gael in the interests of so many workers and 175,000 businesses?

**Deputy Pádraic McCormack:** He might.

**The Taoiseach:** This Government is committed not simply to a book-keeping exercise, as the Deputy suggests, but to making sure the economy returns to growth as quickly as possible. Part of this is a correction in the public finances.

With regard to taxation policy, this Government has always been committed to ensuring that we maximise the prospects for employment and allowing people to retain the greatest possible level of disposable income consistent with the provision of public services in a cost-effective and efficient way. We have set out five action areas for this. We must meet the short-term challenge of securing the enterprise economy and restoring competitiveness, which is the context in which the Fine Gael proposal is being made; we must build the ideas economy, because education and innovation have been shown to be key drivers of the economy. It is not just a question of the products and services we produce but how we produce them; we must enhance the environment and secure energy supplies. Productivity is enhanced by lowering carbon inputs in production; we must invest in critical infrastructure to enhance productivity; and we must make public service governance and regulation more efficient and effective.

Trying to increase productivity across all sectors of the economy is the best means by which we can restore growth, incomes and standards of living in due course. It would be wrong to suggest, given the scale of the problems we face, that it is possible to do so without making the immediate short-term correction we are talking about. I was glad to see in yesterday's debate that whatever about the details, the scale of the required correction — €4 billion — is agreed in the House. However, we must also concentrate on the other €52 billion or €54 billion in capital and current spending to show what we are doing for the economy and for the provision of public services.

**Deputy Eamon Gilmore:** The Taoiseach will recall that when the Government introduced the bank guarantee at the end of September 2008, he and the Minister for Finance assured us it would not cost taxpayers anything. Since then we have had to pay €4 billion to Anglo Irish Bank and €7 billion to AIB and Bank of Ireland; on top of this we have the NAMA legislation. Now that the banks have got the money and the NAMA legislation in their back pockets——

**Deputy Pádraic McCormack:** Take the money and run.

**Deputy Eamon Gilmore:** ——the old guard are back to their old ways. They are trying to call the shots. This week we saw that AIB wants to appoint the same person as chairman and chief executive — that is, an executive chairman — to appoint a managing director internally,

[Deputy Eamon Gilmore.]

and to exceed the cap on salaries. The Taoiseach said to Deputy Kenny yesterday that the Government intends to insist on compliance with the cap, which I was glad to hear. However, one newspaper reported this morning that the Minister for Finance went to Cabinet seeking approval for the salary sought by the bank — that is, €633,000. Is this the case? Will the Government allow AIB to appoint the same person as chairman and chief executive, and what level of pay will be approved for that post? Will the Government allow AIB to appoint a managing director internally? Can the Taoiseach tell the House how many executives in the guaranteed banks are paid more than €500,000, which is the salary cap the Government wants to apply?

**The Taoiseach:** I do not have the figure sought by the Deputy in his last question; that is a matter to be taken up with the Minister for Finance in a parliamentary question. The cap we introduced was in respect of the appointment of new personnel to the position of CEO or other senior positions. There was no proposal from the Minister for Finance in which the Government was asked to approve a salary greater than the cap that was fixed.

The appointments of Dan O'Connor as executive chairman, Colm Doherty as group managing director and Dr. Michael Somers as deputy chairman will proceed. Mr. Doherty will be responsible for the day-to-day running of the group and he has agreed to take up his new role for a salary of €500,000.

**Deputy Paul Connaughton:** That was good of him. Will he be able to live on it?

**Deputy Eamon Gilmore:** I am surprised the Taoiseach does not have more information about whether top people in the banks are paid more than the salary cap. After all, we are now funding and guaranteeing the banks and taking bad loans from them. We are doing everything for them and one would expect the Taoiseach to know whether these people are paying themselves more than the Government wants.

**Deputy Dinny McGinley:** It is none of our business.

**Deputy Eamon Gilmore:** For example, the annual report of one bank shows that all bar one of the executive directors are on salaries in excess of the cap and, on top of that, remuneration other than salary is also paid to these people. As a matter of information, can the Taoiseach tell us whether the cap applies just to salary or to the total remuneration package?

**Deputy Pádraic McCormack:** Under the counter.

**Deputy Eamon Gilmore:** The banks are still calling the shots. The old guard is still in place. If one looks at the boards of directors of the banks, for example, apart from the public interest directors, the directors who are there now were there at the time the collapse happened and the guarantee had to be introduced. In Allied Irish Banks, ten of the ten who are there now were there then. In Bank of Ireland the figure is 11 of 13. We have seen little or no change at the top boards of the banks and they are still calling the shots.

The test as to whether they are calling the shots is not on the salary. The test is whether the Taoiseach will allow this bank to appoint an executive chairman. All we know about corporate governance is that the same person should not be chairman and chief executive. The Grant Thornton report referred specifically to this point about the banks when it reported earlier this year. Allied Irish Banks propose to do precisely that and appoint an executive chairman. Is the Taoiseach going to permit that? That is the test.

Will the Taoiseach permit these appointments to be made? Who is calling the shots here? Is it the old guard which was there when the problem started and contributed to it? Or will the Taoiseach and the Minister for Finance, on behalf of the taxpayer, who is now funding and guaranteeing this operation and taking the bad debts from the bank, call the shots? This is the test.

**The Taoiseach:** Deputy Gilmore would know an awful lot more about the old guard than I would.

**Deputy Eamon Gilmore:** The Taoiseach knows a lot about it himself.

**Deputy Bernard J. Durkan:** He brings up the rear guard.

*(Interruptions).*

**A Deputy:** Answer the question.

**The Taoiseach:** I will answer the question. Regarding the arrangements put in place at Allied Irish Banks, with the agreement of the Minister for Finance, Mr. Dan O'Connor, currently non-executive chairman, is to take on the role of executive chairman on a temporary basis in order to oversee the bank's work on the completion of the key task of capital raising, the implementation of NAMA and the EU re-structuring plan. Mr. Colm Doherty, formerly the managing director of AIB capital markets has been appointed AIB group managing director and will take up his new role with immediate effect.

**Deputy Kathleen Lynch:** So he got a promotion.

**The Taoiseach:** Mr. Doherty will be responsible for the day to day running of the bank and has agreed to take up his new role for a salary of €500,000.

**Deputy Bernard J. Durkan:** Shucks.

**The Taoiseach:** In addition, the AIB group chief executive, Mr. Eugene Sheehy, is to retire on 30 November.

**Deputy Kathleen Lynch:** Did he get a golden handshake? Or a gold watch?

**The Taoiseach:** These appointments are part of a wider series of management changes with the emphasis on attracting new external talent. This will deliver the vital combination of internal and external experience and perspective necessary to ensure——

**Deputy Joan Burton:** What is external?

**The Taoiseach:** ——that AIB's culture, structure and management team is ideally equipped to lead the bank through this critical period.

**Deputy Pádraic McCormack:** Is that the bank's statement?

**The Taoiseach:** These include Dr. Michael Somers, the chief executive of the National Treasury Management Agency, who will be appointed to the AIB board as deputy chairman. He will also chair the AIB board risk committee. Dr. Somers will take up his new post on completion of the regulatory——

**Deputy Joan Burton:** Is that the bank's proposal?

**Deputy Eamon Gilmore:** That is the bank's press release.

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

**The Taoiseach:** Mr. David Pritchard, currently AIB deputy chairman, is to step down from that post. The board wishes to express its thanks to him. He will retain the role of senior independent director.

*(Interruptions).*

**The Taoiseach:** The key executive functions of group finance director and group chief——

**An Ceann Comhairle:** The Taoiseach, without interruptions.

**The Taoiseach:** I am bringing to the attention of the House——

*(Interruptions).*

**An Ceann Comhairle:** I ask Deputies to restrain themselves.

**The Taoiseach:** ——what is going on here. Decisions have been taken, internal and external appointments will be made. Deputies seem not to want to hear what decisions have been made. The roles of group finance director and group chief risk officer will be filled by external appointment. All of this is happening on the basis that the Government is insisting the bank proceeds in this manner. We have the agreement of the bank that such will be the case.

**Deputy Joan Burton:** No.

**The Taoiseach:** We proceed in this way. What is most important, apart from all of this, is the fact we need to restructure our banking system. We are also ensuring the guarantee is paid for on an ongoing basis.

**Deputy James Reilly:** Times change, people do not.

### **Ceisteanna — Questions.**

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#### **Ministerial Appointments.**

1. **Deputy Enda Kenny** asked the Taoiseach the appointments made by him since May 2008 to date in 2009 to the State boards, or other agencies under his aegis; and if he will make a statement on the matter. [30622/09]

2. **Deputy Eamon Gilmore** asked the Taoiseach the appointments made by him since his election as Taoiseach to the State boards, or other agencies under the aegis of his Department; and if he will make a statement on the matter. [32526/09]

**The Taoiseach:** I propose to take Questions Nos. 1 and 2 together. The information sought by the Deputies concerning appointments made by me to State boards and agencies under the aegis of my Department since May 2008 to date is set out in a schedule.

*Additional material not supplied on the floor of the House.*

The following appointments were made by the Taoiseach from May 2008 to date: National Economic and Social Council, NESC: Tom Parlon, director general, Construction Industry Federation; Siobhan Masterson, director, Financial Services Ireland; Edmond Connolly, chief executive officer, Macra na Féirme; Oisín Coghlan, Friends of the Earth; Pat Smith, general secretary, Irish Farmers Association; and Orla O'Connor National Women's Council of Ireland. National Economic and Social Forum, NESF: Senator Maria Corrigan. National Centre for Partnership and Performance, NCPP: Brendan Duffy, assistant secretary, Department of Finance; Dermot Curran, assistant secretary, Department of Enterprise, Trade and Employment; and Mary Connaughton, HR Development, IBEC. The National Statistics Board, NSB: Dr. Patricia O'Hara, Western Development Commission; Professor Philip Lane, Trinity College, Dublin; and Mr. Fergal O'Brien, Irish Business and Employers Confederation. The Ireland Newfoundland Partnership Board: Deputy Billy Kelleher, Minister of State at the Department of Enterprise, Trade and Employment and Clare Dunne, assistant secretary, Department of Enterprise, Trade and Employment.

**Deputy Enda Kenny:** We have asked these questions before. There have been two scandals, or embarrassing situations, recently. One was the illegal appointment made to the Residential Tenancies Board, the other the resignation of the new chairman of the Dublin Docklands Development Authority within a couple of days of his appointment. As the Taoiseach will be aware, in order to clear this up, Fine Gael published the Public Appointments Transparency Bill. This is not a Bill of interrogation but seeks that those who are announced to be in a position of some authority would come before the relevant Oireachtas committee and indicate to members what they would bring to the particular board or agency to which it is proposed they be appointed.

Does the Taoiseach agree with or favour that proposal? Does he approve a facility whereby those who are to take chairmanships of agencies or State boards should be in a position to be able to say, concerning their own merit or credit, "This is what I bring to this board. These are the qualifications and attributes I have. This is what I want to do". It would be helpful for everybody. The Taoiseach might indicate his views on that.

**The Taoiseach:** Many people are available for public service who have served on State boards with much distinction. We must look always to obtain people who have the talent and expertise to do the job and ensure we have a good cross section of people who are not only technocratically capable to deal with issues but also have a broader public service experience. Appointments should be made on the basis of merit, taking into account the skills, qualifications and experience of the person to be appointed, as well as any other relevant criteria, including requirements in respect of gender balance.

**Deputy Enda Kenny:** I am glad to hear that. In answer to a question I asked in this Chamber, the Taoiseach's predecessor said people were appointed on the basis that they were "friends". I am glad the Taoiseach takes a very different view, namely, that people should be appointed to these positions on the basis of merit. I agree with that.

Does the Taoiseach consider that some of these chairpersons might wish to go before an Oireachtas committee in respect of the agency or State body they have been asked to chair to outline the priorities they would accord to it and explain why they are accepting the job? It is not an interrogation business but intended to help persons proposed as chairpersons.



[Deputy Enda Kenny.]

When he was Taoiseach, Deputy Bertie Ahern said he wanted to introduce some measure of involvement from Oireachtas committees in respect of people who would be appointed to State agencies or boards. This is a matter to which the Taoiseach might give consideration.

**The Taoiseach:** It depends. I would not make a general rule about but it is important we acknowledge that boards act independently and have certain fiduciary book duties. Too often I find this issue comes to the House or to a committee and, unfortunately, can become very politicised. I do not know the reason for this. We should be in the business of encouraging people to make themselves available for service. Sometimes I get the impression that unless people have a prior approval rating they are regarded by many as unacceptable. Former leaders of Deputy Kenny's party and the Labour Party have been appointed by this Government to important positions and they may hold different views on some of the issues raised.

**Deputy Eamon Gilmore:** The revised programme for Government promised the Government would introduce legislation to provide for a more open and transparent system for appointments to public bodies. It stated the legislation would outline a procedure for the publication of all vacancies likely to occur, invite applications from the general public and, from the responses, create a panel of suitable persons for consideration for appointment. When will the Government introduce that legislation?

**The Taoiseach:** As I said, the programme has only just been agreed in the past few months. Obviously, individual Ministers have a responsibility to take forward any proposals that are in the proposal.

**Deputy Eamon Gilmore:** With regard to the legislation, I will read directly from the revised programme, which states, "Introduce on a legislative basis a more open and transparent system for appointments to public bodies". It then sets out the way in which this will be done. Which Minister will be responsible for introducing this legislation?

**The Taoiseach:** It probably will be the Department of Finance.

**Deputy Eamon Gilmore:** Has it been agreed by the Government? When the revised programme for Government was agreed, was it agreed that the Minister for Finance——

**The Taoiseach:** The Government will take it forward.

**Deputy Eamon Gilmore:** Which Minister?

**The Taoiseach:** It will assign the duties in due course.

**Deputy Eamon Gilmore:** Will the Minister for Finance have responsibility for it?

**The Taoiseach:** I was given the indication that that may be the case, but we will have to see exactly who is taking it forward. I am just giving the Deputy the best answer I can from the information that is in front of me.

**Deputy Eamon Gilmore:** Is it intended that it will apply to all Government appointments to State bodies?

**The Taoiseach:** That is yet to be decided. The detail and scope of the legislation will have to be worked out.

**Deputy Eamon Gilmore:** When the revised programme for Government was being negotiated, what was agreed?

**The Taoiseach:** What is in the document was agreed.

**Deputy Eamon Gilmore:** The Taoiseach does not know what that means.

**The Taoiseach:** I do.

**Deputy Eamon Gilmore:** Does the Green Party know what it means?

**The Taoiseach:** We know what it means.

**Deputy Eamon Gilmore:** Can the Taoiseach tell us what it means?

**The Taoiseach:** I have just told the Deputy that it will be taken forward by Government in due course.

**Deputy Eamon Gilmore:** I will revert to it.

**The Taoiseach:** It is not as complicated as it sounds.

**Deputy Eamon Gilmore:** Lighten up; the Taoiseach is in a bad humour this morning.

**Deputy Caoimhghín Ó Caoláin:** We would need a dentist to extract the information. Nevertheless, I welcome this section of the new programme for Government in which the Taoiseach's party and the Green Party have given a commitment under the heading "Enhancing our Democracy and Public Services". Does the Taoiseach acknowledge that the essence of what is committed to in terms of legislation is something for which my colleagues in Sinn Féin and I have argued in the House for many years, namely, opening up to the wider public the opportunity for appointment to various State boards, sending invitations to apply and setting in place a panel of suitable persons for consideration for appointment?

The programme states that the legislation will also specify the number of persons who will be appointed by a Minister and will facilitate the appropriate Oireachtas committee in each case to make nominations to the panel for interview and selection. Is it the case, based on the Taoiseach's responses to Deputy Gilmore, that he does not have at this point in time the detail as to the numbers that may apply in each instance to a Minister's appointment or the Oireachtas committee's role and function? Has any of the meat been worked out in terms of the bones of the proposition under this heading? During questions to An Taoiseach and in amendments to numerous Bills, we have argued for a transparent appointment process.

I ask that the Taoiseach give the House some indication of when the legislation will be worked on and presented before the House. Will it be in place before he next exercises his role in appointing people to various State boards under his Department's aegis? Are there vacancies in the State boards for which the Taoiseach is responsible and what are they?

**The Taoiseach:** A lot of the appointments I make in the Department of the Taoiseach come from nominating bodies. Regarding the legislative commitment, as I said, the renewed programme for Government is to extend out between now and June 2012. We will take forward the proposals agreed in that programme in due course.

Regarding the question of Oireachtas involvement in this area, I am aware of an approach adopted by the Minister for Communications, Energy and Natural Resources in respect of bodies provided for in the Broadcasting Act 2009. There may be merit in giving some consider-

[The Taoiseach.]

ation to involving committees of the House in appointments to some boards. However, different boards require different approaches and each needs to be treated on its own basis. I am satisfied that, when bringing forward proposals on any State boards that may be established, each Minister will provide for the most appropriate basis from which to draw membership.

**Deputy Caoimhghín Ó Caoláin:** While acknowledging the Taoiseach's reply, I also asked for an indication of the timeframe he expects to apply to this matter. I know these questions arise frequently——

**The Taoiseach:** Within the term of the Government.

**Deputy Caoimhghín Ó Caoláin:** Not necessarily within 2010.

**The Taoiseach:** No. Within the term of the Government.

**Deputy Caoimhghín Ó Caoláin:** Perhaps not before the Taoiseach next makes appointments to State boards. If the Taoiseach is in a position to answer, are there vacancies in State boards, what are they and when does he intend to fill them?

**The Taoiseach:** I do not have before me information on vacancies. I was asked to say which appointments I had made. This relates to the National Economic and Social Council, the National Economic and Social Forum, the National Centre for Partnership and Performance, the National Statistics Board and the Ireland Newfoundland Partnership board. These are the boards to which I have made appointments, but I am not aware of which vacancies have come before me in recent weeks or months.

### **Freedom of Information.**

3. **Deputy Enda Kenny** asked the Taoiseach the number of freedom of information requests received by his Department since January 2009; and if he will make a statement on the matter. [30630/09]

4. **Deputy Eamon Gilmore** asked the Taoiseach the number of freedom of information requests received by his Department to date in 2009; the way these figures compare with the same period in each of the past five years; and if he will make a statement on the matter. [32527/09]

5. **Deputy Enda Kenny** asked the Taoiseach the total fees charged by his Department for freedom of information requests during the first nine months of 2009; and if he will make a statement on the matter. [36766/09]

6. **Deputy Enda Kenny** asked the Taoiseach the number of freedom of information requests received by his Department during October 2009; and if he will make a statement on the matter. [38348/09]

7. **Deputy Enda Kenny** asked the Taoiseach the procedures in his Department for assessing the fees to be applied to freedom of information requests; and if he will make a statement on the matter. [38349/09]

**The Taoiseach:** I propose to take Questions Nos. 3 to 7, inclusive, together.

A total of 84 freedom of information requests have been received in my Department since January 2009. Of these, 40 were granted, 15 were part granted, four were refused, four were withdrawn, there were no records in respect of six and 15 are currently being processed.

As to comparisons with previous years, my Department received in the period to the end of November in each year 40 requests in 2004, 54 in 2005, 51 in 2006, 65 in 2007, 73 in 2008 and 84 up to 13 November in 2009. I have included a table of the number of FOI requests received in my Department each month from January to November for each of the years 2004 to 2009.

A total of €1,009.59 was received by my Department in fees for the period January to September 2009. This is made up of €840 for application fees, €150 for internal review fees and €19.59 for search and retrieval fees. Where search and retrieval fees are likely to apply, officials in my Department usually consult with the requester and agreement is usually reached on more closely specifying the request so that search and retrieval fees can be reduced or eliminated.

All FOI requests received in my Department are processed by statutorily designated officials in accordance with the Freedom of Information Acts. I have no role in processing requests.

Year	2004	2005	2006	2007	2008	2009
Jan	1	2	9	14	4	8
Feb	8	3	1	1	5	14
March	2	1	4	8	1	2
April	4	2	7	4	5	7
May	1	2	6	2	12	6
June	5	7	4	6	1	6
July	3	6	4	9	5	10
August	3	5	5	10	7	10
September	0	5	5	0	8	10
October	12	16	3	4	11	9
November	1	5	3	7	14	2*

\*To 13/11/09.

**Deputy Enda Kenny:** Several times, the Information Commissioner, Ms Emily O'Reilly, has stated her concerns about the lack of transparency in the FOI business. She stated, "If FOI is about replacing a culture of secrecy with a culture of openness in the Irish public service, I have to say that this objective is being frustrated by the continued exclusion from FOI of several key public institutions." In June, she and the Department of Finance made some interesting comments. She stated, "The Ryan commission inquiry into the abuse of children in institutions might not have been necessary if freedom of information legislation existed". This may or may not be so. She went on to ask, "What might have been the outcome if 30 years ago, FOI legislation had allowed the public to rip away the secretive bureaucratic veils that hid the industrial schools and other institutions from clear view and exposed the practices therein?"

At the same conference, a Department of Finance official stated that FOI requests were costly to pursue, which may be true in some cases, and that "Government Departments would have to find ways of improving the FOI operation". This might entail explaining to the public that questions seeking information might be written more accurately.

Does the Taoiseach have any comment to make on Ms O'Reilly's observations on the Freedom of Information Act as the Information Commissioner? While he may not have the answer in his brief, a number of State agencies and quangos are still outside the Act's remit. Is work being done in the Department or by the Taoiseach to allow a number of these institutions

[Deputy Enda Kenny.]

currently outside the ambit of the Freedom of Information Act to be included under the scheme?

**An Ceann Comhairle:** Before I call the Taoiseach, parliamentary questions might be a more appropriate way of eliciting information on questions specific to Departments, and particularly about agencies immediately under particular Departments.

**Deputy Enda Kenny:** The Taoiseach is well able to answer that one.

**The Taoiseach:** These relate specifically to my Department. Generally speaking, there has been a considerable extension of the freedom of information legislation to a range of bodies. I am aware of the annual reports of the Information Commissioner and the views expressed, but this Administration has ensured a significant increase in the range of bodies which now come within the freedom of information ambit. From the perspective of how this has developed over the years, it has been about taking on more work and more bodies rather than the contrary. In 2006, there was the biggest ever extension of the Freedom of Information Act when a further 137 bodies were included. This means that over 520 bodies are now covered by freedom of information legislation compared to 67 when the Act first came into operation in 1998. That indicates that there are far more in than not.

**Deputy Eamon Gilmore:** Given that being the case, would the Taoiseach be prepared to accept the Labour Party proposal that all bodies should automatically be covered by the freedom of information legislation unless there are specific reasons for them not to be covered? That would avoid the necessity to add bodies to its ambit from time to time as new bodies are formed, etc.

Is it true that the Government is considering increasing the charges for freedom of information requests and appeals as part of the financial considerations it is undertaking at present in the context of the budget and the public finances?

**The Taoiseach:** I would not be aware of the detail in that respect or if it is a budgetary or Estimates matter.

I would make the point, however, that it is an expensive and time consuming aspect of Government work. As I say, I have no problem whatsoever with the legitimate use of the Freedom of Information Act for individual citizens or, indeed, for others. However, the idea of the Department trawling every question that comes in from people who, perhaps, regard the Departments of State as a source of generating information was not within the contemplation of the Freedom of Information Act and, to be honest, it is an abuse of the process. If the fee structure has done anything to help stop that sort of activity, all the better.

The freedom of information legislation is one of the most liberal in the world in terms of access for citizens of relevant information, and quite rightly so. I have no problem whatsoever with freedom of information, but it is important that everyone acts responsibly and that it is not used for reasons which were beyond the contemplation of the legislation, although perhaps technically within its remit. Anyway, I suppose such is life. If it must be handled that way, so be it but I just make that observation.

**Deputy Eamon Gilmore:** Arising from that observation, the Taoiseach states that there is abuse of the freedom of information process. Of the numbers of freedom of information requests made in respect of his Department, roughly what proportion would he consider were abusing the freedom of information process? I am not asking him to identify an individual

request, but could he give the House an indication of the type of request he considers is an abuse of the freedom of information process?

**The Taoiseach:** No, I am making a general observation. For example, people come in and ask, for purposes that are obvious, how many of this, that and the other were involved in the Department for the past 20 years. A range of information is thrown out there and then one finds out that someone thought it interesting and it made a quarter of a page in some newspaper. The amount of time spent doing that is wrong. It is my opinion. They might be entitled to look for it, and I suppose we will not change it, but I think it is an abuse of process.

**Deputy Enda Kenny:** There was a question asked here of my father when he was responsible for the Board of Works about how many seagulls flew over the Phoenix Park in a year.

**The Taoiseach:** Many public servants could be doing much other work.

**Deputy Caoimhghín Ó Caoláin:** The Information Commissioner's annual report for 2008 showed an increase of 18% in freedom of information requests to all public bodies in 2007. Over the period from 2004, there was an 84% increase in freedom of information requests to the Taoiseach's Department. How would the Taoiseach characterise the increase in freedom of information requests for that extended period and, quite specifically, in the public bodies over the period up to 2008?

Does he share the view of the Information Commissioner that this is indicative of an increased hunger for information and that, of itself, it should queue an reappraisal of the bodies already under the terms of the legislation with a mind to extending it to ensure that there is full accountability in all public entities? For example, is the Taoiseach aware that major State institutions are still outside the scope of freedom of information, including the Central Bank and Financial Services Regulatory Authority of Ireland, the National Treasury Management Agency, the National Pensions Reserve Fund Commission and the State Claims Agency? Has he plans to bring any of these bodies under the terms of freedom of information?

During the recent debate on the NAMA legislation, the Government voted down an amendment to ensure that NAMA came under the terms of the freedom of information legislation. That was bad judgment on the part of Government. Does the Taoiseach have any plans to overturn that decision and to make NAMA accountable under the terms of freedom of information?

**The Taoiseach:** One must balance the question of client or patient confidentiality in a health or financial matter against the need for the principles of public accountability to be established and maintained. That is the balance here, and that balance must be respected as well. There is a Data Protection Commissioner and many others who seek to protect information belonging to people, but the idea that one can only have open and transparent Government when everyone knows everyone's business is not my idea of what this is about.

It is about public accountability and people having access to records that are relevant to their own details, family, history or whatever it is they wish to get from the Department. They are entitled, in the event of matters not working out for them properly, to get the information and to be able to assess whether the proper standards were applied. I have no problem with any of that. We all are committed to that.

The idea, however, that every piece of information on anybody should be available to somebody else because he or she just has the curiosity to inquire about the person's business is not what freedom of information is about; that is an invasion of privacy. There are privacy and public accountability issues which must be considered in this context, but, in fairness, that

[The Taoiseach.]

balance has been reasonably well struck and I do not have an issue with it. However, the contention that the freedom of information legislation is inadequate because one cannot get access to everything whenever one wants it is not my idea of what freedom of information is about. It is about relevant information in the public interest where that is required, and for the private citizen who is dealing with the State through its agencies, boards or Departments so that he or she can have access to relevant information pertinent to him or her and how he or she was dealt with by the State. In both cases, I have no problem.

As I stated, there has been a much increased expansion to a range of bodies. It is the job of the Minister for Finance in terms of his responsibility for the public service to consider any further extensions to freedom of information legislation based on the requirements and the public interest. For example, there are issues concerning the Department of Justice, Equality and Law Reform, such as security files. Should they be made available to everyone who wants them? I would not think so.

**Deputy Caoimhghín Ó Caoláin:** I do not disagree with the Taoiseach's view as to the significant difference between rights to privacy and public accountability. We are seeking to have freedom of information applied in the realm of public accountability. We should recognise that it played a significant role, if not the primary one ultimately, in exposing abuses in FÁS. That is just one example of how it has been utilised correctly in the public interest. I see no conflict between the right to privacy, on which I would broadly agree with the Taoiseach, and the need to ensure public accountability in the examples I gave concerning the Central Bank and Financial Services Authority of Ireland.

If we had more public accountability concerning the regulatory authority for the financial services sector here we might have had a little more exposure of the serious fault lines that were clearly endemic within that structure. We must be careful not to throw the baby out with the bathwater. We must get to grips with the broad principle behind freedom of information which is, as the Taoiseach said, public accountability. We must also ensure transparency, as well as scrutiny in all matters pertaining to the public finances and actions affecting the broad public interest. Freedom of information is crucial to all of that. I ask the Taoiseach for a reappraisal of his earlier response and his acceptance that none of us is arguing for everyone's rights to privacy to be thrown out the window. That is not the case. People are giving a measured view on the current and future role of freedom of information.

**The Taoiseach:** Formerly, as Minister for Finance, I presided over the biggest expansion of the Freedom of Information Act since the inception of the legislation in 1988. My record in this area speaks for itself, but that does not mean I agree with every view of others who have a responsibility in this area. They are entitled to bring their views to the attention of the Minister of the day. It is then a matter for the Minister and the Government as to whether or not they will use their legislative powers to extend the application of the Act. When one can accept the vast majority of recommendations, one proceeds thus. However, there may be other recommendations which are not considered to be appropriate or relevant, so one does not proceed with them. The fact that there is disagreement between various people does not mean that anyone is more or less committed to freedom of information. There are differing views as to how the public interest can best be served in respect of how the Freedom of Information Act would apply.

However, the freedom of information legislation is not the only source of public accountability. There are Government mechanisms within organisations, including the responsibility for board members to hold executives to account. This House is responsible for holding agen-

cies and others to account. Where things go wrong, they must be fixed. However, the idea that there was some perfect model of accountability in place that would have prevented things from going wrong in the first place is not a realistic assessment of what happens. There are failures, but one does not condone or accept them as being inevitable. When they happen, it is important to get them fixed and ensure they do not recur. Through that process of learning and experience one also ensures that public accountability is exercised.

**Deputy Eamon Gilmore:** I wish to ask the Taoiseach a brief supplementary question. In the course of his replies to us on this subject, he has been exercised about abuses of freedom of information legislation. Will the Taoiseach give the House some examples of the kind of abuses to which he refers? He spoke in general terms about this. Is he contemplating any changes in the Freedom of Information Act to address those alleged abuses?

**The Taoiseach:** No, I am making a general observation. From talking to colleagues and from looking at the situation generally, I know that a lot of time is expended on this issue by many public servants. That time is inordinate to the significance of some of the requests coming in. There is an effort to trawl through everything. If someone has a specific problem they should make a request and we will get the information, but this idea that the public service is in a position to do this all the time is beyond what was contemplated by the legislation. The former Minister of State, Eithne Fitzgerald, worked assiduously on the draft legislation for much of that Administration. She had various ideas about bringing the legislation forward and with the support of the Government we proceeded with it. We have had to adapt and learn from the Act's operation. We want to operate it as it was contemplated and for the purposes for which it was enacted.

We have attempted to make the legislation as comprehensive and accessible as possible. In terms of its legislative intent, the Act is far more accessible than freedom of information legislation in other jurisdictions, which are often cited as great, liberal democracies. The fact is, however, that people are able to use the scope of the legislation in ways which were not contemplated. That can often happen and it is not unique to this legislation.

I wanted to make that general comment but not because I am not a supporter of freedom of information. That is the other problem — if one says anything critical one is assumed to be against it, but I am not.

**Deputy Eamon Gilmore:** I am not accusing the Taoiseach of anything.

**The Taoiseach:** I know that, but I am not against freedom of information, in case it is portrayed that way subsequently. I extended the legislation more than any other Minister.

**Deputy Eamon Gilmore:** That was great.

**The Taoiseach:** I would not say I got too much praise for it. The next question will be: "Why don't you extend it to another 27 bodies that you did not include the last time?" It is the same old story. We all know how difficult things are in the country at the moment. People have work to do and they must get on with it. While this is an important part of that it should not dominate.

**An Ceann Comhairle:** I call Deputy Kenny briefly. We need to move on from these questions. There are time limits.

**Deputy Enda Kenny:** I share the Taoiseach's view about the rights of privacy and those of public accountability. It is important to make that distinction. In recent years, while a lot of



[Deputy Enda Kenny.]

good and useful material has emerged though freedom of information requests, many replies to parliamentary questions do not provide the expected information. I do not know whether this suggests a trend. It used to be an unwritten rule that Ministers would tell their Secretaries General: “Parliamentary questions are the ultimate democratic weapon for an elected representative, so answer the question and give them the information”. When that does not happen it leads to freedom of information requests, which can be broad and extensive, as the Taoiseach has pointed out. In his capacity as Taoiseach, it might be no harm to remind Ministers——

**An Ceann Comhairle:** We need to move on from this issue, Deputy.

**Deputy Enda Kenny:** I am saving the State a lot of money. We would not have to make freedom of information requests if the information was provided in written answers to Dáil questions. The Taoiseach should remind his Ministers that they have a duty to see that information is supplied to Deputies, in so far as is possible, without infringing on State security.

**The Taoiseach:** I agree that the parliamentary questions procedure is a good one for Members, but it should be used appropriately. In many cases, Members table parliamentary questions because if they use the normal correspondence route they feel they do not get the information quickly enough. That causes a lot of work in the PQ system. I do not mind that, however, because at least those concerned are public representatives and have a democratic mandate to ask what they like, which is fine. A process began whereby questions could be submitted on Tuesday morning and responded to by Thursday evening, thus resulting in fewer people in Members’ clinics the following Saturday.

**Deputy Enda Kenny:** Even in Clara, they have the answer.

**The Taoiseach:** It is surprising how well it works.

The system can sometimes be defensive in the provision of information. A predecessor of mine and former leader of Deputy Kenny’s party made the famous point in the House that if one does not ask the right questions, it is very hard to get the right answers. That is not because the then incumbent was not as committed as others to providing full information; he was merely making the point that the system can be as described.

I agree with Deputy Kenny that the purpose ought to be the provision of useful, relevant and accurate information rather than vague replies. This requires Members seeking answers to ask questions clearly and on specific subjects.

### **National Security Committee.**

8. **Deputy Enda Kenny** asked the Taoiseach when the national security committee established to monitor the threat of a terrorist attack will next meet; and if he will make a statement on the matter. [30631/09]

9. **Deputy Eamon Gilmore** asked the Taoiseach when the national security committee which was established in the aftermath of the September 2001 terrorist attacks will next meet; and if he will make a statement on the matter. [32528/09]

**The Taoiseach:** I propose to take Questions Nos. 8 and 9 together.

Having regard to the confidential nature of the work of the national security committee, it would not be appropriate to disclose information about the dates of individual meetings or any of its proceedings.

The committee is chaired by the Secretary General to the Government and comprises representatives at the highest level of the Departments of Justice, Equality and Law Reform, Defence and Foreign Affairs and of the Garda Síochána and the Defence Forces. It is concerned with ensuring that the Government is advised of high-level security issues and the responses to them, but not involving operational security matters.

The committee meets as required and will continue to do so. In addition to their meetings, the members liaise on an ongoing basis to monitor developments that might have national security implications, in particular in the international arena.

**Deputy Enda Kenny:** With regard to the high-level committee, of which the Taoiseach is a member, is he informed of terrorist threats that arise regularly in Britain? Last week, for instance, there were further arrests of suspected terrorists in Britain. The case is made that, with the new programme for the provision of nuclear facilities in Britain, including at Sellafield, the areas in question are always the centre of discussion in terms of international terrorism. Does the British Government or its equivalent of our high-level committee keep in regular contact over terrorist threats or whether the status of a threat is moving from red to green, for example? Is there a flow of information between the two countries? The point is often made that if a plane were hijacked and approaching a target in Ireland, we would have to rely on assistance from the United Kingdom, our nearest neighbour. Is there two-way contact on terrorist threats?

**The Taoiseach:** I am not a member of the national security committee. It comprises senior officials of various Departments and agencies. It meets periodically and the members are in touch on an ongoing basis. Its role relates primarily to classic security issues, particularly those associated with international terrorism. It does not have any formal role in emergency planning. Co-ordination in this respect is the function of the Office of Emergency Planning in the Department of Defence.

The committee liaises with other jurisdictions and agencies charged with combating international terrorism and such issues. There is a separate arrangement whereby I, as Taoiseach, am briefed by senior security personnel from time to time on more general matters of a criminal nature and other domestic issues. However, the international terrorism elements are dealt with through the committee.

**Deputy Eamon Gilmore:** The Taoiseach indicated that the national security committee, which deals with the threat of international terrorism, briefs him as required. How often has it briefed him since he became Taoiseach and when was he last given a briefing by it?

**The Taoiseach:** I would not be given a briefing by the committee but by its chairman, who is also Secretary General of my Department. That would consist of an ongoing appraisal, where relevant, of issues as they arise. I am not briefed very regularly but there is ongoing contact at official level on these issues.

**Deputy Eamon Gilmore:** When did the Taoiseach last receive a briefing on the work of the committee?

**The Taoiseach:** It would have been some time ago but I would also have had formal briefings from senior gardaí and Army personnel since then on issues generally, including issues relevant to the committee.

**Deputy Caoimhghín Ó Caoláin:** Does the security committee have any role or function in assessing the threat to the security, health and safety of the Irish people arising from the recent

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announcement by the British Government to establish a new string of nuclear power plants along the western coasts of England and Wales? Did the Taoiseach or his Department initiate any evaluation of the British Government's proposals in the context of Irish interests, including the security, health and safety of the people, in light of what would occur if — God forbid — something were to go wrong, be it an attack or accident of some nature? Does the Taoiseach agree that we have traditionally reflected the Irish people's concerns to the British Government in regard to Sellafield and that we now face a multiplicity of Sellafield situations along the western seaboard of the island of Great Britain? Has the Taoiseach given any time to or thought about this and has he raised or does he intend to raise the matter with his counterpart, the UK Prime Minister? Has he instructed some Department here to raise the matter with its counterpart in the British Government set-up?

**The Taoiseach:** That is an issue for the Minister in the relevant Department. Any views we have on this would be conveyed in this way.

I do not wish to say much more on the national security committee than what I said in my primary reply given the nature of its work. It liaises with relevant parties, it is an informal group and it keeps in regular contact. Issues such as international terrorism or a serious environmental discharge are part of its remit. However, the co-ordination of planning in respect of emergencies is dealt with by a unit in the Department of Defence.

**Deputy Caoimhghín Ó Caoláin:** In the context of the recent announcement by the British Government, will the Taoiseach indicate to the House a willingness on the part of the Irish Government to request an assessment of the British plan? Will he indicate at some time to the House or the leaders of the Opposition parties the results of the Irish Government's evaluation of the circumstances that would arise if the plan were implemented along the western seaboard of Britain?

**The Taoiseach:** The question relates to the Departments of Communications, Energy and Natural Resources and the Environment, Heritage and Local Government, which continually monitor developments, the prospect of developments and policy issues that arise in neighbouring jurisdictions in so far as they affect us. These matters are brought to their attention in the manner I outlined.

### Order of Business.

**The Taoiseach:** It is proposed to take No. 1, Courts and Court Officers Bill 2009 — amendments from the Seanad and No. 2, Adoption Bill 2009 [*Seanad*] — Second Stage. Private Members' business shall be No. 76, motion re human trafficking (resumed), to conclude at 8.30 p.m. tonight, if not previously concluded.

**An Ceann Comhairle:** There are no proposals to be put to the House today.

**Deputy Enda Kenny:** We have waited a long time for the Adoption Bill, which is a matter of great interest to many people, to come to the House. Deputy Shatter has raised issues in connection with the Bill. Every Member has been contacted by people from all over the country who are currently in the process of adopting children from countries that are not signatories to the Hague Convention. When the Bill is passed, it will only enable adoptions from countries that have signed the Hague Convention. Most adoptions in recent years concern children from Russia, Vietnam and Ethiopia. Couples around the country are seriously stressed because they will be excluded from the legislation's terms of reference.

The position is that a couple might try for a number of years to have biological children of their own. They might then look for assisted reproduction. If that fails they wait for three years to get on a waiting list for approval and wait a further period before the adoption process can go through.

**An Ceann Comhairle:** As the Taoiseach indicated, the Adoption Bill 2009 will be with us shortly.

**Deputy Enda Kenny:** I will finish, a Cheann Comhairle. I will explain my position in a moment. This places couples who might be eight or ten years down the road in terms of wanting to adopt a child, or a second child, in a very stressful position. I do not wish to say the Bill should not be read a Second Time but we should get a commitment from the Taoiseach that he will introduce a reasoned amendment that will allow for transitional arrangements for couples who are either currently well advanced or in the process of being approved for adoptions from, in particular, Russia, Vietnam and Ethiopia — countries that have not signed the Hague Convention. It would be appropriate for the Government to respond to the stressful conditions that many of those couples from all over the country are now experiencing.

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

**The Taoiseach:** We are all aware of this issue. Many of us individually and in other capacities are aware of many parents and prospective parents who are anxious to proceed with adoption, provide a loving and caring environment for children and offer the gift of love and affection to them. Many of us are keenly aware of this issue.

Second Stage of the Adoption Bill allows for a discussion to take place in the House as to how we proceed, recognising that the Hague Convention is an important international benchmark. It will also enable the Minister to continue to reflect on how we might be able to proceed in a way that meets most of the requirements of the situation without ending up with a practical outcome that results in the delay of the implementation of those standards. We have to find a way forward in that respect.

The Minister of State, Deputy Barry Andrews, is available to speak with spokespersons or anyone in private about the status of the legislation and how we can proceed. The debate can be held in a constructive way to ensure, to the greatest extent possible and consistent with best international practice, how we proceed in this area, which I accept is deeply personal for many people.

**Deputy Enda Kenny:** I thank the Taoiseach. It is important that willingness would be shown by Government to put in place transitional arrangements for the many couples who are associated with those countries that are outside the Hague Convention. I appreciate that discussion will take place in respect of the Adoption Bill. I hope that the Minister of State, Deputy Barry Andrews, will bear that in mind in hearing the contributions from all sides of the House. When one speaks to couples who are in that process it is harrowing and stressful for them because of their desire, as the Taoiseach indicated, to give a loving, kind and affectionate environment to children whom they can adopt from those countries.

**The Taoiseach:** The Bill makes provision to accommodate this issue. We need to discuss the matter on Second Stage and come forward with a detailed discussion on Committee Stage. There is unanimity in the House in terms of seeking to achieve the objective of both providing standards that follow best practice and at the same time trying to deal with the interim position of many couples, in so far as we can. It might not be possible to accommodate all of them.

**Deputy Eamon Gilmore:** I wish to raise three matters with the Taoiseach. First, I join with what Deputy Kenny said earlier in expressing sympathy to the family and friends of the four young people who were so tragically killed in the road accident in Galway last night. In that context I wish to ask the Taoiseach when will the Road Traffic Bill, which has been published, be brought before the House.

Second, in reply to questions the Taoiseach expressed his concern about the amount of time civil servants are spending on freedom of information requests. As he is aware, I will be entitled to make a freedom of information request for the document from which he read his reply to my question, raised during Leaders' Questions earlier this morning. To avoid the amount of time and process that would involve, will he release to me today the document from which he read in reply to Leaders' Questions this morning?

Third, I ask you, a Cheann Comhairle, if the House will be sitting on Tuesday next. You were asked about that yesterday. We have notice of industrial action, which will affect staff of the House, even to a senior level. As this will be the Taoiseach's last day in the House before the strike promised for next Tuesday, is he going to do anything to try to avert it taking place?

**An Ceann Comhairle:** Before I call the Taoiseach, arrangements for the sitting next Tuesday are in hand by the staff. It is intended that the Dáil will be sitting next Tuesday.

**Deputy Eamon Gilmore:** Will we be advised of the details?

**An Ceann Comhairle:** Yes, it is intended to advise.

**The Taoiseach:** I join with Deputies Gilmore and Kenny in expressing my sincere sympathy to the families of those who unfortunately died last night in a terrible traffic accident between Milltown and Ballindine. I wish a speedy recovery to those who are critically injured in the hope that the death toll will not increase. We convey our sincere sympathy to everyone on this particularly tragic situation.

On the question raised by Deputy Gilmore, my replies are on the record. I will supply whatever documentation I can. I do not know what the position is regarding——

**Deputy Eamon Gilmore:** Will the Taoiseach give me a copy of the document?

**The Taoiseach:** I have answered any questions that were asked. Any assisting documentation I have is for the purpose of assisting to answer questions.

**Deputy Eamon Gilmore:** I am entitled to get the documentation under freedom of information.

**The Taoiseach:** If the Deputy is——

**Deputy Eamon Gilmore:** Can the Taoiseach not release it today? He gave a long spiel about not wanting people spending time on freedom of information requests.

**The Taoiseach:** If the Deputy is entitled to the information, I will give it to him. There is no problem. If he is entitled to it, I will give it to him.

**Deputy Eamon Gilmore:** I am entitled to it.

**The Taoiseach:** That is fine, if he is entitled to it he can have it. I do not have any problem with that at all.

**An Ceann Comhairle:** We will move on. I call Deputy Caoimhghín Ó Caoláin.

**The Taoiseach:** I also wish to answer the other question Deputy Gilmore asked me on next Tuesday's day of protest. We all have a responsibility in this matter. The day of protest has been called by the unions concerned. I would rather it was not happening. We are continuing to discuss issues with the public service unions, but the decisions we will be taking will be on 9 December. This day of protest on 24 November will not impinge greatly on that, other than that it will cause a fair deal of disruption on the day. My honest belief is that it would be far better for people to continue to engage on the basis of the decisions that will be made on 9 December rather than engaging in a day of protest next week.

**Deputy Caoimhghín Ó Caoláin:** Publication of the nurses and midwives Bill has been promised for this autumn session. We have waited for the publication of this legislation for many years. Can the Taoiseach indicate to the House if we will see this Bill before the Christmas recess?

Regarding the prescription charges now proposed by the Minister for medical card holders, will that require amending legislation of either health Acts or pharmacy Acts before that can be driven home, in my view disgracefully, by this Government?

What are the implications for the inordinately long awaited publication of the eligibility for health and personal social services Bill?

While in the realm of health and children, and with the Minister by his side, would it be possible for the Taoiseach to ask the Minister to face up to her responsibilities regarding acute hospital services in the north east where we now have one hospital with all its acute services closed since July——

**An Ceann Comhairle:** Is the Deputy announcing——

**Deputy Caoimhghín Ó Caoláin:** ——two hospitals closed as a result of C. difficile outbreaks, another hospital with the proposed loss of acute services from the end of next month, and one working under inordinate pressure?

**An Ceann Comhairle:** Is legislation promised in that area, Deputy? We are straying——

**Deputy Caoimhghín Ó Caoláin:** Will the Minister face up to her responsibilities——

**An Ceann Comhairle:** If we allow the Order of Business to continue like this——

**Deputy Caoimhghín Ó Caoláin:** ——and acknowledge that the people of the north east are entitled to proper care and provision of hospital access and services?

**The Taoiseach:** Regarding the first piece of legislation the Deputy is inquiring about, we hope it will be published after Christmas, if not before. Second, I do not have a date for the publication of the eligibility for health and personal social services Bill. That is detailed legislation. Third, on the question the Deputy raised about prescription charges, all options are being examined. We are in the midst of an Estimates and budgetary process but if a decision of that nature were to be taken, it would involve amending legislation.

**Deputy James Reilly:** I want to raise two issues. Last week, I raised this issue *vis-à-vis* a matter which has serious implications for saving existing jobs and also revenue to the State at a time when we can do with every bit of revenue we can get. I recently met with the pilots of

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our national airline who told me that hundreds of jobs are at risk because of contractual arrangements——

**An Ceann Comhairle:** Is the Deputy referring to promised business in the House?

**Deputy James Reilly:** Yes. There is promised business. A budget will come to this House in a few weeks' time. I asked last week if the Minister for Finance was aware of the loophole where recruiting can take place outside the country for jobs in this country which has two effects. First——

**An Ceann Comhairle:** Deputy, I have to advise you that is much more appropriate to a parliamentary question.

**Deputy James Reilly:** No, it is not. If I could be allowed to finish——

**An Ceann Comhairle:** Very briefly.

**Deputy James Reilly:** This affects many people in the Ceann Comhairle's constituency. The reality is that 100 pilots' jobs and hundreds of other jobs are at risk in Aer Lingus because they are facing unfair competition from other competitors who can recruit outside the country. If Aer Lingus takes the same route, we will lose Irish jobs here and we will have an Irish airline here that will be staffed by——

**An Ceann Comhairle:** Deputy, I have to advise you that a parliamentary question to the Minister for Transport would be much more appropriate.

**Deputy James Reilly:** ——non-Irish people from abroad who will not pay tax in this country. The question to the Taoiseach is simple. Is the Minister for Finance aware of that position? Is it legal because I am aware Revenue is looking into it? If it is legal, will he close off that loophole? That is the first question.

**An Ceann Comhairle:** Deputy, you can table a parliamentary question and there is also the Adjournment Debate to deal with these matters if they are urgent.

**Deputy James Reilly:** It is urgent and if the Taoiseach does not want to answer it, so be it but the people who are at risk of losing their jobs are entitled to an answer from this House. This is the Chamber where these issues are supposed to be addressed.

The second issue I want to raise is the ridiculous set-up where at least one person I know of from Glenbeigh, County Kerry — Deputy Tom Sheahan's constituency — who got 600 points in the leaving certificate did not get into medical school because she did not score enough points on the HPAT.

**Deputy Eamon Gilmore:** That is right.

**Deputy James Reilly:** There are serious concerns——

**An Ceann Comhairle:** Deputy, a parliamentary question is clearly the way to go with that issue.

**Deputy James Reilly:** May I point to the legislation?

**An Ceann Comhairle:** It is not promised business in the House.

**Deputy James Reilly:** The legislation to which I refer, which is aptly named, is the Qualifications (Education and Training) Bill. I want to know if the Minister intends to persist with that when there is an article published today about the concerns of the professors that people who have shown scholarship skills by getting 600 points in the leaving certificate do not get into medicine while others get in with 520 points. Will the Minister not agree that the real problem is that there are only 310 places to medical undergraduates of Irish or European Union——

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

**Deputy James Reilly:** Yes. Will that matter be addressed under the Qualifications (Education and Training) Bill and when will it come before the House?

**Deputy Thomas P. Broughan:** On the same issue raised by Deputy Reilly, I have asked the Taoiseach on six or seven occasions to allow debate in this House about the crisis in Aer Lingus, the loss of 700 jobs and the outsourcing of jobs to Britain.

**An Ceann Comhairle:** Deputy, that is not promised business. There are many ways to raise it, including the Adjournment or by way of a parliamentary question.

**Deputy Thomas P. Broughan:** It is the Order of Business. I have asked you as well, a Cheann Comhairle. I also tabled a private notice question. I have raised it for the third time and a debate is not happening.

**An Ceann Comhairle:** If we allow this to continue the Order of Business will go on all day.

**Deputy Thomas P. Broughan:** I want to ask about legislation as well but on that subject——

**An Ceann Comhairle:** Please come to the question on legislation.

**Deputy Thomas P. Broughan:** It is a bit rich to hear Fine Gael protesting about what is happening in Aer Lingus——

**An Ceann Comhairle:** We are no longer on promised legislation, Deputy Broughan.

**Deputy Thomas P. Broughan:** ——when that party voted hand in glove with Fianna Fáil and the Progressive Democrats to privatise Aer Lingus some years ago.

**An Ceann Comhairle:** That has nothing to do with promised business in the House.

**Deputy Thomas P. Broughan:** We opposed it and we are now seeing the fruits of what that party did, along with the other party, some years ago.

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

**Deputy Thomas P. Broughan:** I want to ask about legislation. My colleague, Deputy Gilmore, referred to the Road Traffic Bill. Will the Taoiseach ask the Minister for Transport to consider bringing in an amendment to make clocking illegal in view of the findings in tonight's RTE programme "Buyer Beware" that there has been a 400% increase in the clocking of cars and the mis-selling of cars in what is an unregulated industry? The Taoiseach might ask the Minister for Transport to do that and to come to this House to discuss Aer Lingus and the 700 job losses in Shannon, Cork and Dublin for several hours.

12 o'clock



**An Ceann Comhairle:** On the query about the legislation.

**The Taoiseach:** First, I understand the Whips have been discussing the issue of when a debate on Aer Lingus can be arranged. That is a matter for the Whips to decide as soon as time can be made available. That is the position. It is a matter of trying to schedule a debate in the House on these issues.

Second, I do not know what the financial position in Aer Lingus would be if it did not have access to private capital in recent years or what its balance sheet would look like today. That is an issue we need to bear in mind.

**Deputy Thomas P. Broughan:** It might be like the Irish Ferries situation.

**The Taoiseach:** It is important to point out that there are good reasons for trying to attract private capital into operations such as that as well. It is not simply a one way street in terms of the argument.

Third, I am not sure what the Deputy from Dublin North is speaking about. Locum doctors are obtained from across the world to come here and be employed and it does not seem to cause a problem for anybody. I do not understand the Deputy's point in terms of the legality of recruiting people from outside the country to come to work here. I do not understand what that is about.

On the other issue the Deputy raised, it was agreed by everybody in this House that there would be aptitude testing as part of checking the suitability of people for the medical profession in that it would not be based on academic achievement but aptitude testing as well. That was agreed by everybody in the House at the time.

**Deputy James Reilly:** It should not be for people who reach 600 points.

**The Taoiseach:** I am not getting into an argument with the Deputy. I am making the point that that principle was agreed by everybody at the time.

**Deputy Jan O'Sullivan:** A report was issued yesterday on the small number of people who are damaged by vaccines. In the context of the widespread vaccination taking place in respect of swine flu, this is an important issue. Is the Government planning to introduce a vaccine damage compensation scheme and, if so, is legislation required?

**An Ceann Comhairle:** That is not to do with promised business.

**Deputy Kathleen Lynch:** Yes, it is.

**The Taoiseach:** The matter can probably be examined but I am not aware that there is any commitment to legislate in that area at this point.

**Deputy James Bannon:** The Green Ministers appear to be suffering from some sort of colour blindness.

**Deputy Pat Rabbitte:** They should have gone to Specsavers.

**An Ceann Comhairle:** A question on promised legislation, please.

**Deputy James Bannon:** I have a question that is very important for the environment. I am pushing for the forestry (amendment) Bill, which is long overdue, to be brought before the House. I cannot see why the Greens are not pushing for this. Ireland lags behind every other

European country in forestation. This should be a priority and I am disappointed that the Greens do not come into the House to push their agenda a little more.

**Deputy Bernard J. Durkan:** They are out hugging trees.

**The Taoiseach:** The forestry (amendment) Bill is due next year. I am glad to see Deputy Bannon back in the House, he was missed yesterday.

**Deputy James Bannon:** I was here, I was in committee all day yesterday.

**The Taoiseach:** He was missed.

**Deputy Bernard J. Durkan:** The Taoiseach should not be like that.

**Deputy James Bannon:** I am glad I am missed.

**Deputy Seymour Crawford:** In light of the threat from dissident republicans North and South of the Border, when will the Garda Síochána Bill be before the House so we can discuss the needs of the area to ensure there is proper cover in light of the new situation?

In light of the major discrepancy in VAT on either side of the Border and the upcoming budget, would it be possible to discuss the value added tax (consolidation) Bill before the budget so we could find out how much money has been lost to the State as a result of the present VAT regime?

Deputy Ó Caoláin spoke about the need for Bills related to the health situation to come before the House. The north east faces a crisis, as we had forecast. When will the health information Bill be before the House so we can get the full truth about what is happening on the ground?

**The Taoiseach:** The health information Bill will be introduced next year. There is no date for the Garda Síochána Bill. The VAT (consolidation) Bill is a matter for next year as well. The Deputy will have many opportunities to put the issues of his constituency between now and then, he does not have to wait for the legislation. The budget and Estimates will provide an opportunity to do that.

**Deputy Bernard J. Durkan:** The Ceann Comhairle will be delighted to know that I am drawing up a list of the questions——

**An Ceann Comhairle:** Is the Deputy's question on promised legislation?

**Deputy Bernard J. Durkan:** It is. This is a refusal by Ministers to answer questions, the reverse of promised legislation. I am glad to help the Ceann Comhairle here and he will be delighted to hear that I will have the list next week showing the questions that Ministers have refused to answer since the last general election that were answered by their predecessors before the general election.

**An Ceann Comhairle:** I remind the Deputy that there is a subcommittee on Dáil reform.

**Deputy Bernard J. Durkan:** On promised legislation——

**Deputy Pat Rabbitte:** There is good news on that front.

**Deputy Bernard J. Durkan:** Yes. Great news is coming up.

**Deputy Pat Rabbitte:** The Deputy is only getting off the runway.

**Deputy Bernard J. Durkan:** Absolutely. We are all receiving questions from anxious parents who are concerned about the late payment of higher education grants. There is a rash of these grants that have been delayed, are pending, refused or require further information. Would it be possible to facilitate the House with a debate on some of the relevant Bills, such as the education (patronage) Bill, as soon as possible?

The Minister for Health and Children was showing signs of being involved in the Taoiseach's replies a few moments ago. We are also getting numerous representations from constituents about difficulties in obtaining supplementary welfare through the health services in the present economic climate. A Bill is promised on this, the eligibility for health and personal social services Bill. It might be possible, through the aegis of that Bill, to generate some discussion.

Deputy Stagg and I have raised the issue of the multi-unit developments Bill many times. The Taoiseach informed the House last week that the Attorney General had some difficulties and discussions were taking place with legal experts as to how the Bill might accommodate the developments it affects. Has there been any progress with that in the last week? It is of major importance in some parts of the country.

**The Taoiseach:** We are still working on that Bill. The education (patronage) Bill will hopefully be taken in this session and the eligibility for health and personal social services Bill will be published after Christmas, if it not before then.

**Deputy Joan Burton:** Was the Taoiseach reading from a document released by AIB Bank at 11 a.m. on the decision of the bank and the Minister for Finance to breach all corporate governance rules and to allow a chairman and chief executive——

**An Ceann Comhairle:** Are we talking about promised legislation?

**Deputy Joan Burton:** Yes.

**An Ceann Comhairle:** We are on the Order of Business please, questions must relate to promised legislation.

**Deputy Joan Burton:** Yes, this relates to promised legislation.

**An Ceann Comhairle:** I do not think it fits into that framework.

**Deputy Joan Burton:** The document goes on to state that only after the establishment of NAMA and EU restructuring sometime in mid-2010 will the issue of assessing the AIB Group management structure be addressed. This is the arrogance we are facing. The Taoiseach did not read the rest of it. On the forthcoming legislation on the Central Bank, the Financial Regulator and governance, does the Taoiseach propose to allow AIB Bank, which will probably sink the Irish economy with action like this and its previous behaviour, to continue to dictate to the Government?

In the context of this letter, is the Taoiseach going to disclose to the Dáil——

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

**Deputy Joan Burton:** It is specific legislation, it is probably the most important legislation we have dealt with, it relates to the governance of the banking system. Is the Taoiseach going to disclose to the Dáil the termination, severance and retirement package of Mr. Sheehy, the chief executive who will retire on 30 November? Will the Taoiseach make that public?

**An Ceann Comhairle:** A question on promised legislation please.

**Deputy Joan Burton:** It relates to the proposed new Central Bank Bill that is to provide for fresh arrangements in the governance of the Central Bank and the Financial Regulator. It was supposed to be a Central Bank Bill 2009, but I presume it will now be the Central Bank Bill 2010 or later.

We are entitled to know Mr. Sheehy's retirement package, given that Mr. Fingleton got a €1 million bonus and, in another two fingers to the Government, he has not returned it even though he promised to do so.

**An Ceann Comhairle:** The Deputy should put down a parliamentary question to elicit this information.

**Deputy Joan Burton:** Was the Taoiseach reading out the PR notice from the bank?

**An Ceann Comhairle:** Let us see if we can get an answer to the Deputy's question on the legislation. The other information can be elicited by way of a parliamentary question.

**Deputy Joan Burton:** The Taoiseach read from a long document this morning. A similar document was issued a few minutes later with a time stamp of 11 a.m. by AIB Bank. It carries the little logo on top. Is that what the Taoiseach was reading?

**An Ceann Comhairle:** All these queries were raised on Leaders' Questions this morning.

**Deputy Kathleen Lynch:** Was the statement embargoed until the Taoiseach read it out?

**Deputy Joan Burton:** What is the Taoiseach doing about governance?

**The Taoiseach:** I will try to relax the Deputy. She had a statement yesterday morning that claimed many things had been done that had not been done at all. I am sorry the Deputy is disappointed about that.

**Deputy Joan Burton:** The Taoiseach leaked a kite and the Minister for Finance——

**The Taoiseach:** Not only does the Deputy ask questions, she answers them as well.

**Deputy Emmet Stagg:** It is very unlikely that we will get any answers from the Taoiseach.

**The Taoiseach:** As a result of discussions that took place, the Government made its position clear yesterday morning. Subsequently the Minister for Finance had a discussion with the chairman of the bank and arrangements were made as I outlined to the House. I have a copy of the statement that was issued because that was the agreement that was reached.

**Deputy Joan Burton:** Does the Taoiseach really think——

**The Taoiseach:** Despite the Deputy's assertions in the statement she released yesterday, that the cap was being breached, that was not the case. The Government made its position clear yesterday, we have now heard from AIB Bank about the arrangements going forward and they are consistent with the Government position on the salary cap.

**Deputy Pat Rabbitte:** Why did the Taoiseach not tell that to Deputy Frank Fahey before putting him on radio?

**The Taoiseach:** That is another distortion.

**Deputy Pat Rabbitte:** Why not tell him that? Deputy Frank Fahey welcomed it and said Fianna Fáil approved of it. Three hours later the Minister for Finance said the opposite. A few hours later the Minister for Finance said the opposite.

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

**The Taoiseach:** I am sorry to disappoint the Deputy.

**Deputy Pat Rabbitte:** The Taoiseach is not disappointing me, but rather Deputy Frank Fahey. If he is going to put him out to do the steamrolling, he should at least give him the right facts.

**Deputy Kathleen Lynch:** Poor old Frank.

**The Taoiseach:** Deputy Rabbitte is a past master at this. Just take the facts step by step.

**Deputy Pat Rabbitte:** I am very cool here this morning.

**The Taoiseach:** The Labour Party's finance spokesperson issued a statement yesterday, which is totally inaccurate and without factual basis. She is in the House now to lecture me. A second point——

**Deputy Pat Rabbitte:** She was right.

**Deputy Joan Burton:** I was not wrong and the Taoiseach should withdraw that. My statement was about the governance arrangements which the Taoiseach was countenancing——

**The Taoiseach:** She was wrong.

**An Ceann Comhairle:** Deputy Burton should please resume her seat. The Taoiseach is answering the question.

**Deputy Joan Burton:** My statement yesterday dealt with governance and the Taoiseach's statement confirms that he is allowing the chairman and chief executive to be the same person. He has confirmed that this morning.

**An Ceann Comhairle:** Deputy Burton, I allowed you considerable latitude on this issue earlier. Will you please resume your seat and allow the Taoiseach to reply?

**Deputy Joan Burton:** That is what my statement was about. He should read my statement.

**An Ceann Comhairle:** Could we hear the Taoiseach, without interruption?

**The Taoiseach:** I want to make it clear that the Minister for Finance has indicated——

**Deputy Joan Burton:** Why does the Taoiseach not read my statement to the House on that?

**The Taoiseach:** I read it yesterday, and once was enough, believe me.

**Deputy Joan Burton:** Well, read it to the House now.

**The Taoiseach:** Once was enough. I thank the Deputy. I got it in one, and it was all wrong as usual.

**Deputy Joan Burton:** I thank the Taoiseach for reading it.

**The Taoiseach:** I will always give the Deputy that courtesy.

*(Interruptions).*

**An Ceann Comhairle:** I call the Taoiseach, without interruption.

**The Taoiseach:** I listened to the Deputy's questions in silence but, unfortunately, that is never reciprocated for the answers. We will do the best we can as we proceed.

**Deputy Kathleen Lynch:** Will the Taoiseach credit the scriptwriter in AIB?

**The Taoiseach:** The situation is as I have outlined it, namely, that the salary cap has not been breached. Second, Mr. O'Connor will be executive chairman for a temporary period, covering those issues that I raised earlier.

**Deputy Joan Burton:** The statement says until after the middle of the——

**An Ceann Comhairle:** Deputy Burton, please.

**The Taoiseach:** It will be for a period in relation to those issues being dealt with. The day-to-day operations will be dealt with by the group managing director, who will have a salary that is in line with the Government position. The third point is that Dr. Somers will be appointed deputy chairman.

**Deputy Pat Rabbitte:** That is a dog's dinner of a compromise.

*(Interruptions).*

**The Taoiseach:** The trouble with the Labour Party Members is that they are disappointed. They came in here this morning and decided they were going to lecture us on what was and what was not going to happen. They are upset that the Government's position has been and is being respected and forms part of the solution here. That is the situation.

**Deputy Pat Rabbitte:** That is a dog's dinner of a compromise, and the Taoiseach knows it.

*(Interruptions).*

**An Ceann Comhairle:** We wish to move on to legislation.

**Deputy Joan Burton:** On promised legislation, can the Taoiseach indicate regarding the new central bank Act, which is meant to provide for a new structure of regulation, whether it is proposed to legislate for a situation whereby it will not be possible for the same person to be the chairman and chief executive of a bank? That has led to the downfall of several of our financial institutions and is specifically provided for in the letter he read into the record of the Dáil that was, correctly, the subject of my statement yesterday. It was correct because he confirmed on page 2 of the statement, regarding Allied Irish Banks, that this arrangement will continue until 2010.

**An Ceann Comhairle:** It is not appropriate for the Deputy to quote from documents such as that. It really is not. The Taoiseach was reading it out a while ago. If the Deputy will resume her seat, we will endeavour to get an answer to the question and about legislation.

**Deputy Joan Burton:** I would like a comment on promised legislation and the governance issue.

**The Taoiseach:** Regarding governance, I remind the Deputy that I was Minister for Transport at one time and we appointed Mr. Bernie Cahill chairman of Aer Lingus, where he was involved in restructuring. This brought that company through a very difficult period and there was no problem.

**Deputy Pat Rabbitte:** It was not a bank, however.

*(Interruptions).*

**The Taoiseach:** I am just trying to answer the question. The Deputies are not interested in hearing the answer. That is the problem. The role of executive chairman will be temporary for the purposes as outlined in the statement.

**Deputy Joan Burton:** What is temporary?

**The Taoiseach:** For dealing with those issues as outlined in the statement from which the Deputy has read, three or four times.

**Deputy Pat Rabbitte:** I thought that was the reason for bringing in new blood, to deal with these issues.

**The Taoiseach:** It has been set out in the statement, with no room for messing about. That is the situation. An executive chairman deals with those aspects. The group managing director deals with the day-to-day operations and we have the former chief executive of the NTMA going in as deputy chairman.

**Deputy Alan Shatter:** It is back to the future.

**The Taoiseach:** That is the situation and it is being done on the basis of the salary cap being respected. I am sorry to disappoint the Deputies, but that is the case.

**An Ceann Comhairle:** We will move on to legislation. Deputy Burton has had a good innings on this issue.

*(Interruptions).*

**The Taoiseach:** The Deputy does not want to listen to what her former leader has had to say either in his proper capacity as public interest director.

**Deputy Joan Burton:** On the governance issue, when does the Taoiseach propose to bring legislation before the Dáil?

**An Ceann Comhairle:** Will the Deputy please resume her seat? We have had a very good innings on this issue.

**Deputy Joan Burton:** That is a question on promised legislation.

**The Taoiseach:** It will be early next year.

**Deputy Joan Burton:** That will be after AIB has done its fix.

#### **Courts and Court Officers Bill 2009: From the Seanad.**

The Dáil went into Committee to consider amendments from the Seanad.

**Acting Chairman (Deputy Noel O'Flynn):** Seanad amendments Nos. 1 to 3, inclusive, are related and may be discussed together. Is that agreed? Agreed.

Seanad amendment No. 1:

Section 5: In page 4, to delete lines 14 to 17 and substitute the following:

““holding area officer” means—

(a) a governor, or a member of the Garda Síochána, in whose temporary custody a person is placed under *section 6*,

(b) a person who assumes the duties of a holding area officer under *section 11(6)*,

(c) a member in charge who assumes the powers and functions of a holding area officer under *paragraph (a) of section 11(7)*, or

(d) a member of the Garda Síochána to whom the powers and functions referred to in *paragraph (c)* are transferred under *paragraph (b) of section 11(7)*.”.

**Minister of State at the Department of Justice, Equality and Law Reform (Deputy John Curran):** I thank the Deputies for allowing me to report back to the House at an early stage on the amendments introduced to the Bill on Committee Stage in the Seanad. Before detailing the changes, I wish briefly to reiterate the reasons we are introducing the Bill.

The Government’s objective in bringing the Bill to the House is to streamline management procedures and provide for the efficient operation of the new criminal courts of justice complex when it comes into operation later this month and the Circuit Criminal Court commences hearing cases. Given the scale of the new complex, it is essential that a proper custody management system is put in place. In the interest of all court users, this is best managed by one agency, the Irish Prison Service. It also avoids duplication of effort by An Garda Síochána and frees up its members for operational functions.

The Bill, by providing a unified staff structure, builds on the modernisation and streamlined management structures introduced over the past decade by the Courts Service. This measure is extremely timely in light of the current financial situation and the need to ensure maximum efficiency in the deployment of limited resources, including staff. The provisions in the Bill, while in the first instance applying to the new complex, can, in the future, apply to other court venues, as appropriate.

On Committee Stage in the Seanad I introduced three related amendments to the Bill. Two of these amendments were to section 5, which deals with definitions. An amendment to section 11 deals with the functions of the holding area officer. The first amendment expands the definition of a holding area officer to include a member in charge in a Garda station. The second defines, for the sake of clarity, who a member in charge is in the context of the Bill. The final amendment expands the functions of the holding area officer in section 11 of the Bill.

These changes are included to take account of the fact that from time to time prisoners may be brought to a local Garda station and held in custody there, pending their court appearance. This tends to happen, particularly in rural locations, where no holding cells may be available in a small courthouse. This circumstance is given a legal basis in section 1 of the Prisons Act 1956. Once the prisoner is in the Garda station, as Deputies will be aware, there is a designated member in charge. This is true for every Garda station. Under the 1987 Garda custody regulations, the member in charge has certain obligations and responsibilities for any person in custody in the station.

In order to distinguish between the existing role of a member in charge and that of a holding area officer, I have introduced an amendment to section 11 of the Bill. When a prisoner, for the



[Deputy John Curran.]

purposes outlined in section 7 of the Bill — namely, for temporary custody purposes facilitating attendance at court — is placed in a Garda station, the amendment confers on the designated member in charge the powers and functions of a holding area officer. The effect of this change ensures that within a Garda station the member in charge will always have the duties and responsibilities of a holding area officer. It is important to inform Deputies that this refers to “within a station only” and not outside a station.

When a member in charge is handing over his or her duties to another member in charge, for example, at the end of a shift, all his or her duties and responsibilities automatically transfer to the new member in charge. The amendment provides that his or her holding area officer responsibilities also transfer automatically, and this will facilitate the smooth day-to-day management of custody within Garda stations.

The amendment will also allow a member in charge to delegate or transfer holding area officer duties and responsibilities to another Garda station. The reason this amendment has been introduced is twofold.

In the first place, the member in charge, while having all the duties and responsibilities of a holding area officer, may not be the garda physically looking after the detention area. This would be the case, for example, in stations in which several gardaí were on duty. In such circumstances, it is important that the garda in the custody area be authorised to be a holding area officer and be responsible for the functions and responsibilities attached to that role. Allowing the transfer of holding area officer powers from the member in charge to another garda is important for the management and smooth operations of the provisions of the Bill within a Garda station. A good example of this is when the member in charge is a male garda and the prisoner in temporary custody is female. In such circumstances, it would be appropriate to transfer holding area officer functions to a female garda for the purposes of a search. It should be noted that transferring holding area officer duties and responsibilities does not relieve the member in charge of those duties and responsibilities. The member in charge will always automatically have those duties and responsibilities when a prisoner is in his or her custody.

To sum up, within a station a number of gardaí may have holding area officer duties and responsibilities. Such responsibilities always will apply to the member in charge and may also apply to the garda who originally is handed the prisoner under section 6 of the Bill, plus any garda to whom the member in charge may transfer or may delegate functions. This only applies where the temporary custody provided for under a section of the Bill is taking place within a Garda station. It is worth stating that when the temporary transfer of custody of a prisoner for the purposes of a court appearance takes place outside of a Garda station, the garda taking temporary custody of a prisoner is the holding area officer. Under the Bill's current provisions, that garda cannot transfer his or her holding area officer duties and responsibilities to another garda unless authorised to so do by a superior officer. I consider this to be an important provision to retain because the circumstances in which a garda would take temporary custody of a prisoner outside a Garda station for the purposes of the Bill should be limited, given that I consider it appropriate that the transfer of holding area officer functions should only be permissible when authorised by a more senior officer. I hope the House will agree that the amendments introduced will strengthen the provisions of the Bill in respect of its operation within a Garda station and I commend the Bill to the House.

**Deputy Charles Flanagan:** While I do not intend to detain the House, I thank the Minister of State for his detailed explanation and clarification on the amendments. This issue was discussed on Committee Stage and I am pleased the Minister of State has introduced an element

of clarification to what was a somewhat uncertain provision on the role and function of the holding officer or the manner in which powers were vested in other officers and powers assumed between members of the Irish Prison Service and members of the Garda Síochána.

The Bill's provisions are all fine in theory. This Bill is designed primarily to deal with the new criminal courts complex which will be officially opened shortly and which I understand is already engaged in some business this week. I wish everyone well in that complex. However, what about situations in which there are no holding areas of any description? I refer in particular to Portlaoise in my constituency, which houses the headquarters of the Garda Síochána for the Laois-Offaly division, as well as a busy District Court. It is busy both because of the local business in the area and the existence of approximately 750 prisoners in the town. There is no holding cell in the Victorian courthouse and it is impossible for any member in charge who assumes the powers and functions of holding area officer as there is no holding area in either the courthouse or the Garda station. Consequently, the holding area is in fact a prison van which usually is parked on the main street of Portlaoise in an area that is designed almost exclusively for pedestrians. How may the powers be vested, assumed or transferred to persons whose only holding area is a mechanically propelled vehicle? I merely make this point to illustrate the poor conditions under which many of our courthouses and Garda stations still engage in business. Like much of the criminal justice legislation that passes through this House, the Bills as enacted are only as good as the resources that accompany them and the enforcement procedures that allow for the Acts to remain of high repute. I ask the Minister of State to consider the position in respect of holding areas, be they cells, safe units or otherwise, both in courthouses and Garda stations.

**Deputy Pat Rabbitte:** I welcome the Minister of State's statement and the Bill is better for these amendments. This was a non-contentious Bill that was welcomed by all sides of the House and the provisions introduced by the Minister of State this morning will give further necessary clarity in the definition sections in respect of the holding area officer and subsequently in section 11 on the functions of the holding area officer. The amendments bring needed clarification to the area and the Bill will be improved as a result, which the Labour Party welcomes. The Minister of State should indicate in his reply when the criminal courts complex will be fully operational. What is the expectation there? Can he indicate when the formal opening is likely to be? While the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights is scheduled to visit it, what is the latest schedule?

**Deputy John Curran:** The Deputy is correct and I will make one or two comments on that specific point. I acknowledge there was cross-party support for the Bill here and in the Upper House, where I took the legislation. This specific amendment relates to a practice that occurs around Ireland. I acknowledge that the Bill was framed initially around the new court facility being provided. However, it also is intended to give effect to practice in other areas and the context is that in small, rural towns nationwide, courts frequently do not have holding areas and the Garda station is used.

On Deputy Charles Flanagan's specific point, it is regrettable that unfortunately, prisoners are held in Garda vans from time to time. The holding area referred to here, as well as the responsibility of the member in charge, refer specifically to the Garda station. Outside of the Garda station is separate and unaffected by the amendment I have made.

As for the opening dates, the best advice available to me at present is that full operations will commence from early next year. District Court hearings will commence in the first week of December and Circuit Court hearings will commence on 23 November. Although all

[Deputy John Curran.]

Members would like to know the official opening date, I am afraid I do not have information in this regard..

**Deputy Charles Flanagan:** The Minister of State misunderstood my point when I mentioned the issue of the prison van. A prisoner or a detainee could not be described as being in transit if he or she is being detained in a van because no other room or safe unit is available. It is not a question of being in transit because the van is stationary. The detainee in the van is not because he or she is being transferred or transported anywhere but merely and exclusively because it is being used as a centre of detention on four wheels.

**Deputy John Curran:** I acknowledge that. While I accept it is not an ideal situation, the Courts Service is investing considerable resources in improving courthouses around the country. I detailed some of those earlier.

The amendment we made in the Seanad applies specifically to Garda stations and the original provisions in the Bill would apply to anything outside that environment.

Seanad amendment agreed to.

Seanad amendment No. 2:

Section 5: In page 4, between lines 17 and 18, to insert the following:

““member in charge“ means a member of the Garda Síochána who is in charge of a Garda Síochána station referred to in section 11(7);”.

Seanad amendment agreed to.

Seanad amendment No. 3:

Section 11: In page 6, after line 42, to insert the following subsections:

“(7) Where *section 6(1)* applies, and the prisoner placed in temporary custody is or has been placed in a Garda Síochána station, then notwithstanding that any other member of the Garda Síochána is also a holding area officer under this Part, the member in charge of that Garda Síochána station—

(a) shall assume the powers and functions of a holding area officer under this Part,  
and

(b) where he or she considers it necessary for the performance of any of his or her functions, and for such period or periods as he or she considers necessary, may authorise the transfer of any or all of the powers and functions assumed under *paragraph (a)* to another member of the Garda Síochána.

(8) Where *subsection (7)(b)* applies, the transfer of the powers and functions concerned to a member of the Garda Síochána shall be construed as reserving to the member in charge the right to exercise those powers and to perform those functions concurrently with that member.”.

Seanad amendment agreed to.

Seanad amendments reported.

### Message from Dáil.

**Acting Chairman:** Dáil Éireann has agreed to the amendments made by Seanad Éireann to the Courts and Court Officers Bill 2009.

### Adoption Bill 2009 [*Seanad*]: Second Stage.

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I move: “That the Bill be now read a Second Time.”

Before beginning this important debate I wish to acknowledge the difficult year this has been for everybody involved in international adoptions because of uncertainty about some countries and delays that have occurred. I acknowledge in particular the delay, frustration and upset that prospective adoptive parents have experienced. It is regrettable and I am distinctly aware of it because I meet such prospective adoptive parents weekly. I also wish to acknowledge their forbearance and that of the representative groups and the International Adoption Association, and the assistance of the Adoption Board and the Health Service Executive in this difficult year. I reaffirm that the Government and I are committed to international adoption as a legitimate form of alternative care, although some of the commentary in circulation might cast doubt on that commitment.

Adoption was first introduced into Ireland through the enactment of the Adoption Act 1952. Prior to that, there was no provision in law for adoption in this State. There were, of course, many informal adoptions in this country and before the enactment of the adoption legislation many Irish children were sent abroad for adoption by Irish American families in the United States.

In the years following the enactment of the Adoption Act in 1952, most children adopted in Ireland were children who had been placed for adoption by their mothers within the Irish State. Today, a very small number of few Irish children are placed for adoption each year and the vast majority of domestic adoptions are family or step-parent adoptions. Many Irish people have, therefore, looked to overseas to adopt a child into their families.

It is against this background that this Bill seeks to create a legislative framework which reflects the changing nature of adoption and the growth in intercountry adoption. The Government’s aim in bringing forward this legislation is to support and protect the children for whom adoption services are devised and provided.

The Bill, which was passed by the Seanad earlier this year, has been designed with four main objectives: first, it brings the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption into Irish statute law; second, it provides for the making and recognition of intercountry adoptions in accordance with bilateral agreements; third, it establishes the Adoption Authority of Ireland; and fourth, it provides for the repeal of the Adoption Acts 1952 to 1998 and for the bringing forward, restating or updating of the provisions of those Acts, as appropriate.

The objective of ratifying the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption is at the core of this legislation. Ireland signed the Hague Convention in 1996. A fundamental principle of the Hague Convention is that intercountry adoption should be child centred. That is, in all stages of the process, the child’s interests must be paramount. The provisions of the Adoption Bill 2009 will ensure that all intercountry adoptions, recognised in this country, meet the standards of the convention. The text of the convention is included in Schedule 2 to the Bill and section 9 of the Bill gives the Hague Convention the force of law in this State.

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The Bill also provides for the State to enter into discussions with states which are not party to the Hague Convention, for the purposes of making bilateral agreements on intercountry adoptions. The legislation requires that any such agreement entered into by the Government shall be laid before each House of the Oireachtas. The standards that apply to intercountry adoptions under a bilateral agreement will accord with Hague standards.

On that note, my office has been in negotiations for some time with the Vietnamese Government regarding the drafting of a new bilateral agreement between this State and Vietnam. I await the finalisation of the International Social Services report on intercountry adoption in Vietnam to be fully informed before making further decisions regarding the next steps. I am mindful of the difficult position many prospective adopters find themselves in at this point and I assure them that my office will, in so far as possible, ensure that they are informed of the up-to-date position with regard to adoptions from Vietnam. Both Governments are working to achieve the highest standards in intercountry adoptions and we are both committed to ongoing dialogue to advance this goal.

In addition, the Adoption Board has already advanced the process of reviewing the adoption laws and adoption practices of several countries which have already ratified the convention with a view to establishing closer working relations with these countries to support Irish adopters. The board advises me that it hopes to be in a position to approach the first such country shortly to initiate discussions.

The Bill also provides for the establishment of a new adoption authority which will take over the functions of the existing Adoption Board and which will act as a central authority for the purposes of the Hague Convention. The Adoption Board was established under the Adoption Act 1952 at a time when domestic adoption was being formalised for the first time in this country and when intercountry adoptions into Ireland did not take place. The adoption authority's role will be an expansion of the current role of the Adoption Board, taking on new functions under the Hague Convention and with significantly improved governance and accountability structures.

There have been six amending Acts since the first Adoption Act in 1952. This Bill repeals all those Acts and provides for all adoption legislation in one Bill. This will greatly help those working in the area of adoption and child law.

Overall, the Bill provides safeguards for children who are being adopted into new families. It sets out a common standard for adoption procedures, both in this State and for intercountry adoptions. It will provide greater assurance for adopted children and their families that appropriate procedures have been followed and that, in all cases, the adoption was effected in the best interests of the child.

Part 1 of the Bill comprises sections dealing with the Short Title and commencement, interpretation, references to making of arrangements for adoption, establishment day, repeals and revocations of existing legislation and for expenses arising in the administration of this Act to be provided by the Oireachtas.

Part 2 provides for the Hague Convention on Protection of Children and Co-operation in Intercountry Adoption to have legal effect in this State and for judicial notice to be taken of the explanatory report on the convention prepared by G. Parra-Aranguren. Thus, the Hague Convention is being brought into Irish statute law.

Part 3 provides for the placing of a child for adoption and provides for the care of a child pending placement. It also provides that an accredited body shall not place a child for adoption unless the child is at least six weeks old. Adoption societies will be known as accredited bodies

under this Bill. The accredited body must provide the mother placing the child for adoption with a written statement explaining the effect of an adoption order and the consents necessary for the order to be made. A signed statement by the mother of her understanding of the import of the written statement is required.

The Bill also sets out the right of the father of the child to give notice to the authority of his wish to be consulted about the placement of the child for adoption, or for an application for an adoption order to be made in respect of the child, and outlines the pre-placement consultation procedure required. Where the accredited body is unable to consult the father, or where the authority is satisfied that it is inappropriate for the accredited body to contact the father, the authority may, with the approval of the High Court, authorise the accredited body to place the child for adoption. The requirement for High Court approval before proceeding with an adoption where the father has not been consulted is a new safeguard provided in the Bill and is a further recognition of the father's rights in the adoption process.

In circumstances where the mother refuses to, or cannot, identify the father, this part provides that the mother be counselled and that she be advised of the possibility that the adoption may be delayed and of the possibility of the father's contesting the adoption, and that the absence of knowledge of the medical, genetic and social background of the father may be detrimental to the welfare of the child into the future. Following such counselling, the authority may, with the approval of the High Court, authorise the accredited body to place the child for adoption.

Part 4 deals with the authority's power to make adoption orders and provides that in relation to adoption, the welfare of the child is the first and paramount consideration. Adoption orders may not be made in respect of a child unless the child resides in the State, is not more than seven years of age and is an orphan or born of parents not married to each other. However, a child of married parents may be adopted in exceptional circumstances where the parents have abandoned the child. There are also exceptions to the seven year age limit. If the child is over seven years of age, due consideration is to be given to his or her wishes having regard to the child's age and understanding. This part also deals with the required consultation with the child's father and with the consent requirements from the mother or guardian before an adoption order is made and it sets out the circumstances in which the High Court may authorise the making of an adoption order in the absence of such consent. There is also a requirement to provide relevant information about consenting to adoption and the requirements for a valid consent are set out.

The categories of people who may apply for an adoption order or for the recognition of an inter-country adoption include a parent of the child, a married couple living together or a person who satisfies the authority that the adoption is in the best interest of the child. It is provided that the authority will not make an adoption order or recognise an inter-country adoption unless it is satisfied with the suitability of the applicants who are required to be of good moral character, in good health, of an age to have a reasonable expectation of being capable throughout the child's childhood of fulfilling his or her parental duties, with the capacity to promote the development and well-being of the child, and to have adequate financial means to support the child.

Part 4 also provides that a person or married couple may apply to the Health Service Executive for an assessment of eligibility and suitability to adopt and sets out the procedure to be followed by the executive following receipt of such an application. This Part also sets out the functions of adoption committees established by the Health Service Executive and provides for the preparation and delivery by a committee of a recommendation to the authority to issue a declaration of eligibility and suitability. It also provides for the issuing, or the refusal, by the

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authority of a declaration to applicants. The expiration and the withdrawal of declarations of eligibility and suitability are also provided for in this Part.

Part 5 lists the persons who are entitled to be heard by the authority on foot of an application for an adoption order. The circumstances in which an interim order for custody of a child may be made by the authority are also set out. The authority's power to summon witnesses, acquire documents and take evidence on oath or on affidavit is set out. It is also provided that the authority may refer any question of law, arising from either an application for an adoption order or from an application for recognition of an inter-country adoption, to the High Court for determination. Any question of public policy arising with respect to entries in the register of inter-country adoptions shall be referred to the High Court for determination.

Part 6 provides that an adoption order, an inter-country adoption effected outside the State or an entry in the register of inter-country adoptions that relates to an inter-country adoption shall not be declared invalid if such a declaration is not in the child's best interest. It is also provided that if the adoption order is declared invalid, the court may on application make a custody order in the same proceedings, subject to section 3 of the Guardianship of Infants Act 1964.

Part 7 provides that the High Court may authorise the authority to grant an adoption order in favour of applicants if it is satisfied the child's parents — whether married or not — have, for physical or moral reasons, failed in their duty towards the child for a continuous period of not less than 12 months and that such failure is likely to continue without interruption until the child is 18 years old, and where that failure constitutes an abandonment of their parental duties. Legal costs incurred by the parents and by the applicants for an adoption order under this provision shall be paid by the Health Service Executive. It should be noted that Part 7 mirrors the provisions of the Adoption Act 1988 which will be repealed on the enactment of this Bill.

Part 8 covers the recognition in the State of adoptions effected in another state, either in accordance with the Hague Convention or under a bilateral agreement between this State and the state of origin of the child. The competent authority of the state of origin must certify the adoption has been made in accordance with the Hague Convention or the bilateral agreement. The adoption must also be in accordance with the public policy of this State. Provision is also made for deeming as valid those foreign adoptions, as defined in the Adoption Act 1991, effected before and after the establishment day, unless such deeming would be contrary to public policy.

This Part also provides that if the pre-existing legal parent-child relationships are not terminated by virtue of the adoption order, the birth parents are not freed of all their parental rights or duties. Part 9 deals with converting such adoptions into ones which have that effect.

Part 8 also provides that the validity of an adoption order is not affected by the subsequent marriage of the child's birth parents to each other. However, if the child has been adopted by one of his or her birth parents and their subsequent marriage legitimates the child in accordance with the Legitimacy Act 1931, the adoption order ceases to have effect. If an adopted person or an adopter dies intestate, his or her property shall devolve as if the adopted person were the child of the adopter.

A transitional provision allows for adoption proceedings commenced under the Adoption Act 1991 to proceed as if commenced under this Act. Accordingly, it will not be necessary for applicants to re-apply under the new Act but rather they can continue their applications in compliance with the provisions of the new Act.

Part 9 deals with inter-country adoption and the role of the Adoption Authority as the central authority for the purposes of this Act, the Hague Convention and bilateral agreements. This Part provides for the Adoption Authority to recognise certain adoptions effected in another state, provides for procedural arrangements in recognising such adoptions in this State and for the conversion of adoptions from ones which do not have the effect of terminating existing legal parent-child relationships into adoptions which do have that effect.

Provision is also made for arrangements to be entered into by the authority, in exceptional cases, to allow for the adoption of a specific child who is a relative of the prospective adopters from a state of origin that is not party to the Hague Convention or to a bilateral agreement. The standards of such an adoption must accord with those of the Hague Convention. The Bill provides that the Health Service Executive must be informed in three months of a child's first entry into the State following his or her adoption or of a child's entry into the State for the purpose of being adopted in the State.

Part 10 provides for the adopted children register and the register of inter-country adoptions. An tArd-Chláraitheoir is required to maintain a register of adoption orders made by the authority and an index to that register shall be available for persons to search. Certified copies of entries will be available from the register for a fee. A separate index will also be kept by an tArd-Chláraitheoir to make traceable the connection between each entry in the adopted children register and the register of births. This index will not be available for public inspection and information will only be released following a court order to that effect.

Provision is made for the register of foreign adoptions, previously maintained by the Adoption Board, to be continued by the Adoption Authority and to be known as the register of inter-country adoptions. There is a requirement for the adopters to ensure an application is made to the Adoption Authority to have the adoption entered in the register not later than three months after a child first enters the State after his or her adoption by parents habitually resident in the State.

Part 11 deals with proof and registration of adoptions effected outside the State. It provides that where an adoption is effected outside the State, unless the contrary is shown, it shall be deemed to have been effected in accordance with the law of that state. It also provides that regulations may be made by the Minister for the proof of inter-country adoptions effected outside the State and the regulations may make different provision for different states and different classes of adoptions.

Part 12 provides for the establishment of the Adoption Authority. The authority's functions will include performing functions previously carried out by the Adoption Board; performing as a central authority under the Hague Convention; providing general advice to the Minister about adoption; undertaking or assisting in research; compiling statistical information; maintaining the register of accredited bodies; maintaining the register of inter-country adoptions.

This Part provides that membership of the authority will consist of seven persons, being the chairperson, deputy chairperson and five ordinary members appointed by the Minister. A person is not eligible for appointment as chairperson or deputy chairperson unless that person is, or was during the preceding two years, a judge or a solicitor or barrister of ten years standing. The five ordinary members must include two social workers, a medical practitioner, a barrister or solicitor and a person with training in psychology. The authority is required to hold at least 12 meetings each year.

Part 12 also provides for the appointment of a chief executive officer and for the establishment of committees to provide assistance and advice to the authority. Governance arrange-



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ments for the authority, including codes of conduct, annual reports, business plans and financial reports are provided for in this Part.

It also sets out the accountability requirements for the Adoption Authority to the Minister and Oireachtas committees and the standards of integrity to be maintained by members of the authority and its employees. Arrangements for the recruitment of employees to the authority are also provided for in this Part.

Part 13 provides for the Adoption Society's register to be continued and to be known as the register of accredited bodies. It provides for the registration, renewal, cancellation or amendment of registration and for appeals to the District Courts against a decision by the authority in this regard. This Part sets out the arrangements for such bodies which are required to furnish the Adoption Authority with information in regard to their constitution, membership, employees, organisation and activities and permit the authority to inspect and make copies of all their books and documents relating to adoption.

Making arrangements for the adoption of a child is an activity restricted to an accredited body or the Health Service Executive. However, a parent may place a child with a relative, or the spouse of a relative, for the purpose of having the child adopted by that person. The authority is responsible for issuing certificates of registration to an accredited body specifying the activities in respect of which that body is registered.

Part 14 covers the dissolution of An Bord Uchtála and the transfer of its employees, property and liabilities to the authority. This Part deals with the arrangements for the transfer of employees from the Departments of Health and Children and Justice, Equality and Law Reform to the Adoption Authority. It also deals with the transfer of records, property and liabilities to the authority and includes provisions dealing with pending adoption proceedings and other legal proceedings and the transfer of all rights and liabilities by virtue of any contract.

Part 15 provides for offences and prohibits certain advertisements about adoption and receiving, making or giving payments and rewards in consideration of the adoption of a child. Making false or misleading statements to the authority or to an accredited body is also an offence. Accredited bodies may receive reasonable costs and expenses and donations with the prior approval of the authority. The penalties for offences under the Act are set out in this Part.

Part 16 provides for the making of regulations by the Minister. It covers various regulation making provisions whereby the Minister for Health and Children may make regulations in respect of adoption, including regulating the activities of accredited bodies. Part 17 provides for consequential amendments to other Acts and for transitional arrangements in respect of applications made under the Adoption Acts.

There are four Schedules to the Bill. Schedule 1 provides that the Adoption Act 1952 and its amending Acts are repealed and that certain statutory instruments are revoked. Schedule 2 is the text of the Hague Convention on the Protection of Children and Co-operation in respect of Intercountry Adoptions. Schedule 3 provides for particulars of adoptions to be entered in the adopted children register. Schedule 4 provides for an amendment to the Second Schedule of the Civil Registration Act 2004.

As already mentioned, the Bill will give force of law to the Hague Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption 1993. A core principle of the Hague Convention is that intercountry adoption should be child-centred, namely, in all stages of the process the child's interests must be paramount. The convention puts in place the equivalent of a contract between states to regulate the standards that will apply in each jurisdiction. This provides a safeguard for children being adopted into Ireland regarding the stan-

dards that are being applied in their country of origin over which we have no jurisdiction. As a country which has a growing rate of intercountry adoption, it is especially important for us to have confidence in all aspects of the intercountry adoption process.

The issue of further transitional measures for prospective parents who are at a definable stage in the adoption process when the Bill is enacted and who wish to continue to adopt a child from a non-Hague, non-bilateral country, is being examined. Prospective adoptive parents have waited a long time and it is my intention to be as flexible as possible in relation to applicants. I am consulting with the Permanent Bureau of the Hague Conference in relation to this matter and I will keep the House updated on this issue during the course of the debate on the Bill. It is important for this State to continue to develop the appropriate regulatory system for intercountry adoption. If we want to protect the interests of children and their families, we need to ensure that a robust regulatory framework is in place to underpin safe and secure adoption.

The Bill provides a much improved framework for intercountry adoption and is badly needed legislation. While current law and practices regulate the process of assessment and the registration of adoptions, the Bill clearly sets out every aspect of the process and brings the Hague convention into Irish statute law. I am hopeful that Ireland will be in a position to ratify the Hague Convention early in 2010. Following ratification of the convention in Ireland, a number of countries which are already signatories to Hague, will, I understand, be more willing to consider Irish applicants. I have asked the Adoption Board to examine the adoption codes of Brazil, the Philippines, South Korea and Thailand with a view to commencing discussions to put in place administrative arrangements that would facilitate intercountry adoption with Ireland.

It is important to have in place a rigorous adoption system in which we can have confidence. The Adoption Bill 2009 ensures that the welfare of the child is given first and paramount consideration and promotes the best international ethical and legal standards throughout the adoption process.

I commend the Bill to the House.

**Deputy Alan Shatter:** I welcome that we are finally debating this Bill in the House. I commence by saying that central to any arrangements with regard to adoption is the best interests of the child. I agree with the Minister of State that our legislation must be child-centred and intent on protecting the welfare of children on all occasions and in all circumstances.

The Bill has been portrayed by the Minister of State as a major reforming measure. This is true in the sense that we are finally going to incorporate within our law the Hague Convention in regard to intercountry adoptions, which I welcome. The Hague Convention which has long awaited incorporation into our law prescribes minimum standards that must be complied with to ensure adoptions are properly effected, that children's best interests are properly protected and a protection to ensure that children who are made available for intercountry adoption are done so in circumstances in which proper procedures are applied and all proper consents are obtained from the biological parents where they consent to adoption or from other guardians or institutions taking care of children.

The convention is a crucial part of our international architecture with regard to adoption to ensure minimum standards. It is deplorable that it has taken so many years for this legislation to come before us. I welcome the introduction of legislation to deal with this issue. Aside from dealing with the issue of intercountry adoption, replacing the Adoption Board with an adoption authority and recalibrating some of the procedures with regard to the steps that must be taken by prospective adopters in the area of domestic adoption, the Bill is not merely a disappointment but is fundamentally flawed and deficient. I say this because we have been promised for

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more than 20 years a major reform in our adoption laws. There are reports dating back to 1974 detailing major difficulties and flaws in our domestic adoption laws and making recommendations for reform and a plethora of reports published by the Adoption Board which annually detail gaps and inadequacies in the adoption laws and suggesting the need for reform.

I find extraordinary that this legislation deals with little other than incorporation of the Hague Convention into our law and essentially ignores much of what has been said about the need to reform our adoption laws. It is extraordinary that what we are now doing is incorporating within our adoption laws a consolidating piece of legislation which is essentially based on the philosophical and statutory approach taken to adoption in 1952. This is not a reforming Bill other than in the area of intercountry adoption in regard to which there are particular flaws, to which I will come later and of which I believe the Minister is now aware as a consequence of the multitude of letters, e-mails and representations received in this regard. In the context of our domestic adoption law, this is basically consolidating legislation. Even more extraordinary, in the context of the Bill's reference to protecting the welfare of the child, is a basic flaw in terms of a failure to define the concept of welfare in the definition section.

I want first to address the issue of intercountry adoption. The reality today is that the majority of couples and individuals who succeed in adopting do so outside this State as a consequence of there being fewer children available for domestic adoption than was previously the case. In the 1980s and early 1990s, approximately 1,000 domestic adoptions per annum — the figure is in excess of 1,000 for some years — were granted by the Adoption Board. Currently, fewer than 200 domestic adoptions are granted each year. In 2007, some 187 domestic adoptions were granted, 144 of which are termed family adoptions, namely, adoptions effected by a biological mother adopting jointly her own child with her husband who is not the biological father of that child, an issue to which I will return later.

The scale of intercountry adoption and the number of people who seek to effect an intercountry adoption is well detailed in the context of recent declarations of suitability to adopt made by the Adoption Board. In 2006, the Adoption Board made 406 declarations of suitability; in 2007 it made 436 declarations of suitability and in 2008, it made 490 declarations of suitability. I do not know whether the figure for this year will exceed 500. This means there are currently in the region of 600-800 couples and-or individuals who have obtained declarations of suitability who may be on the path of completing a foreign adoption or are hoping to do so. The Minister of State will be aware that serious difficulties have arisen in this area. Everyone in this House is aware of these difficulties. The first difficulty that arose relates principally to adoptions in Vietnam. Irish adopters have completed a substantial number of adoptions in Vietnam. In terms of the number of adoptions, Vietnam features among the top six countries from which Irish couples have adopted. The previous bilateral agreement expired on 1 May 2009, which has left many couples in limbo. These people have spent between two and four years — some even more — going through the labyrinthine HSE assessment process with the intention of adopting in Vietnam. There are hundreds of couples in this position. They now find they have been blocked from proceeding with their adoptions because the bilateral agreement has expired. The Minister of State has failed these couples particularly. Perhaps it is unfair to lay this entirely at the door of the present Minister, as his predecessor must share the blame.

Why am I saying this? The Minister is right to say that if there is a new bilateral agreement we must ensure the procedures that apply in Vietnam are appropriate and the children's welfare is protected. However, it seems it was not until March 2009 that the Government got around to sending to the Vietnamese a new proposed bilateral agreement. That should have happened

much earlier. I presume if the decision was made in March 2009 to send a new proposed draft bilateral agreement, it was decided it was reasonable at that stage to enter into new arrangements with Vietnam. However, those arrangements ran into difficulties. The Minister, in good faith, visited Vietnam and the deputy premier of Vietnam recently visited this country. The reason the Minister is now giving for the lack of progress in a bilateral arrangement with Vietnam is a draft ISS report — which I understand he is not able to publish as it is in draft form — which apparently raises disturbing issues that need to be addressed.

My criticism of the Minister is that if there is disturbing content directly related to adoptions being effected by Irish couples or individuals in Vietnam, why did it take so long — until this report was published in draft form and furnished to the Minister in August 2009 — for the Minister and his Department to discover the nature of the difficulties? If there were difficulties, this should have been known. Under the bilateral agreement there was provision for the establishment of a review group jointly composed of people appointed by this State and, in particular, the Department and the Vietnamese to review how the bilateral arrangements were working.

If there were problems, alarm bells should have been ringing during the currency of that agreement. The Minister and his predecessors should have been aware of them before March 2009. If there were problems, couples going through the assessment process should have been given some warning that they could run into difficulties if that was the route they were going to travel. However, they were given no warning. They were led to believe the arrangements between Ireland and Vietnam were by and large working and that there was no structural difficulty with regard to their continuing. This has caused major concern to many couples who now find themselves in limbo.

It is unfortunate that the Minister of State is still not able to tell the House when this issue will be resolved. I am asking the Minister to tell us whether he still intends to enter into a new bilateral arrangement with the Vietnamese. Is it his intention simply to let matters drift, let the legislation be enacted, and wait until Vietnam becomes a party to the Hague Convention, perhaps in late 2010 or in 2011 or 2012, before any new arrangements are established to allow Irish couples to effect adoptions in Vietnam that Ireland will recognise? The Minister owes it to the couples and individuals who hope to adopt in Vietnam to clarify the position. We know there are 20 couples who had reached a point at which, it was understood, even in these circumstances, they would be allowed to continue with their adoptions. What has happened with this? It seems also to have ground to a halt.

There are couples and individuals in other circumstances who want to adopt. More than 100 adoptions have been effected in Ethiopia and are recognised in this State. What is the Minister's intention with regard to Ethiopia? This needs to be clarified. There are couples who have adopted previously in Vietnam or Ethiopia who are concerned that if they want to adopt a second child from those countries, this legislation will not facilitate their doing so. They are seeking special provisions in that regard. I ask the Minister to clarify his intentions.

There is a series of countries in respect of which we have received representations. Another is Mexico, with which we have no bilateral arrangements. A number of Mexican adoptions have been effected by Irish residents. How does the Minister propose that future adoptions from that country be addressed?

An important point was mentioned by the Fine Gael leader, Deputy Enda Kenny, at the opening of business, as well as by the Taoiseach and by the Minister in his opening speech. If this legislation is enacted and we become a party to the Hague Convention, what transitional

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arrangements will be put in place? I wish to be fair to the Minister. It is clear from the legislation that some transitional arrangements were envisaged. Section 63(2) states: “If, immediately before the establishment day, a foreign adoption described in the Adoption Act 1991 is not yet effected but is still in process as provided for under that Act, the adoption may proceed under this Act as if it were commenced under this Act.” What is meant by “still in process”? If we have 400 or 500 couples with declarations of suitability on the day of commencement of this legislation, all of whom have gone through the adoption assessment process with an intent to adopt in a particular country, such as Vietnam, but who have not yet been allocated children, is this regarded as being “in process”? Will this legislation cover such a situation?

The problem with the phraseology of the legislation in dealing with any possible transitional arrangements is that it is utterly unclear how it will apply in practice. Provision must be made to ensure people understand how the legislation will work. There is an essential need, in the best interests of children and in fairness to those who have gone through the assessment process, to provide some meaningful transitional arrangements and not to leave people who, in good faith, have gone through a lengthy assessment process in an unclear situation. I ask the Minister to clarify how the transitional arrangements envisaged in this brief subsection of the Bill will work in practice, because that seems particularly unclear.

I was disappointed the Minister did not refer to the process for assessment of suitability to adopt in his speech, although he has mentioned it on other occasions. Be it domestic or inter-country adoption, everyone must undergo the same process now, although things were somewhat different originally. Everyone must obtain a declaration of suitability. It is simply not fair to any couple or individual that it can take up to three or four years to be assessed. This is an extraordinarily long period. This is particularly the case nowadays, when people marry and adopt at a later age. The HSE and its social workers appear to have an almost theological view on the age of prospective adopters. If a husband or wife has hit 50, no matter how suitable he or she may be, the HSE will recommend against adoption.

I am aware of people who sought assessment in their mid-40s and did not come through the process until they are 50 or 51. The age issue looms larger in the minds of social workers, with regard to unsuitability to adopt, as time passes. It is not the fault of the couples that the process takes so long. This legislation prescribes no specific timescale within which the adoption assessment process must be completed by the HSE. The wording it uses is “as soon as practicable”, which is a meaningless phrase. It should never take longer than 18 months for an assessment process to be completed in a reasonable way. That gives the HSE an opportunity to order its business in a reasonable way and gives a reasonable timeframe to couples and individuals who in good faith seek to be assessed for adoption.

The Minister of State has acknowledged the timeframe is unfair. It also varies. A person who lives in one part of the country might have the assessment completed within 14 to 15 months but for a person living in Dublin this might take four and a half years. It is unacceptable that this is the case and there is a need to specifically address it.

Another issue the Minister of State does not address in this Bill is the procedures that are prescribed. I do not talk only from a position of theory but should make a mild declaration of interest. As a family lawyer, over the years I have represented prospective adopters in hearings before the Adoption Board. Currently, when a person has gone through the initial assessment process and the social worker produces the assessment report the case goes before a HSE adoption committee. That is what happens in practice although there is no statutory provision for it. For the first time, the Minister of State is making statutory provision for the HSE

adoption committee, which has no statutory function of any description at present. This committee sits behind closed doors. Under this legislation, as is currently the position, no criteria are specified as to who might qualify to be placed on such a committee. No procedures are prescribed as to how the committee should operate. No provision is made as to whether prospective adopters are entitled to any legal representation. What happens? A social worker presents a draft assessment report to this committee and it is the committee that determines whether a prospective adopter or couple be deemed suitable.

I do not know, and I suspect neither does the Minister of State, how many instances there may have been where the social worker said a person or persons were unsuitable and the committee said they were. Or it might be the other way round — the social worker says the person or persons are suitable and the committee says they are unsuitable. I have talked to a number of couples who found themselves in situations where there were personality clashes and difficulties with social workers. We have some fantastic social workers but down the years there were some working in the adoption area who may not have been as well trained or suited to dealing with it as they should have been. I know of individuals and couples who found themselves before these committees. They have reported to me — I do not know if this is fair or unfair — that it is like being before the Star Chamber. A group of people associated with the HSE, about whose qualifications one knows nothing, throw questions at one. A person was asked if she would have a dog in the house with the adopted child. She felt a judgment would be formed that depended on whether she was pro or anti the canine.

This Bill is deeply flawed in so far as it provides for the establishment of these committees without prescribing any eligibility criteria or anything procedural. I do not know what their purpose is. If a properly qualified social worker produces an assessment report detailing whether somebody is or is not suitable, that is the report that should go to the Adoption Board. I do not understand the function of filtering it through a committee that sits in private. I suspect the way these committees work — and may work under this legislation — is unconstitutional because a decision made by this committee can have a fundamental impact on a person's entitlement to seek an adoption, make a determination as to their suitability and effect his or her right to family life as defined under Article 8 of the European Convention.

The other difficulty that arises which this Bill does not address is the question of what happens when a report states one is not suitable. Ultimately, the Adoption Board determines whether a couple or an individual is suitable. Unfortunately, I do not have time to give the Minister of State examples of the type of circumstances I have seen in cases coming before the Adoption Board. One paediatric nurse who retired just after the age of 50 had been involved with children and had nephews and nieces. She was deemed unsuitable by a social worker who feared that because of her age, she might not live long enough to bring up a child. Another question concerned whether she had appropriate family members to name in a will as custodian of her child in the case of her death. Clearly she had. There was a hearing of such a case before the Adoption Board whose decision was that the person was eminently suitable. The board disagreed with the view of the social worker. The Adoption Board would say that over recent years behind closed doors such things occur.

Over the years those who sit on the board have dealt with these cases and applications with great insight, understanding and sensitivity. This is not, in any respect, a criticism of the Adoption Board. However, it is not widely known that there have been a number of cases where social workers have given a report stating people are unsuitable, on grounds that are unsustainable and lack credibility. Having heard the social worker and the prospective adopters and read the various reports and background information, the Adoption Board makes declarations

[Deputy Alan Shatter.]

of suitability. At that point a real problem arises because a number of couples and individuals who have got declarations of suitability and seek to adopt abroad also have a family assessment report from the HSE that says they are unsuitable. The HSE will not amend that report and the Adoption Board has no statutory power to require it to do so.

The Minister of State preserves that system in this legislation. If the adoption authority determines a person or persons as suitable and the social worker or the HSE says they are not they then have a declaration of suitability in one hand and, in the other, a family assessment report stating they are unsuitable. That creates huge difficulties in practice for completing adoptions. The Adoption Board has tried to get over that administratively by issuing a letter detailing its disagreement with the HSE report.

There is a need to amend this legislation. In circumstances where there is a declaration of suitability from an adoption authority a proper report should be made available to prospective adopters which confirms their suitability. They should not be placed in the position they are today.

I return to an issue that relates to foreign adoptions. This legislation repeals in its entirety the 1991 Adoption Act. However, Part 11 tries to preserve some of the circumstances in which we recognise foreign adoptions under the 1991 Act. The main provisions on foreign adoptions in the legislation are designed to address the issue of persons habitually resident in this State who adopt outside the State, and the recognition of those adoptions. Over the years many people have established domicile or ordinary or habitual residence in a vast number of countries across the world. There will be more of this in the current economic climate. Irish couples go to England, live in London, Manchester, Birmingham or Liverpool for up to ten years, adopt there and then come home. At present we recognise those adoptions. The 1991 Act, which I introduced to this House as a Private Members' Bill, provided for the recognition of adoptions effected in states where couples or individuals were domiciled, habitually resident or ordinarily resident. I assume it is the Minister of State's intention to retain that provision within the legislation but that is not clear in the Bill. He is repealing the 1991 Act but claiming the State will continue to recognise adoptions in some of the circumstances prescribed in the 1991 Act.

This issue must be teased out because there will be huge question marks as to what the position will be, for example, in 2012 when an Irish couple, habitually resident in London, adopt a child and return to Ireland. They want the registration of that child in this country to confirm the adoption is recognised.

I turn to domestic adoptions. It is extraordinary that a whole raft of issues that should have been dealt with in this legislation have not been. The legislation continues the current situation — I made mention of it earlier — where the biological mother of a child marries someone who is not the father of her child but she wants her husband to have parental rights with regard to that child and acquire parental obligations. In many such instances the biological father has long since disappeared over the horizon. The only way this can happen at the moment is in the context of an adoption by the biological mother of her own child. This can create all manner of problems. When the child hits his or her teenage years and starts contemplating such adoption, he or she may wonder whether the mother is the biological or adoptive mother.

A biological parent should not need to go through an adoption process to allow his or her spouse to acquire rights and obligations to a child who is a part of the marital family. For 30 years, successive Adoption Board reports have asked Governments to address this issue. I

remember writing about it in the first edition of my family law book, which was published in 1977. I have with me the 2007 report of the Adoption Board. It states: “As noted in recent Annual reports, it remains the Board’s view that adoption is not always the ideal solution in step-parent situations”. The procedure in question is adoption by both the biological parent and his or her spouse. It went on to state: “Some other legal means should be devised to establish the rights and responsibilities of a birth-natural mother’s husband without extinguishing the rights and responsibilities of the birth-natural father”. As has been recommended and is the case in other countries, our legislation should allow guardianship rights to be conferred on the husband in those circumstances. There should not be a necessity to go through an adoption process. I do not know why this remains the position.

In practice, there has been a movement in domestic adoptions over the years to what is referred to as open adoptions. The couple adopting may meet the biological parents or, more usually, just the biological mother, get to know one another and adopt the child. There may be some arrangement to facilitate the biological mother maintaining contact with her child. On occasion this also applies to the biological father. In other reports, the Adoption Board has referred to such agreements and stated that there is a need for a legal mechanism to protect an arrangement in which the biological parent has formal access to or contact with the child post-adoption. I have given legal advice where required in circumstances in which natural mothers consented to the adoptions, but wanted to maintain contact with the child. Post-adoption, such agreements have no legal force. They only work if trust is maintained between the parties. I do not understand why this issue is not being addressed.

I will conclude and I appreciate the Acting Chairman’s forbearance. This legislation has missed a golden opportunity to modernise our domestic adoption laws in the necessary manner. It provides for a series of possible and unnecessary High Court applications which will create unnecessary adoption litigation. When the new adoption authority should be dealing with various matters, it is being proposed that they instead be brought before the High Court. Under Article 37.2 of the Constitution this is not necessary. I hope that the Minister of State will take a constructive approach to Committee Stage and agree to allow the Opposition to work with him to improve this Bill radically, address its many gaps and inconsistencies and flesh out some of the problems that have been part and parcel of our adoption process for a long time. For example, Barnardo’s offers a tracing service in a particular framework. The Adoption Board facilitates a contact register — but this has no statutory provision despite the fact that legislation on it has been promised for 20 years.

The Bill is missing a great deal, but it provides a foundation——

**Acting Chairman (Deputy Noel O’Flynn):** I must ask Deputy Shatter to conclude, as I must bring in Deputy Jan O’Sullivan before lunch.

**Deputy Alan Shatter:** ——upon which we can build. I hope the Minister of State will agree that Committee Stage is a construction phase in which there can be cross-party work to ensure that the resultant Bill is right.

For the sake of everyone seeking to adopt abroad, will the Minister of State further clarify when he intends to make commencement orders in respect of the Bill? In the intervening period, this matter will be key in facilitating those who are currently trying to complete foreign adoptions to know where they stand. It would also allow those who have received declarations of suitability to know whether they can progress foreign adoptions in states from which they have the opportunity of obtaining a child.



**Deputy Jan O'Sullivan:** The Labour Party welcomes Ireland's long overdue ratification of the Hague convention on inter-country adoptions. We signed the convention in 1996, but will be the last of the receiving states to ratify it. We fully support its ratification. It has the safety and welfare of children at its core, which is as it should be. Everyone who has contacted us and every Member in the Chamber would agree that such concerns must also be at the core of the legislation.

However, some issues, many of which have been outlined by Deputy Shatter, are not adequately dealt with in the legislation as framed. I refer in particular to the need for transitional arrangements while we move from our current situation to the situation that will pertain. According to the Minister of State, we will ratify the convention in early 2010, which is quite soon. Article 41 states: "The Convention shall apply in every case where an application pursuant to Article 14 has been received after the Convention has entered into force in the receiving State and the State of origin." It would be cruel to leave the hundreds of children and receiving families whose futures are invested in mechanisms that were the only option available to them prior to this legislation with no pathways to completing their adoption processes.

We need clarification on this matter, as section 63, to which the Minister of State referred in his opening contribution, refers to transition arrangements. It states: "If, immediately before the establishment day, a foreign adoption described in the Adoption Act 1991 is not yet effected but is still in process as provided for under that Act, the adoption may proceed under this Act as if it were commenced under this Act." However, the Hague good practice guide recommends that States should not apply new procedures to cases already in process. They must clearly indicate which cases will be considered in process when the convention enters into force. In addition, they are encouraged to announce specific dates on which cases must be filled to be considered in process, determine clearly what is meant by "in process", perhaps by determining which documents should have been filed or which actions should have occurred, and communicate those decisions officially to other states and concerned parties. Clarity is vital, particularly for the families concerned. There is considerable confusion between what the Minister of State has said today, what is contained in section 63 and what is in the Hague good practice guide.

I concur with Deputy Shatter on the importance of getting this right. I hope and, given his comments, believe that the Minister of State will listen to the constructive contributions of the Opposition and people on his side own of the House if we are to make the situation clear to the families concerned and, more importantly, the children and their birth families.

Adoption is a process that involves the deepest of human emotions, instincts and rights and we must address the issue with compassion and understanding. The welfare and rights of the child must be paramount. Second to theirs are those of the birth parent, who must never be coerced or pressurised by financial or other gain to surrender his or her child. The Hague convention is a response to the sad fact that baby trafficking and the selling of children has been and, in some cases, is still a feature of international adoption. For this reason, it is an important international agreement. It is imperative that countries from which children are adopted raise their standards of protection to the point at which they can ratify the convention and implement its rules.

It is essential that we get all of the elements right. Since many families in Ireland want to provide a safe, permanent and secure home for children in need, we must ensure that they are considered. We have all received a variety of communication. In each item of correspondence that I have received, that the interests of the child are paramount has been fully recognised. This needs to be acknowledged.

Debate adjourned.

*Sitting suspended at 1.30 p.m. and resumed at 2.30 p.m.*

## **Ceisteanna — Questions (Resumed)**

### **Priority Questions.**

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#### **Middle East Peace Process.**

47. **Deputy Billy Timmins** asked the Minister for Foreign Affairs if he will establish an Irish forum on the Israeli and Palestinian conflict; and if he will make a statement on the matter. [42164/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The Israeli and Palestinian conflict, and the Middle East peace process, are issues of enduring concern to the Irish public, and have been a foreign policy priority for successive Irish Governments for many years. Ireland is an active and vocal participant in discussions on the Middle East at EU and UN level, as well as directly with the main players in the region. I have made two extensive visits to the region as Minister for Foreign Affairs and I hope to return again.

There has been a renewed effort this year, led by President Obama, to bring the Israeli and Palestinian sides together to begin a final negotiating effort to reach an overall settlement. Both in Ireland and the EU, we have been concerned to give every possible support and encouragement, and, indeed, space, to this process, which is being actively pursued by Secretary of State Clinton and Special Envoy Senator George Mitchell, in both of whom we here in Ireland have every confidence.

The issues, the difficulties and how Ireland and the EU can try to play a positive role are frequent subjects for discussion here in the Oireachtas as a glance at the questions listed on today's Order Paper shows. Issues relating to the Middle East are examined regularly by the joint committees on foreign affairs and on European affairs. As the Middle East appears on the agenda of the great majority of external relations Councils, I also have the opportunity to discuss these issues almost every month with the Joint Committee on European Affairs, when we meet prior to each Council. We also examine it in the context of Irish Aid's long-standing and substantial commitment to assist the Palestinian people and my Department engages extensively with non-governmental organisations and members of the public concerned about the conflict. There is, perhaps, no other foreign policy issue, with the exception of the Lisbon treaty, on which I have engaged in more public discussion.

Given the amount of time the Oireachtas already devotes to the Israeli-Palestinian issue, I assume the Deputy's question refers to a public forum. I would be happy to consider any detailed proposal for an Irish forum which the Deputy might wish to put forward.

While public fora of this nature can help spread awareness of complex issues, it is important to point out that they themselves can become a focus of conflict, particularly if they come to be dominated by interest groups with extreme views. They also require scarce resources of time, energy, personnel and finance if they are to work.

In the case of the Middle East, both domestically and internationally, what is needed is not new architecture but to concentrate our efforts with a firm focus on pressing ahead within the structures we already have.

**Deputy Billy Timmins:** I thank the Minister for his reply. My motivation for tabling this question is the fact that this is probably the most emotive foreign affairs issue and takes up the most time. In my time in this House, it appears that both sides of the argument are becoming more divisive.

I note the Chairman of the Joint Committee of Foreign Affairs, Deputy Michael Woods, is seated behind the Minister. It has come to the stage where, with the best will in the world, the committee almost becomes dysfunctional because the two extremes of the debate in Ireland are almost being reflected in it at this stage. It has happened unbeknownst to members.

How can we expect people in the Middle East to resolve their conflict if we here in Ireland are so divisive along with the various interest groups? I will send the Minister correspondence on a forum. I would hope he would look upon the proposal favourably. Where I am coming from is to try to bring in the various interest groups. In this House we have a friends of Palestinian group and a friends of Israel group. That is not a good idea. We should have a friends of Israel and Palestine group. We are only adding to the divisions.

I will drop the Minister a note on the matter. I thank him for his reply. I realise it would involve a cost but if the economic circumstances allow, I suggest that there be a bringing together of these groups to let them approach the matter in an open and fair way. Many of those who pronounce on this solemnly believe that is where they come from. I really try to go down the middle on this and when I see both sides, I find the approach being adopted by some a little disheartening.

**Deputy Micheál Martin:** I would not necessarily accept that we here in the Oireachtas are a contributing factor to the division that naturally occurs on an issue as historic and as ingrained as this.

**Deputy Michael D. Higgins:** The Government has a principled position on this.

**Deputy Micheál Martin:** That would be my position. On the other hand, I have no difficulty at all in facilitating engagement between people on the issue and I look forward to the receipt of proposals.

On the point I made earlier, any structure or forum we establish invariably will draw the very same divisions to the fore but only in the context of another theatre. What I would be interested in ascertaining from Deputy Timmins is ways and methodologies by which we can try to have a reasoned teasing out of the issues, be it settlements or whatever. For example, the resignation of President Abbas is bad news for the process. It is a further illustration of the degree to which political opinion, here and internationally, and, indeed, the Israeli authorities, must realise that moderate politicians like President Abbas must be able to show their people that politics works and that politics and the political process can yield results.

I would be interested in teasing out both perspectives. I take Deputy Timmins's point.

**Deputy Billy Timmins:** I agree with the Minister on that matter.

Earlier, he mentioned President Obama. In my view, his success or otherwise as President of the United States will be judged by how he does on this matter by the international community. He started with good intentions but he is now coming under pressure internally. He might make no move and could become hamstrung on the issue.

Perhaps the Minister could comment on the fact that, in the final analysis, both sides of the argument will state they want X, Y and Z, a two-state solution, etc., but there is significant

variance on both sides about their concept of a two-state solution. While utterances indicate that they want this solution, the motivation or the understanding of what the other person wants is not evident.

**Deputy Micheál Martin:** I look forward to receiving the presentation of a proposal from Deputy Timmins. I undertake to work with him and others in the House to see if we can put flesh on the bone of his suggestion.

### **Overseas Development Aid.**

48. **Deputy Michael D. Higgins** asked the Minister for Foreign Affairs if, in view of the 25% reduction in overseas development aid spending over the past 12 months and the consequences from this which have flown to the poorest of the poor, he is in a position to confirm that there will be no further cuts and that Ireland will honour its commitment to reach the UN target of 0.7% of GDP by 2012. [42162/09]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** As Deputy Higgins will be aware, last year Ireland spent €920 million on official development assistance, ODA. This represented approximately 0.59% of our gross national product and placed Ireland as one of the most generous donor countries in the world on a *per capita* basis.

In 2009, the Government was faced with the regrettable, but unavoidable, decision to reduce its allocation to ODA. For the record, ODA is expected to reach €696 million in 2009, which, based on current projections, represents at least 0.48% of gross national product. While this represents a significant reduction in volume, our expectation is that Ireland will still remain one of the most generous donors in the world on a *per capita* basis. This is a significant achievement in the context of the difficult circumstances which afflict the country.

I have stated on many occasions that the Government very much regrets the necessity to reduce the development assistance budget, and, indeed, any budget. I fully understand Deputy Higgins's strong concern over the reduction and its effect on the aid programme. However, we must recognise that this necessary decision was taken solely in the context of Government's absolute priority to stabilise the public finances. This was the sole motivation behind the Government's decision. This is a fundamental prerequisite for the resumption of economic growth, which is the only sustainable way Ireland can meet its future ODA commitments. We have made a public commitment that we will resume the expansion of the aid programme when economic circumstances permit.

I assure the Deputy that the Government remains strongly committed to maintaining the high standards set out in the OECD report, particularly now given the background of international economic crisis which has disproportionately affected the world's poorest countries.

I should also stress that there was no reduction in the important technical expertise which Irish officials bring to their work with our partners. This is also an important aspect of the programme.

The Government is now engaged in the final stages of preparing the budget for 2010. This will be a difficult budget given the current financial climate. There are many competing demands for scarce resources but the Government is determined to bring stability to the public finances. Savings are being sought across all areas of Government expenditure and no area is considered immune. However, I assure Deputy Higgins that our aim is to protect the aid programme to the maximum extent achievable within that process.

[Deputy Peter Power.]

As the Deputy will appreciate, in advance of the budget I am not in a position to provide detailed figures on the development assistance allocation for 2010. This is ultimately a matter for the Minister for Finance and will be announced on budget day.

**Deputy Michael D. Higgins:** I have heard this presentation before. When Ireland made its international commitment on overseas development aid we had a moral yardstick. We were complimented on our willingness to achieve 0.7% even if the economic circumstances reversed. We basked in that compliment. Now we are comparing ourselves to others who have reduced their commitment. The fickleness of that is not lost on me. With €222 million already taken out, that is a cut of 25%, so there is little more that the programme can take now if it is to retain its integrity and efficacy. The Minister and the Minister of State should be able to tell us that they will hold the ground on this issue. Does the Minister agree that there was a considerable reputational enhancement through the ODA programme? It is one of the great positives for Ireland abroad. People admired us for it and the Pope paid tribute to us, as did several countries. That is in stark contrast to the reputational damage done by the banking sector. If the Minister were to interfere with the commitment in the coming year, he would sacrifice that reputation.

The Joint Committee on Foreign Affairs supports holding the line at this stage and not ceding any more. It is an all-party view reflecting both sides of the House. The Minister stresses that technical expertise is being retained, but the voluntary NGO sector will lose some of its most valuable staff. That affects practically every NGO, so their intellectual memory will be damaged. I want an assurance that the Minister will hold the line against this suggestion of cuts.

**Deputy Peter Power:** I assure the Deputy that my aim, and that of the Minister, is to protect the aid budget and aid programme to the maximum possible extent in the context of the budgetary process that is under way. I simply cannot give another response to the Deputy, other than to say that we remain committed to reaching 0.7% of GNP on ODA levels. The sum of 0.7% of an economy that is faltering and significantly reducing its GNP is not of much assistance to our development partners in sub-Saharan Africa. I would much prefer to see the percentage, commensurate with our current financial position, of an economy where we are laying down the foundations of a solid platform for future growth. In that case, when we reach our commitment of 0.7% of GNP it will be 0.7% of a robust, thriving economy which can sustain an aid programme in future.

Deputy Higgins said that we experienced a reputational enhancement through the ODA programme and I accept that. It was borne out by the OECD report, which was published earlier this year. However, the reputation of our country would be seriously damaged, perhaps forever, if we did not take control of our public finances and continued to borrow at unsustainable levels to the extent that the IMF would come in. That would be the ultimate damage to our reputation.

**Deputy Michael D. Higgins:** I can see that the Minister of State is migrating his speeches on finance into the foreign affairs area, which is a great pity. What has damaged us is the year-on-year deficit of the past two years, which was €10.8 billion. Of that sum, €4 billion went into Anglo-Irish Bank. If the Minister asked the public to choose between meeting our target for overseas development aid and bailing out Anglo-Irish Bank, which is a zombie bank, he would get a convincing answer. It is not a choice between getting the economy right and meeting our aid targets, because we can do both. The Minister cannot escape the fact, however, that a small clique in the banking sector has done almost irreparable damage to Ireland's reputation abroad that will last for a generation. At the same time, people working effectively in several countries

are enhancing Ireland's reputation and have built up a huge legacy. Let those in other Departments who want to go soft on the likes of Anglo-Irish Bank deal with that, but the Minister of State's responsibility is to the poorest of the poor. The senior Minister's responsibility is to explain how a further cut can be made without damaging the structure of the programme, given that €222 million has been allocated already, which represents a 25% cut.

**Deputy Peter Power:** The fact that Anglo-Irish Bank is being brought into this debate at this stage disappoints me.

**Deputy Michael D. Higgins:** The Minister of State brought up this question.

**Deputy Peter Power:** Deputy Higgins introduced it. It disappoints me because if we do not have a thriving banking system we will not have an economy.

**Deputy Michael D. Higgins:** An acceptable and transparent one.

**Deputy Peter Power:** We cannot divorce a robust economy from an aid programme. One cannot have one without the other. We cannot have an aid programme without a sustainable economy.

**Deputy Michael D. Higgins:** I am not suggesting that we can.

**Deputy Peter Power:** The Deputy said we can have both, but I am suggesting that we cannot.

**Deputy Michael D. Higgins:** We can have both if we have clean banking and a clean development programme.

**Deputy Peter Power:** Exactly. The process we are currently undertaking is to clean up our banking system and bring growth back into the economy. We cannot borrow unsustainably for development purposes. Deputy Higgins knows more than anybody else that we preach sustainable development in sub-Saharan African.

**Deputy Michael D. Higgins:** Yes, we do.

**Deputy Peter Power:** If we were to practice unsustainable economics in our country we certainly would not do our reputation any good at all.

### **EU Appointments.**

49. **Deputy Pat Breen** asked the Minister for Foreign Affairs if he has made contact with his EU counterparts to support the candidacy of the EU's Ambassador to Washington and former Taoiseach, Mr. John Bruton for the position of EU president; and if he will make a statement on the matter. [42346/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The Lisbon Treaty provides for the creation of two major new posts: the President of the European Council and the High Representative for Foreign and Security Policy. These posts will bring greater coherence and continuity to the work of the EU, particularly in its external dimensions. The President of the European Council will chair that body, driving forward its work and ensuring continuity while endeavouring to facilitate cohesion and consensus within the Council.

Both these new posts must now be filled as the ratification of the Lisbon Treaty by all member states was completed this month. The Lisbon Treaty will therefore come into force on 1 December, less than two weeks from now.

[Deputy Micheál Martin.]

The Swedish Presidency is consulting bilaterally with member states regarding these posts and has convened a special meeting of the European Council to consider these two appointments. The Taoiseach will attend this meeting tomorrow evening, 19 November.

A declaration attached to the Lisbon Treaty provides that, in filling these posts, due account be taken of the need to respect the geographical and demographic diversity of the Union and its member states. It is expected that other balances will also be considered, including the political affiliations of candidates. The President of the European Council will be elected by the European Council for a two and a half year term, renewable once.

The Taoiseach has discussed these appointments with the Presidency and will contribute to the collective discussion tomorrow at the European Council. This process has not been marked by intensive lobbying on behalf of individual candidates as heads of state and government are understandably concerned not to undermine whoever is eventually appointed to the post. However, the Taoiseach has made known to colleagues his high regard and support for the former Taoiseach, John Bruton, who has expressed his availability for the position of European Council President, particularly if no serving member seeks the post.

In addition, officials in my Department and in the Department of the Taoiseach have made direct approaches to their counterparts in other EU member states, to make clear our support for the candidature of Ambassador Mr. John Bruton. I have also discussed the issue with colleagues at the General Affairs and External Relations Council, confirming my support for Mr. John Bruton.

Several other well qualified people have been mentioned for this post and we await a report from the Swedish Presidency on the outcome of its soundings as to which candidate, or candidates, would appear to command the most support.

**Deputy Pat Breen:** I thank the Minister for his reply. What soundings has he taken from Foreign Ministers in the European Union regarding ambassador John Bruton's interest in the position of President of the European Union? Having looked at the CVs of all the candidates mentioned for the job, I believe Mr. Bruton is well qualified. He has served for five years as European Union ambassador to the United States. This must be borne in mind considering the Union is going through an important transition and given Ireland's ratification of the Lisbon treaty, in respect of which the focus of the Union was on us in the first week of October. Ambassador Bruton is a former Vice President of the European People's Party and was Taoiseach between 1995 and 1997. Everybody believes he put us on the road to economic recovery at that stage. His contact with ambassadors from the EU member states in Washington and with US Senators and Congressmen makes him well qualified for the job.

The Minister's support for ambassador Bruton has been lukewarm. There are three strong contenders for the job, the Prime Ministers of Belgium, The Netherlands and Luxembourg. Has the Minister for Foreign Affairs made contact informally with other Foreign Ministers and has the Taoiseach contacted the Swedish Presidency?

**Deputy Micheál Martin:** The Deputy's last comment is unfair. I have been a strong admirer of Mr. John Bruton, particularly in his role as European Union ambassador to the United States. This arose because of the present Taoiseach's proactive engagement with former Commissioner Patten on the idea of having a political figure hold the position of ambassador in Washington. It was a very good display of political ecumenism by the Taoiseach, who was Minister for Foreign Affairs at the time.

**Deputy Billy Timmins:** A rare display.

**Deputy Micheál Martin:** It is a fact and the Deputies should acknowledge it. That is how ambassador Bruton was helped to get the position. He has done his job well. The idea was that, because of Ireland's historic engagement with the United States and capacity to "work the Hill", an Irish political figure, particularly a former Taoiseach, would be an ideal EU ambassador to the United States and would be able to carry out his functions ably and effectively. Mr. Bruton has been able and effective.

With regard to the soundings, people are non-committal because they seem to be filtering their views and approaches through the Presidency. The other complicating factor is that the European People's Party, of which Deputy Breen's party is a member, is producing all the candidates, although many of them have not announced themselves officially. The current Belgian Prime Minister, Mr. Herman van Rompuy, is emerging as a very credible candidate if one is to believe the soundings. Mr. Jan Peter Balkenende, the Dutch Prime Minister, was an early candidate mentioned frequently at the Council on the last occasion it met. Mr. Jean-Claude Juncker has vast experience also, as does Mr. John Bruton. These four candidates are from the same grouping and therefore the grouping itself must work something out.

In the letter to all the leaders, ambassador Bruton based his interest on sitting members not seeking the position. Much will happen through the Presidency tomorrow by way of determining who is in and who is out. Mr. Tony Blair, from the socialist grouping, is a very strong candidate. The British Government is working hard on his behalf.

**Deputy Pat Breen:** Mr. Gordon Brown is very vocal in his support for Mr. Blair, not like our Taoiseach.

Does the Minister believe a decision will be made tomorrow in Brussels on the Presidency or will the decision be postponed until the December meeting? What support does the Minister believe Mr. Bruton has for his candidacy among the major countries, such as Germany and France?

**Deputy Micheál Martin:** People are keeping their cards very close to their chests, particularly the leaders of the leading countries, including France and Germany.

**Deputy Pat Breen:** Is the Government keeping its cards close to its chest?

**Deputy Micheál Martin:** I would have believed the Deputy would have had some insight into the position of the European People's Party.

**Deputy Pat Breen:** I am talking about governments.

**Deputy Micheál Martin:** I hope there will be a development tomorrow night because it is important, in terms of the timeframe, that there be clarity and certainty on this question. There may not be a development. Tomorrow evening will be interesting.

### **Humanitarian Aid.**

50. **Deputy Michael D. Higgins** asked the Minister for Foreign Affairs if he acknowledges that the most appropriate way of marking the 20th anniversary of the murder of six Jesuits, their housekeeper and her daughter in El Salvador by anti-democratic forces, is for him to respond generously to the loss of life and homes of some of the poorest people in EL Salvador as a result of Hurricane Ida. [42163/09]

**Deputy Peter Power:** The Deputy is referring to the extra-judicial killings of six Jesuit priests, their housekeeper and her daughter on 16 November 1989 in the Jesuit residence at the Univer-



[Deputy Peter Power.]

sity of Central America in San Salvador. A 1991 report by the UN-sponsored truth commission concluded that this massacre had been perpetrated by members of the Salvadoran military.

These brutal killings were among 75,000 others that occurred during El Salvador's civil war in the 1980s and the early 1990s. The wave of international outrage and condemnation that followed the deaths of these innocent Jesuits, their housekeeper and her daughter was instrumental in bringing an end to the war through the UN-brokered peace agreement.

On the occasion of the 20th anniversary of these deaths, it is fitting that we remember these and all of the victims of the civil war in El Salvador. We acknowledge the great progress made there since those dark days.

Today the people of El Salvador are facing the tragic consequences of a natural disaster. Hurricane Ida, accompanied by torrential rainfall, has had a devastating impact on vulnerable communities in at least five Salvadoran departments. The exceptionally heavy rains caused floods and landslides, with at least 144 reported deaths, and many thousands displaced. I sympathise sincerely with those who have been affected by this disaster and in particular those who have lost loved ones.

On 8 November, the Government of El Salvador declared a state of national emergency. The Salvadorian authorities, supported by local and international humanitarian agencies, are now providing emergency assistance to those affected by the floods and landslides. This includes temporary shelter, food, water, first aid materials, blankets and clothing.

Drawing on pre-positioned support from Ireland and other humanitarian donors, the International Federation of the Red Cross was immediately able to respond to the crisis with an emergency contribution of over €120,000. This contribution has been used by the Salvadoran Red Cross to distribute essential relief items, such as blankets, kitchen sets and hygiene kits.

Ireland is currently the third largest donor to the disaster relief emergency fund of the International Federation of the Red Cross. This fund ensures that emergency resources can be rapidly and efficiently disbursed to where they are most needed when disaster strikes. The rapid response of the Red Cross in El Salvador demonstrates once again the value and effectiveness of pre-positioned funding.

I will continue to keep the situation in El Salvador under review. Following detailed needs assessment missions over recent days, a UN-co-ordinated humanitarian appeal will be launched today in New York. On receipt and consideration of this and any other appeals, I will determine whether additional emergency funding by Irish Aid would be appropriate.

**Deputy Michael D. Higgins:** I had the privilege of meeting Dr. Ellacuría when I visited El Salvador in 1981, eight years before his murder. He, his five Jesuit colleagues, their housekeeper and her daughter were savagely murdered, principally because they had adopted the option for the poor and were organising in the poorest districts of El Salvador.

My question refers to the 20th anniversary of the killings, which was yesterday, and implies it would be a very good idea to respond generously to the loss of life and homes of some of the poorest people in EL Salvador as a result of Hurricane Ida. There have been mudslides previously in El Salvador, particularly along the border with Honduras. The Irish Department of Foreign Affairs offered assistance on the last occasion and it would be worthwhile considering this again. The deputy director of the UN co-ordination mechanism was visiting Ireland and I raised the matter with her in respect of the organisation's meeting in New York.

3 o'clock

The lowest estimate of the number of lives lost is 144. People's homes have been simply destroyed. There has been a significant displacement of the population. The Minister correctly identified that a number of Irish organisations, including Trócaire, which is represented by Sally O'Neill-Sanchez, are in a position to put a preparatory mechanism in place. It would be appropriate after the New York meeting that they would be considered for direct assistance to deal with this humanitarian tragedy.

**Deputy Peter Power:** I agree with Deputy Higgins that the loss of life, currently 144, somehow masks the many thousands of people who have been displaced. That is one of the real issues in terms of aid. I acknowledge Deputy Higgins's long-standing interest in this area, especially at the time of the civil war in the 1980s and 1990s.

This type of humanitarian disaster underscores the importance of pre-positioned supplies. One often needs to get aid to an area in a matter of days, if not hours. The delivery of aid to where it is urgently required on the ground must be rapid and efficient. In terms of the assistance at this stage, somewhat removed from the disaster itself, best practice would dictate that we would consider the outcome of a needs assessment. Each disaster, be it Cyclone Nargis which hit Burma-Myanmar last year, which killed more than 125,000 people, or this hurricane, deserves a response commensurate with the needs assessment carried out by experts on the ground. That is something I intend to do once I receive the report.

**Deputy Michael D. Higgins:** I thank the Minister of State for his response. I am anxious that he would confirm after the meeting in New York when the needs assessment has been done that the Government will be open to making such small grant as might be available to make a quick response, rather like it did before.

**Deputy Peter Power:** I can confirm that.

### **European Union Relations.**

51. **Deputy Lucinda Creighton** asked the Minister for Foreign Affairs the position on the report of the European Parliament's Committee on Constitutional Affairs on the development of relations between the European Parliament and national parliaments under the Treaty of Lisbon; and if he will make a statement on the matter. [42335/09]

**Deputy Micheál Martin:** The report on the development of relations between the European Parliament and national parliaments under the Lisbon treaty was adopted by the European Parliament's Committee on Constitutional Affairs on 13 March 2009. Following debate in plenary session, it was adopted by the European Parliament on 7 May 2009.

I welcome the report's conclusion that the enhanced role for national parliaments under the Lisbon treaty will "contribute to stronger democratic control and bring the Union closer to the citizen". That was a point I made repeatedly during the Government's campaign for a "Yes" vote in the Lisbon referendum.

The report takes stock of current relations between the European Parliament and national parliaments and addresses a number of recommendations to national parliaments on how these might be improved in the future. I note that it proposes "new forms of pre- and post-legislative dialogue" and advocates strengthening of the network of meetings between corresponding committees of the European Parliament and national parliaments. The report also urges various innovations from the national parliaments such as the right for MEPs to participate in meetings of European affairs committees of national parliaments.

[Deputy Micheál Martin.]

It is a matter for the Oireachtas to judge how best to respond to the report's proposals and suggestions. The Oireachtas has already shown its willingness to engage with the European Parliament, including by allowing for the attendance of Irish MEPs at the Joint Committee on European Affairs. In making arrangements for closer relations with the European Parliament, it will be important to have due regard for the role of COSAC, the Conference of Community and European Affairs Committees of the Parliaments of the European Union.

Domestic preparations are in hand to give effect to the new role of the Oireachtas, as under the Lisbon treaty, and in particular the provisions of protocols 1 and 2 of the treaty. The European Union Act 2009 gives effect to the relevant provisions of the Lisbon treaty in the domestic law of the State and section 7 of that Act provides for the new powers of the Houses of the Oireachtas under the terms of the treaty.

**Deputy Lucinda Creighton:** I welcome the Minister's comments on this important report of the European Parliament. I would like to see the Irish Parliament adopt a strong position, which due to the system we have in this country must be led by the Government. The provisions of the Lisbon treaty in regard to national parliaments are exciting. They offer a huge opportunity to bring Europe and European affairs to our citizens. We have an opportunity to shape how that will happen at a European level.

The previous resolution of the European Parliament on national parliaments was in 2002. That indicates the level of priority that was given to this issue when the Treaty of Lisbon was being negotiated and was going through the ratification process. Now that is done we are in a position to move on.

The report contains some exciting proposals. We can even look beyond that at the elements which need to be driven from a domestic level. There have been several joint parliamentary meetings between national parliamentarians and MEPs. I attended one such meeting in Brussels yesterday and the previous day. Deputy Dooley and Senator de Búrca attended as well. It is not a satisfactory forum at all. It is far too big and unwieldy and it is very difficult to focus on issues of mutual concern. The way forward has to be through co-operation via committee structures involving members of national parliaments with MEPs who have specific expertise in a particular area where they can drive an esoteric agenda.

I urge the Minister to look seriously at the proposal to have a state of the European Union debate on an annual basis in the Chamber and to allow MEPs to participate in it. That would send a strong and positive signal.

**An Leas-Cheann Comhairle:** The Swedish speaker has called a meeting of all national speakers for next month and the Ceann Comhairle has been invited to see specifically how national parliaments will implement the Lisbon treaty provisions.

**Deputy Micheál Martin:** I am in broad agreement with the Deputy in terms of the points she has made. However, I fundamentally disagree with the point she made at the outset, that given the system we have, this must be led by Government.

**Deputy Lucinda Creighton:** The Government has a majority on every committee and in every vote.

**Deputy Micheál Martin:** During the campaign on the second referendum on the Lisbon treaty the Oireachtas came together in committee. It did not come together on Government and Opposition lines. I accept most members were pro-Lisbon treaty, but they were not divided along party lines. There is an opportunity for Parliament to come to the Executive. We are

often criticised for the way things are organised; that the Executive leads the Oireachtas. I do not wish to be overly prescriptive or to impose a solution on the Oireachtas. The solution must come from the Oireachtas. That is my genuine position. Issues might arise and we might not agree with everything. The Executive will have a position on some issues, as will I and the Government. I cannot determine these matters on my own.

From 1 December on, the provisions of the Lisbon treaty will come into force. We have to work quickly on the administrative arrangements to give effect to the new disposition, which will mean that all laws will come directly to Parliament from 1 December onwards. The Leas-Cheann Comhairle has already said that the speakers will meet under the Swedish Presidency. There is a need for the Oireachtas to come together, perhaps at committee level or through the Ceann Comhairle, to put together a programme on how parliamentarians consider we should move forward.

**Deputy Lucinda Creighton:** I agree fully with the Minister. I do not suggest that the Executive should impose a prescriptive way forward but the report of the Sub-Committee on Ireland's Future in the European Union from this time last year contains specific recommendations that can fundamentally transform our engagement with the European Union and in so doing facilitate meaningful engagement with the people of this country on the European Union. Will the Minister accede to the demand of that committee to introduce a mandate system that would require Ministers to come before committees? It would have far-reaching consequences for the Minister and his colleague in terms of their powers. Is he prepared to make that sacrifice to introduce a system that would replicate the system that is hugely successful in the House of Commons?

**Deputy Micheál Martin:** I am not so sure that it is hugely successful in the House of Commons or that the British system is the ideal one to follow. Every Minister should go before their respective committees prior to going to the Council. I have views as to whether they should get a mandate from every committee they meet prior to every Council meeting. That is something that can be discussed. Currently, it does not happen——

**Deputy Lucinda Creighton:** It is nearly 12 months since that report was issued.

**Deputy Micheál Martin:** As we speak, Ministers do not go before every committee. When I was in the Department of Enterprise, Trade and Employment I did not attend the relevant committee prior to attending a Council meeting. There was no great demand for the committee to have the Minister of the day before it either. It is different in the case of the Joint Committee on Foreign Affairs. We are well used to that in the Department of Foreign Affairs. We go before the European Affairs committee before every foreign affairs Ministers' meetings. That is a good approach but I agree we should have a joint session or a state of the union debate here at least once every 12 months, if not more. At Government level we are bringing forward proposals and working on how the Cabinet and the administrative system can engage with Europe on a more effective and co-ordinated basis in the future because the one lesson we must learn from the first and second Lisbon referenda——

**An Leas-Cheann Comhairle:** We must move on.

**Deputy Micheál Martin:** ——is the need to communicate Europe more effectively and make it an integral part of political life.

## Other Questions.

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### Diplomatic Representation.

52. **Deputy Willie Penrose** asked the Minister for Foreign Affairs if he has held recent meetings with the Ambassador of the United States; the discussions he has had; and if he will make a statement on the matter. [41929/09]

**Deputy Micheál Martin:** I have had the opportunity to meet with ambassador Dan Rooney on several occasions since his appointment by President Obama as the United States ambassador to Ireland. As Deputies will be aware, ambassador Rooney is a long time friend of Ireland and his appointment as ambassador was widely welcomed by the Deputies of this House.

I was present when ambassador Rooney presented his credentials to President Mary McAleese at Áras an Uachtaráin on <http://www.president.ie/3> July 2009. He subsequently paid me a courtesy call on 28 July and we had the opportunity to discuss substantively his new role as ambassador to Ireland and the importance of our bilateral relationship. We spoke about a number of key areas of interest including ongoing support for the peace process, the importance of continued North-South co-operation, the prospects for comprehensive immigration reform, the current economic situation, taxation issues and the implementation of the recommendations contained in the US-Ireland Strategic Review.

I had the opportunity to meet again with ambassador Rooney following the appointment by Secretary of State Hillary Clinton of Declan Kelly as the United States Economic Envoy to Northern Ireland. I met with Declan Kelly and ambassador Rooney in Dublin on 17 September where we discussed, in particular, the US role in developing North-South economic co-operation and the scope for real innovation and co-operation in the context of the all-island economy.

Ambassador Rooney also attended the Global Irish Economic Forum from 18 to 20 September where, on the margins of that event, we had the opportunity to discuss the opportunities which exist to further develop the links between Ireland and the US and the importance of harnessing the experience and expertise of our diaspora. My most recent meeting with ambassador Rooney was in Farmleigh on 11 October on the occasion of the visit of Secretary of State Hillary Clinton to Dublin.

The US Ireland relationship remains a key priority for the Government. As we continue to develop this relationship, particularly in the context of implementing the recommendations of both the US-Ireland Strategic Review and the Global Irish Economic Forum, I will continue to meet regularly with ambassador Rooney on these issues.

**Deputy Michael D. Higgins:** Did the Minister have substantive discussions on the position of the out of status Irish in the United States? With regard to the conclusions of the Farmleigh conference, which I attended, has there been a follow through on the proposals for a space at Silicon Valley for young Irish entrepreneurs? In addition, there is the issue of niche marketing and identifying the diaspora across different parts of the United States. Is it proposed to publish an update on the contacts that were made in regard to the Farmleigh conclusions?

**Deputy Micheál Martin:** We discussed the undocumented Irish with ambassador Rooney. I visited the United States subsequently where I had extensive consultations with senators and congressmen on the Hill on this issue. I also met with ILIR, the immigration reform movement, in New York and we had substantive and good discussions on that issue, the critical point being

timing, building a consensus across party lines and how the political situation would unfold. The consensus was that it would be early spring before there would be a significant move politically on that issue. We got a positive response to our position, not just in terms of the wider issue of the undocumented but also the bilateral mechanism to be developed for the future — an E3 visa type approach — that could be combined to any solution to the overall undocumented question. It is fair to say we have pressed all the right buttons politically on the Hill.

On the Farmleigh conference, we are pursuing proactively the range of recommendations that emanated from that gathering. An interdepartmental committee has been established with the Secretary to the Government, Dermot McCarthy, chairing that to systematically go through every recommendation across the system to bring them to fruition. In terms of the Silicon Valley innovation centre, which is a proposal developed by the Irish technology leadership group, we will be pursuing that under the aegis of my Department. We have been in consultations with Enterprise Ireland and the Department of Enterprise, Trade and Employment and are awaiting a further firm proposal on that.

**An Leas-Cheann Comhairle:** A number of other Deputies are offering.

**Deputy Micheál Martin:** If I may say that a graduate placement programme——

**An Leas-Cheann Comhairle:** Can I explain to the Minister that under the Standing Order the Minister has one minute to reply? He is on his fourth.

**Deputy Micheál Martin:** You are so tolerant.

**An Leas-Cheann Comhairle:** It is true, but I would like to facilitate other Deputies ask questions as well.

**Deputy Micheál Martin:** Much good work has been done on the Gateway Ireland portal. We are in the position of establishing a formal network of those who attended Farmleigh and those who did not, and also the graduate placement programme——

**An Leas-Cheann Comhairle:** I will have to call another Deputy.

**Deputy Micheál Martin:** Thank you, a Leas-Cheann Comhairle.

**An Leas-Cheann Comhairle:** You are welcome, Minister.

**Deputy John Deasy:** While we are on the subject of timing, the Minister said the earliest legislation would be initiated in Congress is early spring. The Minister said he was pressing all the right buttons politically. He has been pressing those buttons for the past five years when it comes to the undocumented in the US. It is clear to me, as we continually get repeat responses, that effectively this Government has abandoned stand-alone legislation with regard to dealing with the issue of the undocumented in the US. That is effectively——

**An Leas-Cheann Comhairle:** A question, Deputy.

**Deputy John Deasy:** I will ask it. Effectively, is that not the Minister's response?

**Deputy Micheál Martin:** That is crass. It is without substance.

**Deputy John Deasy:** They are the Minister's words.

**Deputy Micheál Martin:** It is unfortunate that the Deputy would take that tack knowing that it is not the truth.

**An Leas-Cheann Comhairle:** Deputy Breen.

**Deputy John Deasy:** Is it the case that the Minister is pursuing stand alone legislation with regard to the undocumented?

**An Leas-Cheann Comhairle:** Deputy Deasy will not ignore the Chair. I have called Deputy Breen.

**Deputy John Deasy:** The Minister said it is crass.

**An Leas-Cheann Comhairle:** The Deputy will resume his seat.

**Deputy John Deasy:** He should explain himself in regard to that.

**An Leas-Cheann Comhairle:** No. Deputy Deasy is not in charge of the House.

**Deputy John Deasy:** What I said is true, and he knows it.

**An Leas-Cheann Comhairle:** The Deputy will resume his seat or leave the House.

**Deputy Pat Breen:** In regard to the full pre-custom clearance facility in Shannon which ambassador Rooney opened in July, did the Minister have discussions with the ambassador on how that facility is proceeding? I understand some problems have arisen with having the full facilities in place, particularly in regard to general aviation. The Minister might clarify that because it is the first facility outside of Europe. Has he had some discussions with the ambassador on that?

**Deputy Micheál Martin:** Not specifically on the issues he has just raised. We had broader discussions on the facilitation of the agreement and the Minister for Transport, Deputy Dempsey, would have taken the lead role in the negotiation of that. I was in Shannon recently and local people there seemed to be happy with what was put in place. I will now take up the fact that there are teething issues with it but the Minister, Deputy Dempsey, has taken the lead on that one. We have had a consultative role in it.

**Deputy Pat Breen:** The Minister might come back to me on that. I understand it is not operating to its potential, particularly in one area.

**Deputy Micheál Martin:** I will come back to the Deputy on that and discuss it with him.

### **Foreign Conflicts.**

53. **Deputy Paul Connaughton** asked the Minister for Foreign Affairs if the situation in Afghanistan will be discussed at the next EU Council of Ministers meeting; his views on the deployment of extra troops; his further views on whether this is the way to deal with the situation; and if he will make a statement on the matter. [41873/09]

**Deputy Micheál Martin:** At the moment, it is not known if the situation in Afghanistan will be discussed at the next EU Council of Ministers meeting in December. The issue was discussed at the General Affairs and External Relations Council, GAERC, and the European Council last month and there was also a further discussion on aspects of EU support to Afghanistan at the GAERC earlier this week. There are currently two international military operations in

Afghanistan: the UN-mandated, NATO-led International Security Assistance Force, ISAF, and the US-led Operation Enduring Freedom.

Decisions in relation to troop numbers in Afghanistan are primarily a matter for NATO and the members of the coalition in consultation with the Afghan authorities. Furthermore, the Afghan security forces, in particular the army, are playing an increasing role in operations and the aim is that they should eventually take over full responsibility for the security of their country. While decisions on troop numbers will be for the large troop-contributing countries to take, it is clear that an international military presence in Afghanistan will continue to be necessary for some time, both to undertake operations and to train the Afghan security services so that they can take the lead in the protection of their country and people.

It is vital to remember that the situation will not be resolved by military means alone. For Afghanistan to achieve stability, security and progress, it is essential that the Government of Afghanistan begins to play a much stronger and more effective role in the leadership and governance of its country and that it sets about without delay to tackle the many challenges that face the country, not least national reconciliation.

It is vital also that the people of Afghanistan start seeing some real improvements in their lives in the form of increased basic security, improved opportunities to enhance their agricultural productivity and incomes, job opportunities, improved access to education at all levels for their children, improved governance of the country and the eradication of the corruption which diverts precious resources away from the people who most need them. Until the people of Afghanistan are convinced that their central, provincial and local governments represent better alternatives to the Taliban, the militants will remain a pole of opposition.

The international community has pledged to support the people of Afghanistan to fulfil their hopes for a stable and secure environment in which to live, work and raise their families and for increased livelihood security and prosperity. There are plans to hold another international conference — perhaps in London this time — to launch a new compact between the international community and President Karzai's new Government. The international community will take the opportunity to make clear its expectations for improved governance and the "Afghanisation" of security, administration and the reconstruction effort over the coming years.

**Deputy Billy Timmins:** Does the Minister detect an increasing frustration on the part of his EU partners at the slow pace of the improvement in governance in Afghanistan? The recently leaked report contained correspondence from an official at the American Embassy stating that America should not provide any more troops. The British position is that the cudgel should be taken up by the Afghan army. Are we seeing a slow disengagement by NATO, the EU and the multinational force from Afghanistan due to the lack of improvement in governance?

Does the Minister agree that if foreign forces on the ground cannot interact with the local community, which they cannot in Afghanistan, it gives rise to the concept of an occupying force instead of a force that is there to assist?

**Deputy Micheál Martin:** Do I detect frustration? Yes. This has been discussed at the General Affairs and External Relations Council meeting on many occasions and there is frustration at how governance has evolved in Afghanistan. The view of my colleagues is that there is a pressing need for enhanced governance capacity not just at the centre, but throughout the provinces and the country. Regional governance is as critical to progress as an effective national government. Many of the weaknesses in the inputs to date have related to that issue and to corruption, a problem that must be eradicated if the policies the international community are pursuing are to be given a fair wind.



**Deputy Michael D. Higgins:** Are there not lessons to be learned from the situation in Afghanistan about the non-applicability of concepts like governance that are defined in a totally western way? There is a curious resonance in these answers to the reaction to the invasion of Iraq, which was justified by the invading administration as the establishment of an island of democracy in a sea of non-democratic structures.

Is it not really the case that a strategy for withdrawal is being prepared now? I will not get involved in a semantic discussion of when an occupying force is not an occupying force. The truth of the matter is that the lessons for the European Union are that concepts like governance and accountable administration must be defined in terms of cultural, local and historically defined realities.

**Deputy Micheál Martin:** I would not disagree fundamentally with that. Key to any conflict area is a proper understanding of how society has evolved over time, the cultural context and how to develop structures to accommodate those and respond to them while making progress. There has been a significant review in the EU and also in the USA of the objectives of the mission. That is fundamental because one must understand what one's objectives are and the outcomes one is seeking. In that context, what has won ground in recent times is an acceptance of the need for reconciliation in terms of what is loosely termed "the Taliban community". As we know, in life there is a continuum of views and it is not possible to label everyone with a simplistic title and state that a particular group of people is beyond reach.

**Deputy Michael D. Higgins:** That would be as bad as the Ba'ath Party.

**Deputy Lucinda Creighton:** What role do the Irish troops in Afghanistan have? They are few in number but while the rights or wrongs of the current situation are debatable, and, like Deputy Higgins, I had reservations at the time, as I did about the invasion of Iraq, we must deal with the situation and it would be irresponsible to fail to respond to the demands of officers in the field in Afghanistan regarding additional troops. While I do not advocate sending more troops to Afghanistan, we should have a clear position on this in the European context. We have something to offer in terms of the roles we have played in Chad, Lebanon and other countries. We have a distinct role to play and Irish troops have always been successful in that area.

**Deputy Joe Costello:** Will the Minister give an indication of the reconstruction fund the European Union has for Afghanistan, the amount of money in it and what it is used for? There does not seem to be too much reconstruction going on at the moment.

Does the Minister have the figures referred to by Deputy Creighton for the number of civilian and other personnel involved there?

Is there any monitoring of the impact of the conflict on Pakistan and whether is political instability as a result of the increase in Taliban activity in Pakistan?

**Deputy Micheál Martin:** We have seven troops currently participating in the United Nations-mandated, NATO-led mission, ISAF. They are based in Kabul in a non-combatant role. There are no plans to increase the level of our contribution at present. Our presence in Chad is our major input, with more than 400 troops deployed, a significant deployment that means we do not have the capacity to send any more troops to Afghanistan.

Increasingly we have been looking at ways of giving support through Irish Aid or in partnership with other donors to see if we can help on the agricultural and food sides, where we have some expertise. We are examining this area to see if the aid we already give can be better

targeted at providing alternative forms of agriculture in Afghanistan and helping rural development.

We recently received a delegation of Afghan parliamentarians who came to Ireland to have a look at our peace process and model of conflict resolution.

Deputy Creighton's point is valid, Afghanistan is critical on a global basis. It is important that we work to see can we help the country to emerge as a stable entity for a range of reasons, not least the regional instability that it can and does create. There is clearly an impact on Pakistan and the wider region. That is why the European Union, of late, has begun to look at the issue from a regional and not just a country by country perspective. There has been renewed focus on Pakistan in tandem with the consideration of Afghanistan.

In terms of the EU costings Deputy Costello looked for, since 2002 the European Commission has contributed more than €1.4 billion to Afghanistan. EC aid is being used for humanitarian purposes as well as to support priority reconstruction and development efforts included in key policy documents with the Afghan Government, such as a national development framework, the interim Afghan national development strategy and, more recently, the Afghan national development strategy. At the 2006 London conference, the EC together with other development partners committed themselves to the Afghanistan Compact. This was a political agreement between development partners and the government to work together towards achieving results and impact on clear targets set for the next five years. That is a very substantial commitment to Afghanistan by the European Union.

#### **Overseas Development Aid.**

54. **Deputy Noel J. Coonan** asked the Minister for Foreign Affairs the amount of the overseas aid budget that was allocated to each of the top ten non-governmental organisation partners here each year in 2007 and 2008; the reduction of such funding to each of these NGOs in 2009; the areas affected by these reductions; and if he will make a statement on the matter. [41879/09]

82. **Deputy Deirdre Clune** asked the Minister for Foreign Affairs his plans for overseas aid funding for each of the top ten non-governmental organisation partners in 2010; if he will guarantee that there will be no further cuts in the overseas development aid budget allocated to these organisations in the lifetime of this Government; and if he will make a statement on the matter. [41880/09]

**Deputy Peter Power:** I propose to take Questions Nos. 54 and 82 together.

The Government's partnership with development non-governmental organisations, NGOs, and missionaries represents a very important element of the development co-operation programme administered by Irish Aid. The OECD has confirmed that the proportion of funding channelled by Irish Aid through NGOs is higher than for any other international donor. This year alone, we will provide €135 million in assistance through NGOs and missionaries. I am making available in tabular form to Deputy Deasy the full information he has requested in relation to the past three years, but in this reply I am focusing on the most significant elements of the information requested.

In 2007, the top ten NGOs received total funding from Irish Aid of just over €105 million. The largest amounts were provided, in descending order, to Concern Worldwide, Trócaire, Goal, Míséan Cara, Self Help International, World Vision, Oxfam, Christian Aid Ireland, Concern Universal and the Niall Mellon Township Trust. Funding amounts ranged from €29.5 million for Concern to €2.5 million for the Niall Mellon Township Trust.

[Deputy Peter Power.]

In 2008, the top ten funding amounts were provided to 11 NGOs, which received total funding from Irish Aid of almost €120 million. Funding ranged from €33.1 million provided to Concern to €2.5 million each for Self Help International and the Niall Mellon Township Trust. The largest amounts were provided, in descending order, to Concern Worldwide, Trócaire, GOAL, Misesan Cara, Christian Aid Ireland, Oxfam, Concern Universal, World Vision, Irish Fair Trade Network, the Niall Mellon Township Trust and Self Help International.

These figures represent the total amounts received by each NGO from all budget lines administered by Irish Aid under Vote 29 of the Department of Foreign Affairs. They include funding for long-term development programmes, for development education and, crucially, for emergency and relief operations. Comprehensive figures for 2009 are not yet available, as some disbursements are inevitably dependent on emergency and humanitarian situations which may develop. Based on grants provided to date, the top ten NGOs have received a total of €89.7 million in funding from Irish Aid. The amounts involved range from €23.8 million provided to Concern to €2.8 million for Self Help Africa.

The overall funding involves a total reduction of some €30 million on last year because of the difficult adjustments which were required to the aid budget. Irish Aid provides funding to the NGOs in a manner which allows them maximum autonomy in the management of funds against agreed objectives and audit reports. We are working with the NGOs to identify ways in which assistance can be delivered more efficiently in an environment of decreasing resources.

As Deputy Deasy will appreciate, I cannot give an undertaking in relation to the exact allocations in 2010 for each of the top ten NGOs in advance of the 2010 budget.

**Deputy John Deasy:** I thank the Minister of State for his response. Turning specifically to one allocation to one NGO, unfortunately, this has been the subject of some public disagreement in the last week. The Minister of State mentioned the Niall Mellon Township Trust and perhaps he could clarify the situation. The director of the charity's operations has denied that it failed to supply a detailed report to Irish Aid on how it has spent the moneys allocated to it. We all appreciate the amazing work this charity has performed and how many thousands of volunteers have gone to South Africa to build houses there for the poor. It is unfortunate that this has occurred, so perhaps the Minister of State could respond specifically to the case in hand.

**Deputy Peter Power:** I agree with Deputy Deasy's comments about the very good work that has been carried out, but I repeat what I said last week at the Joint Committee on European Affairs to the effect that I cannot accept the suggestion that Irish Aid officials have been slow or not exemplary in the carrying out of their duties. Irish Aid has been described by the OECD as one of the most efficient and effective programmes in the entire world. Its programme has been described as "cutting edge" by the OECD and been praised for its flexibility. It is not slow or inflexible, but rather it is efficient and effective. It is not just us who are saying this, but rather the OECD, which has often been critical of this country.

The factual position in relation to the exact point Deputy Deasy raised is that Irish Aid has not received any funding application from the Niall Mellon Township Trust. Indeed, we are not in a position to receive such an application because we still await audited accounts, together with supporting financial statements setting out how €5 million of Irish Aid money has been accounted for.

Deputy Deasy will be aware from his experience of travelling to numerous countries and looking at our NGO projects that every funding agreement between Irish Aid and any organisation contains a very specific requirement on those who receive taxpayers' money to provide

each year fully audited accounts together with supporting financial statements identifying exactly how the money has been spent. The financial reports should give a very clear and transparent picture of how taxpayers' money has been spent and Irish Aid is still awaiting these audited accounts and supporting financial statements before any application can be considered.

**Deputy John Deasy:** I thank the Minister of State. Mr. Mellon, the head of the charity in question, has been before our sub-committee and he has a different take on matters regarding the aid budget, which is fair enough. As far as this matter is concerned, I can only hope that it will be dealt with expeditiously.

**Deputy Peter Power:** I share Deputy Deasy's view that this should be dealt with expeditiously. As I mentioned in my formal reply, we disburse well over €100 million to non-governmental organisations, which carry out excellent work on the ground. However, the bottom line is that the Minister and the Secretary General of the Department are accountable for every single euro of Irish taxpayers' money that is spent. The obligations on all NGOs are very clear: if they are corporate entities, they must provide audited accounts and supporting financial statements tracing out exactly where every euro of taxpayers' money is spent. That is a requirement on all such organisations.

**Deputy Michael D. Higgins:** As regards what has just been aired, I agree entirely with both Deputy Deasy and the Minister of State that the quicker this is brought to a conclusion, the better. This is in nobody's interest, and neither is it in anybody's interest that any particular organisation should be allowed to present its case in preference to others. Each will have developed its own level of expertise over time.

Since the Minister of State has given allocation figures of the order of €120 million, if having secured the year for the achievement of the 0.7% of GNP and ensured no further cuts, is there not a net advantage to the Cabinet in general in using the NGO sector as a graduate placement operation? The social welfare costs are between €20,000 and €30,000 per year for every unemployed graduate. At present, right across all disciplines, a vast number of graduates are on the dole. If the NGO sector, including those bodies mentioned here, was given the capacity to place graduates, this would be an invaluable help to the graduates, the receiving countries and the Irish economy in the future.

**Deputy Peter Power:** I fully agree with Deputy Higgins. Despite the real challenges we faced to our budget last year, I still insisted on pursuing an important initiative, namely, the junior professional internship initiative, whereby young professional people who are highly qualified with a real interest in this area are placed in the Irish Aid programme. The reason to do so is the need to instil and inculcate in young people the importance of development aid because they will be the leaders of tomorrow. As for NGOs and civil society, on foot of this example I would absolutely agree. In fact, Irish Aid hosted two volunteering fairs this year whereby the NGOs and civil society groups came to the Irish Aid volunteering centre in O'Connell Street and literally set out their stalls to encourage young people to be involved in this regard. A final point underscored by recent experiences is that one should never underestimate the extremely difficult and challenging environments in which NGOs work.

**Deputy Michael D. Higgins:** This matter must be co-ordinated with the Department of Social and Family Affairs.

#### **European Union Appointments.**

55. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which

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he has had discussions with his colleagues in the EU regarding the matter of key appointments to the EU institutions including the EU Commission with a view to ensuring that persons of the highest possible calibre and political experience are appointed and that all appointees are fully aware of their duties and responsibilities to all member states and not just those from which they were nominated; and if he will make a statement on the matter. [41883/09]

57. **Deputy Catherine Byrne** asked the Minister for Foreign Affairs the position regarding the negotiations on the appointment of a High Representative for Foreign and Security Policy; and if he will make a statement on the matter. [41976/09]

59. **Deputy Seán Barrett** asked the Minister for Foreign Affairs the position regarding the negotiations to fill the post of President of the European Council; and if he will make a statement on the matter. [41969/09]

70. **Deputy Joe Costello** asked the Minister for Foreign Affairs if he has taken a position on the appointment to the new position of EU High Representative for Foreign and Security Policy; and if he will make a statement on the matter. [41922/09]

72. **Deputy Olivia Mitchell** asked the Minister for Foreign Affairs the position regarding the negotiations for Ireland to secure a Commissionership in an area of national importance; and if he will make a statement on the matter. [41962/09]

93. **Deputy Joe Costello** asked the Minister for Foreign Affairs the priorities of the next newly appointed EU High Representative for Foreign and Security Policy from Ireland's point of view; and if he will make a statement on the matter. [41923/09]

107. **Deputy Jack Wall** asked the Minister for Foreign Affairs if he has had indications whether it may be possible to secure the position of EU Ambassador to the United States for an Irish national following John Bruton's successful tenure in that position; and if he will make a statement on the matter. [41921/09]

220. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the degree to which he will ensure that the most competent and capable persons are appointed to all the new EU positions post Lisbon; and if he will make a statement on the matter. [42338/09]

**Deputy Micheál Martin:** I propose to take Questions Nos. 55, 57, 59, 70, 72, 93, 107 and 220 together.

The Lisbon treaty provides for the creation of two major new posts, namely, the President of the European Council and the High Representative for Foreign and Security Policy. These posts will bring greater coherence and continuity to the work of the EU, particularly in its external dimensions. As regards the situation concerning the post of President of the European Council and the appointment of both the President of the European Council and the High Representative, I refer Deputies to my earlier answer to the third Priority Question, which dealt with that subject at some length.

The new High Representative will be tasked with conducting the Union's common foreign and security policy. An important innovation is that the High Representative will also be vice-president of the Commission with responsibility for external relations. The primary role of the High Representative will be to conduct the common foreign and security policy and to ensure consistency and coherence across all dimensions of the Union's external action. The High Representative will carry out that policy as mandated by the Council. It will be an important

and demanding post, which will have the support of the European external action service, a significant innovation under the Lisbon treaty.

As the Taoiseach announced yesterday, the Government has nominated Máire Geoghegan-Quinn as the next Irish Commissioner. President Barroso has stated that final decisions on the portfolios of the new Commissioners must await the appointment of the High Representative who will also be a vice president of the Commission. Our objective is that the Irish nominee should secure a good portfolio. The procedure is that the Council will adopt a list of Commission nominees by common accord with the Commission President. This list will be subject as a body to a vote of consent by the European Parliament and, on the basis of this consent, the new Commission will then be appointed by the European Council. The timetable for this may now stretch into January 2010. The independence of the Commission and of its members is a treaty-based obligation which I am sure President Barroso will be underlining.

No decision has been made on who will replace John Bruton as European Union Ambassador to the United States. That decision will be a matter for the High Representative. I am sure that Irish nationals could be among those considered for this post in light of John Bruton's success, as well as of the understanding, based on long and close ties, the Irish have of the United States.

**Deputy Billy Timmins:** I congratulate Ms Geoghegan-Quinn on her appointment as the new Commissioner. Can the Minister confirm whether Ireland has someone in mind to support for the position of High Representative?

**Deputy Micheál Martin:** We do not have a nominee for that post.

**Deputy Pat Breen:** It is probably will be someone with Fianna Fáil connections.

**Deputy Micheál Martin:** There are many who would be more than willing.

**Deputy Pat Breen:** Card-carrying members.

**Deputy Michael D. Higgins:** Irish language speakers.

**Deputy Joe Costello:** Now that a Commissioner has been nominated, can Members expect that the Commissioner will come before this House to address them on the many new matters that relate both to this House and the European Union arising from the Lisbon treaty? Is this a role for the Minister for Foreign Affairs?

**Deputy Micheál Martin:** Could the Deputy repeat that?

**Deputy Joe Costello:** My point was that as Ireland has nominated a Commissioner and given the considerable new relationships that will exist between the Commission and this House arising from the Lisbon treaty, would it be appropriate for the Minister for Foreign Affairs to ensure that our new Commissioner will be given an invitation from the House to come before it to discuss such matters?

**Deputy Micheál Martin:** Bheadh sé oiriúnach don Aire é sin a chur i bhfeidhm. Tá súil agam go mbeidh an Coimisinéir nua sásta teacht ar ais chuig an Oireachtas chun labhairt leis na Teachtaí Dála agus Seanadóirí go léir le chéile. Mar a dúirt an Teachta Michael D. Higgins, tá Gaeilge líofa aici. Is iontach an scéal é go mbeidh Coimisinéir againn a mbeidh sásta an teanga náisiúnta a úsáid. Níl aon amhras orm ach go mbeidh sí rí-shásta teacht os ár gcomhair.

*Written Answers follow Adjournment Debate.*

### Adjournment Debate Matters.

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Tom Hayes — the need to provide new buildings for St. Patrick's national school and for Fethard Convent national school, Fethard, County Tipperary; (2) Deputies Seymour Crawford and Caoimhghín Ó Caoláin — the need to make provision for additional hospital beds in the north east; (3) Deputy Eamon Scanlon — the proposed closure of the Stiefel plant in Sligo; (4) Deputy Joe Carey — the implementation of the recommendations in the report of the mid-west task force; (5) Deputy Aengus Ó Snodaigh — the payment of the Christmas bonus to recipients of social welfare payments; (6) Deputy James Bannon — the provision of a motorised transport grant to a disabled person who has a child with an intellectual impairment; (7) Deputy Thomas P. Broughan — the need to protect aviation jobs in north and west Dublin and in the mid-west; (8) Deputy Ulick Burke — the need to appoint a dentist to the Loughrea-Portumna area of County Galway; (9) Deputy Lucinda Creighton — the need to introduce a moratorium on the building of incinerators; (10) Deputy Seán Sherlock — the need to improve conditions at Scoil Bhríde national school, Rathcormac, County Cork; (11) Deputy Róisín Shortall — in view of the ongoing public concern about the levels of crime and its impact on local communities, the need to ensure that the courts use the legislation available to them; (12) Deputy Jimmy Deenihan — the loss of jobs at the Beru plant, Tralee, County Kerry; (13) Deputy Máire Hctor — the need to maintain the use of local place names, townlands and other areas on the introduction of postal codes nationwide; (14) Deputy Frank Feighan — to ask the Minister of Education and Science if, in view of recent computer commitments, he can confirm that this decision will affect the Ballinamore second level school project and can he again give a guarantee that this urgent project will remain on track and also can he confirm the up-to-date position on this school; (15) Deputy Kieran O'Donnell — the need to provide funding for planned capital works at JFK Memorial national school, Ennis Road, Limerick; and (16) Deputy Joe McHugh — the need to address indirect taxation strategy in order to increase the Exchequer VAT intake from Border counties.

The matters raised by Deputies Kieran O'Donnell, Joe Carey, Seymour Crawford and Caoimhghín Ó Caoláin and Máire Hctor have been selected for discussion.

### Message from Seanad.

**An Leas-Cheann Comhairle:** Seanad Éireann has agreed to the amendments made by Dáil Éireann to amendments Nos. 11, 12 and 13 made by Seanad Éireann to the National Asset Management Agency Bill 2009.

### Adoption Bill 2009 [*Seanad*]: Second Stage (Resumed).

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

**An Leas-Cheann Comhairle:** I understand Deputy Jan O'Sullivan is about to make her contribution.

**Deputy Jan O'Sullivan:** While I had already contributed for five minutes before the debate adjourned, I wish to pursue the area on which I had just begun to speak, namely, the issue of transitional arrangements in the context of the new legislation. This is a very important element of the legislation about which there is much confusion. Consequently, I hope the Minister of State will be able to clarify many of the issues that have been raised with me and other Members on this element of the Bill. Before the debate adjourned, I quoted from section 63 of the Bill and the guidelines for the Hague Convention as there appears to be a disparity

between the two. I also wish to refer to the Minister of State's remarks this morning on this subject when he stated:

A transitional provision allows for adoption proceedings commenced under the Adoption Act 1991 to proceed as if commenced under this Act. Accordingly, it will not be necessary for applicants to re-apply under the new Act but rather they can continue their applications in compliance with the provisions of the new Act.

I wish to clarify what that means. I believe that a large number, that is, approximately 800 families or individuals, in Ireland are within the adoption process at present. Moreover, I understand approximately 1,200 other applicants are waiting to start the assessment process. As Members are aware, the assessment process can take approximately five years in some cases and it varies from area to area. A point I wish to make strongly is that a timely assessment process is required which is absolutely thorough at the same time. While I acknowledge one cannot sacrifice thoroughness for speediness, a disparity exists between different parts of the country whereby it is quicker in some places than others for a variety of reasons. In addition, other countries that have ratified the Hague Convention have a speedier assessment process even though they carry out such assessments entirely in accordance with the convention and all its rigours. Nevertheless, they are able to do so more rapidly. One reason the process is slow in Ireland is due to a shortage of resources in many areas. Can the Minister of State reassure Members the necessary resources will be provided to enable the bodies concerned such as the Adoption Board and others to be able to implement the legislation when it is signed into law? This will be crucial in respect of its effectiveness for the children and families concerned.

I wish to return to the issue of what exactly section 63 means. My understanding is based on what organisations and individuals have been told by the Minister. Ireland will recognise foreign adoptions only from countries that have signed the Hague Convention or from countries with which it has a bilateral agreement. The Minister of State may be aware that Adam Pertman said here recently that this is not necessary under the Hague Convention. Many other European countries that have ratified the convention allow adoptions from non-Hague countries provided that they adhere to the Hague concepts and requirements regarding child protection. I understand that applies in the UK and France. Is it possible to provide for families that have begun relationships with for example, Ethiopia, which is not in a position to ratify the Hague Convention although it has quite rigorous procedures? Can Ireland have an arrangement with such countries despite their not having ratified the Hague Convention? I have figures for other countries that have ratified the convention but have adopted from Ethiopia, which has not.

This applies also to Vietnam. We need to know the Government's intention because many families chose to adopt from Vietnam because it was recommended but the bilateral agreement ended in May and another one has not been put in place. While the Minister of State waits for the International Social Services report, families do not know where they stand. They entered the process in good faith and now know that there is an issue but they do not know how it will be resolved.

The Minister of State has said that he must wait for the report before indicating the way forward but he needs to give people some idea of the Government's intention for adoptions from Vietnam, Russia and Ethiopia. Will people who applied before the commencement of the Act stay in the process but have to apply to a different country? Or can they continue their relationship with the country for which they applied several years ago? They have gone through a process in which they believed, to apply to a country which at the time was considered to be



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legitimate. Many people here have adopted children from these countries. There is a real lack of clarity on this.

The Minister of State suggested that Ireland could begin to form a relationship with Brazil, the Philippines, South Korea and Thailand following ratification of the Hague Convention. Is he telling families that they must move from the country with which they have formed a relationship and where they have gone through the process to another country after ratification of the convention? That is extremely difficult for those families and it raises a question about families that have already adopted from those countries. Is there a suggestion that the process by which they adopted is questionable? We have had a legitimate process, in accordance with our laws but now we are in a transitional phase. In all humanity we must provide the children and the families concerned with a process whereby they can complete the relationship that they have formed. I can fully respect and understand the need for the process to be in accordance with international law and with the convention but there must be some way in which people can move from the past to the future. This must be compassionate and understand the process in which they are involved and how far they have proceeded. That is the content of many of the representations that we have all received. It relates mainly to Vietnam, Russia and Ethiopia but there are others. We need a humane and understanding transitional arrangement that will recognise those families and children and ensure a way forward for them.

Many families might have completed the process before this legislation is enacted were it not for the delays that are not caused by rigour but by lack of resources. One couple who contacted me wrote that their journey began on 15 March 2005 and has taken almost five years. They were considered to be a straightforward assessment case and were aged 35 and 37 when they applied. They are now 40 and 42. This will be their first child. They list the stages of the process. The shortest period was the assessment process. They have waited a total of four years and six months in the Irish administrative system whereas the waiting time in most other Hague Convention countries is up to one year. When they have their declaration they can apply to Ethiopia to adopt and the next stage will begin.

They make the point that in that time they have seen a new American President, a new Pope, a Luas line, new motorways and even the arrival of IKEA in Ireland but they have not been able to offer a child a loving and caring home. It has taken four years and six months to go through the process, primarily because of the waiting times for each stage of the process. We must take that into consideration when entering this transition phase.

Is it possible to include a grandfather clause in the Bill to cover a family which has already adopted a child from a particular country and wishes to adopt another child from a similar culture? That becomes an issue in countries that have not ratified the Hague Convention. Timing is also an issue. I received an e-mail stating that in the Wicklow-Dublin region applicants for second assessments must attend a one day course. This, however, is not required in the Cork area, therefore a second assessment there takes far less time than it does in Wicklow or Dublin. If the interim measures are based on the declaration it is likely that people based in Cork and holding a declaration could proceed with their adoption while people in Wicklow, who might have applied earlier, could not as they would not have reached the declaration stage. There is a human logic in a family which has adopted a child from one country wanting to adopt a second child from that culture. It is certainly understandable and should be considered.

The Bill does not appear to include countries that have independent adoption. It covers country-to-country or state-to-state adoption. What are the Minister of State's views on that issue? Mexico has been mentioned in that context because it offers direct, independent adoptions rather than state-to-state adoptions. The other issue that arises with a country like Mexico

is whether support groups in this context should be accredited bodies. According to the legislation, an accredited body includes anyone who gives information on adoption. Will the Minister of State clarify whether under the legislation support groups that give information need to be accredited bodies?

Many of the issues I have raised have been brought to my and other Members' attention. These are all real-life situations which directly involve families in Ireland and children in the countries concerned. I realise these issues will have passed when we have gone through the transition phase but for the individual families concerned they remain large. They have invested a huge amount of their lives, hopes and intentions to provide a caring and loving family for a child into this process, in many cases for years. The other more important consideration is that there is a child somewhere in all of this who has the potential to have a caring family to provide him or her with a permanent home.

We need to ensure the process protects the child, is in the child's best interests and the practices are correct. In all the cases I raised, it has been possible to adopt children with such protection under the existing legislation. This must be borne in mind in any consideration of the transitional arrangements.

Issues also arise around the rights of the adopted and the birth parents such as information on their origins, access to birth certificates, information services on tracing and the adoption preference contact register established on a voluntary basis. Over the years problems have emerged with access to information about the child or parent. Much progress has been made in this area in recent years by voluntary organisations which have established registers and information databases. It is important to acknowledge many of them have not received any kind of State funding in this regard. I accept there are measures in the legislation to address these issues but it is important that they are as comprehensive as possible and take into account the representations made by the organisations that have contacted Members.

As vice-chairman of the Oireachtas Joint Committee on Health and Children, I welcome the hearings it intends to give many of these groups about their concerns about the legislation before Committee Stage. I will put forward several amendments on behalf of the Labour Party to address various issues, particularly in the area of transitional arrangements, the introduction of a grandfather clause and whether bilateral arrangements can be concluded with countries that have not yet ratified the Hague Convention. The principles behind the convention must be in place in any country with which inter-country adoption arrangements are made.

I know the Minister's intention is to give the maximum protection to children with this legislation. While I share this intention, we must also be aware of the difficulties families face in the adoption process. Other countries also have difficulties in this regard such as Ethiopia, which I understand is simply not rich enough to ratify the Hague Convention.

The Minister may inform me in his reply that I do not have all the information and I accept he will have more information than Opposition Members. These matters, however, are raised in good faith and on behalf of people who have contacted us. Many people have explained the process and their experience in the particular countries they have gone to for adoption. They tell me of encountering children in orphanages who do not have the care of a loving family. It is important to have an open mind in making arrangements with those countries. I accept, however, that we cannot stand over any process if any question arises of a child being handed over for adoption through coercion or payment of moneys.

It is important that the convention is ratified as Ireland signed up to it some time ago. The core of the legislation is the interest of protecting children. I acknowledge the Minister is aware of some of the issues I raised. He visited Vietnam to speak to the authorities there and has

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spoken with those in other countries about the transitional arrangements concerning inter-country adoptions. The Government must ensure we do not stand over any practices that are not acceptable. There are issues that are of genuine concern in the transitional phase before we move to the full implementation of the convention.

The appropriate resources and personnel complement must be made available to the Adoption Authority to allow it to fully implement the legislation. The Minister of State suggested the Bill will be signed into law in early 2010. Difficulties for everyone involved in the inter-country adoption process will emerge if the demands of assessment and other measures are not met because resources were not in place.

It must be remembered that this legislation, as well as implementing the convention of inter-country adoptions, also sees updating of the general law on adoption in Ireland. Deputy Shatter raised the issue of birth fathers and new relationships and several other areas in this regard need to be addressed. It is important the legislation is as comprehensive as possible and incorporates these issues. We must also be cognisant of the sad experiences of many of those who were sent off to America for adoption in a shameful way. That is a background of which we all have to be aware and we must ensure the rights of the child are paramount in this legislation.

**Deputy Mary O'Rourke:** I thank the House for the opportunity to speak on this legislation, which I welcome. I noted as I entered the Chamber that there are present three female Members one or other of whom have either contributed to the debate or are awaiting an opportunity to do so. I note the officials accompanying the Minister of State are also female. The reason for this is, I suppose, that this is an issue which strikes women deeply.

Like Deputy O'Sullivan I, too, have a file full of e-mails and letters on this issue sent during recent months. The Minister of State and his officials have been straightforward in their dealings with me in terms of giving me the up to date position and setting out what they hope to do. This Bill fulfils many functions as do most Bills because legislators seek to introduce worthy legislation. The Bill seeks to incorporate the Hague Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption into Irish statute law, which is good. It also provides for making and recognising intercountry adoptions in accordance with bilateral agreements, establishes the adoption authority of Ireland and provides for the repeal of various Adoption Acts.

I take this opportunity to pay tribute to the original Adoption Board established in 1952 and to all chairpersons and members of that board who undertook Trojan work at a time when the issue of adoption was alien to people and fraught with difficulty. As an adoptive parent I was treated with great kindness by the board when I first went to meet with it and in terms of the after care I received following the adoption. Often when a new agency or body is established — I am sure the Minister of State is not guilty of this — one tends to forget that which went before and the great work done at that time. I recall the trepidation which my husband and I felt when going to meet the board. We worried about what questions we would be asked and whether we would measure up. They are the types of thoughts that come to one's mind. It should not be forgotten that adoption is an awesome task whether one is adopting a child at home or abroad. It awakens in people primitive feelings, including in the woman who gives up the child regardless of in what country she lives. The date of 4 September never passes without my recalling the woman who gave birth to our son. The process deeply affects everyone. The woman involved in our case endured the trauma of giving birth to her child and we endured the trauma — trauma it is — of adopting the child, although the end story was happy all round. Adoption is a life changing experience. If it can be a life changing experience in an Irish context, in terms of our all looking vaguely similar and speaking the same language, one can

only imagine what must be the experience in respect of an intercountry adoption. There are huge difficulties involved.

I opened a file on this issue at an early stage because I knew it would be a big issue not alone for my constituents but for people all over Ireland, which became evident as my file got bigger. All of the correspondence I received was infused with desperation as the people involved were caught in a situation not of their making. I will come soon to speaking about the Bill before us. I wanted first to speak about the hopes and fears experienced by people and their concern that they will not in the end see their dreams realised. Often these letters and e-mails include statements — this may seem simplistic as I say it — such as “There is a child waiting for us in Russia; I know there is” “There is a child waiting for us in Ethiopia, I know there is”, “There is a child waiting for us in Vietnam; I know there is”, which brings to mind the difficulties being experienced by the men and women involved.

Only this morning, having assumed I had received all correspondence on this issue, I received an interesting letter from a woman and her partner in regard to what they believe would be a sufficient transitional arrangement. Deputy O’Sullivan spoke earlier about transitional arrangements. This couple ask should it not be when a declaration is issued to them that they are deemed eligible and suitable to be adoptive parents. I will forward the submission, which is well put together, to the Minister of State. It deals with issues such as the difference in length of time for issuing declarations in various countries, which can take months in some countries and years in others. They suggest that a person issued with a declaration should be allowed to move to transitional arrangements, which appears to me to be a good case in point.

I recognise and admire the care taken by the Minister of State in this area, in particular given the would-be adoptions in Vietnam, which was an emotional and difficult issue to cope with on a daily basis. I am aware of the difficult situation faced by the Minister of State at a particular conference he attended. Fundamental to this Bill is that the child’s interests must be paramount. This should, and is, the bases of all child care legislation. I speak as a Member of the Joint Committee on the Constitutional Amendment on Children which is in the closing stages of its work. It is important that the child is central to this process whether domestic — there are fewer numbers of such adoptions nowadays — or intercountry. While the primitive longing experienced by people is almost over-powering this should not and does not take from what is in the best interests of the child, as provided for in this legislation and in terms of future work in this area.

We signed the Hague Adoption Convention in 1996. A fundamental principle of that convention is that intercountry adoptions should be child-centred. This should be the case in respect of all adoptions. The Minister of State outlined the functions of the various sections. Part 12 provides for the establishment of the adoption authority and its proposed functions. This brought to mind the role of the various Adoption Boards and the fine and sterling work they did in what was then, but not now, thankfully, an alien environment in terms of adoption. There are, as far as I can ascertain from the e-mails and letters I have received, three countries on which prospective adoptive parents are now focusing, Ethiopia, Russia and Vietnam. I am glad to note from the Minister of State’s contribution that matters with regard to Vietnam have advanced. I am sure the Minister of State in his reply will tell us what advancement has been made in this regard. They have come a long way from where they were when talk of an Adoption Bill started to surface, gaining the interest of people who had gone through considerable reflection before deciding to adopt. They did not just jump out of bed one morning and say “Yes, we will adopt”. That is not how it happens. Even before they applied to the HSE and so on, they gave it keen thought and reflection.

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I do not know what is the cause of the delay but it appears from the letters and e-mails I receive that there is a very long delay in some cases for approval — the stringent test under which one is accepted as a suitable adoptive parent, which is the beginning of the whole process. I have heard stories indicating that the time taken is excessive and others indicating that is not so, but it does appear to take a long time. In addition, the period involved appears to vary. One person will tell one that her caseworker went on maternity leave, as she is fully entitled to, which meant she was unavailable for nine months. Such cases often lapse as they are not picked up by other caseworkers in the system. There are also many heart-warming cases of good relationships being founded on the interaction between the would-be parent and the caseworker. However, I hope there will be standardisation of the time required for approval of would-be parents.

Deputy O'Sullivan mentioned the matter of a grandfather clause. I do not know about that. I spoke informally about it to the Minister of State one day after a committee meeting. The idea sounds good in theory but I do not know what is the impetus behind it. Let us say one adopts a child from the Russian Federation; one would then have the right to adopt another child from the same geographical location. This is what the term “grandfather clause” means in this case, although it appears in all sorts of things such as land dealings. However, I never finished the conversation with the Minister about this and I do not know how he feels about the issue. I do not know whether he intends to introduce an amendment in this regard, but he does intend to introduce amendments dealing with transitional arrangements.

This afternoon I read through the 22 letters and e-mails I received on this subject to get a feeling for the whole matter, and it struck me that the biggest issue was that of transitional arrangements. I hope we can in some way master the issue through amendments — I am sure they will be many — while encompassing the things I mentioned, taking into account the length of time, strength of emotion and cost involved. The cost, in particular, has sapped people as they went through all these steps and wished to see their babies materialise. It does not always happen like that, as I know so well. If decent transitional arrangements can be established, it would allow those putative parents, some of whom already have one or two adopted children and others who are just embarking on the journey, to hold onto their dreams of receiving their children. There was a fear in the beginning that when this adoption Bill was signed by the President a lock would suddenly come down: many countries that were open to the possibility of adoption would no longer be, and that would be the end of the dream.

When the Minister of State is introducing amendments to this legislation they will need to be comprehensive. They should be fully rounded and take into account the various stages people have gone through, often with heartbreaking results. I received an e-mail about the declaration, which I will forward to the Minister when I return to the office as it will strike a chord with him and his officials.

Adoption in general is a fraught and emotional process and requires great strength of character as it draws strongly on a person. No matter whether one is adopting from Ethiopia, Vietnam or the Russian Federation — or, in different times, from one's home country — one still thinks of the woman who bore the child. I always remember that woman when a particular date in September comes around. I remember her with happiness and I hope her life turned out to be happy and fulfilled. I welcome the fact that many people can obtain information about their birth parents through birth registers, while birth parents can access that information and, it is to be hoped, live happily with the consequences of what they find.

I wish the Minister good luck with the Bill, which is a fine one. I hope he will pass to the old Adoption Board, or certainly its chairpersons who are still around, my thanks to them for

their painstaking work over the years and the way they gave of their intelligence, time and commitment to what was not, then, a very acceptable cause but is now and will remain so. I wish the Bill a speedy passage and look forward to dealing with the amendments.

**Deputy Deirdre Clune:** I wish to share my time with Deputies Joe McHugh and James Reilly.

**Acting Chairman:** Is that agreed? Agreed.

**Deputy Deirdre Clune:** Like previous speakers, I wish to mention the representations I have received from various people on this issue over the last few months. I am trying to separate the Vietnam issue, as we may call it, from the general principle of adoption. This Bill repeals the Adoption Acts 1952 to 1998 and makes amendments to other Acts. It dissolves the Adoption Board and establishes a new Adoption Authority of Ireland, and provides clearly for matters relating to the adoption of children. Primarily, the Bill gives force of law to the Hague Convention on Protection of Children and Co-operation in respect of Inter-country Adoption, which was signed in 1993. Sixteen years later, we are ratifying it in the House.

It is important to look back and see how far we have come and how adoption has changed in this country. In recent years there has been a decline in the number of Irish-born infants available for domestic adoption. However, there has been a very positive history of families adopting children and taking them into their homes. It has been a two-way process for children who otherwise would not have had a home where they were loved and had security. The Adoption Board and the facilities of the State allowed that to happen. Deputy O'Rourke outlined how it affected her, her husband and their family. According to stories I have heard, the story of adoption has been very positive.

In recent years society has changed and there are many lone parents who, in most cases, are females. The State acknowledges that and supports that person and, in many cases, the couple, with the upbringing of the child. That in itself has been positive. When the Ryan report was released I was struck that there had been so many children for whom the State was responsible. In many cases the religious institutions provided a roof over their heads. There has been so much controversy and so many disturbing stories of the circumstances in which the children found themselves. Today, by contrast, society supports children, their mothers and their extended families. It is a positive step to shine a light on the contribution society makes in giving support to those family situations.

Most Irish-born children placed for adoption in Ireland are adopted by their relatives. As a consequence, opportunities to adopt Irish-born children have reduced for couples in this country and therefore they have turned to look abroad. The issue of inter-country adoption looms large on the agenda. I have met and know of many groups in my own constituency where most of the children concerned are Vietnamese and Chinese. All those involved have been very positive in recognising the child has its own identity, whatever its country of origin, and this needs to be supported. Parents and support groups regularly get together and have children from the same country of origin mixing and meeting one another. They celebrate the Chinese New Year and the traditional feast days and festivities of China or Vietnam with the children and that is very important. One can see the value that has for the child with regard to its identity. It will pay dividends when the child is older, becomes an adult and looks back, trying to come to terms with his or her identity. Those opportunities will pay dividends.

A matter has come up in this debate, in the contributions of the two previous speakers, for example, namely, the "grandfather" clause. The Minister of State has been asked to consider this. I did not hear his contribution but I read a report in which he rejected calls for this clause. He will probably reply on this point, as raised, at the end of the debate. The Minister of State

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is of the view that allowing individuals to adopt from a country simply because they have adopted from it previously would create a double standard and a dilution of the standards that must apply at all times.

In part I can see the Minister of State's point but I believe he should speak to people and groupings, such as those I mentioned, who clearly recognise that for the child who is not born in this country, identity is a very important issue. As that child becomes an adult it will become even more important as he or she seeks to come to terms with his or her identity. Perhaps the issue is not as black and white as the Minister of State described it. I ask him to look again at this matter and show some leeway. This will be very important for these children when they are adults and also will help the parents in their task of supporting the children and ensuring they integrate fully in this country. They are intent on doing so and the structures are there. That is my experience from talking with groupings who have come together. There is support, and a recognition it is important to work with children so that they can hang on to and reinforce their original identity. That is very important.

Regarding adoption in general, the background is that society has changed and couples or individuals are now committing to having children later in life. In many cases, particularly for those persons who have contacted Members, people find the biological clock is ticking. In some cases they realise too late they are reproductively incompatible and cannot have children. They go down the IVF route in many cases which can work very successfully for some but for others it does not. In many cases those concerned are couples but this situation can arise also for single people. They then decide they will adopt a child.

Am I under pressure of time?

**Acting Chairman:** The Deputy has 12 minutes left of 20.

**Deputy Deirdre Clune:** I am sharing time with Deputy McHugh.

**Acting Chairman:** There are just the two of you.

**Deputy Deirdre Clune:** Yes. People come to the decision they will adopt a child. Many then find difficulties in getting to that point. I do not wish to undermine in any way the adoption authority and the rules and regulations regarding the necessity to ensure the couple will provide a loving and caring home, are stable and medically fit, have financial support and can provide a Garda clearance certificate. Nobody doubts all these different stages must be gone through but it should not take four to six years to complete the process. It is a very long time. Some people might be in their early 40s by the time they eventually get clearance. Anybody who has had young children will know one needs to be in the flush of one's youth to be able to deal with their energies.

I appeal to the Minister of State. Such stories can be dreadful and heart-rending. It can take so long to have an assessment across the various HSE areas. The time span can change. I met a couple who had the unfortunate experience of having the social worker who had been dealing with them take maternity leave, leaving their file stalled. When the clock is ticking that is heartbreaking. People feel the services of the State are not there for them in a speedy and efficient manner when they need them. I ask the Minister of State to look at that situation and when this Bill is passed to have this urgency taken into account. Efficiency and professionalism need to be protected but there is real urgency for these people.

Adoption from Vietnam has hit the headlines. Every Member has received correspondence from people who are caught because the bilateral agreement with Vietnam has fallen. That it

was to fall in May this year had loomed for some time. People find it frustrating that nothing was done to ensure a new agreement was initiated. Originally the Minister of State indicated it was his intention to support a new bilateral agreement. I do not know where he stands on that now. Will he wait for Vietnam to adopt the Hague Convention? That might be another two years.

Before I pass over to my colleague, I wish to reiterate the fact that the time trap in which people are finding themselves is important, but I do not want to set aside any standard, as standards are important. Everything should be child-centred and placing him or her in a warm, safe, secure and loving environment in which his or her personal, education and financial needs are met is important. On the other side of the equation is a couple or individual who is anxious to provide that environment but for whom the clock is ticking. This urgency must be in the balance.

**Deputy Joe McHugh:** The House is almost 12 months into the debate on adoption, although it has been ongoing for many of the families involved. Almost a year has passed since e-mails started to come into our offices, yet many families are still in limbo and in the dark in terms of marking out a way forward.

The tone of many of the e-mails sent in the past year was angry, but politicians could sense in the electronic correspondence the degree of expectation and hope felt by those families. Many people had planned on having their children before Christmas. However, hopes have been dashed and expectations have not been realised. It is important that we work on this legislation with a mixture of empathy and forthrightness. We can try to do something about this situation.

Post-adoption sensitivities must be factored into the matter. I am also aware of the sensitivities surrounding child welfare and safety, as my colleague, Deputy Clune, pointed out. The central thrust of the Hague convention is to put the best interests of the child to the forefront. No parent in Ireland does not accept this philosophy, but many of the people in this position are bothered by the facts that they cannot see whether the office has any vision and that they do not know to which countries they can go.

The Bill must make allowances for couples currently involved in the adoption process. Many couples have been waiting for four, five or six years. They do not know how the adoption legislation will impact on them. Will they be allowed to go to non-Hague convention countries? For example, many of the countries that have signed up to it allow people to adopt from countries outside it. Putting this fact on the record is important. On enactment, where will the families currently in the adoption process that have received referrals stand? This question has been asked by many families involved in the process.

We need to quantify how many parents are involved in the adoption process or are seeking to enter it. In terms of the bilateral agreement with Vietnam, we were given figures of approximately 250 or 280 families, bordering around the 300 figure. The total figure is a conundrum. We need to engage with them. Granted, they do not necessarily believe that they have been paid lip-service. In fairness to the Minister of State, Deputy Barry Andrews, he has taken on board many concerns. However, there has been lip-service in terms of mapping a way forward. Leaving aside all of the emotive words that politicians can sometimes engage in, the people in question are looking for the way forward to be mapped.

When the Adoption Bill goes through, will families be allowed to work with non-Hague convention countries? Will they be able to engage with the UK, the USA, Spain and France? These are the types of question that they need answered and, as Deputy Clune pointed out,



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need to be answered quickly. Many people are reaching the maximum age threshold and, in one, two or three years' time, will be restricted from adopting. This is a sensitive issue.

I am conscious of Deputy Reilly's entrance. How is the Acting Chairman doing the mathematics?

**Acting Chairman:** There are three minutes and ten seconds left.

**Deputy Joe McHugh:** Is that in total?

**Acting Chairman:** In this slot. Does Deputy Reilly wish to leave his contribution for another slot? Obviously, he would not be able to do so immediately after this slot.

**Deputy James Reilly:** That is fine.

**Deputy Joe McHugh:** The Bill's transitional measures must allow sole applicants and couples to continue in the process. What will happen to couples who are four, five or six years into the process and do not receive referrals before the Bill's enactment? This is another question that has been highlighted by many prospective parents. I have been in contact with a considerable number of them in my constituency and county. Could they be allowed a better mechanism of engagement? They do not feel involved in the discourse. Rather, they feel as if they are out on a limb. They have good suggestions, since many of them have gone through the post-adoptive previously. They also have considerable experience that people in the Department of the Ministers of State, Deputies Haughey and Barry Andrews, could use to their benefit. This matter must be considered.

I have suggested that the other Hague convention signatories be considered, including the UK, the USA, Spain and France. The convention states that international adoption should be in the best interests of the child and does not prohibit member states from dealing with non-member states. When passing the legislation, we should take this idea on board and not restrict ourselves to negotiating with non-convention countries only.

Having raised this issue a number of times, we on this side of the House have been cognisant of the surrounding sensitivities and have not turned it into a political football. Approximately one month ago on my local radio station, I was told by a mother of a woman going through the adoption process that she did not want to have it turned into a political football. It has not been, but we need to show a resolve in terms of mapping a way forward for prospective parents. We also need to appreciate that someone going through an adoption process is equal to someone who is going through the biological process of bringing a child into the world. This is the key issue. I know of someone who went through the adoption process and had all of the preliminary work carried out but, at the 11th hour, the Russian child was taken from her grasp. She mourned the child in the same way as if she had had him or her herself. We must be sensitive and comprehensive in terms of how we allow the Adoption Bill to fit into the Hague agreement.

**Deputy Niall Blaney:** I am sharing time with Deputy O'Connor from the capital of Tallaght.

**Acting Chairman:** Is that agreed? Agreed.

**Deputy Niall Blaney:** I welcome the opportunity to contribute on the Adoption Bill. It is not often that I get to speak after my colleague from County Donegal, Deputy McHugh, but I have regard for the way in which he and some of his colleagues have treated the Bill. It is an emotive issue and should not be used as a political football. I welcome the debate.

While I believe that the adoption of this Bill, if the House will excuse the pun, will be a job well done, I also recognise that the reality for many couples in Ireland is that this year will remain in their memory for many years to come for the wrong reasons. While the Minister of State, Deputy Barry Andrews, absorbed much emotional discontent, it must be put on the record that he has been put in a very undesirable position since the inter-country adoption bilateral agreement with Vietnam ran out earlier this year. Despite his best efforts to put new arrangements in place, they have not come to fore.

We must recognise that the Minister of State does not have the powers to force Vietnam into a new bilateral agreement but rather depends on the goodwill of such countries. While the Minister of State was led us to believe that progress would be made on his last trip to Vietnam in July, that goodwill from the Vietnamese authorities seems to have faded. All in this House are greatly concerned, as are the many people who are awaiting the process of adoption with that country to come to completion. Many people feel that they are stuck in a rut and that they have nowhere to go.

I welcome the Bill. One important element that should be included in it is some measure to fast-track the current process. Like many others, I have had couples from my constituency, such as those to which Deputy McHugh referred earlier, arriving in a distressed state after being through a lengthy process having their whole lives trawled through by somebody who they probably have never met before and may never meet again. At times they have felt great hope only to find out at the end that matters have been put on hold for nobody knows how long. It is a tough position to be in. I would ask the Minister of State on the passing of this Bill to ensure a new situation whereby the process is fast-tracked as much as possible.

The Minister of State also needs to take a good long look at non-Hague countries such as Russia, Ethiopia and Vietnam and examine these countries to the extent that persons currently waiting to adopt from them need to know sooner rather than later if there will be bilateral agreements. If there will not be such agreements, we must be forthright with these individuals, we must tell them and we must give them direction. If that were to be the case, we must have sympathy and due regard for those couples. I would plead with the Minister of State to amend the Bill before it finally goes through the House to recognise those couples who have been in the process post-Hague and the time they have spent going through the process of adoption. He should provide for some mechanism in the Bill to recognise what they have gone through and to fast-track their process rather than going back to the beginning again. It is only fair that these couples would be treated in such a manner.

Moreover, while it has been some time coming, it is good that the Minister of State in his short time in the Department has made the passing of this Bill a priority. Despite what some of the adoption boards in this country feel, the Minister of State, Deputy Andrews, went to great efforts, particularly in the case of the Vietnam bilateral agreement, to take the matter to conclusion. Unfortunately, he has not been able to do so. The reality is that the ability to take it to conclusion was outside of his control. I believe we all recognise that.

**Deputy Charlie O'Connor:** I welcome the opportunity to make a brief contribution on the Adoption Bill 2009 and I thank my colleague, Deputy Niall Blaney, for allowing me share his time.

It is important that we would note that the objects of this Bill include ratification of the Hague Convention; to provide for inter-country adoptions on a statutory basis to be in accordance with the standards set out in the convention, and to repeal the Adoption Acts 1952 to 1998 and bring forward, restate or update the provisions of those Acts as appropriate. One of

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the other objects is to re-establish the Adoption Board as the Adoption Authority of Ireland with additional functions and powers.

It is important that we would have this debate. I had the opportunity yesterday to meet young people from a school in my constituency — not from Tallaght but from Templeogue — and in the company of Deputies Rabbitte and Brian Hayes, was chatting to them. They were interested in what all of us did on a daily basis and I made the point that all human life passes before a politician's desk and through our clinics. I conduct nine clinics every week and I come across many matters. I get the same issues that crop up in Kildare, in other regions of Dublin, in Limerick and in Artane.

**Deputy Bernard J. Durkan:** It is the same in Kildare. A good many from Deputy O'Connor's constituency come to Kildare clinics as well.

**Deputy Charlie O'Connor:** Will the Acting Chairman, Deputy Costello, protect me or will I protect myself?

**Deputy Seán Haughey:** Deputy O'Connor is well able to protect himself.

**Acting Chairman:** Proceed Deputy O'Connor. You are not under serious assault.

**Deputy Charlie O'Connor:** Deputy Durkan is a good man. I have no complaint with him.

I am trying to make a serious point, that every day there are constituents telephoning us, calling to us and coming to our offices about all sorts of issues. It is interesting to note in the midst of the current situation that while one would expect that people would come to us about issues of social welfare, housing, poverty, education and crime, I have received many calls, as other colleagues have, about the Adoption Bill with people expressing concerns about the situation. In that regard, I compliment, through the Minister of State, Deputy Haughey, his colleague, the Minister of State, Deputy Barry Andrews, and thank him — I am glad other colleagues have said it across the floor — for at least keeping us informed and appearing to be trying to do something about an issue which is of concern to many. The trip to Vietnam was part of that process.

I have always taken a serious approach to the issue of adoption. I remember when I was quite small my then elderly aunt adopted a girl. I can talk about her because she is now in Australia. As a young person, I was fascinated as I grew up and understood what adoption was about and understood the needs of that cousin of mine. She was no different than any of my other cousins, she was treated properly and well.

Many people are coming to my clinic and telephoning me in my office, as they do other colleagues, making the point that they want to adopt. Deputy McHugh made the point about the issue of age. I have had people come to my clinic in recent times who wanted to admit to me that they were reaching an age which they were concerned would become an issue. They wanted this process to be completed, they wanted to deal with the matter now and they did not want it being delayed any further because of their age profile. I have received a great deal of correspondence from different groups in my constituency and elsewhere. A difficulty we all, as Members, encounter is the delivery of e-mails which we are unable to source. Sometimes people send the same material to us all. However, I always appreciate those, particularly from my constituency, who share their views with us.

Other colleagues will have received correspondence from the International Adoption Association, which is based at the Terenure Enterprise Centre near but not quite in my constituency. I want to put on record a couple of things that he has said. People still have concerns despite

the appearance of this legislation. Progress is clearly being made, but there are still gaps, so it is fair enough to mention a couple of them. The International Adoption Association represents more than 1,300 families engaged in intercountry adoptions. It claims to provide valuable information, education and networking support to applicants and adoptive families who welcome children in need to loving and secure homes. The association states:

. . . intercountry adoption into Ireland is in need of repair. Currently, we have welcomed as a country in excess of 5,000 children into loving and secure Irish families. These children are doing very well, as proven by research conducted by the Children's Research Centre at Trinity College. This is in line with international research and clearly indicates that intercountry adopted children recover and indeed thrive in permanent and loving family environments.

The association also makes the point — many of us would agree with this — that, as we know from our own history, institutions are no places to raise children. The overwhelming majority of children adopted into Ireland are adopted out of institutions and orphanages. The association believes that we should continue to provide homes to many more children in need. We must treat this as an important issue. It may be a strange thing to say less than three weeks from the budget, but this issue is just as important as any legislative issue that will come before us in the next three weeks. We should give it our attention and understand that people are particularly concerned about this matter and they want to see progress. It is not just the families concerned, but also the surrounding network and support services which are asking us to help them. I am sure the Opposition will seek to dot the i's and to cross the t's, but I hope this Bill will be expedited and enforced as quickly as possible. The Minister must use his influence and resources to ensure all the regulations are adopted.

The current basis for intercountry adoption is to be found in the Adoption Acts of 1952 to 1998, which I mentioned earlier. The Adoption Act 1952 provided for the establishment of the Adoption Board and put in place formal adoption procedures for the first time in Ireland. The 1952 legislation has been amended six times by the passing of Adoption Acts in 1964, 1974, 1976, 1988, 1991 and 1998. I am sure Deputy Durkan will remember what Governments were in power in those years. Various Governments can take the credit for that legislation.

**Deputy Bernard J. Durkan:** Can the Deputy remember that far back?

**Deputy Charlie O'Connor:** Yes, I remember quite a lot.

**Deputy Bernard J. Durkan:** The memory is not gone yet.

**Deputy Charlie O'Connor:** My age is on the website.

**Deputy Bernard J. Durkan:** So is mine.

**Deputy Charlie O'Connor:** In the last quarter of the 20th century there was a large decline in the number of children available for domestic adoption, which was seen as progressive. In Ireland, the number of domestic adoptions fell by 50% between 1967 and 1987. Today only a small number of Irish babies are adopted each year. The majority of adoptions are family or step-parent adoptions. That is something we would all welcome.

Following the decline in domestic adoptions, prospective adoptive parents began to look abroad to adopt. There has been a considerable growth in intercountry adoptions since the early 1990s. Intercountry adoption involves the movement of children across national borders for the purpose of adoption. This trend was initiated by the Romanian orphanage crisis and

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the attendant publicity. In total, some 3,569 overseas adoptions were registered by the Adoption Board between 1991 and 2007.

Ireland has changed from being a country which sent its children abroad for adoption to one that receives children from other parts of the world for adoption. Adoption in Ireland is now predominantly categorised by the adoption of children from abroad, presenting significant new challenges for the Adoption Board. As I said earlier, the board was established under the provisions of the Adoption Act 1952, which is now being repealed by virtue of the Bill before us. Ireland signed the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption in 1996. In recent years, within its current framework, the Adoption Board has striven to take on board the standards required by the Hague Convention.

The 1993 Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption provides for the establishment of safeguards to ensure that inter-country adoptions take place in the best interests of the child and with respect for his or her fundamental rights as recognised under international law. It also provides for the establishment of a system of co-operation among contracting states to ensure these safeguards are respected and therefore prevent the abduction, sale or trafficking of children. It also secures the recognition in contracting states of adoptions made in accordance with the convention.

I look forward to contributing later to the Private Members' motion on human trafficking, which was introduced by Deputy Denis Naughten. Even in these difficult times, the Dáil should spend time dealing with issues concerning children and young people generally. We must continue to do so. In the midst of what seems to be doom and gloom, normal business should continue to be transacted here because the lights have not been switched off. Thank God for that. I suspect that all my colleagues would admit that these issues are of as much concern as any others. There are people who do not want to talk about the economy, social welfare and related issues, which are important nonetheless. People are hurting because of issues that the Adoption Bill seeks to address. They should be represented in that regard and their representative organisations are entitled to their views. The Minister of State, Deputy Barry Andrews, has acted progressively in this aspect of his departmental remit. I hope he will continue to engage in listening to groups and individuals who want to make submissions concerning the Bill. I am sure he will be open in that regard.

Many of us have been lucky to be parents over the years, although it is not every day one would admit that. It is much more comfortable being a grandfather because I can send my granddaughter home at night. It is important to respect the rights of families who do not have their own children, but who wish to adopt. Over the decades, the adoption process has enabled caring families to provide a loving home environment to less fortunate children. Times have changed and it is not only because of the influence of Madonna. We know from international press coverage that issues concerning adoption remain to be resolved.

Given the growth of conflicts in various countries, unfortunately there will always be children for adoption in such areas. While it is not an ideal situation, I hope families here who want to provide loving, caring environments for such children can be facilitated in that regard.

Is the Acting Chairman waving at me to finish?

**Acting Chairman (Deputy Joe Costello):** The Deputy's time is up.

**Deputy Charlie O'Connor:** I am sorry about that.

**Deputy Bernard J. Durkan:** Come in number one, your time is up.

**Deputy Charlie O'Connor:** I look forward to hearing the rest of the debate and to seeing the Bill enacted in due course. It is important that we should support the legislation.

**Deputy Bernard J. Durkan:** I am delighted to have an opportunity to speak on this particularly important and sensitive Bill. Like every piece of legislation that comes through this House, there is a down side and an up side. In this case, the up side is that the Bill is now before us. I compliment the Minister of State, Deputy Barry Andrews, on his involvement and dedication to the task in recent months. I am not certain the Bill will meet the requirements of many prospective adoptive parents nationally and that is a disadvantage. Some of the negotiations that have taken place on the part of prospective adoptive parents in the context of inter-country adoptions have advanced to a stage where they may be impeded somewhat by this legislation. That is sad.

We need to concentrate on the fact that there are thousands in Ireland who wish to adopt and who wish to love and care for an adopted child in the same way as a biological parent would love a child. They have devoted much time and energy to this goal over recent years because they regard adopting as fulfilling their life's ambition. We have all met such prospective adoptive parents and our doing so has brought home to us the seriousness of the matter from their point of view and the urgency with which they go about their task. We are aware of the sensitivity with which the matter needs to be treated given that we are dealing with people's emotions. We are dealing with the aspirations, hopes, fears and worries of adoptive parents. Their worries are many, particularly in the context of this Bill. The legislation will resolve most or many of the difficulties that arise.

We must ensure we protect adoptees. Other Members have spoken at length on the need to protect children. Although one may want to do the right thing by seeking out a trophy adoption, this is not what the legislation is about, nor should it be. It is essential that the process involve the protection of children and that there be no abuses or moneys handed over to organised gangs in the relevant countries to facilitate adoptions. We must ensure, in so far as we can and as a priority, that the principles of the Hague Convention are observed.

There is no question in the minds of prospective adoptive parents about the fact that they want to make a difference in the lives of the children they hope to adopt. That is the general objective and it is quite understandable. This must be balanced with a consideration of the tragic circumstances from which the adoptees come.

In Ireland 50 years ago, it was quite easy to find children to adopt, and it was still relatively easy 25 years ago. There were tragic circumstances behind this, as we now all know. If we carefully consider the adoption procedure that obtained, we will note it would not have complied fully with the requirements of the Hague Convention.

We have learned of the considerable sorrow and tragic circumstances of parents who had to give up children for adoption in Ireland over the years. This should be a salutary lesson for us. We are better placed than most other countries to make a sound assessment of the circumstances that present themselves to us. Some years ago, the emphasis was on countries that subsequently became members of the European Union. This illustrates how quickly circumstances change. Now the focus is on countries outside the European Union.

A number of prospective adoptive parents have spent much time carrying out research on and establishing contacts in countries such as Vietnam and Ethiopia. They have done so at great personal expense. They have done what should be done, that is, obtain as much information as possible in the countries from which they are interested in adopting a child and become as familiar as possible with the way and quality of life in those countries. They have complied with the process in place and have, in many cases, been approved by the HSE, yet it now

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appears this legislation will be likely in some cases to restrict or impede the process, or force it to start one again. This is tragic.

While the Minister of State, Deputy Barry Andrews, has tried hard, I am not so certain he has tried hard enough. He is a nice guy and I am very fond of him as a Minister, as I am fond of all Ministers, as my constituency colleague, the Minister of State at the Department of the Health and Children, Deputy Áine Brady, will know. However, this does not necessarily mean we should accept anything less than the best in any set of circumstances.

To test the procedures in place, I tabled a number of general parliamentary questions on adoption. I asked the Minister whether her attention had been drawn to the progress to date of an application for inter-country adoption in the case of persons in a certain county. I asked whether it is expected that this adoption will proceed unimpeded in the aftermath of the passage of the Adoption Bill 2009 and whether the progress in the case to date will have to be repeated. The latter is an interesting question. I asked whether “the preparations made within the country in question will proceed regardless of the ratification or otherwise of the Hague Convention; the definition of process in progress in such circumstances; if she will ensure that all work to date in the process will be regarded as concluded in the context of the overall process”. The purpose of this exercise was to select an individual case to find out exactly what it means. I hope that when anybody asks the Minister of State, Deputy Áine Brady, a question, she will read it carefully and answer it regardless of the consequences. This offers protection to a Minister or Minister of State.

The reply I received to my question was: “My Office has received representations on behalf of the persons in question.” I did not ask about this. Although the Minister of State is a nice guy and wants to help, it should be noted I asked a very specific question relating to a number of individual cases. It would have been a good idea to give the answer because we all know it. The Green Party knows it, as do I, the Labour Party and Fianna Fáil; that is why I did not get the answer. However, it would have been good to outline the answer in a reply to the House as this would have shown respect for the House. The answer is known to prospective adoptive parents in any event but, in the context of what we are doing now, it is very important to be able to give an answer to the type of question I asked. It is a template; it is as simple as that.

I am disappointed I did not get an answer to my questions. In respect of one question, the reply was that the Department had not received representations. That was not what I asked about. My question was specific, namely, to indicate whether a procedure would follow and how it would follow in the given sets of circumstances. As the Acting Chairman and I well know in terms of Dáil reform, we just need to revert to the old system in which we used to get answers to questions. It was simple and straightforward and was very beneficial from the point of view of Ministers. I advise all Ministers to give an answer whenever a question of any nature arises. Ultimately, a refusal to answer will become contentious. Irrespective of whatever else happens, questions should be answered.

In cases where the process has been already undertaken to a large extent, for example, where the Health Service Executive has approved a couple for an adoption in a particular country I hope it is possible that the adoption could still continue. It would be very sad if that were not the case. I urge the Minister to get the Department to re-examine, with a positive attitude, the possibility of trying to accommodate the heart-rending and deserving situations that present in cases where the enactment of the Bill might have a huge impact on the lives of thousands of potential adoptive parents in this country. The Minister of State, Deputy Áine Brady, who is sitting opposite, knows the situations I am talking about as she is familiar with them also, as is every other Member of the House. It is to the eternal credit of adoptive parents that they have

sought to give information to the elected Members of the national Parliament in the way they have done. They have presented their case very well. They have presented the human element that is hugely important in considering legislation of this nature.

I wish to make reference to organised crime, corruption and trafficking that occurs in some countries. I accept that it is a potential threat. However, where the potential adoptive parents have involved themselves directly in research in the countries concerned, in some cases for several years beforehand, they are in as good a position as anyone else to be able to say whether they are satisfied that nothing unsavoury is associated with the potential adoption. I would be happy enough to go along with that. I accept we must have safeguards and checks but it is the arbitrary exclusion of any one or all of those cases that worries me somewhat. There is no need for that.

People sometimes cynically refer to potential adoptive parents as being engaged in window shopping, but it has nothing to do with that. Some potential adoptive parents go out of their way to find out how they can help the child or the birth family of the child being offered for adoption. That is a great and charitable thing to do. It is hugely indicative of the quality of the person who wishes to adopt. In this country we should be particularly appreciative of that. Let us imagine how important it would be from the point of view of somebody from another country adopting a child in this country if an assurance could be given at the outset that the child was going to a good home and would have an improved quality of life and that the child's rights, under all legislation nationally and internationally, would be guaranteed. Would that not have been a great reassurance for the unfortunate parent who had to allow his or her child to go for adoption?

Similarly, there are situations, as we now well know, where potential adoptive parents have already established contacts. They know the situation much better than I do because they have seen it at first hand. They are willing to take upon themselves the responsibility of adoption and all that goes with it, notwithstanding the nationality, background and culture. They are willing to deal with all of that and take it on board. That is a great thing to see. It is humane and shows concern. It is responsible. People have adopted children with special needs and taken on all the responsibilities that go with that. It would be very easy to accept no responsibility in those areas but those people have not done that. It is of huge importance to that group of people who have already committed themselves that we try to meet their requirements. The Minister can do that. It is possible to do that either in the context of the Hague Convention or otherwise. Nothing is impossible in this world if we apply ourselves to it. It is possible to meet international statutory requirements as well. Taking everything into account it is hugely beneficial that the legislation would proceed, and that those cases where contacts have already been established would proceed.

I do not wish to delay the House. I am aware that my time has nearly expired. I had hoped to have an opportunity to go through the Minister of State's speech as that would have been useful. I compliment him for his understanding of the situation and his willingness to meet the needs of the people to whom I referred. I appeal again to him to consider carefully the cases that have been brought to his attention whereby the process has evolved to the extent that if the potential adoptive parents were forced to start all over again it would be soul destroying. They have already committed themselves and to a considerable extent the process has become inevitable; it has gone past the point of no return without major reorganisation and disappointment for some of those concerned, including those in the countries from where it is proposed adopt the children.

We hope that the aspirations of those people can be met in full. We agree entirely with the need to protect children and all procedures need to be put in place to ensure that is the case.



[Deputy Bernard J. Durkan.]

We fully recognise the need to comply with the Hague Convention. We hope that as a result of the legislation, the procedures will be expedited with a view to meeting the aspirations of the adoptive parents who have already indicated their willingness to adopt in this country.

**Deputy Paul Gogarty:** This debate has been long awaited in this House. It was debated in the Seanad over a considerable period. By that I mean it has been held up for several months. It was dealt with in the early spring and summer. I relish the opportunity to contribute to the debate because like every Member of the House I have been contacted by parents who seek to adopt children from overseas who are being not so much thwarted by the State but by circumstance, which is causing much personal angst.

The legislation, in so far as it deals with international adoptions in particular, is welcome. I agree with the point made by many contributors that it does not address all of the concerns but it goes some way towards it. I wish to consider a number of key areas, one being the issues it does not address, such as domestic adoptions and foster care specifically. In order to work, legislation needs resources to put ancillary supports in place, for example, in the Health Service Executive. Social workers in particular are required. Reference was made to a grandfather clause in the Seanad debates. I also wish to refer to a sunset clause.

The transitional arrangements mentioned by others speakers is a major issue. Deputy Durkan took the opportunity to highlight his concern about the lack of response to some of his parliamentary questions. I appreciate Deputy Durkan tables the most questions in the House but it is good to know he keeps on top of his brief and an eye on every question tabled. I am not as prolific but I tabled a number of questions on the adoption issue and the responses did not provide clarity as to what would be contained in the Bill, something to which I will refer.

The other issue is slightly more controversial. It concerns adoptions for couples who are not married, particularly couples who are homosexual, which has not been referred to in this legislation. It may not be possible constitutionally but I will deal with that issue also.

I understand that since 1991, the latest statistics, there has been approximately 4,000 adoptions here of children from overseas and a much smaller number of adoptions within Ireland. The demand is increasing because many couples are unable to conceive children while others who already have children would like to adopt. The market for Irish-born adoptees has closed. In the past we often exported them, so to speak. My colleague, Senator Dan Boyle, in his contribution in the Seanad stated that if one is trying to find one's parentage, it is much easier to go through the archives in the United Kingdom than to try to do that under Irish law, particularly as it applied to adoptions from agencies and those run by certain religious institutions in particular in that if one was adopted and trying to trace one's birth parents one would have major difficulty doing so. That caused people a great deal of anxiety because children born in Ireland who were sent to the United States, for example, were unable or had major difficulty tracing their lineage. Even if the birth mother is unwilling to have anything to do with the child, the child has a right to find that person and attempt to talk to her. That issue is not addressed fully in this legislation.

The issue of long-term foster care is not addressed in the Bill. I assume it would be the mainstay of any Irish based adoptions if the legislative provision was in place. I am aware that some people who fostered children over a long period have been able to adopt but if it was a specific provision in this Bill, that might happen more often. There are children who need stability in life. Their foster parents have provided that stability and they would like to put that on a sound legal basis. That should be possible.

Another area that is not addressed in the legislation but which was mentioned in the Seanad debate is where a woman has a child with a man, subsequently marries a different man and the husband wants to adopt the child. In many cases the biological father or the sperm donor, as I derogatorily refer to some of them, do not pay their fair share. We see from social welfare cases that they do not pay their fair share and want nothing to do with the child. They should be forced to pay their fair share but if someone is willing to take full responsibility for a child they did not cause to come into this world, that is laudable. That issue must be addressed in more detail in some later legislation because I could not see it being dealt with in this Bill.

On the issue of resources, we know that depending on the area of the country one applies to adopt it can take up to five years for the referral and declaration process to be complete. That is because of the lack of resources within the Health Service Executive area. It is somewhat of a lottery in terms of where one wants to apply to adopt. That is unfair on the parents concerned in those under-resourced administrative areas. I have met parents in my constituency who had to wait up to five years to go through the entire process. Under this Bill, and as far as I am aware it already applies under previous legislation, one must be 21 to be eligible to adopt. There are procedures to go through but during the Celtic tiger era, and as is the case in other affluent societies — we are still affluent even though we are in a recession — people tend to defer marriage and having children until their 30s. They often do not know that they will have difficulties conceiving. They then go through costly and difficult processes, including *in vitro* fertilisation, and other fertility treatments. Five years could elapse before a couple in their late 20s or early 30s finds they cannot conceive a child through no fault of their own — it is a biological lottery — but they want to provide care to a child. Having spent five to seven years doing that, they are older and it might be another five years before they adopt a child. They are then in their mid to late 30s or early 40s. I am aware there is a cut-off point in terms of the age parents can adopt but the resources must be made available because otherwise it will not be the legislation that acts as a barrier to parents adopting from overseas but our own lack of investment in resources at the appropriate time.

I tabled a question to the Minister for Health and Children to ask if an analysis had been carried out regarding the length of time it took to process overseas adoption requests in different parts of the country due to the uneven spread of social worker resources. I mentioned Dublin in particular where it takes much longer than the two to three year period. The Minister of State, Deputy Barry Andrews, who answered the question, said that he had previously expressed concern regarding the length of time it took to process adoption requests. He said he intended to have further discussions with the HSE in that regard with a view to establishing whether improvements can be effected. Whether it is the Second Stage, Committee Stage or Report Stage debate in this House or the Seanad debate, the resources issue will not be addressed in the Bill. It is crucial that the resources requirement goes beyond the HSE asking people to cut back, ensure that a reasonable period applies and spread the pain. Parents bringing up children do valuable work and if they are not rewarded, they must be at least enabled in that work.

I asked the Minister of State a separate question about plans to provide any financial assistance for parents seeking to adopt children internationally and the answer was a clear “No”. There are no plans, even though it can cost parents up to €20,000 depending on the country they go to. There are no plans to provide any financial assistance, even in cases where delays have occurred because of the logjam regarding completion of bilateral agreements and our forthcoming ratification of the Hague Agreement.

In that context, I can understand why money would not be provided because we would want to see the bona fides of the couple or individual in question, but additional resources must be

[Deputy Paul Gogarty.]

targeted if possible to ensure that the assessments can be carried out in a timely manner because it is not fair on couples who have already suffered for a period to make them wait an extra two or three years simply because no one is available to assess them. That is a crucial issue.

There are millions of children worldwide in orphanages and other institutions who are in need of a good home. There is much talk about the budget and whether our commitment to overseas aid or even the *per capita* arrangement will be met. It is crucial that we do our bit to ensure that children who will live a life of misery in orphanages, despite the best efforts of those working in the orphanages, benefit from being adopted by Irish parents with the financial means to assist them as long as the checks and balances in terms of the cultural heritage and links with parents, where appropriate, are kept in place. In that context we have an obligation to the children of the world and under our UN commitments to make it happen. That is why a measly little bit of targeting for social workers at HSE level can have disproportionate effects down the line.

The grandfather clause was mentioned in the Seanad. There are people who have adopted from Russia and who are getting past the age for adoption but would like to adopt a brother or sister of the child in question. The Minister of State referred to the grandfather clause, suggesting that any amendments tabled on it called for a parallel process of adoption with countries that were unable to ratify the Hague Convention for some reason or where we do not have a bilateral agreement. He is not prepared to accept a parallel system of adoption in the Bill. I take on board what the Minister of State is saying, but it is in the best interests of the child where an adoption has already taken place to be reunited with his or her brother or sister. That goes beyond the drawing of lines of demarcation. If anything can be done to facilitate that, it would be welcome.

There is also what I call a sunset clause, where parents who applied many years ago are approaching the age where they can no longer apply, usually around 40. If they apply in their mid-30s and are still waiting, a sunset clause should be put in place whereby they would be allowed to adopt. Otherwise people are being put through an inhumane and tortuous process. They are getting to know the country, they have made financial commitments and, crucially, they have made emotional commitments as well. It takes emotional courage and responsibility to adopt a child, particularly one from overseas. Someone who takes that step is brave and should be facilitated. There must be a blurring of the lines of demarcation in that instance.

I have tabled questions on a number of countries, such as South Africa which has signed up to the Hague Convention, but has not enshrined it in its children's Act. The law there, however, is similar to the Irish law and I have asked about transitional provisions. The Minister of State said he is currently examining this and other related matters.

Ethiopia is another case where there are only two institutions in the country and it is hard to get a child out of Ethiopia. Issues related to the Hague Convention notwithstanding, Ethiopian law is similar to Irish law. Although there is no bilateral agreement, parents who are nearing the declaration stage with the HSE and who have chosen Ethiopia as a country from which to adopt children, who have invested time and effort into researching the culture and history of the country, should be allowed to continue the process until its completion, even if this means Ethiopia is closed to new applicants. If someone has applied, even recently, and has put down Ethiopia as a country of choice, he or she should be allowed to continue instead of being told he or she must go for the second country. Ethiopia is similar to Irish law but there are technicalities that remain to be worked out. If the Government says "No" to Ethiopia until a proper

bilateral agreement is put in place, we must draw the line now and allow no more applications to Ethiopia but those who have already made an application should be allowed to continue.

The Minister of State said he is examining transitional provisions but I have not seen in this Bill the nature of those transitional provisions. There have not been too many references to transitional provisions so I hope we will see them on Committee Stage.

For many people, the main country is Vietnam. The reports the Minister of State mentioned were comprehensive — the MOLISA report and the International Social Services report. There are problems within the Vietnamese system as a result. We know a lot of heartache is being experienced by parents seeking to adopt from Vietnam but I welcome what the Minister of State said in the Seanad, that at a human level he could not fail to sympathise with people in those situations and that he is committed to establishing bilateral arrangements with Vietnam and Russia. The Minister of State has been clear in trying to ensure that the Hague Convention's adoption provides an assurance that appropriate procedures are being followed and that the same standard we would apply to adopting a child within Ireland would apply internationally. I can only agree with that.

The Minister also said that he has been criticised regarding the handling of the situation in Vietnam and that the easy option would be to accede to the pressure being generated from all sides, but that in conscience he could not contemplate advising the Government to enter into bilateral agreements that do not provide for the minimum standards to protect children who are to be adopted by Irish families. I hope that report is issued soon and that we can deal with these issues.

The issue of same sex couples has arisen. Married couples are mentioned in this legislation and the Minister of State alluded in the Seanad to the fact that he could not allow for same sex couples unless there was a constitutional provision. The Civil Partnership Bill allows for couples but heterosexual couples who are not married have the same issue with adopting as homosexual couples. Personally, I feel that if a couple wants to take on the responsibility of adopting a child, the least they should do is formalise it legally through marriage. It does not have to take place in a church; it could be a State marriage. I wholeheartedly support a State marriage for homosexuals as well. It is the only way we can formally legalise adoptions.

I have been sent a book, as every other Member has, about a girl who lived with a pervert homosexual of a father who subjected her to God knows what sort of abuse over the years. We all know of the sick puppies who are heterosexual and married who have abused their children over the years in this country. Sexual orientation has nothing to do with how a person brings up children. The sooner we pass the Civil Partnership Bill, and have a reasoned debate on marriage in the eyes of the State, separate from the eyes of a god, the more mature we will be as a society. Many same sex couples would make great adoptive parents, often better than many of the parents who have spawned children without any thought about bringing them into the world.

Issues of fostering and adoption in Ireland must be addressed in this Bill. The related resources must be put in place to support it, with social workers employed at HSE level. Will we see transitional arrangements for the grandfather and sunset clauses on Committee Stage? They are crucial and causing a great deal of worry. We must also address the issue of adoption for same sex couples, unmarried couples and single parents.

**Deputy Kathleen Lynch:** I would not normally comment on the remarks of a previous speaker but we must bear in mind that we are talking about humans here, who are flawed individuals at the best of times. No matter how conception takes place or the circumstances of the birth, there is certain language that simply should not be used.

[Deputy Kathleen Lynch.]

It is inappropriate to use that type of language because it sounds as if we are talking about a commodity. I realise it is not meant, as such, but that is not what we are talking about. We are talking about a very delicate situation where we are trying to ensure that the three parties involved in the process are properly provided for, the birth mother, the child and the adoptive parents. There are three parties involved, and it worries me that no one has mentioned the birth mother in the time I have been here.

The awful angst of a family that wishes to adopt must be considered. Either they do not have children of their own or they might already have adopted and wish to add to their family. We can all understand the longing to have a child and give him or her the very best. However, we must never forget the birth mother. Regardless of circumstances, a birth mother would not offer a child for adoption unless she believed it was in his or her best interests, or there was no other option. We must ensure that there is no coercion when a mother offers a child for adoption, and that if a mother wishes to keep her child that all the supports are in place.

We have all received e-mails, phone calls and letters from prospective parents at the end of a very long process. They see this Bill as closing off their opportunity when they had every reason to believe they might have an adopted child before Christmas, or perhaps shortly afterwards. I hope the Minister of State will do his very best to ensure that some type of interim agreement can be put in place so that people who have already been vetted, sanctioned and received their declaration may be somehow facilitated. Crucially, however, we have to ensure that the child is central to all of this. For example, when the child becomes an adult, it is imperative that if he or she wishes to connect with the biological family that this can be facilitated, with the appropriate paperwork in place to ensure that it can happen. Equally, we need to ensure that the donor country, from which children are being adopted for adoption, is abiding by the Hague Convention in tandem with whatever other safeguards may be put in place in this regard.

There probably are additional safeguards we can avail of, because despite the ratification of conventions we all know there are people who will do things they should not either because of poverty, for more money or other reasons. The Minister of State should consider putting in place a joint agency, perhaps, along with countries such as Russia, Ethiopia, Vietnam or wherever, which would be located on the ground in such countries and do the job for us. We cannot vet every single child being offered for adoption or inquire of the mother or parents whether the child is being offered under duress. Nobody would expect we could, but there are agencies that can and Ireland should be willing participate in funding to ensure that this would happen.

In all of this, however, we must always be conscious that there are two mothers involved in any such transaction. One is desperately waiting and the other is probably very sad to give up the child. We must always bear that in mind. This Bill should be about the protection of those three components to which I have referred. It should ensure that the best possible outcome can be had in regard to all three. I have been listening here to Members saying, in effect: "People are determined to give these children a better life." The consequence of the adoption is that the child has a better life, because clearly the type of poverty prevalent in such donor countries is probably a contributory factor in the child being offered for adoption. However, when most women either become pregnant or seek to adopt, the central concern is to have a child of their own, for whom they are prepared to do their very best. We should not attach any motives beyond that because it is an incredible thing to want to rear someone else's child as one's own and give it everything one has — to protect and love it as one's own. That is significant enough. The consequence of adoption is that the child will more than likely have a

better life that it would have had in its country of birth which might not be as developed as Ireland, where the opportunities are greater.

It would be very wrong to discourage couples from adopting. I have met couples who are going through the process of being vetted as adoptive parents and the experience is traumatic. There are stops, starts, two steps forward, three steps back and all of that. It must be heart-breaking for a couple to be told at the final hurdle that there is a possibility they will not be able to complete the process. If the Minister of State can do anything at all in that respect, he would have the admiration and full support of this establishment.

The International Adoption Association wrote to Members of the Oireachtas expressing some concerns about the Bill. Will the Minister of State say whether he has read that submission and if he intends to do anything about it? Are any of the points suggested, as regards the definition of adoption and matters such as that being incorporated into the Bill on Committee Stage? Some of those suggestions are good. We would love to see all sorts of things in this Bill, but we know they cannot be. The notion of same sex couples being able to adopt, for example, is a different argument for a different day. Eventually when we have that argument and this is resolved, perhaps such an initiative might be included as an addition to this legislation. Equally, there are issues in terms of the age of children that can be adopted. That is an issue that might, perhaps, be discussed in committee. I understand the constitutional reasons involved, but nevertheless we might in the future take a serious look at these questions.

Central to all, however, should be provision to the three key components of adoption that I have dealt with. This is particularly so in a week where we see the Australian Prime Minister apologising to children sent to Australia and the British Prime Minister reciprocating as well as our own case as regards the children sent to America. I am always conscious that even if those children are not listening to us, perhaps their children are, and we should therefore be very careful of the language we use.

The Bill is about protecting the three entities necessary for adoption, the birth mother, the child and the adoptive parents. However, if the Minister of State could do something for those couples who are desperately hoping to adopt a child this Christmas or early in the new year, this would be welcome by everyone.

**Deputy Caoimhghín Ó Caoláin:** At the outset, I wish to thank Deputy Kathleen Lynch for sharing time.

I welcome this long overdue Bill, which updates adoption legislation in this State. It restates or updates the provisions of the Adoption Acts 1952 to 1998 and replaces the Acts themselves with this proposed new Act. In 1996, the Government signed the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. It is regrettable that it has taken 13 years for the Government to introduce this legislation, which finally will allow it to ratify the convention. It is important to remind oneself what the Hague Convention states. Its preamble recognises that the child “for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding”. The convention recalls that each state should, as a matter of priority, take appropriate measures to enable the child to remain in the care of his or her family of origin but recognises that intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her state of origin. The parties to the convention state their conviction that it is necessary to take measures to ensure that intercountry adoptions are made in the best interests of the child and with respect for his or her fundamental rights and to prevent the abduction, the sale of, or the traffic in, children.

6 o'clock

[Deputy Caoimhghín Ó Caoláin.]

The Hague Convention is based on the principles of the United Nations Convention on the Rights of the Child and the United Nations declaration on social and legal principles relating to the protection and welfare of children with special reference to foster placement and adoption nationally and internationally. The Hague Convention sets out in its first article its objects to be:

- (a) to establish safeguards to ensure that intercountry adoptions take place in the best interests of the child and with respect for his or her fundamental rights as recognised in international law;
- (b) to establish a system of co-operation amongst Contracting States to ensure that those safeguards are respected and thereby prevent the abduction, the sale of, or traffic in, children;
- (c) to secure the recognition in Contracting States of adoptions made in accordance with the Convention.

Sinn Féin fully endorses these principles and objects and welcomes the ratification of the convention.

The most basic principle of all is that the well-being and best interests of the child are paramount whether the adoption is within Ireland or an intercountry adoption. That principle must inform every section and line of this Bill. The reality today is that the vast majority of adoptions in Ireland are intercountry adoptions. This aspect of the Bill looms large and is of concern to the thousands of people who have adopted children from abroad and to the many who are in the process of so doing or who wish to do so in the future.

In Ireland at present, there clearly is more inward adoption, if one can use that term, than outward adoption. This was not the case in the past. It is part of the tragic story of the mistreatment of mothers and children in this State that many young women had their children taken from them against their wills and placed for adoption. This was a society in which women who had children outside marriage were stigmatised and ostracised. Many were put in so-called homes run by religious orders and in many cases their children were taken from them and placed with adoptive families. This was done illegally before the introduction of adoption legislation in 1952. Sadly however, as in so many other areas of social policy, after 1952 when the first option of legislation was introduced, the State abdicated its responsibility to the Catholic Church in many instances and the same unacceptable practices continued.

Much of this tragic story was chronicled in a book by Mike Milotte published in 1997 called *Banished Babies: The secret history of Ireland's baby export business*. It highlighted the scandal whereby religious orders and others effectively were selling Irish babies to wealthy American couples. When the nuns discovered the huge market for babies in the United States, they set about exploiting it. This system was driven not by the needs of the children and their mothers, but by the demand for babies across the Atlantic and the profits, all too sadly, that could be made from such traffic.

Little or nothing was done to check the suitability of the homes to which children were sent. Ministers and civil servants colluded in this corrupt system and often turned a blind eye to illegalities, including forged birth certificates and dodgy passports. Presiding over the system was Archbishop McQuaid, who ordered a news blackout on the child export trade. It is a measure of his power that his diktats was obeyed by the so-called popular media of the time. Such attitudes and practices have not died out. In 1999, the High Court found that a couple running a pregnancy advice agency had illegally taken two children from their mothers purporting to place them for adoption.

Such things must never be allowed to happen again in Ireland. Equally importantly, Members must ensure that no child who was adopted into Ireland has been separated from his or her mother in such a way. This is the reason strong human rights safeguards are essential, backed up by legislation such as this. That is the reason the Hague Convention is so important and the reason it is important that when making bilateral agreements with other states on intercountry adoptions, we must be satisfied that no such practices pertain in those states. We must ensure that there is no abduction, trafficking or sale of children.

The International Adoption Association (Ireland) has made a detailed submission on this Bill for which I thank it. Together with others, it has welcomed the Bill but also has raised some serious concerns that the Minister of State must take on board and address. The principal concerns raised about this Bill relate to the transition from the old system to the new under this legislation. A legitimate concern exists about what will happen to applicants within the system. Will they be allowed to complete their adoptions under the old system with new applicants commencing under the new dispensation? This point must be fully clarified and I ask the Minister of State to do so at the earliest opportunity. The Bill precludes adoptions from countries that have not signed up to the Hague Convention or from countries with which Ireland does not have bilateral agreements. The difficulty is that, at present, most adoptions come from states that have not signed up to the Hague Convention and with which Ireland does not have bilateral agreements.

In the case of Vietnam, Ireland is in the limbo situation of awaiting a bilateral agreement. The Minister of State with responsibility for children has acknowledged the upset to prospective adoptive parents caused by this situation. All Members are aware of this because such parents are to be found nationwide and they have gone through difficult times. I take this opportunity to urge the Minister of State with responsibility for children to work to resolve the situation as soon as possible. Can the Minister of State tell Members whether it is the case that with the passing of this Bill as it stands, all adoptions from non-Hague and non-bilateral states will close, even if the application process has commenced? If this is the case, the Bill must be amended accordingly and will the Minister of State undertake to sponsor those amendments on Committee Stage?

Another important issue raised concerns the lengthy and inordinate delays in the HSE carrying out assessments of applicants to be adoptive parents. The Hague Convention requires this to be done expeditiously but this is far from the case here. The new Bill also should entail new and better practice in this regard. Finally, I also note the Bill fails to recognise the widening reality of what constitutes a family in Ireland today. Although section 33 states that the only case in which an adoption by more than one person can be recognised is where the applicants are a married couple, the Government intends to legislate for civil partnership and this matter was raised earlier by a Government Deputy. Surely there is need to address all prospective situations that can and do present rather than hiding one's head in the sand. I look forward to the Minister of State addressing this and all the concerns and questions that I and others have raised about this Bill on Second Stage.

**Deputy Noel O'Flynn:** I wish to share time with Deputy Mary Wallace.

**Acting Chairman (Deputy Michael Kitt):** Is that agreed? Agreed.

**Deputy Noel O'Flynn:** I welcome this Bill and commend the Minister of State on bringing it forward. Due to the massive changes that have taken place in this country over the past 30 years, the number of Irish children placed for adoption has been drastically reduced. No one would wish for a return to a time when an unplanned pregnancy outside marriage was a source



[Deputy Noel O'Flynn.]

of shame and secrecy and a stigma for the woman or young girl who gave birth to that child. Today, there are emotional and financial supports in place which give people options. That is not always the case in countries less well off than Ireland. In many places around the world, adoption is the only hope of offering children a better life.

I welcome this Bill which ratifies the Hague Convention and puts standards in place for inter-country adoption. This convention sets the standard for safe, secure and ethical adoption. Many couples, however, have contacted me because they find themselves in the terrible situation of having started the adoption process in Vietnam. There are currently 240 couples registered with Helping Hands and awaiting children from Vietnam. Since our bilateral agreement with Vietnam lapsed in May last, these people have been left in turmoil. I have met several couples in Cork who are in this situation and they are devastated. Most began the inter-country adoption process several years ago and now do not know which way to turn. They simply want to provide a loving home and better life to a child who needs it.

I appreciate the Minister of State's efforts to put in place a new bilateral agreement with Vietnam with higher standards, but I appeal to him to do whatever he can to help the couples who have started this process. The people affected are in limbo and anxiously waiting to see how they can proceed. Other signatories to the Hague Convention such as France and Italy have managed to put in place bilateral agreements with Vietnam that meet international standards.

At present, inter-country adoption takes approximately five years and applicants cannot be over 40 years of age. This needs to be examined. I believe that 18 months is an appropriate length of time within which to conclude the process. Couples are waiting extraordinary lengths of time and might then be barred because of their age. We must recognise that today people marry and start families late in life. The adoption process must be flexible enough to facilitate this. If people can have children naturally at 41 or 42 years of age, they should be allowed to adopt at this age too.

Another anomaly in the current system means that prospective parents are unable to switch their applications to other countries should problems arise with their original country of choice. There seems to be no way of switching countries once the process has begun. I appreciate that prospective parents need to familiarise themselves with the culture of the country from which they wish to adopt, but surely they do not need to begin the arduous adoption process all over again.

By ratifying the Hague Convention Ireland will have administrative arrangements with over 70 other countries which have ratified the convention. I appreciate that this will significantly increase the number of countries from which prospective parents can adopt children. Other signatories to the Hague Convention include Brazil, Thailand, South Korea and the Philippines. Most prospective parents when embarking on the process will ask which countries are open for inter-country adoption but unfortunately this is of no benefit to those who have begun the process of adopting a child from Vietnam. It does, however, mean that this nightmare will hopefully not happen again for people beginning the process.

I commend this Bill on putting into legislation high standards for ethical adoption but I ask the Minister of State to help to address the situation of couples who are trying to adopt a child from Vietnam. They are desperate for a resolution. As inter-country adoption is an established part of Irish life, it is vital that we speed up applications.

I was chairing this debate at 12 o'clock today and listened carefully to the Minister of State's speech and to Deputy Shatter and others. The Minister of State and the Opposition Members made some very good suggestions to improve this Bill. I appeal to the Minister of State when

the Bill is on Committee Stage to give the committee the time necessary to discuss it. This is a vital Bill which affects children and Irish couples. I hope that the Minister of State will carefully consider any worthwhile amendments tabled by the Opposition and by Members on the Government side and include them if they will improve the legislation.

Nobody on any side of this House has a monopoly on wisdom. We should be open to all proposals and suggestions. If we are not, young couples who want to adopt will be the losers. I have known the Minister of State, Deputy Barry Andrews, for a long time and I know he will be very sympathetic to any suggestions. He will hope, as I do, that this will be a good sound Bill with which we can work for several decades, similar to the Act that has been in place since 1952 and all the amendments to that Act. This Bill will see us through the next few decades if we take on board suggestions from everybody in the House.

**Deputy Mary Wallace:** The rise in inter-country adoptions over recent years has inevitably caused a rethink of past views on adoption. The Adoption Bill 2009 seeks to introduce the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-Country Adoption into Irish law.

By using the Hague Convention standards for child adoption, the Bill will not only ensure the greatest welfare for the adopted child, but also guarantee the rights of the parents. The Bill sets out a common standard for adoption procedures and this is supported by the creation of an adoption authority, which will expand the current Adoption Board's power. The authority will take on new functions in respect of the Hague Convention and will have significant competence for governance and accountability structures.

Without doubt we have seen huge changes in adoption here since the first adoption legislation in 1952. Most children adopted in Ireland at that time were born here. Today, we have a very different situation because most adoptions throughout the 1990s and up to recent times were foreign adoptions which we now call inter-country adoptions. Adopting parents welcome this Bill because it reflects the changing nature of adoption and the growth of inter-country adoptions, and provides a legal basis for many of the issues that may arise from inter-country adoptions.

We thank the Minister of State for clarifying today that his staff has already worked on developing administrative links with Brazil, South Korea, Thailand and the Philippines. This is an important, progressive measure because it gives hope to the many people about whom we are concerned. These countries already comply with the Hague Convention. Brazil and South Korea offer new opportunities that can hopefully be developed soon. The key issues will be the speed with which the Minister of State's officials and the staff of the Adoption Board or the new adoption authority manage to achieve early progress on the administrative arrangements with these and other countries that comply with the Hague Convention.

The legislation before us is welcome, especially because it will ensure that all inter-country adoptions recognised in this country meet the standards of the Hague Convention. The Bill also provides for Ireland to enter discussions with states which are not part of the Hague Convention. Many of the parents who have been in touch with us are worried about countries that are not part of the convention. The fact that the Bill provides for the Minister of State to enter discussions for the purpose of making bilateral agreements with these countries is a big issue for prospective adoptive parents especially those wishing to adopt from Vietnam, Russia and Ethiopia.

Parents are anxious that the standards that apply to such adoptions would be in accordance with the Hague standards. Parents are also concerned that every possible effort be made to address the issue of the need for bilateral agreements with countries where children would

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benefit greatly from being adopted into a loving family in Ireland. Without such agreements, these children will remain in institutions in their own countries. One parent informed me the children in need in these countries will not be given the chance of a new life with loving parents and a welcoming home.

The Bill consolidates all existing adoption legislation into one which will be of great benefit to parents, social workers and all with an interest in these important laws. It provides safeguards for children being adopted into new families, setting a common standard for adoption procedures and providing greater assurance to children and families that appropriate procedures have been followed. Applicants under this legislation, as with previous legislation, are required to be of good moral character, good health, be capable throughout the child's childhood of fulfilling parental duties and have adequate financial means to support the child. These have been welcomed by many prospective adoptive parents.

The timeframe, however, remains the real issue. Like other Members, I am aware of the long process parents must engage in to secure an inter-country adoption. Will the Minister use all the resources available to him to address this issue? Once a couple expresses interest in adopting a child from abroad, it can take 18 months or two years to reach the first stage of the process. Prospective parents can often be in their mid to late 30s or early 40s. Their concern is how long it takes to adopt a child from another country, which can take up to eight years, by which time the couple may be in their late 40s.

The standards that apply to the Hague Convention are to be welcomed. Prospective adoptive parents concerned about changes in the countries from which they wish to adopt are at one on the standards. The convention puts in place the equivalent of a contract between each state to regulate the standards to apply in each jurisdiction to safeguard children being adopted. This is important from the perspective of adoptive parents. It is especially important to have confidence in all aspects of inter-country adoptions providing assurances for children, their families and the State that the standards of the Hague Convention have been followed.

New challenges regarding the timeframe that face adoptive parents have changed substantially since the legislation was debated in the Seanad earlier this year. The timeframe was shorter then, with several options open to parents. It concerns me that the situation has changed so fast and the options open to parents have been reduced. One prospective adoptive couple informed me they moved from adopting in China to Vietnam to Ethiopia because of delays in the process. Couples like this and many others are pleading for the introduction of a safe solution which will allow them to complete their adoption journey.

The debate's focus has been on inter-country adoptions because of their significant effect on the lives of many Irish families. However, the Minister of State should also endeavour to address the issue of foster care. Many children who have no contact with their birth parents are not eligible for adoption by the families with whom they live and who would love to adopt them.

The Bill is an emotive issue for many people. Couples who choose to adopt a child from abroad undertake a lengthy and emotional journey. They have a loving home to provide for a child and live with huge expectations but also uncertainty. Several such couples are among my close friends, neighbours and constituents and they have told me about their own experiences of heartbreak and stress. One couple, waiting seven years to adopt, have recently been advised there is only a trickle of adoptions coming from China. What are they to do? Inter-country adoptions give great joy to families, work extremely well and are to the advantage of the child who would otherwise be reared in an institution in their country of origin.

All Members know of many couples' adoption processes affected by the suspension of the agreement with Vietnam. It has been well-publicised and has been an extremely anxious time for the many couples involved. We are advised there were legitimate reasons to suspend the agreement and understand adoptions must meet accountable and transparent standards. Adoptions from non-Hague countries like Vietnam, Russia or Ethiopia have to be assessed on a case-by-case basis. However, for those couples who have spent years trying to adopt a child from Vietnam or some other country, they are now in limbo. There are about 500 couples in this position who are looking to the Minister of State and the adoption authority for guidance in this matter. The harder the Minister of State's officials can work on this and the more progress they can make will be important for Irish families who find themselves in this limbo. I appreciate the Minister of State's commitment to addressing this and I thank him and his staff for their consideration of the many concerns I have brought to them.

In passing this legislation and ratifying the Hague Convention, we are providing Irish couples with a range of new countries from which to adopt a child, a positive development. Ireland is the last EU member state to adopt the Hague Convention which sets the standards in inter-country adoption. We must remember this process is about what is best for the child. All the evidence suggests that children adopted from abroad respond well to their new parents and their new homes. Much joy has been brought to many Irish homes with such adoptions. I hope this legislation will open up many more doors so that the life-time happiness experienced by so many will happen for others.

**Deputy Seymour Crawford:** I wish to share time with Deputy Connaughton.

**Acting Chairman (Deputy Michael P. Kitt):** Is that agreed? Agreed.

**Deputy Seymour Crawford:** Adoption is an emotive issue and I appreciate the problems in it which other Members already have raised. Deputy Kathleen Lynch pointed out that two mothers are involved in the process. I recall how my next door neighbour lost her husband at an early age. She already had four children and was expecting another. Due to her changed economic circumstances, it was agreed the best outcome for the new child was for her to be adopted by a family member in America. My mother was very close to the lady in question and I well remember the trauma of the child being taken to the airport to be sent to America. Adoption, no matter what country the child comes from, is the result of a birth that a mother did not expect, want or could not maintain due to economic circumstances. I have many memories of that event. I listened to Deputy Ó Caoláin's explanation in regard to some of the other issues, of which none of us can be proud.

While I accept the Minister of State is making an effort in this area, the current situation is dangerous. The Bill is long promised legislation which is very necessary. As drafted, it does not provide for transitional arrangements, an issue that requires serious consideration. My party leader, Deputy Enda Kenny, raised this issue in the House this morning. I was glad to hear the Taoiseach state in his reply that we must find a way forward in this respect, an issue referred to today by speakers from all sides of the House.

I appreciate the Minister of State is dealing with difficult issues. However, we must also appreciate that many parents have gone through a long transition period to get to where they are. Many of them will have tried to have a child of their own and when this failed may have tried alternative means of having a child. When this also failed, they will then have realised the only way they could have a child was to go the adoption route. I would like to read into the record an e-mail I received from a person indirectly but closely involved in this House. The e-mail states:

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We adopted our child in August 2004 and immediately applied to adopt a second child. The second assessment was very lengthy with a number of delays [another adjective is used here] that were out of our control. Eventually, in May 2008 [one can understand the reason a frustrated person might use a strong adjective] we received our declaration — which was another four years later — of suitability and eligibility to adopt and sent our papers to Russia in November 2008.

In October 2008, this lady spoke to an official in the Department and to the chairman of the Adoption Board and was advised to submit her paperwork to Russia, which she did, as there would be transitional measures to allow families like them to complete their adoptions. Two weeks ago, at the International Adoption Association annual conference, it was announced that the Bill as drafted provided for no transitional arrangements, leaving this couple in a difficult situation. They are hoping to travel to Russia in a few weeks to meet a child whom they hope to adopt. All going well, they will return to Russia some time in the New Year to go to court to complete the adoption. If the Bill, as drafted, is passed before the court hearing in Russia, they will not be able to complete the adoption.

These people, through all the legal technicalities and so on, have waited from 2004 following their first adoption to now to adopt a second child. With the flick of a pen, their efforts to provide a child with a loving new home could come to an end. I beg the Minister of State to rethink the situation and to ensure that transitional arrangements are provided for in the Bill.

A second case involves a couple who commenced on the road of adoption in 2005 through PAC. They were approved for adoption in March 2009 but did not receive their declaration until August 2009. They, too, are seeking to adopt from Russia and have been led to understand they could be called soon to go to Russia, that a child has been earmarked for them and that all going well they could bring that child home with them some time in January. These are two of many cases. The Minister of State's colleagues spoke of the e-mails they have received on this issue. It is absolutely essential that these people, who have gone through a great deal, in terms of soul searching and effort, to meet the criteria to allow them to adopt are not left in limbo.

A previous speaker stated there should be a right to switch, which is difficult. It would seem from the information we have been given that the main countries in which children have been available for adoption in recent times are Russia, Vietnam and China, although to a lesser extent. As has been already stated, adoptions in Vietnam are no longer possible owing to a lack of agreement in this area, leaving many families in limbo. I recall another young couple who were unable to have a child of their own and who went to a foreign country to adopt. The pleasure they have obtained through adoption of that child is extraordinary. The grandmother, family and community dote on the child who lives in a small village. The child is adored and has a great life. I know of two other adopted children in my parish who are involved at every level in the community, one of whom is playing Gaelic football at national level. There is ample proof that adopted children are well cared for.

I would like to raise a particular issue with the Minister of State. The young couple involved with PAC took part in training with a few other couples. Two couples involved in that training and who live nearer to Dublin city than they do have been able to adopt a baby from the national pool, which is obviously very limited. It seems, from comments made by their social worker and others, that the distance of their home from Dublin was part of the reason they were not successful in adopting a child here. I am not sure if the reason for this is that the parents of the adopted child requested that their child be brought up in an urban area. It is a

little strange that of the small number of couples involved, two from a city area have been deemed suitable for adoption of children here while none of the couples from the rural areas has been successful. I grew up in a rural area and it is not a bad place to grow up.

My colleagues, Deputies Alan Shatter and Jim O’Keeffe, have played a major role in bringing this legislation before the House. Deputy Shatter spoke on the Bill this morning and Deputy O’Keeffe hopes to do so at length when it next comes before the House. Both Deputies have more experience than I in terms of the legalities and technicalities of legislation. However, they have made it clear to me they want clarity on the transitional situation we are in. I want the Minister of State to say tonight that he will seriously consider the issue of transitional arrangements and will do his best to move an amendment when he has the opportunity.

The records show that 4,000 foreign adoptions have been registered since 1991. There are now up to 400 families who are in limbo, waiting to see what will happen with this Bill. Officially, in 2007, a total of 377 foreign children were adopted by Irish families — 160 from Russia, 130 from Vietnam, 31 from China and various numbers from different countries. At present, 76 countries have ratified the Hague Convention; however, some of the countries with which we are particularly involved have not done so, and that is why it is essential to have transitional arrangements in place. There have been long discussions about information I understand the Minister has from reports that have not yet been made available. If this information were made available, it might help us understand some of the reasons for the delay in the area of transitional arrangements.

The Minister must now clarify to the 300 families wishing to adopt in Vietnam whether a bilateral agreement will be advanced prior to Vietnamese ratification of the Hague Convention. From the day of commencement of the Adoption Bill, it will not be possible to effect an adoption from such countries if a bilateral agreement is not in place. The Minister needs to relay the concerns and anguish of families approved for adoption in Vietnam and establish whether transitional arrangements will be put in place for these families prior to the enactment of the Bill. In the case of Vietnam, 20 families are on that road; I am not sure of the corresponding number for Russia. The numbers are not large, but to those families it is critical.

The Minister must publicly disclose the issues that must be addressed with regard to Vietnam adoptions. What is the status of the transitional bilateral agreements with Ethiopia and Russia? The Russian authorities have established bilateral agreements with other countries, which shows there is a precedent and intent on the Russian side. Considering this, will the Minister outline the course of action the authorities plan to take? The Minister must be clear about whether the Irish authorities intend to pursue the established bilateral agreements with Russia and, if so, what action is being taken?

There have been long discussions about the grandfather clause and other such things. I heard one of the Minister’s Green Party colleagues talking about this earlier. If a family has already adopted a child from a certain country and another child from the same family or background becomes available, it is important that the door is left open for them to adopt the second child. This would help the structure of their own family and help the child that is already there. That is extremely important. I understand such a grandfather clause was recommended by the Law Reform Commission but is not included in the Bill. As the legislation stands, families that have adopted a child from a country that falls outside the restrictions are prevented from adopting a second child from that country. Intercountry adoption aims to build families with more than one child from the same country or origin, with similar backgrounds and experiences, and it is important that this be facilitated.

The issue of post-adoption services is equally important. It is a different family structure. The child comes from a background with different smells, feeding structures and so on. We

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need to be careful that there is proper follow-up after adoption and that the parents and child have the best possible advice and opportunities available to them. It is important that adopted children can learn to understand and cope with what is happening around them. This is why a follow-up structure is important. Birth relatives and adopted people often feel the need to talk about their experiences. Post-adoption services can offer a chance to meet others in the same situation through a groupwork service, and it is also important to have individual support, especially to birth mothers and adopted people who are considering contact with birth relatives.

Often in the past, when there were more adoptions than there are now, it was interesting to note that couples would adopt a child — or two, for that matter — and subsequently give birth to their own children after trying unsuccessfully for many years. There are all sorts of situations to take into account. However, I cannot over-emphasise the issue of transition. Normally, a mother, along with her partner or husband, has nine months to prepare for a child. However, when a adoption takes place, the process may take four or five years. The expectation is extraordinary. I sat in my home only three weeks ago last Saturday with a young couple who had tried in every way to have a family. They are now waiting to hold their child in their arms for the first time and know it is theirs. If the Minister and his advisers do the wrong thing here, that couple and many others will not be able to reach the goal they have so long sought. I urge the Minister to do what the Taoiseach said on another occasion, namely, find a way to deal with the situation and deal with it now.

**Deputy Timmy Dooley:** I welcome the opportunity to contribute to this debate. I recognise and welcome the fact that the Government, on behalf of its citizens, has decided to ratify the Hague Convention. Some will argue, and rightly so, that this legislation is long overdue. Adoption in itself is a complex and difficult area, but foreign adoption involves even more complex issues and needs to be considered carefully. I am delighted the Minister is spending time in the House and listening to contributions from all sides. I do not want to be critical of Deputy Crawford's comments; he spoke eloquently about the issue. I do not think there is a majority of wisdom on any side of the House with regard to this——

**Deputy Seymour Crawford:** I did not say that.

**Deputy Timmy Dooley:** The Deputy certainly did not suggest that.

It is critically important that the prospective parents' rights and expectations are balanced with the rights and expectations of children as these currently exist, in some places in very primitive conditions. We must also look at the potential for children who are not yet born which plays into the process of adoption.

The Bill is about protecting children's rights and welfare and recognising what is in their best long-term interests. These, combined, are set out very clearly at the core of the Bill with the establishment of safeguards to ensure inter-country adoptions take place in the best interests of the child while respecting his or her fundamental rights as recognised under international law. That is the wording used in the Bill. A system of co-operation must be established among states, whether the state from which the child is being adopted or a receiving country. We would see Ireland in the latter category. The Bill also aims to ensure the recognition in the contracting states of adoptions made, as set out in the Convention. Those are the overall aims.

It is a fact that the illicit trade of child trafficking is a feature of international criminality. We often avoid those facts but they must be addressed. We must recognise the difficulties the Minister of State has in framing legislation and guidelines and resolving the very real issues that exist from, on the one hand, the prospective parent's point of view and, on the other, the

child's perspective. In the interests of children, regardless of their economic situation, it is vital that adoption from a foreign country be free of any shadow of impropriety or illegal activity. That is fundamental to protect children in their own country prior to adoption and to protect them as they grow into young men and women in this country. If anything were allowed to happen in the progress we are making now that meant the legislation or framework to be put in place for adoption was anything other than to the highest standard, it would be remiss of us, as legislators, and is something for which future generations would not thank us.

I am no different from others in the House across the political divide in that I have had the opportunity to meet with a number of prospective parents, some of whom hope to adopt for the first time and some who have been successful already. When one hears on a personal level the many stories that exist and the life stories of so many people, one sees it is an extremely emotive situation. In many cases, parents who desired and failed to have their own natural children have made what is, in some instances, a very difficult decision. They wish to provide that love, shelter and family environment to a child in another country who, because of unfortunate circumstances there, does not have available to him or her that kind of loving warm relationship or family structure. In some cases, that is a major decision for people to have made. When they come to that decision and begin the process of adoption, we need a system in place that gives certainty as early as possible in the process, if such certainty is possible. Where it is not possible at least there should not be an undue expectation on the part of the prospective parents. Whatever way the process may be enhanced through this legislation, we must look at the process by which people adopt and, in particular, the length of time involved.

I am happy the Bill deals with the frustration many parents feel at the slow rate of progress in achieving a declaration of eligibility and suitability. The Minister of State mentioned an accredited agency in the Bill and has set out through ministerial guidelines that this element might be used for the purposes of assessment. A system must be put in place to speed up that initial process. There are prospective parents who have spent four or five years in the process who now find that because of the changes taking place — through no fault of theirs or of the Minister — it is possible four or five years might be lost to them. I hope that will not be the case and that the Minister of State will be able to find an accommodation for those individuals.

The current system is too slow. One arrives at an assessment of eligibility and suitability through the involvement of a social worker who carries out the assessment and then reaches a point where a declaration is issued by the Adoption Board. The pack is then sent to the relevant country, at which point a referral is made. Ultimately, the prospective parents take into their loving environment a child from a foreign country. The steps seem straightforward and relatively easy to get through until a person begins that process. It creates the greatest pain and difficulty for those people who have decided to take the monumental step of moving forward with the development of their family. For this reason, the period of time is too long.

The Minister of State has spoken in the past about transitional arrangements. Although the Bill does not set out in a clear way how these will be dealt with, there is a need to address the issue very succinctly. When the Bill becomes law, there are prospective parents in the system who will be affected. They have made the decision to adopt and may now, through the initiation of the Bill, find themselves outside the process or forced out of the process they had begun. My understanding is there are approximately 500 such prospective parents. As things stand, they cannot proceed to registration so we must find an arrangement. Having examined the legislation and met many of those prospective parents, I believe consideration should be given to facilitating those who already have a declaration of eligibility and suitability.

These are the people who have been in the process for the longest period and for whom an expectation has been created. They have passed what in all cases is the final obstacle towards



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beginning or continuing their families. For that reason I hope the Minister of State, in his bringing forward of arrangements for the transitional arrangements, will give serious consideration to setting as the cut-off point all those who have received a declaration, particularly one that applies to countries which have not signed up to the Hague Convention.

Deputy Crawford also referenced a point on which I have had a number of communications, namely, the “grandfather” rights and the assisting of those who have adopted already from countries that have not signed the Hague Convention. When the Minister of State has an opportunity to address the House again, he might identify for us the number of such parents who have adopted already and to whom the grandfather rights would apply. Deputy Crawford set out in a very clear and concise way the desire of parents to have another child of similar ethnic background or from a similar area to create a family structure in as coherent a way as possible. We must give any assistance we can in that regard, while recognising we do not wish to continue the system we have which does not bring about the necessary safeguards identified in the Hague Convention. However, for parents who already have entered the process and, in all cases, have been recognised to have provided a loving environment for the development of their family, special consideration must be given in that regard. I hope the Minister of State will be able, in the fullness of time, to address that matter.

Debate adjourned.

#### **Message from Seanad.**

**Acting Chairman:** Seanad Éireann has passed the Defence (Miscellaneous Provisions) Bill 2009, without amendment.

#### **Private Members’ Business.**

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#### **International Human Trafficking: Motion (Resumed).**

The following motion was moved by Deputy Denis Naughten on Tuesday, 17 November 2009:

That Dáil Éireann:

notes with alarm that:

- a minimum of 102 women and girls have been clearly identified in a recent report as sex trafficked in 2007 and 2008, 11 of whom were children when they arrived in Ireland and that none of these women knew they were destined for the Irish sex trade;
- up to 97% of the 1,000 women involved in indoor prostitution in Ireland at any given time are migrant women;
- victims of trafficking are identified by this Government as illegal immigrants first and consequently imprisoned and identified as victims second; and
- this Government offers no independent accommodation or support services to victims of trafficking;

considering that:

- several European countries have successfully tackled human trafficking and forced prostitution by the introduction of legislation criminalising the buying of sex; and
- the UK is introducing legislation to reduce prostitution and human trafficking which will directly impact on the Republic of Ireland;

calls on the Government to:

- end the policy of placing victims of human trafficking in asylum centres and introduce independent accommodation, support and protection services;
- extend the 'period of recovery and reflection' as defined in the Immigration, Residence and Protection Bill 2008 now before Dáil Éireann;
- move the focus on human trafficking from Garda National Immigration Bureau to the Garda Organised Crime Unit;
- extend the remit of the Department of Justice, Equality and Law Reform's Anti-Human Trafficking Unit to include migrant women in prostitution; and
- establish a high level group to examine our prostitution laws with a view to preventing the proliferation of sex trafficking.

Debate resumed on amendment No. 1:

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

- “— welcomes the establishment of a dedicated Anti-Human Trafficking Unit in the Department of Justice, Equality and Law Reform prior to the enactment of the Criminal Law (Human Trafficking) Act 2008, which involves wide-ranging consultation with governmental, non-governmental and international organisations and the establishment in 2009 of a dedicated Human Trafficking Investigation and Co-ordination Unit in the Garda National Immigration Bureau;
- welcomes the penalty provisions in the Criminal Law (Human Trafficking) Act 2008, which go beyond the minimum period provided for in international instruments;
- welcomes the Minister's decision to alter the Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking and the provisions in the Immigration, Residence and Protection Bill to increase the provision of a 45 day recovery and reflection period to a 60 day period for recovery and reflection as a precursor to a six months temporary period of residency in the State, which is renewable;
- notes that the 60 day recovery and reflection period goes beyond the minimum period of 30 days provided for in the Council of Europe Convention on Action Against Trafficking in Human Beings and is longer than that offered by many EU Member States;
- welcomes the publication in June 2009 of the comprehensive National Action Plan to Prevent and Combat Trafficking in Human Beings in Ireland 2009-2012 which was prepared under the auspices of a High Level Group and provides a blueprint for the State's response to human trafficking;
- acknowledges the range of legislative and administrative supports and services in terms of health care, legal services, anonymity, giving of evidence by video link

etc. which have been put in place to assist potential and suspected victims of trafficking;

- recognises that the Reception and Integration Agency has a wide range of accommodation available in which the needs of victims can be addressed;
- acknowledges that the Garda Síochána is the sole authority within the State vested with the power to undertake an investigation into a claim that an offence of human trafficking has been perpetrated and having regard to such powers reaffirms that the Garda Síochána is the appropriate authority to consider if there are reasonable grounds for believing that an offence may have been committed;
- acknowledges the deployment of Garda resources is a matter for the Garda Commissioner based on his professional assessment of the operational requirements;
- commends the concerted efforts of the Garda Síochána in regard to the provision of training, the identification and protection of victims and in the determined fight against trafficking in human beings in Ireland and notes the progress being made in this regard;
- acknowledges the supporting role that organisations and individuals engaged in this area can provide to potential victims of human trafficking; recognising the importance of those organisations in encouraging and supporting such persons when engaging with the state authorities to assist in the fight against human trafficking and in supporting early identification of potential victims of human trafficking;
- recognises the provision in the Criminal Law (Human Trafficking) Act that made it an offence to solicit a trafficked person, in any place, public or private, for the purpose of prostitution;
- notes that the Report commissioned by the Immigrant Council of Ireland, entitled ‘Globalisation, Sex Trafficking and Prostitution — The Experiences of Migrant Women in Ireland’ has been referred by the Minister for Justice, Equality and Law Reform to the Anti-Human Trafficking Unit of his Department for examination; and
- welcomes the ongoing review by the Minister for Justice, Equality and Law Reform of the laws on prostitution including monitoring the operation of prostitution laws in other countries so that any changes to those laws which might be proposed in Ireland would be in the best interests of society.”

—(Minister for Justice, Equality and Law Reform.)

**Deputy Joe Costello:** I welcome the opportunity to discuss human trafficking and I compliment Deputy Naughten and the Fine Gael Party on tabling this detailed motion, which covers many of the issues that need to be addressed. The Minister for Justice, Equality and Law Reform replied with a detailed amendment to most of the motion, as is par for the course, but a great deal of work remains to be done in this situation.

Last year, there was a flurry of activity in the Department, but there was little activity up to that. We were unable to sign the United Nations convention on the trafficking of human beings until we introduced legislation, which we eventually did 12 months ago via the Criminal Law (Human Trafficking) Act 2008. We are still awaiting the Immigration, Residence and Protection Bill, which is long promised. An anti-trafficking unit was established through the Department of Justice, Equality and Law Reform and an investigative unit in the Garda national immigration bureau, GNIB. A national action plan was also produced. This worthwhile flurry of

activity in the past 12 months is welcome, but it was built on nothing, as zero had been done up to that time. The authorities were finding their feet in terms of dealing with the major issue of trafficking.

The first aspect we must recognise is that trafficking in human beings, particularly women and children with an emphasis on young girls, is widespread. It is regarded by the United Nations as the world's third largest industry. Some 1.5 million people are trafficked every year, 50% of whom go through the EU. The EU's industry accounts for approximately €35 billion to €45 billion annually, which is an incredible amount of money. We are discussing a major industry that is entirely criminal. In Ireland, it is undoubtedly worth millions of euro, from the trafficking process itself to the proceeds from brothels and so-called massage parlours. It is a highly lucrative trade and an abuse of the human rights of the individuals involved, mainly women and young girls. It is a growing trade.

The authorities are not sufficiently proactive in tackling this serious criminal issue. It is not sufficient for authorities or agencies to sit back and wait for victims of trafficking to come to them. We know how difficult that can be. The entire activity is run by gangs, people who will terrorise their victims. The majority of these victims are non-nationals who do not speak the language and who fear what may happen to them. They have no accommodation or papers of their own. For someone in that situation, it is difficult to come forward and seek the protection of the authorities, be they gardaí, the HSE, social services or voluntary agencies. They do not know what will happen to them.

I firmly believe that the Garda's organised crime unit, not the GNIB, should deal with this crime. The main focus of attention should not be the GNIB. It is easy to understand why that is the direction taken by the Department, since the people who are trafficked are non-nationals. Clearly, the GNIB is a major link, but we are discussing a serious crime against humanity. Therefore, the full rigour of the criminal justice code should be brought to bear. Only since last year have we had legislation that criminalises and imposes penalties on human trafficking. Now that we have it, we should implement it stringently. The only way to do so is by applying the full rigour of the law and by using the full powers available to the Garda.

Ruhama, a wonderful organisation that produced its biennial report in August, indicated that it had dealt with 200 women trafficked into Ireland during the past decade. Last year, it dealt with 57 women who had been trafficked into the country, 35 of whom were new referrals and 28 of whom were trafficked during 2008. Some of the people in question were minors. This compares with 26 trafficked women who Ruhama dealt with in 2006. The number doubled in the space of two years. Clearly, it is only the tip of the iceberg. Ruhama has outreach activities, but it will deal with only a tiny number of the victims involved. The women who come to Ruhama's attention have the courage to escape their exploitation.

We must examine the issue from the other point of view, in that the Garda must be proactive in seeking to engage this criminality. By proactive, I mean contacts with Interpol, which are not good in this respect, and the use of surveillance equipment to monitor the massage parlours and brothels that have sprouted up around the country. Since the majority of people who came to Ruhama's attention were based outside Dublin, the industry is not limited to a particular urban area. There is suggestive advertising on the Internet and in the print media. It needs to be monitored. If a massage parlour presents itself as having beautiful girls and so on, one can bet one's life that other activities are going on. Trafficked people work in many of those parlours. This matter must be carefully considered.

The Department must address the issue of accommodation and referrals, as victims cannot be dealt with in the current hostel accommodation. They cannot be sent into the mainstream asylum accommodation that the Department provides. Safe, secure and supportive accom-

[Deputy Joe Costello.]

modation must be provided by the Department in a flexible manner that links up with non-governmental organisations.

This problem arises because there is a market for prostitution. We need to address current legislation and practices, which are primarily directed towards criminalising and prosecuting individual providers of sexual services instead of the pimps organising the prostitution and the clients who purchase it. Criminal law and Garda activities need to refocus on the pimps, who are making fortunes from trafficking and exploiting women. Attacking the issue at its roots is the only way through which substantial progress can be made.

**Deputy Mary O'Rourke:** I understand I have five minutes and that Deputy Connick is next.

**An Leas-Cheann Comhairle:** I understand Deputy O'Rourke is proposing to share time with Deputies Connick, White, Cuffe, O'Connor and Conlon.

**Deputy Mary O'Rourke:** I did not realise I was quite so generous. Anyway, that is fine. I am delighted.

I commend Deputy Naughten on this motion. It is his brief at front bench and he has been extremely active in following up all of the matters relating to human trafficking. In the nature of a debate like this, we record what is good and what could be done to make it better. The Criminal Law (Human Trafficking) Act 2008 became operational, as the House will be aware, in June 2008. Ruhama, which is a voluntary group dealing in areas such as this, was mainly responsible for the gestation and the promulgation of that Bill, and made a valuable input to the legislation. In the Immigration, Residence and Protection Bill, which has completed Committee Stage and is now awaiting Report Stage, the period of recovery and reflection of 45 days is to be increased to 60 days. The High Level Interdepartmental Group on Combat Trafficking of Human Beings is active at what it is doing. What I very much applaud is the level of training. There is a significant level of training for the gardaí in training in Templemore, and a wide range of training and awareness raising initiatives have been undertaken, and even more are planned.

The information seminar provided in February 2009 was attended by approximately 40 diplomats in the Department of Foreign Affairs being posted abroad to a variety of missions including Africa and Asia, and that will have been helpful for them. Like all good initiatives, however, these pieces of legislation, the training, the high level interdepartmental group within the Department of Justice, Equality and Law Reform and, equally, all of the fine measures which have been undertaken, constantly need appraisal and reflection and, hopefully, changes.

These people are brought to this country under considerable blandishments and pictures painted of how better life will be for all of them once they reach this land. Of course they realise when they land that it is far from the pictures that were painted for them and it behoves us to act with all decency and with the best shelter and accommodation that we can provide.

In Athlone there is a large asylum seekers centre in which in the beginning there were over 400 separate accommodations. The numbers have wound down and I would say there are approximately 200 separate ones. I do not know if such an environment is quite the right place for reflection and renewal. There are fine people in it. I deal with them every Saturday in my clinic. They are getting on with their lives, as are their children, and making their applications to remain on humanitarian grounds. Life is busy for them. I do not know if it is quite the correct environment for women and girls who have been trafficked for prostitution in which to replenish and renew themselves. I rather think not. I hope that there will be a rethink on this particular aspect.

I welcome the improvements that have been made, the legislation which has been passed and remains to be passed, the high level interdepartmental group, the training which is being given, and that we will increase our period of reflection to 60 days, which is among the highest in the European countries. I signal how well European countries can work together in a positive way when all of these matters are being discussed between parties within Europe and hope they can tighten the net on those who seek to continue their dreadful life of trafficking people and, in particular, bring some solace to such women and girls who find themselves trafficked to a strange land where no one knows them and with no one talks to them. They must cope with a language they do not know, only the one to get out and earn money and bring it back because it is, as Deputy Costello stated, a big business. I hope that there will be further reflections on how people are to be treated during their period of renewal.

**Deputy Seán Connick:** I thank Deputy O'Rourke for sharing her time with us. I am glad to get the opportunity to make a small contribution to tonight's debate. Human trafficking is an affront to each and every one of us and all sides of the House are agreed and unified on that. The Government takes the issue of human trafficking seriously. I also thank Deputy Naughten for putting forward the motion because it raises awareness, which is extremely important.

We all in Wexford, like the Leas-Ceann Comhairle, are acutely aware of the awful tragedy that unfolded there in 2001 when stowaways were put on a truck in Belgium. Thirteen people who were looking forward to coming to Ireland for a bright future and what they thought would have been a new start for their families were told the journey would take three hours. However, four days later the container arrived in Drinagh in Wexford. The awful tragedy unfolded on the opening of the container when it was found that there were eight people dead, including three children, and only five survived. It puts a face on, and brings a dose of reality to, the difficulty encountered by these people who come to Ireland for a better life and find themselves in an appalling situation and taken advantage of.

Also last year Wexford featured on a "Panorama" programme which looked at the trafficking of individuals across Europe. Wexford featured because an individual from Bulgaria interviewed alluded to the fact that he was using Rosslare and Ireland as a backdoor to bring people into the UK. It goes to show how organised, well financed and highly mobile are these people. Once there is significant money involved people are prepared to take advantage of people who perhaps are at a weak point in their lives.

We all also have heard the stories of the young women who have been lucky enough to escape and who have been able to tell us the horrific details of the conditions in which they have been held here in Ireland. I believe one of them was recently being used in a brothel in Waterford but living in Wexford and travelling in a car by day. She was duped into coming to the country on the pretext that a better life was to be had and that she would earn money. Of course, once signed up to that sort of a scenario, such women are taken advantage of by these ruthless individuals who have only one focus in mind.

I welcome the motion on the basis of raising awareness. Given the nature of human trafficking, the onus is on each and every one of us to ensure that if we are aware of a situation, or if we are concerned or even suspicious, we should bring it to the authorities' attention. I welcome the fact that the Government runs an awareness raising campaign aimed at the public and personnel likely to encounter victims of this trafficking. Training is also given to the gardaí and other relevant front-line staff. That is vitally important and is a welcome step.

I also note that it is State policy not to remove any person from the country who may potentially be a victim of trafficking. That is something that was of much discussion during our debates on the immigration Bill. Potential victims have access to a wide range of services.

[Deputy Seán Connick.]

These also are important and need to be bolstered and reinforced. Of course the Legal Aid Board gives legal advice and assistance to potential and suspected victims of the trafficking.

I also welcome the fact that the Minister for Justice, Equality and Law Reform has committed to reviewing a report published by the Immigration Council of Ireland entitled “Globalisation, Sex Trafficking and Prostitution: The Experiences of Migrant Women in Ireland”. I welcome that kind of openness, including working with the various organisations, including Ruhama, and encourage more of that. I commend the Minister and his predecessor on their efforts on our behalf. This is a serious issue and something we need to stamp out. I appeal to those who take advantage of these women, particularly Irish people who frequent various houses, to look into their consciences. When coming out of such a facility they should think about what they have done. I appeal to their human nature to report the issue and bring it to the attention of the authorities.

**Deputy Mary Alexandra White:** I thank Deputy O’Rourke for sharing her time. I am delighted to be able to speak on this issue, which is so important. I thank Deputy Naughten for bringing it before the House. It is apt that we are approaching the 12 days, commencing next week, which will highlight the problem of violence against women. In dealing with our constituents we all hear these sad stories about the plight of women and children being trafficked between countries for the purposes of sexual or labour exploitation. It is horrendous and leaves behind a trail of trauma, abuse, displacement, separation from families and so much more.

This debate is important in reminding the House of the seriousness of such offences, the need for our country to play its part in the international crackdown on trafficking, and for Ireland to show compassion and care in treating victims of trafficking. The Department of Justice, Equality and Law Reform and other State agencies have made progress in bringing Ireland’s responses more into line with those of our European neighbours.

The measures provided for in the 2008 Act are significant in that they set out the framework for punishing those convicted of human trafficking. In particular, there is provision for a penalty of life imprisonment for offences such as the selling of individuals, or the purchase or offer to purchase individuals. This sends out a very strong signal to those who might be thinking of this nefarious trade.

The Department’s anti-trafficking unit is another part of the State’s process for combating and dealing with human trafficking issues. The unit does great work with State agencies, NGOs and others to make the responses co-ordinated and cohesive. There is no point in having an arm of the Government doing one thing, but not knowing what the other arm is doing. We need a strong, cohesive drive to combat human trafficking, which is horrendous.

Non-governmental organisations involved in the fora established by the unit are crucial to this work, particularly in raising awareness in society at large. If the public is not aware of these issues the chances of cracking down on human trafficking are diminished. When we walk along a street or go into a shop or restaurant we do not know whom we are standing beside. They may be trafficked people who are being policed. We must ensure that the laws are there to combat such trafficking.

I compliment members of An Garda Síochána on playing their part in the legislation that is now in place. Combating human trafficking is one of the main priorities of An Garda Síochána. The provision of specialised training at the Garda training college is very important in this regard. More than 1,000 gardaí have received training in the detection of human trafficking.

Cross-departmental and State agency training is also vital, and the National Employment Rights Authority, NERA, has been to the fore in this respect. We have read stories about people who have been trafficked into Ireland who are living in appalling conditions. They receive hardly any pay and live in cramped conditions. They lose everything, including their human dignity. That has to be stopped.

Deputy Naughten referred to the current Immigration Bill and its implications for victims of trafficking. I am pleased that the period of recovery and reflection is now expected to be extended to 60 days on Report Stage. That is already in place in the administrative immigration arrangements. Victims need compassion as well as time and space to recover and adapt to a world where their experience of terror has been lifted. They must be given a chance to assist An Garda Síochána in preparing cases for prosecution. The work of An Garda Síochána has already helped to bring about prosecutions in Romania and has led to charges being brought in other countries.

Like Deputy Connick, I remember the time when a container arrived through Rosslare and came to County Kilkenny. It was parked and some unfortunate victims of trafficking escaped into woodland at Inistioge, near where I live.

I want to see the issue of migrant women in prostitution being covered by the Department's anti-human trafficking unit. I hope the Minister and his Department will rectify this at the earliest opportunity. The Government must build on the work it has done on this issue.

I will finish by citing the poignant words of Maya Lou Angelou, that great poetic voice for women. Her wisdom says it all for us, "The ache for home lives in all of us, the safe place where we can go as we are and not be questioned." Our laws need to be the safe place for trafficked women and victims of sexual abuse.

**Deputy Ciarán Cuffe:** I welcome the debate on this hugely important issue. I thank Fine Gael for tabling the motion. I also wish to thank the Immigrant Council of Ireland for its work in bringing to the fore the issue of sexual trafficking. This matter does not get the attention it deserves in public discourse. Trafficking in people is a terrible, clandestine crime. Its victims are invariably in a weaker position to access the State's support services. There are language barriers, unfamiliarity with surroundings, shame and fear.

The Government's response is not lacking in many areas, but there is more we can do. The establishment of the trafficking victims' unit is part of the legislative response that has been put in place. In many ways, it is a good response. It could have happened earlier, but it represents clear progress in this area. As we look towards the passing and enactment of the Immigration (Residency and Protection) Bill, more must be done to tackle this issue in more detail. We need to examine the extension of the period of recovery and reflection during which victims of trafficking may reside in the State. I welcome the announcement that it will increase from 45 to 60 days under the terms of the Bill before us. The Green Party has had many meetings with the Minister and his officials on this and many other points in the Bill.

There have been calls to decouple the procedure by which someone is granted temporary residency, based on whether he or she complies with a Garda investigation. This merits further consideration. Some people have expressed concern that this could become a pull factor for illegal immigrants in that they would lie about being trafficked in order to get residency. The facts do not bear this out, however. I note the remarks by Kathleen Fahy, the director of Ruhama — an organisation which is dealing with victims of sex trafficking and prostitution — that this was not its experience. She said the victims they encounter are not making up their stories.



[Deputy Ciarán Cuffe.]

There is a major role for An Garda Síochána in raising awareness of human trafficking. Training is ongoing but more needs to be done to develop policies in this area. The subtlety with which a member of An Garda Síochána listens to someone's story and looks for evidence of trafficking is crucial in order to raise the victim's plight. Training in awareness needs to be given a much more forensic focus so that we can rely more upon the ability of those in the frontline to detect signs of trafficking and address them on the ground. The reports from NGOs state that we can improve our act in this regard.

I wish to draw attention to two issues. The first concerns inspecting premises used to house people who are waiting for their immigration cases to be determined. We need better inspections to detect the signs of human trafficking. The second point concerns the website established across Europe. In Ireland's case it is *blueblindfold.gov.ie*, which is a tangible initiative to assist members of the public, victims, NGOs and others to focus clearly on the matter. I commend Fine Gael on tabling the motion. Good work is being done by the Government but as circumstances change economically, socially and legislatively we need to up our act and be at the cutting edge of the European response to this issue.

**Deputy Charlie O'Connor:** I welcome the opportunity to make a brief contribution to this very important debate and I thank Deputy O'Rourke for sharing time with her colleagues.

I compliment the Fine Gael Party and specifically Deputy Denis Naughten on this motion. I acknowledge the interest the Deputy has shown in this subject over a long period and congratulate him on his work. I also congratulate him on his election as an international council member of the Association of European Parliamentarians for Africa, the organisation that supports parliaments in Africa, of which the Leas-Chathaoirleach is a vice chairman. Deputy Naughten will bring great experience to this role. This is relevant to this debate because it demonstrates his interest in the subject.

I acknowledge the point Deputy Mary White made on Women's Aid's 12-day initiative. I thank the organisation for making contact with me and my colleagues. I will certainly be happy to support the initiative and attend the organisation's function next week.

Deputy Ciaran Cuffe referred to the representations made by various organisations. Individuals in my constituency of Dublin South-West have contacted me also. The interest shown in this motion is to be commended.

The National Action Plan to Prevent and Combat Trafficking in Human Beings in Ireland 2009-2012 was published in June 2009 and it was developed under four main headings: prevention and awareness raising; the prosecution of traffickers; the protection of victims; and combatting child trafficking. The Minister of State, Deputy Barry Andrews, whose presence in the Chamber I welcome, will have much to say in his contribution in this regard. The action plan provides the blueprint for the State's response to the issue. It records the comprehensive programme of legislation and policy development, the enforcement actions completed and the initiatives that are and will be undertaken.

I took the opportunity last night to listen to the Minister for Justice, Equality and Law Reform and the Minister of State, Deputy John Curran. I was glad to note their interest in this issue. At a time when the political agenda is dominated by one subject, it is good, effective and important for the Parliament to continue to deal with issues that are of concern to people. Human trafficking is of concern to groups and individuals outside this House. I am glad we have been able to continue to focus on it even though we are all preoccupied with other issues.

A wide range of training and awareness-raising initiatives has been launched and more are planned. I am told that, since last year, more than 130 people from various Departments and agencies have participated in awareness training. This was provided by the International Organisation for Migration, with an input from the NGOs, the Garda, the National Immigration Bureau and the anti-human trafficking unit. In excess of 60 National Employment Rights Authority Inspectors were among the participants. I am told other participants included Private Security Authority inspectors and representatives of the Departments of Enterprise, Trade and Employment and Social and Family Affairs.

A number of training courses are being finalised in conjunction with the International Organisation for Migration and are to be rolled out to personnel from a number of Government organisations before the end of 2009. The courses are designed for training officers in organisations that give in-service training to all staff members. They include a module on human trafficking as part of the in-service training day. Two of the courses, I am told, will be held before the end of the year, one later this month and one in December.

An information seminar was provided in February 2009 to approximately 40 diplomats in the Department of Foreign Affairs who are being posted abroad to a variety of missions, including in Africa and Asia. These diplomats deal with businesses, visa applications and education agencies. A similar seminar was provided in March 2009 to staff in the Department of Enterprise, Trade and Employment who are responsible for the examination and granting of work permits. I compliment the Minister and the Ministers of State on their initiatives in this regard. I encourage them to continue with this work and to resource the initiatives.

**Deputy Margaret Conlon:** I thank Deputy O'Rourke for sharing time and giving me the opportunity to speak on the motion. I commend Deputy Naughten on tabling the motion and giving us an opportunity to discuss this subject in the House. I mean this most sincerely.

The trafficking of humans violently attacks one of our basic human rights, which right we should enjoy at all times. We are very lucky to live in a developed western democracy that respects such rights but some people living among us do not have them. Therefore, we must do all we can to eradicate human trafficking once and for all. No human being deserves to be treated as a commodity. Every one of us has dignity and we must all work together to ensure that those who engage in trafficking will face the full rigour of the law.

Last night, I heard the Minister elaborate on the National Action Plan to Prevent and Combat Trafficking in Human Beings in Ireland 2009-2012, published in June 2009. It has four main principles: prevention and awareness raising; protecting victims; the prosecution of those engaged in trafficking; and dealing with the trafficking of children.

I, too, commend Women's Aid on its dedication to addressing and commitment to women's issues. It is important that it continues the good work it started and prioritises in political debate issues such as violence against women, the trafficking of women and children and the protection of victims.

I commend Ruhama, the Dublin-based NGO that works specifically with women involved in prostitution and other forms of commercial sexual exploitation, including women who are victims of sex trafficking. For many such women, fear is a considerable factor. They fear they might not be believed and that there is nobody to listen to their story. I am thankful that Ruhama offers tremendous support to those women and has a proven track record.

Ruhama is Hebrew for "renewed life". Ruhama rightly regards prostitution as violence against women and a violation of women's rights. It provides very important supports to victims.

[Deputy Margaret Conlon.]

I do not often get the opportunity to watch television but last Sunday evening I watched the final episode of “The Clinic”, which I must confess is one of my favourite dramas. It depicted the circumstances of a lady who found herself in great difficulty with regard to trafficking and prostitution. It depicted very clearly her inhumane treatment. She was a victim, lived in fear for her life and was running scared from place to place looking for somebody to listen to her story and assist her. Her story certainly mirrored what can happen, even in a country known as “the Isle of Saints and Scholars”. The events described can certainly happen here in any town or village.

It is very important that the Government continues to address this issue and that we continue to make people aware that it is an offence to sell, offer for sale, purchase, or offer to purchase, any person for any purpose. We must send out a very clear message that one can face a penalty of up to life in prison for engaging in such a practice, and rightly so.

Reference was made to the anti-human trafficking unit and the manner in which it works closely with the Government, the non-governmental agencies and the international organisations. It is very important to have a co-ordinated and joined-up approach to this issue rather than having the HSE do one thing and the Department of Justice, Equality and Law Reform or the Department of Social and Family Affairs do another. We need them all working together. It is very important that members of An Garda continue to receive training.

As a mother of three children, I believe the most disgusting act of all is child sexual exploitation. I am glad legislation is being prepared to introduce even more severe penalties for people who solicit children.

I am thankful for the opportunity to speak this evening and I wish the Minister well in his endeavours to tighten up the legislation to protect all victims of human trafficking. I wish the Minister well in his endeavours to tighten up the legislation to protect all victims of human trafficking.

**Deputy Deirdre Clune:** I wish to share my time with Deputies Byrne, Breen, Reilly, O'Mahony and Kehoe.

**An Leas-Cheann Comhairle:** Is that agreed? Agreed.

**Deputy Deirdre Clune:** In the short time that is available to me I wish to focus on unaccompanied children. There are shocking statistics on the number of unaccompanied children who have come to this country, many of whom have disappeared. A total of 503 vulnerable children have gone missing in State care since 2000, yet not a finger has been lifted to do anything about it. This year alone, 36 children have gone missing from State care. The Trafficking in Persons report indicated that the Government reported that a small number of missing children had been found in involuntary servitude in brothels, restaurants and domestic care. We are all shocked by such information. It is unacceptable that children in State care have been found in such situations.

The separated children's unit of the Health Service Executive revealed that 12 children stated they were trafficked into this country between 2000 and 2008 but it admitted that more than that number were trafficked for sex exploitation. In 2007 and 2008, a total of 26 Chinese children were taken into care, all of whom disappeared almost immediately. One can ask where those children are. Such children are vulnerable because of their young age. When doing my research, Madeleine McCann, the high profile missing child came to mind. Because her parents

are constantly agitating they ensure her name remains in the media. However, in this country 26 Chinese children have gone missing, among many others. It is important that we focus in the debate on those statistics and realise what is going on right under our noses.

Accommodation for unaccompanied children seeking asylum varies in standard. In many cases it has been criticised and could do with improvement. Children aged between 12 and 16 go to one of two registered children's homes. Children aged less than 12 years should be taken into foster care. It is open to question whether that is the case. Foster homes are not inspected by HIQA as they are operated by non-statutory services. Riversdale House in Palmerstown is one of the two children's homes which was the subject of attention in the report, *Trafficking in Persons*. The report outlined that the size, layout and suitability of the premises for the purpose and function of the centre caused much discussion and debate throughout the inspection with all the relevant parties in agreement that it was not desirable to have 23 young people aged between 12 and 16 living together. The reason given for lack of alternative facilities was funding restrictions and lack of clarity as to which Department has full responsibility for separated children, the Department of Health and Children through the Health Service Executive or the Department of Justice, Equality and Law Reform. That fact has been mentioned previously. The inspection found that the current provision is inadequate, as it does not provide sufficient care and protection for those vulnerable children.

In the time remaining I wish to focus on the lack of staff in the facilities, the quality of care and the fact that young boys and girls were mixed when they should have been in separate corridors. No supervision was in place. No response was made to two serious allegations about child protection concerns during the night. In the three years since the Riversdale home opened, a number of young people have gone missing. At the time of inspection nine of them were found elsewhere in the country or in the United Kingdom. Those were young people aged between 12 and 16 in the care of the State. That is another sad indictment of the child care services in the State. It behoves us all to address the issue and to recognise that young people in the care of the State are not receiving adequate care and attention.

**Deputy Catherine Byrne:** I support Deputy Naughten's motion this evening. I am appalled at the extent to which human trafficking has grown in the European Union, especially in this country. During the Celtic tiger years this country attracted many immigrants from around the world. We broadly welcomed them. Many workers from China, Poland and Africa demonstrated a great work ethic and without them this country would not have done as well. However, there is always a downside and that came in the form of human trafficking. Unscrupulous criminals saw a new wealth in this country and targeted it as a new hub for the sex trade in western Europe.

Recent statistics tell us that up to 75% of 1,000 women involved in indoor prostitution in this country at any given time are immigrants. In 2007 and 2008 a minimum of 102 women and girls were clearly identified as having been sex trafficked. Many of those women are, in effect, prisoners in the dark and murky world of prostitution. They have little hope of escaping from the people who trafficked them into this country to make money. Even if they manage to escape they are terrified of bringing themselves to the attention of the authorities as they are undocumented and could face deportation. There is no protection for those women and children and without being able to approach the authorities for help there is no hope of apprehending the traffickers and bringing them to justice.

Incredibly the Government response to tackling this problem has been slow and lacks conviction. Last year's introduction of the Criminal Law (Human Trafficking) Act gave us hope that

[Deputy Catherine Byrne.]

the Department of Justice, Equality and Law Reform was getting real about this serious problem. Among other measures it created separate offences, including that of traffic in children and adults for the purpose of their labour or sex exploitation. That was a welcome step in the right direction. However, we cannot address the problem with a criminal law response alone; we are dealing human beings — women and children — many of whom are traumatised by the ordeal of being tricked into coming to a strange country and then forced into working in prostitution.

We need to put the victims of trafficking in a suitable sanctuary and remove them from those situations in which they are most vulnerable. I support Deputy Naughten's assertion that the housing of trafficking victims by the Reception and Integration Agency, RIA, is not the correct course of action. That is the wrong place for victims. It is vital to put in place a specific service, including safe and secure accommodation to help victims of trafficking to deal with the trauma they have endured. Organisations such as Ruhama, the Immigrant Council of Ireland and the Migrant Rights Centre do great work to help women in difficult situations but that cannot be sustained in the long term.

Furthermore, the authorities need to seriously address the problem of unaccompanied minors, many of whom end up being drawn into the sex trade and subjected to abuse and violence. We have seen cases of children disappearing from care. We must do more to prevent them from being manipulated or coerced into prostitution. It was reported during the summer that the Garda was investigating 65 cases of suspected trafficking into the State for exploitation. A total of 14 of those cases involved children. It is clear that our duty of care for those children and their well-being has become obscure and cannot be allowed to continue.

Alongside the issue of trafficking and forced labour another serious trend which has developed in our towns and cities is the increase in massage parlours and brothels. Just last week it was reported that at least 90 massage parlours in Dublin, which are essentially brothels, were advertising on the Internet and in newspapers via mobile telephone numbers. They operate independently of legitimate businesses who run their business from a proper premises with a landline. Those Chinese, eastern European and African massage parlours are advertising openly and being run on a prolific basis across the city.

It is painfully clear that we urgently need to review the prostitution laws in this country. That is why Fine Gael has repeatedly called on the Government to establish a high level group to review and examine the prostitution laws with a view to preventing the increase of sex trafficking. We must give those who have been victimised and trafficked their lives back and help them achieve some sort of normality if it is not already too late.

**Deputy Pat Breen:** I commend my colleague, Deputy Naughten, on bringing this important motion before the House. Trafficking in human beings is one of the greatest infringements of a person's human rights. It is modern slave trading. The United Nations estimates that over 2.4 million people are trafficked worldwide, mainly for sexual exploitation.

International policing of human trafficking has proved difficult as it is done in a secretive fashion, and people are often afraid to speak out. The victims of human trafficking are lured in by underground criminals when they arrive in a country like Ireland and find they have no jobs. As they are in a strange country, they become dependent on the trafficker. They do not know anybody else and their illegal status gives the trafficker the upper hand.

The Leas-Cheann Comhairle will be aware of the case in his constituency in 2001 when eight Turkish refugees lost their lives coming to Ireland. They had to endure a 53 hour journey in a

packed freighter container on a ferry from the Belgian port of Zeebrugge. Thankfully, the members of the smuggling gang responsible for the crime were brought to justice and jailed in Belgium. That was a sad case of a family caught up in human trafficking.

All of us were shocked recently when we watched the RTE “Prime Time Investigates” programme which investigated human trafficking. We listened to the many harrowing stories of young women who were lured to Ireland and forced to work in the sex trade. I recall the story of one girl, Maria, who was a Romanian immigrant. It told of how she arrived in Paris and got a flight to Cork. When she arrived in Cork she was brutally beaten, forced to work in a brothel in south Dublin and threatened that she would be killed if she did not do what she was told by her pimp. All that poor girl wanted was a better life. That is all these people want, but unfortunately they do not get a better life. There are many more stories like Maria’s and they are all too familiar.

An NUI Galway report published in 2007 found that at least 76 victims were trafficked into Ireland for the sex trade here between 2000 and 2006. Following a recent seminar on the subject, both the Immigrant Council of Ireland and the Irish Human Rights Commission joined forces to appeal to the Irish Government to ratify the Council of Europe convention on action against trafficking immediately. Ireland is one of 21 member states of the Council of Europe which has not ratified the convention since 2005, when the convention was first adopted by the Council of Europe. The Council has been to the forefront in highlighting this issue. I have been a member of the Council of Europe and it has been very much to the fore in regard to the rights of human beings.

Forty children who were in the care of this State have gone missing in the past eight months, and 36 of the children are still missing, a point to which Deputy Clune referred. Those statistics speak for themselves. Since 2000, some 503 children in HSE accommodation have gone missing. A total of 411 of those children are still missing and it is suspected that many of them are victims of human trafficking.

There is an urgency about the matter. We owe it to those children and the hundreds of others who face the threat here that this country is not seen as a safe haven for those criminals who prey on vulnerable children. The Minister of State, Deputy Barry Andrews, should explain to the House the reason Ireland has not signed up to that convention. As my colleague, Deputy Naughten, said last night, it is important that we clamp down on the potential exploitation and abuse being perpetrated in this jurisdiction. The full rigours of the law should apply to those criminals who are involved in prostitution.

The Minister of State should review the accommodation arrangements for victims who have the courage to speak out. Placing those victims in asylum centres is not ideal because often they do not remain in the country and they refuse to testify against their abusers.

We need to send a strong message from this House that we will not tolerate human trafficking in this country and that anybody convicted here will face the full rigours of the law. That is extremely important. There should be no hiding place in this country for criminals involved in prostitution.

**Deputy James Reilly:** I congratulate Deputy Naughten on bringing forward this motion to address the current weaknesses in the approach to trafficking, which is facilitating the development of the slave and sex trade in Ireland. It is generally seen that Ireland is a haven for the sex and slave trade. The illegal sex industry here is reckoned to be worth €180 million a year, with an estimated 1,000 men paying for sex every day.

[Deputy James Reilly.]

Human trafficking is the fuel that keeps prostitution on the road as evidenced by the fact that 97% of the 1,000 women involved in indoor prostitution are migrants, and that 90% of potential human trafficking victims are being investigated on the basis of sexual exploitation, some involving minors. We have already heard from Deputy Pat Breen and Deputy Deirdre Clune about the number of minors who have gone missing from the care of the HSE, which, against this background, is very disturbing.

The Fianna Fail Government's attempts to tackle sex trafficking have been at best piecemeal and insufficient. We must now put a comprehensive strategy in place to deal with the proliferation of sex trafficking into this country. Criminal elements are exploiting the lack of regulation of the legitimate massage industry to provide cover for brothels which are trafficking women into Ireland. The reality is that many of these brothels are using the guise of complementary therapy to promote their business, and many have been known to openly advertise some of their services. As a result of complete inaction by the Government and the Minister for Health and Children, there has been a proliferation in the number of these parlours with media reports showing that the number of brothels has doubled in one year, with 90 in Dublin alone. Gardaí believe that these establishments are centrally organised and most of the women in them are victims of human trafficking, are reported to be suffering miserable lives and are often subject to abuse by their traffickers. We know the violence and the fear those women have suffered from the programmes we have seen on television.

The lack of regulation is driving the trafficking industry, which continues to see women forced into this country to work in the sex industry. I will allude to that later in my contribution. Many come here expecting an entirely different life. They are duped into this situation by people who are evil, and that is the only word to describe them.

We need to strengthen the regulatory environment for complementary therapists, including massage therapy, as much for that industry's own good as anything else. The working group had its first meeting in May 2003 which I understand comprised representatives of the main therapy groups, a consumer representative, representatives from the Department of Health and Children and the Department of Education and Science. The report of the working group was published in 2006 and called for the "development of a robust system of voluntary self-regulation" for this industry, yet nothing has happened in the intervening years.

The failure by the Department of Health and Children to implement the recommendations of its own working group on the regulation of the legitimate massage therapy industry is providing a legitimate cover for many brothels to operate and exploit vulnerable migrant women. That sends out a clear message to international criminals that Ireland continues to be a soft touch in this regard.

Considering the seriousness of this situation we must now consider the role that statutory regulation can play to help phase out this criminal activity. Statutory regulation is a system whereby each individual member of a profession is recognised by a specified body as competent to practice within that sphere of activity under a formal mechanism that is provided for by law. Unlike systems of voluntary regulation, it is a legally binding process — all persons wishing to practice must be registered and can be prosecuted for practising if not registered.

There is no reason a body such as HIQA or some other could not be resourced to oversee the alternative medicine area and massage parlours, regulate the people who work in those areas and validate their activities. We have been campaigning for greater protection for victims of human trafficking who are invariably being held in a form of modern slavery. They are

subject to violence, abuse, rape and run the long-term health risk of sexually transmitted diseases. That is all the more sad when we consider that many of them were duped into coming here with a promise of a very different life.

This is a serious matter of public safety and public health. It is critically important that we have transparency in all complementary and medical therapies to ensure that we protect patients, avoid confusion and stop the criminal elements that are exploiting the absence of regulation. We must protect the vulnerable in society regardless of whether they are our citizens.

**Deputy John O'Mahony:** I welcome the opportunity to contribute to this debate and commend Deputy Naughten for putting it before the House. It is easy for us to forget and ignore the rights of the most vulnerable in our society, those who never get a chance to live a normal existence, either in their country of origin or their country of destination. They have been exploited, deceived and taken advantage of by criminals from start to finish. They find themselves in many cases treated as criminals when in fact they are victims who need protection rather than conviction.

Anyone who watched "The Clinic" on Sunday night saw a good example in dramatic and graphic terms of how sex trafficking is a criminal business run by those with little regard for human life, never mind human dignity. The passing of the Criminal Law (Human Trafficking) Act 2008 and the Government's anti-human trafficking tracking plan have been acknowledged as steps in the right direction. The key to their success will be how they are enforced and the support services that must be put in place for the victims of sexual exploitation. That is what the motion is about.

A major obstacle to the implementation of the legislation is identifying the victims of trafficking. That issue has been dealt with by Deputy Naughten and others. I want to talk about those who are being accommodated once they have been identified as victims. At present they are placed in asylum centres during the recovery and reflection period. There is one  
8 o'clock such centre in my constituency in Mayo and although I have no evidence there are any such victims placed there at the moment, the reality is that this is how victims are being accommodated under the legislation. It is imperative that accommodation for asylum seekers and refugees must be separated from the victims of sex trafficking. There is an asylum issue but the primary issue is the exploitation that takes place.

I have seen figures from the Galway Rape Crisis Centre, where 20% of the reported rape and abuse cases are made by asylum seekers. This confirms the need to protect these people and keep them away from asylum centres once they are identified. This is the only way further exploitation will not take place because these women are vulnerable and in poor financial circumstances.

I was reading a British report on this problem and it gave an idea of how this happens. A young woman was trafficked to Britain at age 15, placed in hostel accommodation and then in shared housing with other young women, none of whom spoke the same language. She was swiftly traced by her trafficker, who forced her back into prostitution and prevented her from attending college or finding a normal job.

The trafficking victims should be housed by groups with the necessary training, skills and support services, such as the Sonas housing initiative, which currently offers support to victims of domestic violence. Sonas has cared for two victims of trafficking in recent times but they were directed to Sonas by the Immigrant Council of Ireland, not by the State. If the victims



[Deputy John O'Mahony.]

feel safe and secure, they are more likely to cooperate with the gardaí, which will help to solve the problem and hopefully lead to the conviction and imprisonment of the traffickers.

The Minister outlined last night the support services available to victims. The difficulty is that Deputy Naughten's motion outlines the major difficulty with the use of the asylum centres as the setting for these services. These victims must get away from the places where many of them got involved in prostitution in the first place. Many European countries, including Britain, have passed legislation clamping down on prostitution. If we do not act now, the problem will increase in our country instead of being brought under control. I strongly support the motion.

**Deputy Paul Kehoe:** I also commend Deputy Naughten for tabling this motion and for his constant efforts on behalf of immigrants to this country, highlighting the difficulties they face, their efforts to integrate and the injustices they suffer.

Being from Wexford, I have a particular interest in this motion, arising from the unfortunate fact that Rosslare Port seems to play a prominent role in the trafficking of people into this country. I have no doubt that the Leas-Cheann Comhairle, as a Wexford man, is well aware of the problems faced in Rosslare Port.

It is now two years since an undercover reporter with the BBC exposed Rosslare Port as being the preferred route for traffickers from eastern European countries to gain access to Ireland and Britain. This was a stark admission that sent a shiver down the spine of many of my constituents.

Unfortunately, however, it has not sparked any action from the Department of Justice, Equality and Law Reform or the Minister. Rosslare was identified as having some of the most lax controls of any of the early points of entry and there has been little or no improvement in controls or specific measures to address the situation in the intervening period. I ask the Minister for increased procedures and controls at Rosslare Port and a greater Garda presence to curtail the trafficking that is taking place through the port.

The gardaí in County Wexford have uncovered two prostitution rings in the past six months, reportedly involving people from eastern Europe. There is a definite link between the prostitution rings in County Wexford and our proximity to Rosslare Port, I have no doubt this is the case. In my town, Enniscorthy, there have been two prostitution rings uncovered in the last year. The situation at Rosslare Port must be addressed as soon as possible. Human trafficking is the third most lucrative crime after arms and drug trafficking so the same resources must be invested in tackling this crime if we are to stop it.

The statistics are there for all to see. A minimum of 102 women and girls have been clearly identified in the recent report on sex trafficking in Ireland, with 11 children identified. Up to 97% of the women involved in indoor prostitution in Ireland at any given time are migrant women.

These are alarming statistics. In spite of 153 investigations into alleged trafficking, and 73 potential victims identified by gardaí, there have been no convictions. This is a damning statistic for the Department of Justice, Equality and Law Reform. The Government should also be ashamed by the recent condemnation by the US State Department in its report on human trafficking, which stated that the Government of Ireland does not fully comply with the minimum standards for the elimination of trafficking. This is a terrible reflection on this country in the 21st century, that we cannot comply with the minimum standards for the elimination of trafficking. Lest we forget, human trafficking for sexual exploitation is a modern form of slav-

ery. I call on Fianna Fáil Members to support this motion. If they had any interest or real feeling, they would support it.

We must do our utmost to improve the protection of victims of trafficking and sexual exploitation. We must send out a clear message that Ireland intends to stand firm on this matter and will not be an easy option when it comes to human trafficking. Our motion outlines a number of areas where improvements can be made to address this ever-growing and disturbing crime.

I call on the Minister of State and the Department of Justice, Equality and Law Reform to look at Rosslare Port and the amount of trafficking for the purposes of sexual exploitation that has taken place there. This is a huge problem in County Wexford because we are in south east. More controls should be put in place to stop this forthwith.

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I join with his Fine Gael colleagues in complimenting Deputy Naughten on his tenacity and responsibility in bringing this matter regularly to the attention of the political system. It is to the credit of everybody in the House when politicians act in this responsible manner.

I want, first of all, to replace some of the assertions being made in the House over the past two days with some factual content about this issue. Deputy Costello alleged Garda inaction on brothels and massage parlours and this was repeated earlier on this evening. I just want to put on the record of the House the comments of the Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern last night, who informed the Dáil that, for example, on 2 and 6 November two searches were carried out in Dublin as regards massage parlours. In both incidents two females were found on the property. There was a connection between the females and Irish nationals. However, no evidence of human trafficking was disclosed.

It is also wrong to assert Government inaction in this area and again I want to put on the record the fact that the Government, over the last 18 months in particular, has taken a strident line in this regard — more so than some of our EU colleagues. On the point made by Opposition Deputies that Ireland has been identified as a target for the human trafficking of children and adults, for sexual exploitation, labour and other nefarious purposes, the Government, for that reason has very much upped the ante, in terms of a national action plan. There is the anti-human trafficking unit in the Department of Justice, Equality and Law Reform and the anti-human trafficking unit in the Garda as well as the Criminal Justice (Human Trafficking) Act 2008, which provides life imprisonment for some of the offences set out in the legislation. Again, that is in advance of some other EU sentencing norms in this area. While I absolutely concede there is a problem in this area and admit we can have no cause for complacency or sitting back as regards a legislative system designed to deal with these issues, I believe the Government, the Garda and indeed the HSE are entitled to some credit for the progress they have made in the last while.

Some comment has been made as regards children and I want to deal with that as well. Under the implementation plan published by the Government following the Ryan report, we committed to ensuring that HIQA would carry out the inspections required under the regulations of private and voluntary residential centres from 2010. This is a significant departure, and already two hostels for unaccompanied minors seeking asylum have been closed, and properly so. We wish to ensure that the others are closed as well. It should be noted that unaccompanied children under 12 are not placed in residential care, rather in foster care. It must also be noted that the HSE, as the responsible authority, does not have the powers to place these children in detention or put them under lock and key in any way. Many of the high number of incidents of missing children are attributed internationally, among all our EU col-

[Deputy Barry Andrews.]

leagues, to family reunification. This needs to be put in context. I do not mean to suggest that human trafficking is not an issue. It is a very serious issue, but we cannot extrapolate from the missing children figures a corresponding statistic as regards child trafficking for sexual exploitation or labour. These exist, and I do not deny it for a moment.

It is important, too, to note that this year the HSE and the Garda published a joint protocol as regards how they will deal with the issue of missing children. This is perhaps beginning to bear fruit. Certainly, in October 2009 no child went missing from HSE care. I do not say that as a proud boast. It should, of course, be the norm, a given, but nonetheless that is the case and it may well be attributable to the higher state of awareness surrounding this issue. Again, I compliment Deputy Naughten on his role in ensuring this.

The Minister, Deputy Dermot Ahern, pointed out last night that the Government has taken a firm stand against human trafficking. He said the State is working as diligently as possible in this area. Finally, in response to Deputy Breen's question on the issue of ratification of the Council of Europe Convention, I can inform the House this instrument will be ratified in early 2010. I commend the Government amendment to the House.

**Deputy Lucinda Creighton:** I would like to share time with Deputies Ulick Burke and Denis Naughten, with the permission of the House.

I join with my colleagues in commending Deputy Naughten on his persistent and tireless pursuit of the issues associated with the protection of children, in particular, and the dignity and human rights which are very much deserved and should be to the fore in terms of Government policy as regards immigrants, particularly vulnerable young women who are being trafficked illegally into this country.

It is quite clear there is minimal protection for the victims of human trafficking, notwithstanding the legislation introduced in 2008. A significant number of cases of trafficking have been identified this year, 46 so far, I believe, yet only ten such victims were granted the rest and reflection period guaranteed by the Government in accordance with European guidelines. This is very important. I spoke on that Bill when it came before the House in late 2007 and this is one of the key issues identified by the Opposition, including the Fine Gael spokesman and the many speakers on Second Stage of the Bill. It is also worth highlighting that there have been no prosecutions on the trafficking of young girls, in particular, in that interval. Once again, this points to the fact that we can write all the legislation we like and put it on the Statute Book, but without implementation and adequate resources to ensure prosecutions are secured and that people responsible for this type of criminal activity are put behind bars, we really are at nothing, and the entire fanfare with which the Government brought forward the legislation is worthless. If the legislation is not implemented and people are not being held to account, there is no point in having it in the first place.

I have made the point in this House in the past that we need to remember victims of trafficking are just that. They are not simply illegal immigrants or people who are evading or defrauding the system. They are vulnerable and unable to protect themselves from the type of criminals into whose hands they fall. It is particularly noteworthy that Ireland is more susceptible to the type of human trafficking we now see in this country than other jurisdictions because we have open borders and this is an island. There is a very grave risk that Ireland will become a hotspot for trafficking and we know what that will lead to.

A significant challenge exists, to acknowledge the fact these people are genuinely victims of an illegal activity, and as such, require the protection of the State. Deputy Naughten has

pointed on countless occasions to the reality of young people going missing from State care, which is a major concern I share. The figures have already been referred to in this debate and are quite startling. More than 500 vulnerable children in the care of the State have gone missing since 2000 and the majority, it would appear, have still to be accounted for.

I accept the Minister of State is trying to put the debate into context but to suggest this is largely due to family reunification is to give the wrong impression and I do not know whether it is helpful to this debate. It is quite clear from the 2009 report on trafficking in persons that a significant number have been found engaged in prostitution, in brothels and the type of activities one does not wish to see. If the attitude of the Government is to skirt over this fundamental fact, then we have a problem.

**Deputy Ulick Burke:** I thank Deputies Creighton and Naughten for sharing time. Most people who listened to the debate last night and this evening will have heard many speakers from the Government side making the point that the Government has taken a firm stand against trafficking in human beings by putting in place a wide range of legislative and administrative measures in respect of prevention, protection and prosecution. Both the Minister of State tonight and his senior Minister last night have taken issue with the fact that the State is doing little to tackle this most serious human rights issue and the measures being taken are not the correct ones. It has been stated that the unit that has been established includes more than 50 Government, non-governmental, national and international agencies to co-ordinate a comprehensive holistic, whole Government response to the issue of trafficking. When tackling a problem, would a child in the country choose to co-ordinate together 50 units to get a response to a serious issue? The fact that so many agencies are involved indicates this is merely paying lip-service to a serious problem.

The Minister of State should take up one issue this evening. I refer to the ease with which one can advertise the number and availability of adult entertainment establishments, such as lap dance clubs in local newspapers, some national newspapers and glossy magazines. Such businesses are fuelling demand for sex workers and therefore, indirectly, for sex trafficking. Therefore, it is important that the Government should take a stand on a simple issue by calling in the editors of all these magazines, which are clearly identifiable, to ask them once and for all to stop this commercial activity of advertising through their media. While this is a small issue, with the greatest of respect it could be far more effective than much of the work of the 50 other agencies that are meant to be co-ordinating an effort to eliminate or reduce human trafficking at present.

I will provide an example that horrified me today. I refer to statistics from the Escort Ireland website's Irish escort review, which stated there were 15,169 Irish escort reviews, or field reports, currently available on Escort Ireland. The encounters involved cost the Irish clients a total of €4,282,000 per annum and the average cost to the Irish client per encounter cost €282.

**An Leas-Cheann Comhairle:** The Deputy has one minute.

**Deputy Ulick Burke:** In that minute, I wish to draw attention to what is appearing on local media. A more localised Escort Ireland page states:

Irish Escorts: Galway coming soon touring escorts. Touring escort girls due to arrive in Ireland within the next three days! ... Arriving in Galway on Friday 20 November 2009. Sorry, we currently have no escort arriving in Galway on this date.

[Deputy Ulick Burke.]

They may be arriving on Saturday 21. Similarly, I wish to draw attention to the advertisement on the Callouts Galway website today. It states:

Callouts Galway is a luxury escort agency based in Galway city in the west of Ireland. We provide upper class gentleman in Galway and all over Ireland, a variety of escorts to meet their greatest desires, and fulfil their wildest fantasies. Callouts Galway offers both incall and outcall services in Galway, Ireland but as our escort agency name suggests we specialise in outcall services in county Galway. Our incall service is located in Galway city centre and is in a luxury and discrete [sic] apartment with a great choice of escorts and secure car parking. All of the girls who work for the callouts Galway agency have been chosen for their beauty, intelligence and [fantasy].

While this may sound funny, if a media organ of any kind can push this out in public, the Government and the Minister is failing. This would be an easy way to knock the terrible disgrace of making it available. I ask the Minister of State and the Garda to move quickly on an easy way to respond to this problem.

**Deputy Denis Naughten:** First, I thank the Fine Gael party for giving me the opportunity to table this motion. I also wish to thank the contributors from all sides of the House who contributed to this debate last night and this evening. I listened with interest last night to the Minister's contribution and heard about the promises of action and about future reports and promised legislation. Sadly, what is needed is action now because Ireland's asylum system is a soft touch for human traffickers. Ireland's asylum system for both adults and children is being exploited by criminal gangs who are using it to groom women for the sex industry and as holding pens for child traffickers. This fact is backed up by the official figures from the Department of Justice, Equality and Law Reform on suspected victims of human trafficking, which show the Government believes that 70% of all the potential victims are either children in HSE care or asylum seekers. The position on the ground is very different to the impression given in the Chamber by the Minister last night. Instead of addressing the issue, Government policy is fuelling the existing problem.

I wish to refute the Minister's perfect image of Reception and Integration Agency, RIA, accommodation. While it is difficult to gain access to them, I have visited some of these centres as a public representative. I have met people in such centres, many of whom are clinically depressed. They must wait for weeks, months and years for a decision from the Department of Justice, Equality and Law Reform. There are reports from NGOs on the victims of trafficking that refer to the distress they are going through, such as an inability to eat food, the lack of privacy in such centres, everyone knowing their business, no personal space and being obliged to share rooms with at least three other strangers. Such people cannot sleep at night and cannot even cry. The hostels are known to traffickers as easy places for prey as they contain many vulnerable women in a single location.

I refer to the disgraceful treatment of separated children. No words can exist to describe adequately the horror of the trafficking of children for sexual or labour exploitation. The Minister did not include in his speech that up to the end of August this year, the HSE hostels have lost five children every single month, all bar four of whom are still missing. Some of them have not even made it on to the Garda missing persons website. In April 2008, the then Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, told me he intended to raise this issue with the Health Service Executive. The Minister of State told me in this Chamber in

February 2009 that the issue has attracted a high level of concentration on the part of the Government. Previously this evening, the Minister of State stated that one cannot draw a connection between the missing children and trafficking. However, based on his own Department's figures, one in five——

**Deputy Barry Andrews:** I did not say that. It is important to put on the record that this is not what I said.

**Deputy Denis Naughten:** The Minister of State questioned it. The Department's own figures show that one in five of the potential victims of trafficking are minors, some of whom have come through the hostel system. These are the Department's own figures in respect of this issue. When I raised this issue with the Minister for Justice, Equality and Law Reform last week to ascertain what discussions had taken place with the HSE, it transpired that nothing has taken place.

In April 2008, when the Minister, Deputy Brian Lenihan, was Minister for Justice, Equality and Law Reform, he said that he would examine the prostitution laws here in the context of the Criminal Law (Sexual Offences) Bill. When Deputy James Bannon raised that issue in the House last week, the Taoiseach said the legislation was forthcoming next year but the Minister for Justice, Equality and Law Reform did not mention a word about it last night during the debate, not a dicky bird.

Norway was forced to take action when the prostitution industry moved across the border from Sweden following the criminalisation of the purchase of sexual services. The United Kingdom is tightening its laws on prostitution. Next year, the Scottish Parliament will consider criminalising outright the purchase of sexual activities. We cannot allow Ireland to become the new red light district for the United Kingdom or any other part of Europe. Instead, let us work with our colleagues in Scotland, Norway and Sweden and outlaw this industry once and for all and send out a clear message. I commend the motion to the House.

Amendment put.

The Dáil divided: Tá, 71; Níl, 67.

Tá

Ahern, Dermot.  
Ahern, Michael.  
Ahern, Noel.  
Andrews, Barry.  
Andrews, Chris.  
Ardagh, Seán.  
Aylward, Bobby.  
Behan, Joe.  
Blaney, Niall.  
Brady, Áine.  
Brady, Cyprian.  
Brady, Johnny.  
Browne, John.  
Calleary, Dara.  
Carey, Pat.  
Collins, Niall.  
Conlon, Margaret.  
Connick, Seán.  
Coughlan, Mary.  
Cregan, John.  
Cuffe, Ciarán.

Curran, John.  
Dempsey, Noel.  
Dooley, Timmy.  
Fahey, Frank.  
Finneran, Michael.  
Fitzpatrick, Michael.  
Fleming, Seán.  
Flynn, Beverley.  
Gogarty, Paul.  
Grealish, Noel.  
Harney, Mary.  
Haughey, Seán.  
Healy-Rae, Jackie.  
Hector, Máire.  
Kelly, Peter.  
Kenneally, Brendan.  
Kennedy, Michael.  
Kitt, Michael P.  
Kitt, Tom.  
Lenihan, Brian.  
Lenihan, Conor.

## Tá—continued

Lowry, Michael.  
 McEllistram, Thomas.  
 McGrath, Mattie.  
 McGrath, Michael.  
 McGuinness, John.  
 Martin, Micheál.  
 Moloney, John.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M. J.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 O'Brien, Darragh.  
 O'Connor, Charlie.  
 O'Dea, Willie.

O'Donoghue, John.  
 O'Flynn, Noel.  
 O'Hanlon, Rory.  
 O'Keeffe, Batt.  
 O'Rourke, Mary.  
 O'Sullivan, Christy.  
 Power, Peter.  
 Power, Seán.  
 Ryan, Eamon.  
 Smith, Brendan.  
 Treacy, Noel.  
 Wallace, Mary.  
 White, Mary Alexandra.  
 Woods, Michael.

## Níl

Allen, Bernard.  
 Bannon, James.  
 Breen, Pat.  
 Broughan, Thomas P.  
 Bruton, Richard.  
 Burke, Ulick.  
 Byrne, Catherine.  
 Carey, Joe.  
 Clune, Deirdre.  
 Connaughton, Paul.  
 Costello, Joe.  
 Coveney, Simon.  
 Crawford, Seymour.  
 Creed, Michael.  
 Creighton, Lucinda.  
 D'Arcy, Michael.  
 Deasy, John.  
 Deenihan, Jimmy.  
 Doyle, Andrew.  
 Durkan, Bernard J.  
 Feighan, Frank.  
 Ferris, Martin.  
 Flanagan, Charles.  
 Flanagan, Terence.  
 Gilmore, Eamon.  
 Hayes, Brian.  
 Hayes, Tom.  
 Higgins, Michael D.  
 Howlin, Brendan.  
 Kehoe, Paul.  
 Kenny, Enda.  
 Lee, George.  
 Lynch, Ciarán.  
 Lynch, Kathleen.

McCormack, Pádraic.  
 McEntee, Shane.  
 McGinley, Dinny.  
 McHugh, Joe.  
 McManus, Liz.  
 Mitchell, Olivia.  
 Naughten, Denis.  
 Neville, Dan.  
 Noonan, Michael.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Donnell, Kieran.  
 O'Dowd, Fergus.  
 O'Keeffe, Jim.  
 O'Mahony, John.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Penrose, Willie.  
 Quinn, Ruairí.  
 Rabbitte, Pat.  
 Reilly, James.  
 Ring, Michael.  
 Shatter, Alan.  
 Sheahan, Tom.  
 Sheehan, P. J.  
 Sherlock, Seán.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Stanton, David.  
 Tuffy, Joanna.  
 Upton, Mary.  
 Varadkar, Leo.  
 Wall, Jack.

Tellers: Tá, Deputies Pat Carey and John Cregan; Níl, Deputies Paul Kehoe and Emmet Stagg.

Amendment declared carried.

Motion, as amended, agreed to.

**Deputy Paul Kehoe:** As a teller and under Standing Orders——

(Interruptions).

**Deputy Paul Kehoe:** —I would just like to wish Ireland the best of luck tonight in Paris.

### **Adjournment Debate.**

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#### **Schools Building Projects.**

**Deputy Kieran O'Donnell:** I thank the Ceann Comhairle for allowing me to raise this important matter on the Adjournment. The John F. Kennedy Memorial School, Ennis Road, Limerick, caters for 282 boys from second class to sixth class with a complement of 16 teachers and a great principal. The school opened on 1 July 1965 and was named after the late President of the United States, John Fitzgerald Kennedy, who visited Limerick in 1963. As far back as July 1971, the school was approved for new accommodation with sanction given for a 16-teacher facility. This was reaffirmed by the Department of Education and Science 30 years later in 2001. In the eight years since, the school has reached all stages of the building process and is now awaiting approval to go to tender.

The school should have been provided for funding for this stage well before this date. Back in November 2008, there was a meeting between the school management and the Minister for Education and Science after which there was an understanding that the school would be provided with funding this year. The school has yet to receive information to that effect.

The school is also on the incorrect banding rate of 2.4, which effectively refers to minor refurbishments to existing buildings, when it should be on a 2.1 rating, a new school build. In 2005, after the Department's chief architect visited the school, the decision was made to completely demolish the existing building and rebuild the school. There is also evidence that the day-to-day functionality of the school will be impaired unless remedial action is taken promptly.

The school has six prefab rooms attached to the main building which are damp and the classrooms are too small. The toilets are situated outside and are antiquated. The school is very open with public access at the back. What is required is the school to be re-banded from a 2.4 to 2.1 rating. My understanding is that the banding decision will be taken in the next week to ten days. I wrote to the Minister on 8 October following representations to me by the school management, principal and parents' association and followed this up with a further letter on 12 October which included a report from the project architects clearly indicating that this school should be given a 2.4 rather than 2.1 rating. I welcome that a meeting will take place with the Department of Education and Science on 26 November to progress the application to stage 2(b).

I want confirmation from the Minister of State tonight that the school's rating will be upgraded from 2.4, which is refurbishment, to 2.1, which is refurbishment of a significant nature. The school is to be rebuilt by agreement with the Department of Education and Science and as such what is required is demolition and new school build. Furthermore, I would like the Minister of State to confirm that the school will be allowed to go to tender stage to enable this project to proceed. It is hoped building of the new school will be able to commence next February, some 40 years after agreement on construction of a new school was agreed. I look forward to hearing good news from the Minister of State tonight in regard to JFK Memorial national school, Limerick.

**Minister of State at the Department of Health and Children (Deputy John Moloney):** I apologise for the fact that the Minister for Education and Science, Deputy Batt O'Keeffe, is unable to be here this evening. I thank Deputy O'Donnell for raising this matter which gives me the opportunity to outline to the Dáil the Government's strategy for capital investment in



[Deputy John Moloney.]

education projects and to outline the current position in regard to the school mentioned by Deputy O'Donnell, namely, JFK Memorial national school, Limerick.

As the Deputy will appreciate, modernising facilities in our existing building stock and the need to respond to emerging needs in areas of rapid population growth are a significant challenge. The Government has shown a consistent determination to improve the condition of our school buildings and to ensure that the appropriate facilities are in place to enable the implementation of a broad and balanced curriculum. However, the level of demand on the school building programme is such that all projects cannot be carried out together. They will have to be carried out over time in a structured and coherent manner and that is the reasoning behind the Department's published prioritisation criteria.

The Department's forward planning section has carried out a study of the country to identify areas where, due to demographic changes, there may be a requirement for significant additional school provision at primary and post-primary levels in the coming years. This study has been conducted using data from the Central Statistics Office, the General Register Office and the Department of Social and Family Affairs in addition to recent schools' enrolment data. The study indicates that the requirement for additional primary provision in the years 2010, 2011 and 2012 is likely to be greatest in more than 40 selected locations across the country based on significant changes to the demographics of those areas. I can inform the Deputy that Limerick City has been identified as one of these areas.

**Deputy Kieran O'Donnell:** I welcome that.

**Deputy John Moloney:** This information has been circulated to all existing school patrons who have been invited to bring forward proposals for the expansion of existing schools or indeed to put themselves forward as patron for any new primary school, should it be required. The requirement for the establishment of new schools will be lessened where it is possible to expand and extend existing schools in those areas. All of these factors will inform the Department's building programme for 2010 and subsequent years.

The project for JFK Memorial national school, to which the Deputy refers, is currently at an advanced stage of architectural planning. As the Deputy pointed out, the school applied for large-scale capital funding for an extension-refurbishment project. However, due to the extent of additional accommodation needed and the condition of the existing school building, a decision was taken to provide a new school. The project has been assigned a band 2.4 rating under the published prioritisation criteria for large-scale building projects. I acknowledge that the Deputy informed the Department on 8 October of the need to revisit the band rating. Recently, the school has sought a review of this band rating and this matter is under consideration by the Department. I confirm that the meeting referred to by the Deputy will take place in Tullamore on Thursday, 26 November. The briefing is intended to fully inform the school and its design team what is required to bring the school to stage 2(b) approval and to assist them in reaching this stage without delay. For the record, stage 2(b) is the precursor to approval to go to tender. Bringing the project for JFK Memorial national school to stage 2b approval will allow it to be considered for advancement to tender and construction when the opportunity arises and resources permit.

I am sure that the Deputy will appreciate that the progression of all large-scale building projects, including the project for JFK Memorial national school, is dependent on prioritisation of the competing demands on the Department's capital budget. The project will be considered in the context of the Department's multi-annual school building and modernisation programme for 2010 and subsequent years. However, in light of current competing demands on the capital

budget of the Department, it is not possible at this time to give an indicative timeframe for delivery of the project. The meeting proposed for 26 November should move the project on considerably.

I again thank the Deputy for raising the matter and assure him that the Minister is committed to advancing the project when resources permit.

### **Mid-West Task Force Report.**

**Deputy Joe Carey:** I thank the Ceann Comhairle for facilitating me in raising this matter on the Adjournment tonight. Perhaps the Ceann Comhairle will inform me when I have one minute remaining.

The mid-west task force was established by Government in February of this year to consider and make recommendations in regard to the implications of the serious economic downturn on the mid-west, which was added to by the decision of Dell to end manufacturing in Limerick, and in response to calls from many Deputies on the Opposition side.

I, along with other public representatives, expressed the importance of ensuring that the task force, when established, be more than a cosmetic exercise. I was concerned that it would end up as another Government talk shop with no action on the real issues. Some four months later, following publication by the chairman, Mr. Denis Brosnan, of the task force's interim report, no action has been taken. Last week, the Tánaiste, when in Limerick, commented that the recommendations of the interim report would not be implemented. This announcement has set back the region yet again.

The task force is about to enter stage two of its work and the Government is dithering about what to do with the initial findings, which is absolutely disgraceful. It begs the questions, why was the task force established and what is the Government prepared to do in response to its findings and recommendations. The chairman of the task force has warned that the mid-west region could be faced with an unemployment rate of 20% by end 2010 if his report is not responded to by Government. This stark warning was given by Mr. Brosnan in response to a letter I wrote to him.

The mid-west is experiencing a severe economic downturn. It has gone through a poor tourism season, coupled with weekly job losses across Counties Clare, Limerick and North Tipperary. There is no justification for Government sitting on this report. If its recommendations are implemented, the economic carnage being experienced by the mid-west region will cease. The interim report gives an economic overview of the mid-west region and sets out the issues relating to cost competitiveness, how to tackle growing unemployment, the need to accelerate infrastructural projects, education and training. It also deals with enterprise and tourism in the region. The task force has met with and received presentations from 24 groups representing the major stakeholders and interest groups responsible for economic development in the region. The recommendations put forward in this report need to be implemented because they are critical.

The report makes approximately 20 recommendations which are a roadmap to address the economic situation in which we find ourselves. They relate to issues such as competitiveness and point out that Ireland has lost 32% in the international price competitive league.

While this is a national issue, the mid-west relies heavily on manufacturing, construction and tourism. In response to calls for a national competitive strategy, the report recommends employment subsidies, a reduction in employers' PRSI, and credit for corporation tax paid; it also points out the need to encourage people to stay in education or return to education for retraining and skills development. It identifies the necessity of funding the infrastructure to

[Deputy Joe Carey.]

enable the establishment of a linked cargo facility at Shannon Airport and the urgent need for a marketing strategy for the airport. It also points out the potential of the region to develop the Shannon Estuary as an alternative renewable energy hub. There are many other recommendations, including the need to prioritise foreign direct investment in the region by the IDA.

For four months this report has been passed from Department to Department. We now need a commitment from Government that its recommendations will be implemented in a timely fashion. The implementation of all recommendations is critical for the survival of our region. Either the Government is committed to the mid-west or it is not. I call on the Government to implement all the recommendations in full and to put the necessary plans and funding in place as a matter of urgency.

**Deputy John Moloney:** I thank the Deputy for raising this matter on the Adjournment and apologise that the Minister for Enterprise, Trade and Employment cannot be here to answer directly.

The mid-west task force, which was, as the Deputy has pointed out, established by the Minister under the chairmanship of Mr. Denis Brosnan, completed an interim report which was presented to the Minister on 2 July last. Given the wide range of recommendations included in the report, it is currently being considered by a number of different Departments. The Minister is grateful for the work Mr. Brosnan and the other members of the task force have undertaken to date and she is in ongoing contact with the task force.

The wide range of recommendations in the task force interim report cover both local and national issues. The Government has been responding to the economic downturn generally and has taken numerous initiatives, including competitiveness and employment activation measures and use of the EU globalization fund for individual companies. All of these measures have been of particular benefit to regions affected by job losses, including the mid-west region.

Since the job losses announcement by Dell last January, all of the State development agencies, under the auspices of the Department of Enterprise, Trade and Employment, have come together and intensified their efforts and activities to support Dell and other workers being made redundant in the region. The strategy of the IDA is to reposition the mid-west as a centre for knowledge-based industry, while focusing on marketing the Limerick-Shannon gateway area as a key location for investment by building on the strengths already evident in the region. The IDA also co-operates with the existing base of employers to encourage additional investment, particularly in activities such as research and development, customer support and back-office functions. For example, eight projects with a job potential of 1,073 were announced by multinational companies in the mid-west in 2008 and the beginning of 2009.

Shannon Development has intensified its engagement with its Shannon Free Zone clients and, along with the other State development agencies, is actively promoting a range of support measures announced by the Government to assist companies that are experiencing trading difficulties at this time. Enterprise Ireland is also working collaboratively with other State agencies in providing information and support to those facing redundancy. Túsna was set up in late 2008 to alleviate the impact of pending lay-offs announced by a number of major employers in the Shannon region which were to take effect in early 2009. Túsna has hosted a number of information events in the region, with more than 1,500 attendees to date.

Enterprise Ireland and the Limerick County Enterprise Board have run a series of workshops in-house at Dell and are in constant contact with the company in order to respond quickly to requests for programmes or meetings with people wishing to start a business. FÁS Employment Services has also engaged on a one to one basis with 900 staff who have exited the Dell

facility through redundancy since May 2009. FÁS has provided intensive on-site guidance and information services to the affected workers with the primary aim of securing other employment, training or further education.

In order to meet the substantial additional costs of the measures described above, as well as other costs, my Department has submitted an application to the European Commission under the EU globalisation fund for support in the provision of labour market services to redundant workers from Dell and downstream companies. A decision is expected on this shortly.

### **Hospital Accommodation.**

**Deputy Seymour Crawford:** I thank the Ceann Comhairle for allowing me and Deputy Ó Caoláin to raise this important issue.

The outbreak of *C. difficile* at Our Lady of Lourdes Hospital in Drogheda did not come as any surprise to many of the patients and families attending that hospital. While we all appreciate the extraordinary workload that has been forced on the hospital in recent years, there were constant complaints to me — and, I am sure, to many others — about the problem of overcrowding and lack of cleanliness.

Clearly, what has happened in the north east has been the result of total mismanagement of resources. A total of €17 million was spent on the Monaghan General Hospital restructuring programme and the only way it should have been wound down was with the building of a new central hospital in Ardee. In fact, the Teamwork report, bad as it was, made it clear that only when proper structures were in place should the existing structures be removed. It is totally unacceptable for a patient to go in with a fractured bone and come out dead a short time later.

This is not a problem only at Our Lady of Lourdes Hospital; there is serious overcrowding at Cavan General Hospital as well. In the old days the matrons got their priorities right and made sure administration was at a minimum and that front line staff, nurses, trainee nurses and attendants were all in place and doing their job. I was recently told by the father of a young girl about their experience in Cavan General Hospital. She arrived at 11.45 a.m. in dreadful agony with suspected appendicitis, but she was eventually seen at approximately 6 p.m. The waiting area was full of trolleys. The girl's father was told she would be kept in that night and operated on first thing the next morning. However, the operation did not take place until 7 o'clock the following evening and she was sent home at 11 a.m. the following day. This is a personal story, just one of many of which I have been advised regarding both acute hospitals. Having said that, those who get through the system have nothing but praise for the attention and care they received.

When swine flu was deemed an epidemic I urged both Professor Drumm and the Minister for Health and Children, Deputy Harney, to ensure that the 55 beds in Monaghan were left in place as a backup, at least for the time being, but of course this was ignored. Tonight I would like to receive some indication from the Minister about whether there are any plans to ensure people can get to hospital if required without having to leave the area, which would minimise family access.

I said in the House on a previous occasion that the way the health service was being run by the Minister was in fact euthanasia by the back door. I hoped at that stage that a warning would be sufficient, but unfortunately it was not heeded.

**Deputy Caoimhghín Ó Caoláin:** I join with Deputy Crawford in appealing to the Minister of State to reflect our concerns to the Minister, Deputy Mary Harney, whose absence I regret given the seriousness of the issue.

[Deputy Caoimhghín Ó Caoláin.]

We know of the report to the Louth county coroner on the deaths of four patients in the outbreak of *C. difficile* at Our Lady of Lourdes Hospital, Drogheda. The HSE reported that there have been approximately 21 confirmed cases and 20 symptomatic cases at the hospital. We also know there has been a further outbreak at Our Lady's Hospital in Navan and that these outbreaks have resulted in the closure of a significant number of beds at both hospitals and the cancellation of surgical procedures and all physiotherapy appointments at Navan hospital. Visiting restrictions have been put in place and all elective orthopaedic procedures and some general surgery has been cancelled until further notice at the Navan hospital site. These cutbacks have serious consequences for patients in the north-east region, where one hospital has already been closed for all acute care since 22 July. We now have two critical hospital sites, in Drogheda and Navan, working under a strict and limited regime. The closure of acute services at the Louth Hospital in Dundalk has been signalled as and from the end of the coming month. This is a very serious situation that requires an emergency response. We argue that here we have a hospital site that does not have the infection currently. Monaghan hospital deserves to be considered for the restoration of acute care as an emergency response to the current situation. We ask the Minister to recognise that while Monaghan hospital offers a temporary reprieve from the current difficulties we believe the closure of the hospital site is a direct contributor to the difficulties at other hospital sites within the region. Already hard-pressed staff and the extended throughput of patients presenting at each of these hospital sites both contribute directly to a fall in the standard of hygiene care and the ability of staff to enforce mandatory handwashing and the use of the gel opportunities provided at all ward sites.

I appeal to the Minister to respond to a situation that is currently localised in the north eastern region and that requires a similar north eastern response.

**Deputy John Moloney:** I apologise that the Minister, Deputy Harney, cannot be present. I shall depart from my prepared script for a moment. I absolutely resent the scurrilous allegation by Deputy Crawford. I do not believe he knows the meaning of the word "euthanasia". If he did he would not have said what he did.

**Deputy Seymour Crawford:** I know exactly what I said.

**Deputy John Moloney:** If the Deputy took some time to read recent reports on the success of the health service he would realise the age profile of people in this country has far outgrown that of many of our European colleagues. For the record, the Minister, Deputy Harney, with whom I have had the honour of working during the past year, is honest, decent and courageous. I could think of many more adjectives to describe her hard work and, most important, her caring position as Minister for Health and Children. However, I do not expect the Deputy to apologise. That would be far too much to ask.

At the outset, I wish to express my apologies to the patients and their families who have been affected by the outbreak of *clostridium difficile*. I share the Deputies' concerns in relation to *C. difficile* and healthcare associated infections, HCAs, generally. Since the beginning of October, there have been 22 confirmed cases of *C. difficile* at the hospital. There are currently ten confirmed cases. All confirmed cases were initiated on appropriate treatment for *C. difficile* and the majority of patients have responded to these treatments. In the same period a further 30 patients were symptomatic. Most of these patients have since improved. However, 11 patients remain symptomatic. There are currently 99 beds closed at Our Lady of Lourdes Hospital, Drogheda.

*C. difficile* is a well recognised HCAI. National guidelines for the surveillance, management and control of *C. difficile*-associated disease are implemented on an ongoing basis in Our Lady of Lourdes Hospital in order to minimise the impact of an outbreak on all patients, staff and the general public. They include guidance on the prescribing of certain antibiotics to prevent infection, case finding, risk assessment of symptomatic patients, isolation of patients who pose a potential or actual high risk of infection to others, mandatory hand hygiene and other infection control measures.

The *C. difficile* outbreak in Our Lady of Lourdes Hospital was reported on 28 October. I have been assured by the HSE that all appropriate infection control procedures and practices have been put in place. These include the following: an outbreak committee has been convened in accordance with the national guidelines; a renewed emphasis on medication prescribing with increased restrictions on the use of certain antibiotics, laxatives and other drugs in line with expert advice available to the committee; three wards in the hospital were identified and used to implement stringent isolation and control measures; there has been targeted emphasis on mandatory hand hygiene and other infection control measures; ongoing education of all grades and disciplines of staff to update on the status of the outbreak and measures that staff can take to care for the patients affected and minimise the further spread to unaffected patients and contain the outbreak.

The outbreak committee has sourced specialists to assist with deep cleaning of affected wards and hospital equipment. Specialist engineers have been drafted in to decontaminate most of the affected areas of the hospital and these measures will continue on an ongoing basis.

*C. difficile* is a notifiable disease which means that a doctor is legally bound to notify the coroner in all cases where a person has died who may have been exposed to or contracted a *C. difficile* infection. The coroner is responsible for determining if *C. difficile* was the cause of and-or contributory factor to a person's death.

Since 6 November, in consultation with the Louth county coroner, the HSE's clinical director has agreed that all deaths occurring at the hospital during the escalation phase of the outbreak will be notified to the coroner as a matter of routine. Prior to 6 November two deaths involving *C. difficile* as a suspected contributory factor were notified to the coroner and since 6 November, there have been a further four deaths at the hospital which have all been notified to the coroner. The HSE expects that a number of these cases will not be attributable to *C. difficile*. The families of the deceased have been contacted and have been offered appointments to meet with the treating clinician.

Restrictions remain in place at the hospital and general practitioners and ambulance services have been requested to refer adult patients, with medical complaints to other appropriate hospitals. Members of the public are asked to attend the emergency departments at the hospital only in the case of a genuine emergency and to contact their GP or out-of-hours service in the first instance. Visiting restrictions remain in place and where visitors are permitted they are being advised of the need for appropriate hygiene protocols including thorough hand washing.

For the moment all elective medical and surgical procedures have been cancelled. Measures have been put in place to deal with all priority 1 endoscopy procedures, namely, urgent endoscopes for diagnostic or therapeutic purposes. Arrangements have now been put in place to provide an orthopaedic and hip fractures service within the three North Dublin hospitals as a result of a *C. difficile* outbreak which was called in Navan on 13 November. There are two confirmed cases of *C. difficile* at Our Lady's Hospital Navan.

Surgical services continue to be provided across the Louth Meath Hospital Group. Elective day case surgery continues to be provided in Our Lady's Hospital and Navan and Louth County

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Hospitals and is being managed on the basis of individual patient needs. Contingency arrangements are in place in Beaumont Hospital for level 2 and level 3 surgery, for example, acute surgical or urgent elective. Through proactive management of clinically discharged patients at both hospital sites, capacity has been developed to deal with the requirement for patients in Louth County Hospital. As the outbreak continues all of the above are being reviewed on a daily basis and all appropriate measures will be taken to ensure timely access to quality safe services in line with patient need.

The World Health Organisation declared a global flu pandemic in June 2009. Since then my Department and the HSE have implemented plans to deal with the pandemic in Ireland. HSE national and crisis management teams are meeting regularly to co-ordinate HSE preparedness and response to issues such as the pressures being placed on the acute hospital system during the pandemic. A mass vaccination programme is underway through general practitioners and through public mass vaccination clinics which have been established all over the country.

I am satisfied that both the *C. difficile* and swine flu issues are being managed appropriately.

### **Irish Language Placenames.**

**Deputy Máire Hackett:** Táim an-bhuíoch as an deis a thug an Ceann Comhairle domsa labhairt anocht faoi thábhacht úsáid logainmeacha sa phost. I am very grateful to the Ceann Comhairle for giving me the opportunity to raise this important issue on the Adjournment. I thank my colleague, the Minister of State, Deputy Moloney, in anticipation of his reply.

I raise the issue on behalf of a number of people, many of whom are members of the Ormond Historical Society in Nenagh who have articulated to me their concerns regarding the forthcoming introduction of postal codes nationwide. I am not sure exactly when this is to come about but the Minister for Communications, Energy and Natural Resources, Deputy Eamon Ryan, has spoken at length about it and I understand it will be introduced in the next couple of years.

Change comes about and we know that people fear it. This is supposedly for the better, but it is important that we take into account the rich heritage stitched into the placenames of townlands and areas, many of which find their origins in the Irish language and are loaded with historical interpretations dating back many years. While anglicised, many of them hold great treasures of heritage.

The concern is that some placenames that are derived from topography and local history might be lost in the Government's attempt to introduce postal codes so as to keep up to speed with technology. However, a great heritage could be lost in serving that technology. I refer to the many townlands and cities where Irish derivations date back many years. For example, Letterkenny is derived from leitir, meaning hillside, lios means ring fort, dún means a strong fort and droichid means a bridge. My native place, the town of Nenagh, is Aonach Urmhumhan in Irish, which means the fair of Ormond. The fear is that people corresponding with such places may find themselves writing "Tipperary 24" and ignoring the townlands. In a quick swoop, names will be lost in serving the technology of the post offices' sorting boxes.

I take this opportunity to ask for the Minister of State's assurance that our heritage, which is a part of our townlands and areas, will be preserved for future generations and not lost through the introduction of postal codes. In Dublin city, postal codes have come to be associated with people's financial situations. For example, Dublin 4 carries a weighted, but positive, concept of the people who live therein. I hope that, in the endeavours undertaken by the Minister, Deputy Eamon Ryan, and the Government to introduce postal codes, our heritage

will not be lost and our townlands' names or *logainmneacha*, as I call them, will be maintained and treasured forever.

**Deputy John Moloney:** I thank Deputy Hoctor for placing this matter on the Adjournment. As she has raised similar issues at our parliamentary party meetings, I take this opportunity to recognise her considerable interest in this matter. I apologise to her for the fact that the Minister, Deputy Eamon Ryan, cannot attend this evening, but I will respond on his behalf.

A smart economy envisages economic development based on innovation and sustainability and an economy aiming for high end performance requires that the underlying infrastructure supports enterprises based on knowledge and innovation. A key element of national infrastructure is a common spatial identifier across the economy. Postcodes provide this common identifier, which will assume greater importance as we become more embedded in the digital economy.

Ireland is the only EU country that does not have such a postal code in place, but the Government has recently approved the implementation of a postcode for Ireland as recommended by the National Postcode Project Board. Comprising representatives from Departments and public and private sector organisations, the board was established to recommend the most appropriate postcode system for Ireland and to examine the costs and benefits and the implementation of postcodes.

For any developed country, a postcode system is a key piece of national infrastructure that can deliver economic and social benefits across all sectors of the economy and consultations around this project have revealed widespread support for their introduction. The recommendation is an alphanumeric, publicly available and accessible postcode. The country would be divided into approximately 200 post towns, within each of which will be groups of approximately 40 to 50 properties. The postcode will have the structure ABC 123, with the first three characters representing the post town and the second three characters representing the group of properties in which the particular building is located. The six-character code was selected for a number of reasons, including the ability of the population to remember their codes. The inclusion of a reference to the placename would also assist in this regard.

The uptake of the code by the public is central to its success. People need not be concerned about their existing addressing customs. There is nothing in the proposal that requires individuals to change their address structures. People can be assured that they can still use local placenames or townlands in addressing mail. Postcodes will just be an additional line on their existing address structure.

Postcodes are a key enabling feature of a competitive postal market and can present significant commercial opportunities for all postal service providers, including An Post. Besides enabling more efficient deliveries, postcodes can boost mailing volumes by facilitating the development of the direct mail industry, which is and will be an increasingly important source of income for operators facing competition from electronic media and declining mail volumes generally.

Furthermore, some of the more significant benefits of having a postcode in place will materialise outside of the postal and logistics sectors. Postcodes will provide an enhanced capacity and capability to use spatial data effectively and link databases with spatial elements across Government. Using spatial data more effectively can improve public policy making and help with the more effective use of resources. It is important, now more than ever, that public finances are spent in a targeted and effective manner. Postcodes will also facilitate better location-based services and the speedier deployment of emergency services. For example, it



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will help to eliminate confusion about addresses with similar names and thereby save time and maybe lives.

Postcodes will bring benefits to much more than just the postal sector. They can contribute to the development of a knowledge economy and the country's overall competitiveness. As a key piece of national infrastructure, they will deliver economic and social benefits, which we will reap long into the future. At the same time, they will not impact on existing local placenames or townlands, which I hope responds to the Deputy's proposals. Postcodes will add an extra dimension to the existing address structure.

Following on from the Government approval to implement postcodes, the officials in the Minister's Department are working to address the next steps in this project, including the process of selecting a body to implement the proposed system. It is expected that postcodes will be assigned and in use in 2011.

The Dáil adjourned at 9.30 p.m. until 10.30 a.m. on Thursday, 19 November 2009.

## Written Answers.

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

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*Questions Nos. 1 to 9, inclusive, answered orally.*

*Questions Nos. 10 to 46, inclusive, resubmitted.*

*Questions Nos. 47 to 55, inclusive, answered orally.*

### **Overseas Development Aid.**

56. **Deputy P. J. Sheehan** asked the Minister for Foreign Affairs the amount of the overseas aid budget that was allocated to each of the core programme countries each year in 2007 and 2008; the reduction of such funding to each of these countries in 2009; the areas affected by these reductions; and if he will make a statement on the matter. [41877/09]

99. **Deputy Tom Hayes** asked the Minister for Foreign Affairs his plans for overseas aid funding for each of the core programme countries in 2010; if he will guarantee that there will be no further cuts in the overseas development aid budget allocated to these countries in the lifetime of this Government; and if he will make a statement on the matter. [41878/09]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** I propose to take Questions Nos. 56 and 99 together.

The Government provides assistance through the aid programme to over ninety countries worldwide. Nine have been designated as Programme Countries, where we have a commitment to long term strategic assistance. These are Ethiopia, Lesotho, Malawi, Mozambique, Tanzania, Uganda, Zambia, Vietnam and Timor Leste. Irish Aid provided direct programme funding of €185 million to these countries in 2007. Almost €220 million was provided in 2008. This year, €198 million is being provided. Breaking these figures down by Programme Country:

- €32 million was provided in Ethiopia in 2007 and €36 million in 2008. The programme budget for 2009 is €27.8 million.
- In Lesotho, €9.4 million was provided in 2007 and €9.1 million in 2008. The programme budget for 2009 is €11.4 million.

[Deputy Peter Power.]

- In Mozambique, €31 million was provided in 2007 and €34 million in 2008. The programme budget for 2009 is €40.5 million.
- In Tanzania, €32 million was provided in 2007 and €38 million in 2008. The programme budget in 2009 is €33.5 million.
- In Uganda, €35 million was provided in 2007 and €42 million in 2008. The programme budget for 2009 is €35.5 million.
- In Zambia, €22 million was provided in 2007 and €23.5 million in 2008. The programme budget for 2009 is €23.2 million.
- In Malawi, which was designated as the newest Programme Country in 2007, almost €10 million was provided in 2008. A programme budget of €8.8 million was allocated for 2009. I have recently approved funding of a further €2 million for the fight against hunger in Malawi.

In relation to the two Programme Countries in Asia:

- €19 million was provided in Vietnam in 2007 and €21 million in 2008. The programme budget for this year is €13.75 million.
- In Timor Leste, €4 million was provided in 2007 and €5 million in 2008. The programme budget this year is €3.42 million. In addition, over €1 million was allocated in 2008 and €990,000 in 2009 for a programme of conflict resolution activities in Timor Leste.

The Government channels additional funding to the Programme Countries in response to emergencies and humanitarian disasters, as necessary. Support is also provided through Irish Aid funding of the activities and programmes of Non-Governmental Organisations and through contributions to UN and other international agencies.

In deciding this year on the implementation of the budget adjustments which were necessary across the aid programme, priority was given to the need to protect funding to our Programme Countries, to the extent possible. We have in all cases ensured that the continuity of our programmes will be maintained. In some cases, funding timeframes have been extended and disbursement rates modified, but the planned final outputs will be delivered, even if they have been delayed somewhat.

The difficult process of preparing the Budget for 2010 is now underway, and the amount provided for Overseas Development Assistance will be announced by the Minister for Finance in his Statement to the Dáil on 9 December. The subsequent decisions on allocations for individual programmes will be made in consultation with our Embassies in the Programme Countries, which have maintained a strong dialogue with Governments and other local partners. The Government is determined to ensure that the high standards of Ireland's aid programme will be maintained, and that it will continue to deliver clear results for the lives of those most in need.

*Question No. 57 answered with Question No. 55.*

#### **Offshore Islands.**

58. **Deputy Jack Wall** asked the Minister for Foreign Affairs the position regarding Rockall Island. [41920/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** During the 1960s and 1970s the issue of Rockall was a source of legal and political controversy in both Ireland and the United Kingdom. Much of that controversy lay in fears at the time that jurisdiction over Rockall and similar rocks and skerries was thought to be central to claiming mineral rights in the adjacent sea-bed and fishing rights in the surrounding seas, as well as to the delimitation of maritime boundaries.

However, during the course of the Third United Nations Conference on the Law of the Sea, which took place from 1973 to 1982, the Irish delegation worked hard to establish a satisfactory legal regime applicable to islands. This effort was ultimately successful. The United Nations Convention on the Law of the Sea, which was adopted at Montego Bay at the conclusion of the Conference on 10 December 1982, provides at Article 121, paragraph 3 that: “Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf.” Article 121 (3) applies to Rockall. Both Ireland and the United Kingdom are parties to the UN Convention on the Law of the Sea. It is accordingly accepted by both states that Rockall cannot be used as a basis for delimiting their respective continental shelves or fisheries zones and this was duly reflected in the Ireland-UK continental shelf boundary agreement concluded in 1988.

*Question No. 59 answered with Question No. 55.*

#### **Human Rights Issues.**

60. **Deputy Thomas P. Broughan** asked the Minister for Foreign Affairs his views on the recently published Goldstone report. [41943/09]

79. **Deputy Joan Burton** asked the Minister for Foreign Affairs if he supports the recommendations of the Goldstone report including that the perpetrators of war crimes be subject to trial by international and national courts under universal jurisdiction; and if he will make a statement on the matter. [41912/09]

80. **Deputy Eamon Gilmore** asked the Minister for Foreign Affairs the measures he and the European Union supports to address the immediate and environmental dangers to the civilian population in Gaza that were identified in the Goldstone report; and if he will make a statement on the matter. [41910/09]

117. **Deputy Joan Burton** asked the Minister for Foreign Affairs his views on whether the Goldstone report is accurate; his further views on whether its recommendations should be followed and action taken in response to its findings; and if he will make a statement on the matter. [41913/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I propose to take Questions Nos. 60, 79, 80, and 117 together.

The Goldstone Report is a serious and important document, which seeks to sift fact from allegations and rumour, and to determine so far as possible what happened in and around Gaza in the conflict at the beginning of this year, and how to pursue accountability for any violations of international humanitarian law which occurred. The members of the Fact Finding Mission led by Judge Goldstone, and including retired Irish Colonel Desmond Travers, are to be commended for the diligence and fairness with which they have attempted to carry out their mandate, including in rising above the regrettably one-sided nature of the original Human Rights Council Resolution which led to the establishment of the Mission.

[Deputy Micheál Martin.]

Ireland has spoken in favour of the Report in our current capacity as observers at the Human Rights Council, and voted in favour of the Resolution on the Report at the UN General Assembly on 5 November. Ireland was one of five EU member States to vote in favour. Some partners opposed the Resolution while most abstained, because of issues which had as much to do with the terms of the Resolution as with the Report itself. We ourselves had some reservations about the terms of the Resolution. We felt that it was premature to be asked to ‘endorse’ the Report as a whole and made this clear in our explanation of vote. However, on balance, we decided to support the resolution in order to send a political signal as to the importance that we attach to the report and the issues it raises.

While supporting the resolution, we made clear that, like many other States, we will need time to carefully consider the complex political and legal issues involved in some of the very wide-ranging recommendations of this lengthy Report. Our vote in favour does not pre-empt that consideration, or mean that we will necessarily agree with every word in the Report. Its recommendations intentionally have the potential — which I welcome — to set new benchmarks in international legal accountability for military actions, and for that reason require the most careful political and legal consideration by all States. This will not be a speedy process.

It is not for the Government to conclude if the Report’s findings are accurate as to fact: that will be the task of the investigative and judicial mechanisms it calls for. Nor do we have information of our own on which to make a judgement. But clearly the Report marshals a strong case to be answered. In the first instance, the Report calls for all sides in the conflict to establish authoritative and transparent investigations into the allegations, and we fully supported that call, which was the main operative effect of the General Assembly Resolution. The possibilities of action by international courts, or national courts under universal jurisdiction, are among the alternative measures suggested if those local investigations are not held.

The conflict in Gaza has served to exacerbate many of the problems already facing Gaza, including in the environmental sphere and related issues of sewage treatment and the availability of drinking water. While the conflict did involve some additional destruction to the infrastructure in both areas, the main problem is the continuing blockade of construction materials which is preventing the urgent action necessary to avoid huge environmental problems. I have repeatedly stressed the urgent need for an end to the blockade and a full opening of the crossing points to Gaza to normal commercial and humanitarian traffic, and movement of people, and I repeat that call today.

### **Foreign Conflicts.**

61. **Deputy Jan O’Sullivan** asked the Minister for Foreign Affairs his views on the recent political upheaval in Honduras; the likelihood for success of the United States brokered deal there; and if he will make a statement on the matter. [41939/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** On 26 June 2009, President Zelaya was ousted by a military coup which saw him forcibly transported to Costa Rica. Roberto Micheletti was declared interim President and the military took control of the capital Tegucigalpa. On 28 June, EU Foreign Ministers strongly condemned the military actions directed against President Zelaya and called on all relevant parties and institutions to refrain from violence and to strive to find a swift and peaceful solution to the situation.

Efforts to resolve the situation were led by the Costa Rican President, Oscar Arias and the Organisation of American States. Proposals put forward by Arias in July, known as the San José Accord, would have seen President Zelaya return to power and amnesty declared for any

crimes committed; the creation of a unity government and early elections, due to take place on 29 November. The Accord also called for the establishment of a Verification Commission to investigate events which led to the crisis. This Accord was strongly supported by the EU. While some progress was made in a number of areas, President Zelaya's return to power and the question of amnesty remained a sticking point and stalemate ensued.

Following a mission led by US Assistant Secretary of State for the Western Hemisphere, Tom Shannon, to Tegucigalpa, the Tegucigalpa-San José Agreement was signed on 30 October 2009. This eight point agreement created a government of national unity (to assume power by 5 November 2009); ruled out reform of certain articles of the constitution, which would have allowed for presidential re-election; recognised the elections and transfer of power to take place on 27 January 2010; transferred authority over the armed forces to the Supreme Electoral Tribunal until the elections; provided for the National Congress, in consultation with the Supreme Court, to decide whether to return the executive to the *status quo ante* of 28 June 2009; created a Verification Commission to ensure compliance with the Agreement and a Truth Commission to clarify events before and after 28 June 2009; called on the international community to restore relations with Honduras, drop sanctions and renew international financial cooperation and asked the signatories to submit differences in interpretation of the Agreement to the Verification Commission.

The Agreement did not, however, set a timeframe for the Congress to vote on President Zelaya's restitution. On 3 November, the Congress decided to seek an advisory opinion of the Supreme Court. Shortly after the 5 November deadline for the formation of a government of national unity, Micheletti announced a new administration, with himself at its head, made up of candidates proposed by political parties and other sectors of civil society. In response, President Zelaya has stated that the Agreement is null and void. Ireland and the EU have expressed concern over the interruption to the implementation of the Tegucigalpa-San José Agreement and have called on both sides to return to the dialogue. We have also expressed our firm support to the efforts made by the Verification Commission, as well as to the OAS and the USA to facilitate further dialogue to ensure the implementation of the Agreement. I would call on both sides to respect constitutional rules and human rights, which are the cornerstones of democratic governance.

### **Diplomatic Relations.**

62. **Deputy Damien English** asked the Minister for Foreign Affairs his plans to extend relations with Cuba; and if he will make a statement on the matter. [41864/09]

100. **Deputy Ciarán Lynch** asked the Minister for Foreign Affairs if he will make a statement on such changes as are envisaged in the common position of the European Union in relation to Cuba. [41918/09]

116. **Deputy Ciarán Lynch** asked the Minister for Foreign Affairs If he has held meetings with the newly installed Cuban Ambassador to Ireland; and if he will make a statement on the matter. [41919/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I propose to take Questions Nos. 62, 100 and 116 together.

As the Deputy is aware, Cuba is undergoing a major transformation, and its relations with the EU have entered a new phase. Given this new context, I visited Cuba in February of this year and discussed a wide range of political, economic and social issues, including human rights. Following that visit, we are now examining how we might strengthen our bilateral relationship

[Deputy Micheál Martin.]

with Cuba and work is being taken forward with the Cuban authorities on that basis. In addition, at the Universal Periodic Review of Cuba at the fourth Universal Periodic Review Session of the Human Rights Council in Geneva earlier this year, Ireland submitted a number of recommendations on human rights in Cuba.

The EU Common Position on Cuba, agreed during the Irish Presidency of the EU in December 1996, is reviewed on an annual basis at the June General Affairs and External Relations Council (GAERC). During the review in June of this year, the Council welcomed the resumption of political dialogue with Cuba, which allows both sides to discuss openly issues of mutual interest. A high level political dialogue meeting between the EU and Cuba, which had been due to take place en marge of the UN General Assembly in New York in September was postponed and will now take place on 28 November in Brussels. Topics for discussion will include EU-Cuba cooperation, human rights and climate change. The EU Common Position on Cuba will next be examined at the June 2010 GAERC; discussions within the EU will commence in the Spring. I will meet with the Cuban Ambassador in the coming weeks.

### **Northern Ireland Issues.**

63. **Deputy Billy Timmins** asked the Minister for Foreign Affairs if he will report on his most recent visit to Northern Ireland; and if he will make a statement on the matter. [41866/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I visited Belfast on 11 November 2009 for a series of meetings. At Stormont Castle, I met with First Minister Peter Robinson and deputy First Minister Martin McGuinness, together with their Northern Ireland Executive colleagues, Margaret Ritchie and Robin Newton, for a North/South Ministerial Council meeting in Institutional Format. As on previous occasions, we had a very useful discussion on the economic and budgetary challenges facing both jurisdictions and the potential contribution cross-border cooperation can make in providing more effective and efficient services North and South.

We had a very good exchange on EU issues of mutual interest and areas where we might cooperate further to advance our shared interests. We also discussed the remaining obstacles to cross-border mobility and welcomed a plan to inform teachers about recent changes in pension arrangements for those looking to work in the other jurisdiction. We also discussed the implementation of efficiency savings in the North/South Bodies for 2009 and 2010. I used the opportunity to reiterate the Government's strong support for the Bodies as they continue to carry out their mandate and play a valuable role in the economic recovery of the island.

I later met with the SDLP leader, Mark Durkan, MP, MLA, and several of his party colleagues to discuss a range of issues including current political developments in Northern Ireland. Before leaving Parliament Buildings, I paid a courtesy call on the Speaker of the Northern Ireland Assembly, Mr. William Hay, MLA. I visited the Northern Ireland Human Rights Commission Offices and met with the Chief Commissioner Monica McWilliams and several of her Commission colleagues. We had a fruitful discussion of the Commission's work, including their co-operation with the Irish Human Rights Commission through the Joint Committee of the two Commissions. We also discussed progress towards the creation of a Bill of Rights for Northern Ireland, as provided for in the Good Friday Agreement.

While in Belfast, I also took the opportunity to visit the offices of the Policing Board. I met with the Chairman, Barry Gilligan, and the Vice Chairman, Brian Rea, who briefed me on the very impressive work of the Board, including an update on the transformation of policing in the North following the recommendations of the Patten Commission a decade ago. We also discussed the range of issues on the policing agenda in Northern Ireland.

### Foreign Conflicts.

64. **Deputy Kathleen Lynch** asked the Minister for Foreign Affairs if his attention has been drawn to the recent incidents in the Hadramawt region of Yemen and the border region of that country with Saudi Arabia; and if he will make a statement on the matter. [41937/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The deteriorating security and humanitarian situation in Yemen was discussed by Foreign Ministers at the General Affairs and External Relations Council in Luxembourg at the end of October. Council Conclusions were adopted which expressed the EU's deep concern at the deteriorating security, political and economic situation across the country and underlined the importance of a comprehensive approach to addressing the difficulties currently facing Yemen. The Council also reiterated the EU's continued readiness to support the Government of Yemen in addressing the challenges ahead.

Historically, Yemen is a country which has suffered from serious internal and political instability while, in more recent years, it has also experienced problems with Al-Qaeda-linked terrorism. Fighting has been occurring sporadically in Yemen's northern governorate of Saada since 2004, flaring up in adjacent regions and, in 2008, reaching the outskirts of the capital, Sanaa. The conflict in Saada, which has brought about extensive destruction, pits a predominantly Shi'a rebel grouping, known generically as the Houthis, against the predominantly Sunni Government forces.

There have been growing regional and international concerns about the deteriorating security, political and economic situation across Yemen. The situation was discussed at the most recent Ministerial meeting of the EU-Gulf Cooperation Council, held in Muscat, Oman last April. In particular, there are concerns about the growing violence and deterioration of the humanitarian situation in Saada, which has caused an increasing number of civilian casualties and of internally displaced people. The Government, through Irish Aid, has allocated humanitarian assistance of €200,000 through the UN Refugee Agency (UNHCR) and the UN Children's Fund (UNICEF) to assist those displaced by the violence.

The issue is also a strategic one, as the Saada conflict carries grave risks, not just for Yemen's delicate political, sectarian and social equilibrium but for the stability of the region as a whole. The recent tensions with neighbouring Saudi Arabia, which has reportedly carried out a series of air raids on Houthi rebel positions in northern Yemen in recent days, and consequent warnings from Iran about foreign interference, have illustrated further the high stakes in this conflict. The EU will continue to monitor the situation closely and keep this issue high on the agenda, including in its ongoing political dialogue with the Gulf Cooperation Council.

### International Agreements.

65. **Deputy Eamon Gilmore** asked the Minister for Foreign Affairs his views on whether the EU's Euro-Mediterranean agreement with Israel should be suspended in view of the Goldstone report; if he will communicate this view to the EU; and if he will make a statement on the matter. [41911/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I refer the Deputy to my reply to Written Question 311 on 10 November 2009, which was as follows:

“The Government does not consider that trade or other embargoes on Israel would contribute to the search for peace in the Middle East. I have also made clear that there would be no prospect of reaching consensus at EU level in favour of such a policy.



[Deputy Micheál Martin.]

In these circumstances, to link this issue with the discussion of the Goldstone Report would serve to make more difficult a clear and constructive discussion on the Report and the important issues it addresses.

The Government have however made clear, in debates both at the Human Rights Council in Geneva and the United Nations General Assembly in New York, our support for the Goldstone report as a serious investigation which needs to be considered carefully and acted upon. Ireland was one of five EU Member States which voted in favour of the Resolution on the Report at the General Assembly last week. I have made clear my view that there must be accountability for actions taken.”

### **Human Rights Issues.**

66. **Deputy Kathleen Lynch** asked the Minister for Foreign Affairs the position regarding the human rights activists from the Saharawi Arab Democratic Republic who are incarcerated in Casablanca at the present time; if the international community is actively seeking to ensure that there will be a fair trial and that they are treated humanely; and if he will make a statement on the matter. [41936/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I am aware of the arrest of seven Saharawi human rights activists in Casablanca, Morocco, on 8 October this year. I understand that Moroccan police arrested the group at Casablanca Airport, on their return from a visit to the Saharawi refugee camps in South Western Algeria. While the Moroccan police authorities have confirmed the arrest, there are no further official details on the group’s whereabouts or their current situation. However, unofficially, we understand that they continue to be held and that they may face serious charges, including treason. Unfortunately, prior to their return, the group’s visit to the camps had been highlighted and strongly condemned in the Moroccan press, which has accused the group of treason.

Through our Embassy in Lisbon, which is accredited to Morocco, we have been in contact with our EU partners on the ground in Rabat who have been in discussions with the Moroccan authorities about the case. My Department has also raised our concerns regarding this case directly with the Moroccan Ambassador here in Dublin. We will continue to monitor the situation of the group and remain in contact with our EU partners through the Embassy in Lisbon. I understand that the President of the Saharawi Arab Democratic Republic (SADR) has expressed his concerns for the safety of these seven Saharawi detainees directly to the President of the United Nations Security Council and that he has also written to the President of the European Council.

The European Union’s relationship with Morocco is conducted within the framework of the European Neighbourhood Policy and the Association Agreement between the EU and Morocco. This relationship is based on a commitment to certain common values, including respect for democratic principles, human rights and fundamental freedoms, which are an essential component of the Association Agreement. The situation in Western Sahara and its consequences are discussed at all meetings held in the context of the political dialogue between the EU and Morocco.

The plight of the people of Western Sahara remains an issue of great concern to the Irish Government and to the international community. I spoke on this issue and about the grave humanitarian aspects of frozen conflicts at the Ethical Development Action Conference in Cork in April. We would wish to see that human rights activists in Western Sahara and in Morocco enjoy freedom of movement and expression and that they are able to carry out their

legitimate human rights activities without fear of reprisals, in accordance with international law. We will continue to follow this matter and to raise the importance of human rights protection with the Moroccan authorities at every available opportunity.

### **Overseas Development Aid.**

67. **Deputy Denis Naughten** asked the Minister for Foreign Affairs the impact of the budget cuts on overseas development aid; and if he will make a statement on the matter. [41725/09]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** In 2008, Ireland spent €920 million on Official Development Assistance (ODA). This represented approximately 0.59 % of our Gross National Product (GNP). For 2009 the total budget for ODA is expected to reach €696 million. Based on current projections this will represent at least 0.48% of Gross National Product (GNP). This means that Ireland will remain one of the most generous donors in the world on a per capita basis. This is an enormous achievement in the context of the current economic circumstances.

The Government very much regrets having to make the decision to reduce the 2009 development assistance budget. However, it must be recognised that this necessary decision was taken in the context of the economic situation facing the country. Its sole objective is to assist in stabilising the public finances. This is a fundamental prerequisite for the resumption of economic growth, which is the only sustainable way Ireland can meet its future ODA commitments. The Irish Aid programme is internationally renowned for its sharp focus on poverty reduction and hunger alleviation, and its concentration on the least developed countries, especially in sub-Saharan Africa. In implementing the necessary budgetary adjustments we were determined to maintain this focus and protect the international reputation and quality of the programme.

We worked closely with our development partners to ensure the continuity of programmes by extending funding time frames and modifying disbursement rates. We are confident that planned final outputs will be delivered, albeit with some realignment of timeframes. In addition, there was no reduction in the important technical expertise which Irish officials bring to their work with our partners. 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 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.

### **Foreign Conflicts.**

68. **Deputy Fergus O'Dowd** asked the Minister for Foreign Affairs the steps he has taken to assist in addressing the flight of the displaced persons in Sri Lanka; and if he will make a statement on the matter. [41863/09]

75. **Deputy Brian O'Shea** asked the Minister for Foreign Affairs if he will comment on reports that the Sri Lankan Defence Chief had agreed to provide testimony to the United States Department of Homeland Security regarding alleged human rights violations by a US citizen and Sri Lanka's Defence Secretary; and if he will make a statement on the matter. [41926/09]

76. **Deputy Mary Upton** asked the Minister for Foreign Affairs the position regarding the Tamils detained in Sri Lanka; if aid agencies, in particular the International Committee of the Red Cross, and Crescent, have had access; and if he will make a statement on the matter. [41925/09]

115. **Deputy Mary Upton** asked the Minister for Foreign Affairs the position regarding Sri Lanka; and if he will make a statement on the matter. [41924/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I propose to take Questions Nos. 68, 75, 76 and 115 together.

As I have stated on many occasions in this House, I am deeply concerned about the situation in Sri Lanka. The immediate priority is still the welfare of the Internally Displaced Persons (IDPs) being held in camps in the north of the country, mainly in the Vavuniya area. The UN Office for the Coordination of Humanitarian Affairs has reported that a total of 73,180 IDPs have been returned from the camps to their places of origin in the period between 5 August and 1 November 2009. I welcome this report. However, it remains unacceptable that nearly 190,000 people remain in the camps some six months after the end of the conflict. In this respect, I have noted the various assurances and commitments made by President Rajapakse concerning the return of the IDPs to their homes. It is essential that these commitments are respected.

The Government has made representations to the Government of Sri Lanka regarding the need to ensure the dignified, safe and speedy return of the IDPs to their home areas, as well as making clear the need for both a comprehensive reconstruction programme and a political settlement. On 27 October EU Foreign Ministers urged the Government of Sri Lanka to ensure that conditions for those remaining in the camps are in all respects in accordance with internationally accepted standards. Ministers also emphasized the urgent need for humanitarian agencies to be given full and unimpeded access to IDPs so that humanitarian aid and protection can be provided to them.

The ICRC has been reviewing its operations and presence in Sri Lanka. It has closed four offices in Eastern Province and activities in this region have been suspended. Activities carried out from its offices in Vavuniya and Mannar have been put on hold pending further clarification and agreement with the government. The ICRC does not currently have access to those detainees deemed ex-combatants. However, it continues to help displaced and resident civilians and non-combatants detained in the Jaffna peninsula, in Colombo and elsewhere in the country. Responding to the serious humanitarian crisis in the affected areas, Irish Aid has provided funding of €308,000 for emergency response through NGO partners, including 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 is currently deployed in Sri Lanka to assist in the emergency response effort of the UN Refugee Agency (UNHCR).

Deputies will appreciate that I have no access to information as to whether or not General Sarath Fonseka, who has since resigned as the Sri Lankan Defence Chief, had agreed to provide testimony to the United States Department of Homeland Security regarding alleged human rights violations while he was in the United States earlier this month. However, I understand from press reports that the General was not interviewed by the US authorities while he was in the United States. I believe that an independent review to consider the allegations of serious breaches of international humanitarian law by both sides in the course of the conflict in Sri Lanka should be established. On 18 May EU Foreign Ministers reiterated the need for all parties to respect fully their obligations under international humanitarian and human rights law and called for the alleged violations of these laws to be investigated through an independent inquiry.

This call was reiterated by the EU Presidency at a Special Session of the UN Human Rights Council on the situation in Sri Lanka in Geneva on 26/27 May 2009. 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 Human Rights Council covering violations perpetrated by all parties. However, efforts by the EU to have a Resolution passed which would endorse a call for an inquiry into breaches of international law have regrettably been unsuccessful. Despite this, I remain committed to the principle of such an inquiry. I would see such an inquiry as one element in the overall response of the international community to Sri Lanka's post-conflict rehabilitation and reconstruction needs. Regrettably, I have nevertheless to concede that the chances of securing a UN-based inquiry now are very slim.

An inclusive reconciliation and peace process must also 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. 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.

### **Emigrant Support Services.**

69. **Deputy Denis Naughten** asked the Minister for Foreign Affairs the progress made to date on resolving the issue of undocumented Irish in the US; and if he will make a statement on the matter. [41726/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** Finding a solution for our undocumented citizens in the US continues to be a high priority of this Government. We are also committed to developing our bilateral migration arrangements with the United States, through the establishment of a reciprocal two year renewable E3 visa scheme. In discussions with US Secretary of State Hilary Clinton, during her visit to Ireland in October, I stressed that the Government was continuing to pursue a three pronged strategy to address migratory flows between Ireland and the US. This strategy involves seeking a solution for the undocumented Irish, the establishment of an E3 visa and the continued expansion of the working holiday programme, which was concluded last year. In response to these issues, Secretary of State Clinton indicated that immigration reform may be addressed in early 2010, following the passage of healthcare legislation.

On my visit to Washington and New York on 14-17 October, I held extensive discussions on the prospect for progress on immigration reform with significant number of key Democrats and Republicans in Congress. These included the Chair of the Senate Judiciary Committee, Senator Patrick Leahy, Senator John McCain, Senator Lindsey Graham, Senator Jeanne Shaheen, Senator Chris Dodd, Senator Bob Casey, Senator Paul Kirk, the Chair of the House Sub Committee on Immigration, Zoe Lofgren and the members of the House of Representatives Friends of Ireland Group. There was considerable support expressed at these meetings for efforts to find a solution for the undocumented and for the E3 visa initiative. I received some indications that a comprehensive immigration bill which would address the concerns of the undocumented could be introduced in Congress in Spring 2010 but I was also told that such a timetable could be influenced by ongoing debate on health care reform and the fact that 2010 will be an election year in the US.

In New York, I also had a very useful meeting with the Irish Lobby for Immigration Reform, who are continuing to lobby for the undocumented Irish, with the assistance of former Congressman Bruce Morrison. Since 2006, funding of \$285,000 has been allocated by this Department, through the Emigrant Support Programme, to support the work of ILIR.

*Question No. 70 answered with Question No. 55.*

### Anti-Piracy Operations.

71. **Deputy Pádraic McCormack** asked the Minister for Foreign Affairs if the intervention of the naval force has been successful in tackling the piracy off the coast of Somali; and if he will make a statement on the matter. [41874/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** Operation Atalanta is the EU's naval operation acting in support of United Nations Security Council Resolutions relating to piracy off the coast of Somalia. It forms part of efforts by the wider international community to address the piracy problem in the region. Operation Atalanta currently consists of naval units from Belgium, France, Germany, Greece, Italy, Netherlands, Norway, Spain and Sweden. Ireland fully supports the operation, and one Naval Service officer is currently assigned to the mission's Operational Headquarters in Northwood.

Under its mandate, Operation Atalanta contributes to the protection of vessels of the World Food Programme delivering food aid to displaced persons in Somalia; to the protection of vulnerable vessels cruising off the Somali coast; and to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast. By early October 2009, the mission had successfully escorted vessels transporting approximately 280,000 tonnes of World Food Programme cargo to Somalia as well as protecting other shipping in the area. The mission has also led to the detention and prosecution of 68 suspected pirates in Kenya. The force is successfully performing its mission and makes an effective contribution to improving maritime security off the coast of Somalia.

Notwithstanding the achievements of Operation Atalanta, acts of piracy continue to occur in the region. Further efforts are required by the international community to address this situation, particularly the root cause of Somali piracy.

*Question No. 72 answered with Question No. 55.*

### Foreign Conflicts.

73. **Deputy Seán Sherlock** asked the Minister for Foreign Affairs if his attention has been drawn to the ongoing tensions between Venezuela and Colombia; and if the European Union proposes to seek to assist in any way in this matter. [41917/09]

110. **Deputy Seán Sherlock** asked the Minister for Foreign Affairs his and the EU's reaction to the establishment of US defence centres in Colombia in view of the ongoing crisis between Colombia and Venezuela; the reason for their installation; and if he will make a statement on the matter. [41916/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I propose to take Questions Nos. 73 and 110 together.

On 30 October 2009, a bilateral agreement, entitled *A Supplemental Agreement for Cooperation and Technical Assistance and Security*, was signed by Colombia and the United States. Articles Three and Four of this Agreement provide for continued U.S. access to specific Colombian facilities in order to undertake mutually agreed activities within Colombia and for the location of up to 800 U.S. military personnel and up to 600 U.S. civilian contractors at seven military bases in Colombia. I understand that the Agreement was considered in the Union of South American Nations Defence Council on 10 August 2009. A number of countries, including Venezuela, have indicated their objection to this Agreement. Events on the Colombian-Venezuelan border in recent days are indeed a matter of concern and the EU is

following them closely. We fully support Brazilian President Lula's reported efforts to reduce the tensions that have arisen between these two neighbouring countries.

### **Official Engagements.**

74. **Deputy Fergus O'Dowd** asked the Minister for Foreign Affairs if he will report on his most recent visit to the United States; and if he will make a statement on the matter. [41862/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I visited Washington and New York from 14-17 October 2009. During my visit, I met with American politicians, members of the Irish community and the wider business community, including with clients of the IDA and Enterprise Ireland. Every effort was made to promote Irish-American political, economic and cultural relations during the visit.

I addressed the European Institute in Washington on the theme of "Equipping the EU for global challenges: an Irish view". This was an invaluable opportunity to explain Irish attitudes to the EU and the Lisbon Treaty and to set out how the EU and US are working together to address global challenges. I then travelled to Capitol Hill, where I met senior members of Congress, including Senators John McCain, Chris Dodd, Paul Kirk, Lindsey Graham, Bob Casey, Jeanne Shaheen and Pat Leahy. I also met with 16 members of the House of Representatives, including Congressman Richie Neal, who is Chairman of the Friends of Ireland group in the US Congress, Congresswoman Zoe Lofgren and Congressman Patrick Kennedy. Our discussions covered a wide range of subjects, including the outcome of the Lisbon referendum in Ireland, the current economic climate, the situation in Northern Ireland, the Global Irish Economic Forum held at Farmleigh in September and, of course, the issue of the undocumented Irish in the United States.

In New York, I chaired the inaugural meeting of the Ireland-US Leadership Council. The formation of the Council was a key proposal of the Ireland-US Strategic Review, which was launched by the Taoiseach in March. The grouping brings together leaders of the main Irish-American organisations in the business, community and cultural fields. In New York, I also met with a broad range of Irish community representatives including those from the main Irish advice and support centers across the US and the Irish Lobby for Immigration Reform (ILIR). I also had an opportunity to see how we are providing practical support to Irish communities in the US when I visited a project in Rockland County, where the Irish Government and the GAA have jointly supported the development of local sports grounds for around 700 boys and girls who are actively involved in gaelic games.

I addressed a business breakfast for 60-70 guests at Ireland House in New York and briefed them on the outcome of the Lisbon referendum and on the steps the Government is taking to address the economic challenges we face. The guests included key clients of the IDA and Enterprise Ireland and I also met with business media. Other engagements included attending an interfaith service on Staten Island, in memory of Irish famine emigrants who died while quarantined on arrival in New York. The Irish-US relationship is of enormous importance and benefit to Ireland and my visit was an opportunity to maintain and further develop key relationships in Washington and New York.

*Questions Nos. 75 and 76 answered with Question No. 68.*

### **Overseas Development Aid.**

77. **Deputy Liz McManus** asked the Minister for Foreign Affairs his views on the need to ensure a separation between the funding for overseas development aid and such financial

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commitments regarding climate change which may emanate from the Copenhagen conference. [41933/09]

92. **Deputy Liz McManus** asked the Minister for Foreign Affairs his views on whether the overseas development aid budget and future financing mechanism to tackle climate change should be kept separate in order to ensure that Ireland's UN commitment to spend 0.7% of gross domestic product on development aid by 2012 is not diluted; and if he will make a statement on the matter. [41932/09]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** I propose to take Questions Nos. 77 and 92 together.

The UN Secretary General has rightly described climate change as the greatest humanitarian challenge facing the world today. The communities which have been most severely affected by climate change to date have been those in the world's poorest countries. Through Ireland's work in developing countries we can see clearly that they are already suffering the effects of climate change. Increased incidences of adverse weather events are leading to further food insecurity, hunger, disease and an increase in humanitarian disasters. There is an inextricable link between development and climate change activities. Ireland's aid programme addresses the key vulnerabilities of the poor, including the additional challenge of climate change. Likewise, actions undertaken to combat the effects of climate change also need to focus on increasing the ability of communities to deal with other causes of poverty. For instance, climate change actions include improving agricultural productivity, increasing access to water and the availability of local health care.

Agreement on support to developing countries to enable them to respond to the climate change challenge will be a central part of a new global climate change agreement. The Government and all our EU partners are strongly committed to paying our fair share within such an agreement. As far as possible, any such funding commitments should be separate and additional to existing development funding commitments. Given the already considerable development challenges faced by the least developed countries it will be important to ensure that climate change financing does not undermine or jeopardise the fight against poverty and our continued progress towards the Millennium Development Goals. We believe that any financing provided must be adequate, reliable, and predictable. It must also be delivered in a way that complements development assistance.

#### **Northern Ireland Issues.**

78. **Deputy Thomas P. Broughan** asked the Minister for Foreign Affairs if he will report on his most recent meeting and substantive discussions with his counterpart from the United Kingdom; if he has indicated his foreign affairs priorities, in particular in relation to continued stabilisation in Northern Ireland; and if he will make a statement on the matter. [41942/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** As neighbours and fellow members of the European Union, Ireland and Britain enjoy excellent cooperation across a wide range of issues. As Minister for Foreign Affairs, my primary interlocutors are the British Foreign Secretary and the Secretary of State for Northern Ireland. The British Foreign Secretary, Mr. David Miliband M.P., visited Dublin on 1 July and we discussed a range of issues including the Lisbon Treaty, Iran, the Middle East and the situation in Burma. I, of course, also have regular contact with the Foreign Secretary in the margins of EU and other international meetings.

I also meet regularly with the Secretary of State for Northern Ireland, Mr. Shaun Woodward, M.P., to discuss the situation in Northern Ireland. Our most recent meeting was on 13 November 2009. In my discussions with the Secretary of State, and with other relevant interlocutors, the focus is always on the consolidation of the Good Friday Agreement and its Institutions. As a co-guarantor of the Good Friday and St Andrews Agreements, the Government is committed to the full and effective implementation of all aspects of these Agreements which provide the basis for sustainable permanent peace and reconciliation in Northern Ireland. To this end, I have stressed the importance of addressing those commitments which are outstanding. Currently the main focus is on the completion of the devolution of policing and justice powers from Westminster to the Assembly.

The Government also continues to engage with the British Government, as well as with the Northern Ireland Executive, on other areas of high priority, particularly in relation to the strengthening of the North/South relationship and efforts to improve community relations in Northern Ireland.

*Questions Nos. 79 and 80 answered with Question No. 60.*

### **Human Rights Issues.**

81. **Deputy Pat Rabbitte** asked the Minister for Foreign Affairs his views on comments made by a person (details supplied) that the conviction of alleged CIA and Italian intelligence operatives in an extraordinary rendition case in Italy is a clear message to all governments that, even in the fight against terrorism, they can not forsake the basic rights of democracies; and if he will make a statement on the matter. [41940/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I am aware of remarks in the press attributed to the Italian State prosecutor in the wake of the recent trial of US and Italian intelligence personnel in Milan. The Government is strongly of the view that, in the fight against terrorism, human rights must be preserved on all occasions. In this context, I would like to take this opportunity to reiterate the Government's strong opposition to the practice of extraordinary rendition, and our position has been made clear in this House and elsewhere.

*Question No. 82 answered with Question No. 54.*

### **Foreign Conflicts.**

83. **Deputy Arthur Morgan** asked the Minister for Foreign Affairs if he will instigate an investigation into a company's (details supplied) acquisition of a 25% stake in the Nesher Cement Company. [41978/09]

89. **Deputy Ulick Burke** asked the Minister for Foreign Affairs the measures the EU is taking to prevent further Jewish settlements in the West Bank; and if he will make a statement on the matter. [41871/09]

97. **Deputy Arthur Morgan** asked the Minister for Foreign Affairs if he will meet with the Israeli Ambassador to highlight the Irish people's opposition to the building of illegal settlements in Jerusalem. [41977/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I propose to answer Questions Nos. 83, 89 and 97 together.

The Government has made very clear our strong condemnation of the continued building of settlements anywhere in the Occupied Palestinian Territories, including East Jerusalem. This



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process is illegal, and involves of its very nature the continual expropriation of Palestinian land and the eviction of Palestinian families and demolition of their homes. I believe it is one of the principal drivers of the continuing conflict and, regrettably, it is one which has been created by the deliberate policy of the Israeli authorities. This position has been consistently conveyed to the Government of Israel at every opportunity, including by myself to the Ambassador and directly to Israeli Ministers. We will continue to do so.

The EU has consistently stated that it regards all such settlements to be illegal, and has called on the Israeli authorities to prevent their construction. The EU has also made clear that it regards all territory beyond the 1948 Green Line as belonging to the future Palestinian State, subject only to mutually agreed changes.

I do not propose to establish an investigation into the shareholding referred to by the Deputy, which dates back several years. As I understand it, the Irish company owns a minority shareholding in the Nesher Cement Company. Nesher, for its part, is engaged in the manufacture of cement, and has no control over where that cement is used. The question of investments by the Irish company is a matter for the Board and the shareholders of that company.

### **Human Rights Issues.**

84. **Deputy Charles Flanagan** asked the Minister for Foreign Affairs his policy regarding the issue of the taking of Armenians by Turkish forces in 1919; and if he will make a statement on the matter. [41860/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The Deputy will be aware of the events which resulted in the tragic deaths of very large numbers of Armenians in the Ottoman Empire in the early part of the 20th century. Relations between Armenia and Turkey have long been overshadowed by these events, on which both sides hold different historical interpretations.

However, more recently, there have been positive signs of an improvement in this difficult relationship. I welcome the signature by Armenia and Turkey of protocols on 10 October 2009 in which they agreed to establish diplomatic relations and re-open their common border. This development has the potential to enhance not only relations between the two countries, but also peace and stability in the wider region. Hopefully, as their relationship moves forward and develops, Armenia and Turkey will also be able to come to terms with their shared past. I understand that, as part of the agreement between Armenia and Turkey, it is intended to establish a sub-commission on historical issues.

The Deputy may wish to be aware that on 3 November 2009 the Armenian Deputy Foreign Minister visited Dublin and met with Minister of State Roche and officials from my Department. During her visit the Deputy Minister briefed on the Armenia-Turkey protocols. There was also an exchange of views on Ireland's experience of conflict resolution in relation to Northern Ireland.

85. **Deputy Pádraic McCormack** asked the Minister for Foreign Affairs if his attention has been drawn to the problems faced by ethnic minorities living in northern Iraq; if this matter has been discussed at EU level; and if he will make a statement on the matter. [41875/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The disparate ethnic and religious minorities in Iraq have undoubtedly suffered from the instability of recent years. Nineveh, Iraq's second-most-populous province, has a unique concentration of minority groups. Violent attacks in and around the northern Iraqi city of Mosul and along the Nineveh Plain, a strip of

land sandwiched between Mosul and Iraqi Kurdistan, have underscored how vulnerable minorities there continue to suffer the effects of a bigger struggle within Iraq for land, resources and control. I have noted with concern previously here in this House the serious problems Iraqi Christians have faced in this regard.

A recent report issued by Human Rights Watch has warned that the ethnic minorities living in northern Iraq are facing a human rights “catastrophe”, as Arabs and Kurds vie for control there. The HRW report notes that the ethnic groups face attacks by Sunni Muslim extremists and harassment by Kurdish forces and calls on Kurdish leaders in the north and the Government in Baghdad to improve the protection of Iraqi minorities. I would agree with HRW that the Iraqi authorities, both Arab and Kurdish, need to send a message that minorities cannot be attacked with impunity and to work to ensure that they can participate equally in public affairs, without fear of retribution.

The EU has in its contacts with the Iraqi Government consistently stressed its responsibilities to protect all Iraqi citizens, and in particular vulnerable minorities. The Iraqi Government has acknowledged this responsibility and pledged to make every effort to meet it. It will be important for us to continue to urge the Government, beset as it is with many problems, to do everything it can to protect vulnerable groups. However, long term security for Iraq’s minorities is likely to depend on the Government’s success in combating violence throughout Iraq as a whole. Peace and stability in Iraq are vital to the welfare of the Iraqi people and to the prospects for the wider Middle East region. The EU is firmly committed to supporting a secure, stable, democratic, prosperous and united Iraq, with the capacity to play a constructive regional role. The EU has been one of the main contributors of non-military assistance to Iraq with total assistance since 2003 amounting to over €1 billion, including €830 million in Community aid.

On the political level, the EU strongly supported the early return of sovereignty to a democratic Iraqi Government. The Union has offered extensive support to the electoral process, including advice, expertise and financial assistance to the Iraqi Electoral Commission, and to the major task of drafting a new Constitution and key legislation. The EU and the Member States have used their influence consistently to encourage Iraqi political parties, and their leaders, in the process of national reconciliation which is the essential key to the restoration of lasting peace and stability. The EU has also been working closely on the ground with the UN assistance mission in Iraq (UNAMI).

Despite all too frequent reports of violence, it is clear that there has been some progress, albeit slow, in the political and economic reconstruction of Iraq. Nonetheless, the humanitarian needs of the people continue to pose a huge challenge to the international community. The ability of the Iraqi government to address the problems endured by ethnic minorities in Northern Iraq will continue to require the support and encouragement of the international community, including Ireland and its EU partners. One very positive development of note in recent days was the agreement within the Iraqi parliament on a new electoral law which clears the way for parliamentary elections for 21 January 2010, including in the ethnically mixed northern, oil-rich city of Kirkuk where agreement up to now on the electoral law had proved a major sticking point.

#### **Seabed Sovereignty Claims.**

86. **Deputy Billy Timmins** asked the Minister for Foreign Affairs the position regarding his submission to the United Nations to extend seabed sovereignty; and if he will make a statement on the matter. [41865/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** Ireland claims continental shelf extending beyond the standard 200 nautical mile entitlement both to the west and to the south of the country. Under international law these claims must be examined by the UN Commission on the Limits of the Continental Shelf. For the purposes of our claims we have divided the extended shelf into three sectors.

The first sector is to the south-west of the country near the Porcupine Abyssal Plain, an area which is approximately half the size of the State's land territory. It was the subject of Ireland's first submission to the Commission. The Commission issued recommendations in 2007. These confirmed Ireland's entitlement in this sector and set out details of where the new outer limit there should be established. The area involved is approx. 39,000 square kilometres, which is a very satisfactory outcome. The Government made an Order under the Continental Shelf Act 1968 on 31 March last which formally establishes the area concerned as Irish continental shelf.

The second claim is in the Celtic Sea, where there are unresolved boundary issues with the UK, France and Spain. The four countries made a joint submission for this 80,000 square kilometre area in 2006. Last March the UN Commission confirmed this claim and the question of establishing bilateral boundaries in this sector is now under consideration.

Ireland also claims part of the Hatton-Rockall Area of the North-East Atlantic, which extends up to 500 nautical miles from the coast. There is an agreed Ireland-UK boundary here but it is not accepted by Iceland or the Færoe Islands, which make their own claims. The four have met regularly since 2001 in an effort to resolve the overlapping claims issue but to date have been unable to reach agreement. In view of the 10-year deadline for the making of submissions to the UN Commission — which for Ireland expired last May — the State lodged its national claim for this area at the end of March. While the Commission's rules of procedure prevent consideration of this submission without the consent of all the states concerned, its lodgement at this time stops the clock on the deadline and preserves 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.

### **Kidnapping of Irish Priest.**

87. **Deputy Pat Breen** asked the Minister for Foreign Affairs if he will report on the recent release of a person (details supplied); if a ransom was paid for their release; and if he will make a statement on the matter. [41868/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** It was with great delight and relief that I announced the release on Wednesday last of Fr. Michael Sinnott after 32 days in captivity. His release was the result of an intense diplomatic effort by the Irish and Philippine Governments. On hearing of the abduction on 11 October, I immediately asked our Ambassador to the Philippines, Mr. Richard O'Brien, who is based in Singapore, to travel to Manila to work with the Philippine authorities to help secure his early release. He was joined in Manila on 25 October by an official from Ireland's Mission in Timor-Leste.

Ambassador O'Brien engaged in talks with the Government of the Philippines, representatives of the Moro Islamic Liberation Front (MILF), local officials in Mindanao, members of the Columban Order in the Philippines and several international NGOs. We worked closely with our EU partners and the European Commission Delegation. The Ambassador also met with the Papal Nuncio and with Philippine Church leaders. I would like to underline our deep appreciation to the United States Government for their assistance, as well as the Malaysian authorities. On 21 October, Ambassador O'Brien travelled to Mindanao as part of a high-level

delegation of EU ambassadors, and while there he made a strong plea for Fr. Sinnott's release. Our Ambassador to the Holy See, Mr. Noel Fahy, was also in contact with the Columban Order in Rome.

I would like to express my sincere gratitude to the Philippine Government for the consistently excellent cooperation they extended to us in securing Fr. Sinnott's release. I myself was in direct contact with my Philippine counterpart, Foreign Secretary Romulo, on two occasions, to convey the great concerns held both by the Government and by the Irish public. To my knowledge, no ransom was paid to secure Fr. Sinnott's release. Neither was there any use of force. This was a victory for persuasion, perseverance, and patient diplomacy. The Sinnott family and the Columban Fathers demonstrated remarkable strength throughout Fr. Sinnott's captivity. I spoke to them on several occasions, and my officials were in daily contact with them.

Fr. Sinnott displayed great forbearance in enduring more than a month in captivity, in spite of his age and difficult health. He has spent much his life working for the poorest of the poor in the Philippines, and I know that the ordinary people of the Philippines will be overjoyed to have him returned safe and well to his community. Working on this case has left me with an even deeper admiration for the work of our missionaries abroad. I assure you that we will be looking closely at how best to protect our aid workers and missionaries from such ordeals in the future.

#### **Overseas Development Aid.**

88. **Deputy John Deasy** asked the Minister for Foreign Affairs his plans for overseas development aid funding in 2010; if he will guarantee that there will be no further cuts in the ODA budget in the lifetime of this Government; and if he will make a statement on the matter.  
[41876/09]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** In 2009 the total budget for ODA is expected to reach €696 million. Based on current projections this will represent at least 0.48% of GNP and will maintain Ireland's international ranking as one of the most generous donors in the world on a per capita basis. As the Deputy is aware, the Government has established a target of spending 0.7% of GNP on ODA by 2012. We fully acknowledge that achieving this target by 2012 will prove to be a challenge in the current economic circumstances.

The estimates process for 2010, leading to the Budget next December, is now well advanced. This will be a difficult Budget, given the current financial climate and the many competing demands for scarce resources. The Government is determined to bring stability to the public finances and is seeking savings across all expenditure. While no area is considered immune from savings, I want to assure the Deputy that our aim is to protect the aid programme to the maximum extent achievable. The Deputy will also appreciate I am not in a position to provide, in advance of the Budget, detailed figures on the development assistance allocation for 2010. This is ultimately a matter for the Minister for Finance and will be announced on Budget day. However, I can state that both the Minister for Foreign Affairs and I continue to make the best possible case in support of the development aid budget.

*Question No. 89 answered with Question No. 83.*

#### **International Agreements.**

90. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs the measures which will be

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introduced to implement the enhanced role of the Houses of the Oireachtas in European Affairs under the Lisbon treaty; and if he will make a statement on the matter. [41967/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The Lisbon Treaty, through its Protocol no.1 and other provisions, will enhance the role of national parliaments in EU affairs and preparations are ongoing to ensure that the Oireachtas can play its full role as envisaged in the Treaty. The Treaty explicitly recognises that national parliaments contribute to the good functioning of the Union in many ways.

The European Union Act 2009 gives effect to the relevant provisions of the Lisbon Treaty in the domestic law of the State and S. 7 of that Act provides for the new powers of the Houses of the Oireachtas under the terms of the Treaty. These powers will include a power under S. 7(1) to object to a proposal, under the so-called general “passerelle” or bridging clause, to move from unanimity to qualified majority voting in the Council of Ministers or to move from a special legislative procedure to the ordinary legislative procedure provided for under the Treaty. S. 7(2) of the 2009 Act provides for the operation of a similar power regarding the use of the ordinary legislative procedure in the area of family law matters with cross-border implications.

Perhaps the most significant enhancement in the role of national parliaments is in regard to the principle of subsidiarity. S. 7(3) of the 2009 Act sets out the legal basis on which each House of the Oireachtas can issue a reasoned opinion to the Presidents of the European Parliament, the Council and the European Commission stating why it considers that an EU draft legislative act does not comply with the principle of subsidiarity. If, within eight weeks, at least one third of national parliaments (or of chambers of national parliaments) issue such reasoned opinions, the draft proposal must be reviewed. In the case of proposals in the areas of judicial cooperation in criminal matters and police cooperation the threshold for review is one third.

Work has advanced at official level to ensure that the necessary administrative procedures are in place in good time to give effect to this system, in particular so as to ensure that the Oireachtas can meet the eight-week deadline set out in the Lisbon Treaty for the provision of a reasoned opinion. National parliaments in the EU will evolve, no doubt, a system of communication in regard to this area in order to make the Treaty provisions effective.

### **Diplomatic Representation.**

91. **Deputy Olwyn Enright** asked the Minister for Foreign Affairs his plans to develop the Ireland House concept; and if he will make a statement on the matter. [41867/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** In 1987, the Government formulated a policy to bring together, where feasible, our Missions abroad and the offices of State Agencies in a single location, designated as Ireland House. The precise model of implementing such an arrangement would of course vary and has to reflect the local conditions and other factors. There are now a number of types of Ireland Houses currently operating overseas.

The largest Ireland House is in New York and comprises the Consulate, Tourism Ireland, Enterprise Ireland, the IDA, the American Ireland Fund and CIE Tours. Ireland’s Embassies in Brussels, Budapest, Kuala Lumpur, Moscow, New Delhi, Prague, Riyadh, Singapore and Warsaw share premises with Enterprise Ireland, while, in addition to Enterprise Ireland, Tokyo, Seoul, Shanghai, Sydney and Washington also accommodate an IDA office at their locations. The Consulate in Shanghai shares premises with Tourism Ireland and Bord Bia; the Embassy in Tel Aviv shares premises with Tourism Ireland; the Consulate in Chicago shares premises with Bord Bia; the Ireland House in Madrid houses offices from Bord Bia, Tourism

Ireland, an Bord Iascaigh Mhara alongside the Embassy. In all cases the arrangement is one designed to increase the impact of Ireland's presence abroad, to improve coordination between all parties as well as to maximise cost-efficiencies.

In addition, I am aware that there are a number of other locations where state agencies share facilities with each other in the form of an Ireland House, which does not include the Irish Mission to that particular country. For example, in Paris where the IDA, Bord Bia, Tourism Ireland, Enterprise Ireland and BIM operate an Ireland House. There are no specific plans at present to expand the current network of Ireland Houses, as where it has been possible, the concept has already been put in place. However, where new Missions or Agencies are opening or moving to new locations, the possibility of expanding the current network of Ireland Houses is kept under review.

*Question No. 92 answered with Question No. 77.*

*Question No. 93 answered with Question No. 55.*

### **Human Rights Issues.**

94. **Deputy Brian O'Shea** asked the Minister for Foreign Affairs if he will report on the position of the Rohingya community in Myanmar; and if he will make a statement on the matter. [41927/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** As I have stated on many occasions in this House, the situation in Burma/Myanmar has long been one of grave concern to the Government. The Rohingya ethnic group is one of the many ethnic groups which have been severely affected by the brutal policies of the Myanmar military regime. The situation of the Muslim Rohingyas is, however, even more difficult than that of other ethnic groups in Burma/Myanmar, as they tend to be discriminated against by Burma's majority Buddhist population and the regime does not even recognise them as citizens although they have been settled in northern Arakan (or Rakhine) state for more than a thousand years.

The area inhabited by the Rohingya is one of the poorest and most isolated in Burma. Both Amnesty International and Human Rights Watch have reported that they have been subjected to persecution and human rights violations for decades. They report that, over the years, abuses have included summary executions, extrajudicial killings, torture, rape, forced labour, religious persecution, forced eviction, house destruction, land confiscation, arbitrary taxation and restrictions on marriage.

An estimated one million Rohingya are still living in northern Arakan. It is believed that a similar number of Rohingya refugees are based in other countries — the majority in Bangladesh. Conditions for the Rohingya in Bangladesh are also extremely grim. Some have become Bangladeshi citizens over the years, and 28,000 or so of them are recognised officially as refugees and permitted in UN-assisted refugee camps. But most of the rest — numbering more than 200,000 — have to survive outside the camps, without official documentation or employment, and are increasingly subject to crackdowns by the Bangladesh authorities. Others have fled to Thailand, where there are roughly 111,000 refugees housed in nine camps along the Thai-Myanmar border, but where there is also increasing intolerance towards Burmese refugees.

As a result, many Rohingyas have fled Burma over the past two or three years by boat into the Andaman Sea. Some have landed safely in Malaysia, where around 20,000 Rohingya are now believed to be based, some have reached Indonesia and the coast of Thailand, while many are believed to have perished in the Andaman Sea. Earlier this year international news reports

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highlighted the case of a large group of Rohingya refugees who were being towed out to sea in unsound vessels by the Thai navy, and set adrift without food or water. This incident shocked the world but it is unlikely to be an isolated one. Many of the Rohingya refugees found in such circumstances are simply deported back to Burma where they face an unknown fate.

At the time of the Thai incident, our Government bilaterally, and the EU more broadly, appealed to Thailand, and to Indonesia where some of these boat-people washed up, to adopt a humane approach in relation to these refugees, to comply with their obligations under international humanitarian law, and to support fully the work of the United Nations High Commission for Refugees in assisting them. As reported to this House in February, I am pleased that Ireland has been able to play a practical part in assisting Rohingya refugees. Through our support since 1998 for the UNHCR-led resettlement programme, 82 Burmese Rohingya refugees based in refugee camps in Bangladesh have been welcomed to Ireland for resettlement. I might add that 97 Burmese Karen refugees have also been resettled here.

95. **Deputy Pat Breen** asked the Minister for Foreign Affairs if he will report on the recent human rights reports of the existence of illegal detention centres in China; and if he will make a statement on the matter. [41869/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** Although there have been reports over a number of years of secret prisons operating in China, international interest in such places of detention has greatly increased since the publication on 11 November by Human Rights Watch of a report entitled *An Alleyway in Hell, China's Abusive "Black Jails"*. The report contains allegations that Chinese government officials, security forces, and their agents routinely abduct people off the streets of Beijing and other Chinese cities, strip them of their possessions, and imprison them in what it describes as "black jails". It claims that these "black jails" are often located in state-owned hotels, nursing homes, and psychiatric hospitals and that they are used primarily by local and provincial officials to detain petitioners who come to Beijing and provincial capitals seeking redress for complaints which have not been resolved at lower levels of government. The report alleges that detainees are often physically and psychologically abused in the jails; that many are deprived of food, sleep, and medical care; and that they are subject to theft and extortion by their guards. It suggests that the number of individuals detained in "black jails" each year reaches into the thousands.

As has been reported in this House on many previous occasions, human rights issues in China, including issues relating to prisons and detention centres, are regularly discussed on a bilateral basis with the Chinese Government, both in Beijing and in Dublin. The Government continues to stress at such meetings the great importance attached by Ireland to human rights, fundamental freedoms and the rule of law, and to urge the Chinese authorities to ratify the International Covenant on Civil and Political Rights (ICCPR).

Human rights issues also continue to be a constant and important point of dialogue with the Chinese authorities for the European Union, through the framework of the EU-China Human Rights Dialogue. This broad-ranging dialogue has allowed the EU to engage with China on such issues as freedom of expression, the death penalty, the independence of the judiciary, prison conditions, freedom of religion and minority rights. The next session of the EU-China Human Rights Dialogue will take place on 20 November in Beijing. I note that the Chinese authorities have denied the existence of the "black jails". I am also informed that changes in the law on detention in China are in the pipeline, which will increase the rights of detainees, including provision for compensation and increased penalties for those who abuse detainees.

In the meantime, however, I believe that the allegations made in the Human Rights Watch report are sufficiently serious and documented to warrant further investigation and representations. We will certainly raise them with the Chinese authorities, bilaterally and through the EU.

### **Defence Forces Equipment.**

96. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Foreign Affairs his views on the recent contract signed between the Israeli surveillance company (details supplied) and the Irish Army in view of the fact that the company supplies the surveillance equipment for the apartheid separation wall; and if this contract violates the State's obligations under international law. [41979/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The purchase of equipment for the Permanent Defence Forces is a matter for the Minister for Defence. The Government's views on the illegality of the route of the Separation Wall, as confirmed in the 2004 advisory opinion of the International Court of Justice, are well known.

*Question No. 97 answered with Question No. 83.*

### **Diplomatic Relations.**

98. **Deputy Paul Connaughton** asked the Minister for Foreign Affairs if relations have improved between the EU and Syria; and if he will make a statement on the matter. [41872/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** Syria is a key actor in the Middle East region and has increasingly demonstrated a willingness to play a more positive role in the peace process. This was certainly the strong impression I formed when visiting Syria last February where I met with President Assad, Prime Minister Al-Dardari and Foreign Minister Muallem. In my meetings, I encouraged President Assad and his government to use any influence they have on Hamast to encourage them to support and participate in the political process aimed at achieving an agreed two-State solution to the Israeli-Palestinian conflict.

Syria's desire to play a more constructive role within the region is also evident from its improving relations with Lebanon as well as with other key regional or international players, such as Saudi Arabia, the US and France. Only last month, King Abdullah of Saudi Arabia made a very well publicised and successful visit to Damascus while President Assad met with President Sarkozy when visiting Paris on 13 November. The EU's High Representative, Javier Solana, also visited Damascus last August where he met with President Assad and Foreign Minister Muallem and confirmed that EU-Syrian relations are moving in the right direction.

Against this backdrop, I very much welcome the recent progress towards signature of the EU-Syria Association Agreement. Long-running negotiations going back to 2004 have recently reached a successful conclusion and it is to be hoped that the Agreement will be formally signed by both parties soon, most likely early next year. The signing of this Agreement will mark a substantive step forward in the strengthening of EU-Syria relations.

I confirmed Ireland's strong support for the signing of the EU-Syria Association Agreement when I met with the Syrian Ambassador to Ireland last month. We also discussed ways to enhance Irish-Syrian bilateral relations, particularly in the economic arena. I told the Ambassador that Syria is well placed to play a constructive role in the Middle East Peace Process and that we looked forward to developing our relationship at a bilateral level and in an EU context.

*Question No. 99 answered with Question No. 56.*



*Question No. 100 answered with Question No. 62.*

### **Northern Ireland Issues.**

101. **Deputy Jim O’Keeffe** asked the Minister for Foreign Affairs the position regarding the devolution of policing and criminal justice matters in Northern Ireland; and if he will make a statement on the matter. [41728/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The Government continues to liaise closely with British Government counterparts to encourage the parties in Northern Ireland to complete the transfer of policing and justice powers as soon as possible. As I said in my address to Seanad Éireann on 3 November, the devolution of these powers to the Assembly and Executive would demonstrate to the wider world that Northern Ireland is a politically stable place with a normal policing and security infrastructure. In its latest report, the International Monitoring Commission noted that early progress on devolution of policing and justice powers could prove ‘a potent intervention’ against those who are seeking to destabilise the North through violence.

I welcome the fact that many of the preparations for the transfer of policing and justice powers from Westminster to Stormont are advancing. Legislation to establish a devolved Department of Justice is making its way through the Assembly. The agreement on a significant financial package, brokered by Prime Minister Gordon Brown, provides a secure basis for making progress on this important issue.

### **Departmental Expenditure.**

102. **Deputy Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if his attention has been drawn to the ongoing work of the United Nations Association of Ireland and the fact that it has implemented efficiencies in terms of its budget already in 2009 and that the ending of its budget, as suggested by the Special Group on Public Service Numbers and Expenditure Programmes report, would make it impossible for it to carry out its work in promoting the role and work of the United Nations and that this would damage Ireland’s reputation internationally, in view of the support Ireland received in getting the United Nations chair recently, and at a time when the United Nations is becoming more vital in people’s lives and when soldiers are serving abroad under the UN flag; his views on this matter; if he will intercede with the Department of Finance to bring to its attention the work of the United Nations Association of Ireland. [41727/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I refer the Deputy to the answer given to PQ 40584 on 10 November 2009, as outlined below. The Irish United Nations Association (IUNA) is a non-governmental organisation based in Dublin whose objectives are to promote the aims and activities of the United Nations and its specialised agencies in Ireland. IUNA has received funding from the Department of Foreign Affairs since 1972. In addition to this funding, my Department has also provided support to IUNA in terms of advice on strategy and internal governance procedures. In 2007-08, my Department, in cooperation with IUNA, conducted two extensive reports on the association which produced a series of recommendations identifying reforms geared to better enabling IUNA to fulfil its mandate. Consultations are still ongoing with IUNA on how to ensure appropriate follow-up to these two reports.

The proposal to cease funding of IUNA is one of a number of recommendations made in the McCarthy Report in relation to expenditure by this Department and which is currently being examined by the Government in the context of preparations for the 2010 Budget. In the

meantime, I have recently written to IUNA outlining proposals to address their immediate financial situation, in line with our existing commitment to support their activities.

### **Human Rights Issues.**

103. **Deputy Ulick Burke** asked the Minister for Foreign Affairs if his attention has been drawn to reports of child sexual abuse in Zimbabwe; if the EU has plans to make contact with the Zimbabwean Government in relation to this matter; and if he will make a statement on the matter. [41870/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The situation in Zimbabwe continues to be of great concern to the Government and to the European Union as a whole. I am gravely concerned by reports of continuing human rights violations, arbitrary arrests, torture of prisoners and abuse of the rule of law. Recent media reports of widespread physical and sexual abuse of children, which would appear to be the basis of the Deputy's question, are particularly distressing. It is regrettable that, notwithstanding the welcome improvements in the economic sphere in Zimbabwe in recent months, the day-to-day lives of many Zimbabweans are filled with insecurity, fear and pain.

The EU regularly raises its concerns over violations of human rights and the rule of law with the Zimbabwean authorities. Most recently, in September 2009 an EU ministerial troika meeting took place in Zimbabwe. In their meetings with President Mugabe, Prime Minister Tsvangirai and Deputy Prime Minister Mutambara, the EU delegation voiced their concern over continuing disrespect for human rights in Zimbabwe and urged their Zimbabwean counterparts to implement swiftly all aspects of the Global Political Agreement (GPA). The EU will continue to monitor the situation and press the inclusive government to fulfil their obligations to promote and protect human rights.

Ireland's engagement with Zimbabwe also has a strongly practical, humanitarian dimension. In keeping with other international donors, we do not provide funding to the Zimbabwean Government, but respond to the humanitarian needs of the Zimbabwean people through support for the work of multilateral and non-governmental organisations. In 2008, Irish aid to Zimbabwe totalled over €11 million. Thus far in 2009, Ireland has committed funding of over €5.24 million to a range of humanitarian programmes in Zimbabwe.

Our work there has been able to fill crucial gaps in the overall security net for very vulnerable families, especially their children, ensuring that families can stay together and children can continue to attend school. Our projects include supplementary feeding to improve school enrolment and attendance rates; improving access to food for the highly vulnerable; livelihood supports; and health-care provision, to name but a few. Other projects we support are focussed on building up the strength and capacities of communities and civil society in Zimbabwe to support their most vulnerable.

Ultimately, we need a political solution that will bring greater stability and safety to the people of Zimbabwe, including of course its children. The formation of a unity government in Zimbabwe in February was a sign of some modest progress and a source of hope. However, I am very concerned that, nearly ten months on, a number of key provisions of the Global Political Agreement (GPA) remain to be implemented. This is as a result of continued obstruction by political forces that are hostile to the implementation of the GPA. In the meantime, Zimbabwe's neighbours have a critical role to play in encouraging reform, and can bring the greatest influence to bear in achieving progress in the protection and promotion of human rights in Zimbabwe. Ireland will continue to work with our partners in the international com-

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munity to encourage a unity government that delivers on the promise of reform, and secures a safer future for Zimbabwe's people.

### **EU Enlargement.**

104. **Deputy Damien English** asked the Minister for Foreign Affairs his policy with respect to Turkish accession to the EU; and if he will make a statement on the matter. [41885/09]

105. **Deputy Ruairí Quinn** asked the Minister for Foreign Affairs his views on the ongoing ambitions of Turkey to accede to full membership of the European Union. [41934/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I propose to take Questions Nos. 104 and 105 together.

Turkey has had a perspective towards membership of the European Union since the conclusion of the Association Agreement of 1963. Negotiations on accession commenced in 2005 and are proceeding, albeit at a slow pace, on ten chapters of the accession framework. The Science and Research Chapter was provisionally closed in June 2006. The Commission has recommended — and the Council is currently discussing — opening an additional chapter, the Chapter on Environment.

The Commission's annual Progress Report, released on 14 October 2009, notes progress on matters such as free and fair local elections, judicial reform, and cultural rights. However the Report concludes that corruption remains prevalent in many areas and it calls for an acceleration in the pace of implementation of reform, in particular, in the fields of freedom of expression, freedom of the press, freedom of religion, trade union rights, civilian oversight of the military, women's rights, and gender equality. It highlights the lack of progress on normalisation of relations with Cyprus and on the implementation of the Additional Protocol to the Ankara Agreement.

Successive European Councils have noted that Turkey has failed to meet its obligations under the "Ankara Protocol" by continuing to refuse to open its ports and airports to vessels and aircraft from the Republic of Cyprus. The Council decided in December 2006 that eight relevant chapters would not be opened and no further chapters would be provisionally closed until Turkey had fulfilled its commitments. The eight chapters are: Free Movement of Goods, Right of Establishment and Freedom to Provide Services, Financial Services, Agriculture and Rural Development, Fisheries, Transport Policy, Customs Union and External Relations. Ireland supports the continuation of accession negotiations with Turkey, while insisting that Turkey fulfil its obligations, including contributing to a comprehensive settlement of the Cyprus issue. Complying with the "Ankara Protocol" would be a step in that direction.

### **Foreign Conflicts.**

106. **Deputy Jan O'Sullivan** asked the Minister for Foreign Affairs the position regarding the situation in Guinea; and if he will make a statement on the matter. [41938/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The Government is greatly concerned by recent events in the Republic of Guinea, notably the violent crackdown by security forces on political demonstrations in Conakry on 28 September 2009. There, the armed forces opened fire on a crowd of unarmed protestors, killing 150 and injuring over a thousand. In the days following, there were reports of widespread rape and looting by soldiers.

While we have few direct bilateral connections with Guinea, we fully support efforts by the European Union to promote peace and political progress there. On behalf of the EU, the Swedish Presidency on 29 September issued a statement strongly condemning the violence and deploring the loss of life. The Presidency called on the authorities in Guinea to release arrested demonstrators and immediately to conduct a thorough investigation of the incidents. It noted with great concern the increasingly violent political climate in Guinea and urged the current leadership to respect human rights and allow a return to democracy and constitutional order.

In October, the EU Council of Ministers adopted conclusions on Guinea which reiterated its condemnation of the violence and welcomed the action taken by the UN, ECOWAS and the AU. The EU also agreed to impose an arms embargo on Guinea and to adopt targeted restrictive measures against individuals responsible for the violence and those impeding a return to democracy and constitutional order in the country.

The wider international community has also reacted swiftly and strongly to violence in Conakry. I welcome the establishment by the UN Secretary-General, with the approval of the UN Security Council, of an international and independent commission of inquiry to investigate the incidents of 28 September. The European Community of West African States (ECOWAS) and the African Union (AU) have also sought a return to the rule of law in Guinea. ECOWAS, in particular, has taken a prominent role in the response to the crackdown. After suspending Guinea from its membership, ECOWAS appointed Burkina Faso President Blaise Compaore as a mediator and, at an extraordinary Summit on 17 October, it mandated him to undertake negotiations on a transition to a constitutional order and credible elections. ECOWAS has also imposed an arms embargo on Guinea and, together with the AU, has imposed targeted sanctions on individuals who would pose a threat to the transition.

To date in 2009 Irish Aid has provided approximately €400,000 in assistance to partner organisations working in Guinea. This funding has been provided to Plan Ireland and Childfund Ireland in support of their work in the health sector, and to Concern Universal for their work in disaster risk reduction and community resilience to water-borne diseases. With our EU partners, Ireland will continue to follow developments in Guinea closely and will support efforts to secure a return to democracy and constitutional order in Guinea, with a particular focus on the elections to be held next year.

*Question No. 107 answered with Question No. 55.*

### **Overseas Development Aid.**

108. **Deputy Bernard Allen** asked the Minister for Foreign Affairs the way the implementation of the recommendations of the hunger task force has been affected by the reduction in the overseas aid budget in 2009; his plans for implementing these recommendations in 2010 and subsequent years; and if he will make a statement on the matter. [41882/09]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** The Government are committed to giving effect to the recommendations of the 2008 report of the Hunger Task Force which we commissioned and which was launched by the Taoiseach at the UN in New York in September 2008 in the presence of UN Secretary-General Ban ki-Moon. In particular, we are working on the three priority areas identified, namely, increasing smallholder agricultural productivity in Africa; targeting under-nutrition (especially maternal and infant); and promoting governance and leadership action on tackling global hunger.

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We are making good progress implementing the key recommendations of the Report. Combating hunger is one of the cornerstones of our development programme and our foreign policy. We have undertaken to direct approximately 20% of our overseas development assistance spending on actions related to hunger by 2012, and we are well on track to meet this target, even with the current challenging budgetary situation. Our Special Envoy is working with us to identify opportunities to give effect to the recommendations of the Task Force.

Through Irish Aid, we are supporting, and will continue to support, smallholder and women farmers to intensify their agricultural productivity and produce more food. We are funding pro-poor agricultural research which helps farmers to increase productivity and become food sufficient. We are supporting nutritional interventions, especially those which target infant and maternal malnutrition. We are funding Non Governmental Organisations working with farmers to increase their productivity. We are saving lives and enhancing the quality of life of rural people and we will do more.

Some reorientation of the aid programme is expected in the years ahead as we focus even more on hunger reduction across the programme and as we appraise programmes through a “hunger lens”. We will of course ensure that our hunger actions are well coordinated with other pressing matters such as HIV/AIDS, education, gender and good governance. It is unacceptable that one billion go to bed each evening without proper nourishment. We will do our utmost to make a difference on the ground on hunger and we will seek to influence and mobilise the international community to eradicate this scourge once and for all.

### **Diplomatic Representation.**

109. **Deputy Ruairí Quinn** asked the Minister for Foreign Affairs if he is satisfied that the status of immunity enjoyed by representatives of states with diplomatic representation here is not being abused and that such representatives are operating in compliance with domestic law and the Vienna Conventions. [41935/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** Privileges and immunities of accredited diplomatic agents in Ireland are governed by the Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations of 1963, as incorporated into Irish law, by the Diplomatic Relations and Immunities Act of 1967 and as amended by the Diplomatic Relations and Immunities Act of 1976. My Department expects all those diplomatic agents duly accredited here, who are entitled to privileges and immunities, in accordance with Article 31 of the Vienna Convention to respect Irish laws and regulations, as indeed, we expect our Embassies abroad to respect the laws and regulations of the host country.

I would recall that the purpose of diplomatic privileges and immunities is not to benefit individuals but to ensure the effective performance of the functions of diplomatic missions. The Department is bound by the Vienna Conventions of 1961 and 1963 as well as the Diplomatic Relations and Immunities Act of 1967, as amended by the Diplomatic and Immunities Act 1976. Any decision to waive the immunity of diplomatic agents rests with the sending state. As far as I am aware, there is no pattern of abuse of diplomatic immunity by diplomatic representatives based in Ireland who generally operate in full compliance with Irish law.

*Question No. 110 answered with Question No. 73.*

### Foreign Conflicts.

111. **Deputy Róisín Shortall** asked the Minister for Foreign Affairs his views on recent announcements by the President of the Palestinian authority that he does not plan to contest the next presidential elections scheduled for January 2010. [41945/09]

118. **Deputy Charles Flanagan** asked the Minister for Foreign Affairs his policy on the Israel and Palestine conflict; and if he will make a statement on the matter. [41861/09]

227. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs his proposals unilaterally or through the EU or UN to promote the peace process in the Middle East; and if he will make a statement on the matter. [42345/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I propose to take Questions Nos. 111, 118 and 227 together.

Successive Irish Governments over many years have afforded a high priority to efforts to resolve the long-running Middle East conflict, and that continues to be the case. We will support any efforts by Israeli, Palestinian and Arab leaders to negotiate an agreed solution to their mutual differences, and seek to mobilise and encourage international opinion in support of these efforts. While we do not prescribe an outcome, there has been broad consensus for a number of years that the only model which can satisfy the aspirations and need for security of both Israelis and Palestinians is that of two fully sovereign states established side by side in peace and security. As Minister for Foreign Affairs I will continue to work to achieve this goal through national action, at EU and United Nations level, and in other international fora.

The inauguration of President Obama this year has begun a new and more hopeful phase in the search for peace, in which the United States has once again committed itself to an active engagement with the parties to try and bring them to final status negotiations. We have noted with approval that two old friends of Ireland, Secretary of State Clinton and Special Envoy Mitchell, have been to the fore in this effort. The EU has endeavoured to support and encourage this effort, and is giving longer term thought to what more it can do.

There is no doubt that frustration has been growing at the continuing delay in moving to the stage of negotiations, as efforts continue to persuade the Israeli Government to suspend the construction of illegal settlements on Palestinian land. I regard it as a significant blow that President Abbas has apparently lost faith that the process is developing in a way which can deliver an outcome, and has decided not to stand for re-election next year. It is clear that he is sincere in this intention and that, if carried through, it would be a very negative development.

The Palestinian presidential and parliamentary elections are not now likely before next summer, so President Abbas will remain in office for the time being. I hope it will be possible to persuade him to reconsider his announced intention to resign. But this will require both the Israeli Government and the international community to grasp and act on the clear lesson that moderate Palestinian leaders must be able to show their people that the political process can yield results, and has a prospect of ending their intolerable position.

### Overseas Development Aid.

112. **Deputy David Stanton** asked the Minister for Foreign Affairs the amount of the overseas aid budget that was spent on consultancies in each of the years 2007, 2008 and to date in 2009; his plans for spending on consultancies in 2010; and if he will make a statement on the matter. [41881/09]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** The information requested by the Deputy in respect of Vote 29 — International Co-operation is set out in tabular form as follows:

Year	Expenditure on Consultancies
	€million
2007	4.25
2008	4.65
2009 (to date)	1.25

I am very conscious of the need to achieve value for money on consultancy expenditures. Irish Aid consultancy services are commissioned where specialised knowledge and/or skills are not available within the Department and where independent appraisal, audit, monitoring and evaluation of programmes and projects is required. Given the overall scale, range and diversity of the Irish Aid programme, as well as our commitment to the highest quality, accountability and evaluation, it is necessary, from time to time, to complement our in-house capacity with specialised skills and advice. For example this could include highly specialised knowledge on HIV/AIDS, tropical agriculture and climate and other sectors relevant to development cooperation with a focus on African experience.

I wish to point out to the Deputy that the decrease in the level of consultancy expenditure in 2009 is primarily due to the significant increase in the level of in-house specialised knowledge and technical experience acquired by Irish Aid from the beginning of the year. Pending finalisation of the Vote 29 budget allocation for 2010, I cannot be definitive on the anticipated level of spending on consultancies for the year. However, I can assure the Deputy that the expenditure will be constantly monitored to ensure that it does not exceed the level required for the proper management, oversight, monitoring, evaluation and audit of the aid programme.

### **Human Rights Issues.**

113. **Deputy Róisín Shortall** asked the Minister for Foreign Affairs the position in relation to the incarceration of Aug San Suu Kyi in Myanmar; and if he will make a statement on the matter. [41944/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** As I have stated in this House on many occasions, I deplore the fact that Daw Aung San Suu Kyi has been in detention for more than 14 of the last 20 years and that she was sentenced in August to a further 18 months of house arrest, following her conviction on the most spurious of charges. Ireland, and the EU more broadly have for many years called for her release and we will continue to do so.

It has long appeared that the military regime wish to keep her in detention and to silence her in the lead-up to the elections which they are planning to hold next year. The discredited Constitution they pushed through by referendum last year disqualifies her — and many leading members of the opposition — from running for election but, despite her years in detention, she retains influence and moral authority among her people. I was pleased that Aung San Suu Kyi was permitted in recent times to meet with three western Heads of Mission in Rangoon, even if that meeting was strictly supervised and controlled by the Burmese authorities. I was even more pleased that a US team, led by Assistant Secretary of State, Kurt Campbell, was able to hold open discussions with her over a two-hour period, without supervision and in a location of their choosing.

It would be most welcome, indeed, if these developments are representative of a change of policy on the part of the regime and indicate new-found willingness to work for national reconciliation and greater democracy. No action could speak more eloquently in this regard than the release Aung San Suu Kyi.

114. **Deputy Willie Penrose** asked the Minister for Foreign Affairs if he has made representations to the United States Administration of President Obama regarding extraordinary rendition; and if he will make a statement on the matter. [41928/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I refer the Deputy to the statement made by An Taoiseach in the Dáil on 1 April last after the visit he and I made to Washington over the St Patrick's Day period. In response to a question as to whether he had raised the matter of Extraordinary Rendition with President Obama, he referred to the assurances received from the US that Ireland was not being used by the US as a transit point for extraordinary rendition, and that, based on those assurances, it would not be right to raise the matter. This remains the position. The US Administration has been made aware that extraordinary rendition through an Irish airport would be illegal under Irish law and there are currently no plans to raise the issue further with the United States Administration.

*Question No. 115 answered with Question No. 68.*

*Question No. 116 answered with Question No. 62.*

*Question No. 117 answered with Question No. 60.*

*Question No. 118 answered with Question No. 111.*

#### **Overseas Development Aid.**

119. **Deputy Emmet Stagg** asked the Minister for Foreign Affairs his views on the recently announced increased investment by China in terms of overseas aid and investment in Africa; the implications this development may hold; and if he will make a statement on the matter. [41931/09]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** China's overseas aid and investment in Africa has increased substantially in the past decade, and this has presented an opportunity for developing countries in Africa to progress towards the attainment of the Millennium Development Goals. This is to be welcomed. I am aware, however, of the apparent contrast between what has been perceived as the commercial focus of China's policy in relation to Africa and the primary focus of Ireland and the EU on development issues including poverty reduction, human rights and good governance. However, there are signs that China is increasingly aware of the importance of peace and stability in Africa, and as such, there are areas of shared interest with Ireland and the EU. An EU-China political dialogue on Africa commenced in 2007 at official level, and is a useful process.

As the Deputy will be aware, the recently concluded 4th Ministerial Conference of the Forum on China-Africa Cooperation (FOCAC) in Egypt saw China announce new measures to enhance cooperation with Africa. These measures are focused on helping African countries overcome the financial crisis, and also on long-term strategic areas such as improving living standards and sustainable development. China will provide US\$10 billion in concessional loans



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to African countries and support Chinese financial institutions in setting up a special loan of US\$1 billion for small and medium-sized African businesses.

This is obviously a landmark development and builds upon the strengthening relations between China and Africa in recent years. Trade between Africa and China has grown an average of 30% per annum in the past decade, topping US\$106 billion last year. China has a large contribution to make to the sharing of experience on the reduction of poverty, including in some key areas for Africa such as raising agricultural productivity and harnessing international trade and investment for the benefit of poor people. The Organisation for Economic Cooperation and Development (OECD) is now actively engaging with China as part of its “Enhanced Engagement” programme with Brazil, China, India, Indonesia and South Africa. This has led to the recent formation of the China-Development Assistance Committee (DAC) Study Group. The spirit of the Study Group is joint learning as the basis for discussing some central development issues.

We need to be able to reach out to new donors such as China in ensuring that aid effectiveness is strengthened on the ground in developing countries in Africa, and that investment where it does occur takes place in a transparent manner, and benefits the citizens of the country where that investment occurs

#### **Statutory Instruments.**

120. **Deputy Leo Varadkar** asked the Taoiseach the State agencies under the remit of his Department who have, or had over the past decade, the power to sign statutory instruments; and if he will make a statement on the matter. [42044/09]

**The Taoiseach:** No agencies under the remit of my Department have, or had over the past decade, the power to sign statutory instruments.

121. **Deputy Leo Varadkar** asked the Taoiseach if he will provide a list of all unnumbered statutory instruments signed by him or his predecessors over the past ten years; and if he will make a statement on the matter. [42059/09]

**The Taoiseach:** There are no unnumbered statutory instruments signed by me or my predecessors over the past ten years.

#### **Departmental Expenditure.**

122. **Deputy Joan Burton** asked the Taoiseach the savings to date in 2009 yielded from the 8% reduction in professional fees introduced in February 2009; the savings he expects to be made as a result of this 8% reduction in 2009 as a whole; and if he will make a statement on the matter. [42672/09]

**The Taoiseach:** My Department has achieved savings of €144,133 from 1st March 2009 to end October 2009 as a result of the introduction of the 8% reduction in professional fees. It is envisaged that the 2009 savings will be approximately €178,600.

#### **Community Employment Schemes.**

123. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of community employment workers employed in drugs projects here; the names and the number allocated to them; if there are proposals to increase the number of

CE places which are ring-fenced to aid recovery and rehabilitation; and if she will make a statement on the matter. [41996/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** There are currently 1,000 places ring fenced for the CE Drugs Task Force. At present 947 of these places are filled. The number of places on the Drugs Task Force is kept under constant review. The list of projects with the breakdown of personnel requested by the Deputy is contained in the table.

Community Employment Projects with 1 or more DTF Places, as at 31/10/2009

(Projects with no DTF places excluded from List)

Region	Sponsor	Supervisors	Standard CE Places	Drugs Task Force Places	Grand Total
<i>Dublin Central</i>	245 DIY Clubs	1	11	1	13
	A.S.E.S.P. — After School Ed.Sup	3	23	3	29
	After Care Recovery Group	3	3	13	19
	Age Action Ireland Ltd	2	29	1	32
	Ballybough & Inner City C.E.	2	24	1	27
	Ballyfermot Community Network	1	19	1	21
	Ballyfermot Resource Centre	2	25	1	28
	Ballyfermot Star Ltd	6	3	30	39
	Ballyfermot Theatre Workshops	3	15	5	23
	Belvedere Youth Club Ltd	1	10	1	12
	Canal Communities Training Pro	6	6	37	49
	Childcare Community Business L	1	16	1	18
	City Of Dublin V.E.C.	2	11	13	26
	Community After Schools Projec	3	21	14	38
	Dolphin House CE Project	2	24	1	27
	Dublin Aids Alliance	2	12	3	17
	Dublin Central Emp. Action Grp.	5	49	1	55
	Fatima Groups United	2	38	1	41
	Focus Housing	1	21	1	23
	Fountain Resource Group	2	28	1	31
	Franciscan Social Justice	4	0	8	12
	Gateway Project (Nwicwn)	2	6	20	28
	Jobcare Ltd	3	55	3	61
	Matt Talbot Community Trust	2	9	3	14
	Merchant Quay Project	3	0	12	15
	Merchant's Quay Contact Centre	2	1	13	16
	Merchant's Quay Drama Project	2	2	10	14
	Mercy Family Centre	1	22	1	24
	North West Inner City Trg & De	1	0	13	14
	Oblate	2	27	4	33
	Saol	2	2	15	19
	St James Resource Centre	3	5	14	22
	The Cavan Centre	2	5	8	15
	The Community Links Project	4	2	32	38
	The Orchard Comm. Dev. Scheme	1	13	1	15
			<i>DC Total</i>	287	

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Region	Sponsor	Supervisors	Standard CE Places	Drugs Task Force Places	Grand Total
<i>Dublin Fingal</i>	Ballymun Welfare Rights Centre	1	13	1	15
	Bonnybrook Youth Resource Cen	1	14	1	16
	Coolmine Ltd	3	0	26	29
	Corduff Childcare Service	1	15	1	17
	Donnycarney Youth Project Ltd	1	1	15	17
	Edenmore Drug Intervention Tea	2	2	17	21
	Gormanstown Area CE Group	1	22	1	24
	Kilbarrack Coast Comm. Program	2	0	27	29
	North Dublin School League	1	13	1	15
	Parish Of Ballymun	1	16	1	18
	Rehabilitation & Support Prog.	2	0	24	26
	Sankalpa Ltd	1	0	18	19
	Star Project Ballymun Ltd	1	0	17	18
	T.A.R.G.E.T.	1	14	1	16
	The Fingal Centre	1	22	1	24
	Vassin Ltd	2	34	1	37
			<i>DN Total</i>	<i>153</i>	
<i>Dublin South</i>	Addiction Response Crumlin Ltd	5	3	24	32
	Athru Education & Training	3	4	19	26
	Bawnogue Youth & Family Suppor	3	1	23	27
	Carp — Killinarden Ltd.	2	6	11	19
	Casadh	4	5	25	34
	Catholic Youth Care	9	39	30	78
	Clondalkin Addiction Support G	2	5	21	28
	Clondalkin Ctr For The U/E Ltd	1	21	1	23
	Co Dublin Vec/Southside E.A.G	1	19	1	21
	Community Addiction Programme	3	3	17	23
	Dun Laoire Rathdown Outreach	3	1	25	29
	Liberties Recycling Group	7	13	33	53
	Loreto Development Group	1	14	1	16
	National Basketball Arena CE S	1	14	1	16
	Rade	3	6	15	24
	Ringsend Dist. Res. To Drugs	1	2	20	23
	South Dublin Co. Co. — Tallagh	1	22	1	24
	St Aengus Community Action Gro	3	3	14	20
	St Domincs Comm Response Pro	3	6	9	18
	Tallaght Rehabilitation Proj.	2	9	10	21
	West Dublin Disability Service	1	9	1	11
			<i>DS Total</i>	<i>302</i>	
<i>Midlands</i>	Ballymany Area CE Project	1	24	1	26
	Cuan Mhuire Manpower	1	14	4	19
			<i>MR Total</i>	<i>5</i>	
<i>Mid West</i>	Aljeff Treatment Centre	2	2	12	16
			<i>MW Total</i>	<i>12</i>	

Region	Sponsor	Supervisors	Standard CE Places	Drugs Task Force Places	Grand Total
<i>South East</i>	Regional Drugs Task Force Wrys	2	0	14	16
	St Fergals Resource Centre Ltd	1	20	1	22
	Wexford Local Development	3	21	14	38
			<i>SE Total</i>	29	
<i>South West</i>	Cork Ymca	1	1	10	12
	Grattan Project Ltd.	1	0	13	14
	N.C.E. Outreach	8	8	115	131
			<i>SW Total</i>	138	
<i>West</i>	Athenry District C E Project	1	16	1	18
	Cuan Mhuire	1	1	13	15
	Michael Davitt National	1	19	4	24
	Western Health Centre, Galway	1	17	3	21
			<i>WR Total</i>	21	
			<i>Grand Total</i>	947	

### Employment Rights.

124. **Deputy Chris Andrews** asked the Tánaiste and Minister for Enterprise, Trade and Employment if the banks are meeting their statutory obligation under section 19 of the Safety, Health and Welfare at Work Act 2005 by carrying out a hazard identification and a risk assessment in relation to their place of work and identifying the employees at risk due to the reasonable foreseeable risk of tiger kidnapping; and if so, if they completed training with those employees to ensure their safety, health and welfare in accordance with section 10 of the Safety, Health and Welfare at Work Act 2005 and the general principles of prevention contained in Schedule 3 of the Act. [42288/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** I am not responsible for the day-to-day supervision of the operations of banks or any other industry sector. The obligations to identify workplace hazards, assess risk, put in place safeguards, including appropriate training, rest on employers. If employees have real concerns that such obligations are not being discharged, they should raise them with their employers in the first instance, via their safety representative where one exists. If their concerns are still not satisfied, they can contact the Health and Safety Authority on 1890 289 389 or email wcu@hsa.ie. However, in the specific case raised by the Deputy, the risk is highly distinct being of a security /law and order nature and it arises, almost by definition, outside the normal workplace. The HSA would have limited, if any, competence in the specific mitigation of such risks which would seem to require specialist security and law enforcement input.

### Statutory Instruments.

125. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment the State agencies under the remit of her Department who have, or had over the past decade, the power to sign statutory instruments; and if she will make a statement on the matter. [42037/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Agencies under the remit of my Department that have the power to sign Statutory Instruments (SIs) are:

- The Labour Court,
- The Irish Auditing and Accounting Supervisory Authority,
- The National Standards Authority of Ireland
- The Personal Injuries Assessment Board (Injuriesboard.ie), and
- FÁS.

These powers are delegated to the respective Agencies to enable them to deal effectively with the technical aspects of the functions assigned to them under the provisions of their parent Acts.

126. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will provide a list of all unnumbered statutory instruments signed by her or her predecessors over the past ten years; and if she will make a statement on the matter. [42052/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Details of the three unnumbered Statutory Instruments signed by my predecessors or myself in the last decade are set out in the table below. The Department applied for and was granted exemption under the Statutory Instrument Act 1947 for these schemes by the Office of the Attorney General. These exemptions were granted because of the limited application of the schemes and serve to avoid the unnecessary circulation of multiple copies of such schemes to the bodies designated under Section 3 of the Act, e.g., Universities and Libraries countrywide.

The Statutory Instrument listed in respect of the National Standards Authority of Ireland was, in fact, allocated a number (S.I. No. 573 Of 2006) in error.

	S.I. Name	Purpose of Legislation
2006	National Standards Authority of Ireland Staff Superannuation Scheme, 2006	Superannuation schemes made pursuant to paragraph 3 of the Second Schedule of the National Standards Authority Act 1996
2002	National Authority for Occupational Safety and Health Spouses' and Children's Contributory Pension Scheme 2002	Pension Scheme in relation to the staff of the Health & Safety Authority
2000	An Foras Áiseanna Saothair Superannuation (Amendment) Scheme 2000	Pension Amendment scheme for staff of FÁS

### **Industrial Development.**

127. **Deputy Martin Ferris** asked the Tánaiste and Minister for Enterprise, Trade and Employment if a company based in Northern Ireland qualifies for the same capital grant aid from the Industrial Development Authority as overseas companies. [42061/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Section 8(a) of the Industrial Development Act 1993 provides that one of the functions of IDA shall be to promote the establishment and development, in the State, of industrial undertakings

from outside the State. The level of grant paid to individual projects is a matter for the Agency itself, subject to upper limits set in WTO subsidy rules, EU state aid law and the provisions of Irish legislation.

### **Community Employment Schemes.**

128. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment the estimated additional cost of increasing the number of community employment schemes by 5,000; and if she will make a statement on the matter. [42093/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The estimated additional cost of increasing the number of Community Employment places by 5,000 is €82.5m. This figure may vary depending on the status of the individuals recruited.

### **Employment Support Services.**

129. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment the estimated cost per participant of the work placement programme; and if she will make a statement on the matter. [42094/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Work Placement Programme, is cost neutral to the exchequer as participants on the programme will continue to receive their social welfare entitlements whilst on the programme.

### **FÁS Training Programmes.**

130. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment the estimated cost per participant of the short time working scheme; and if she will make a statement on the matter. [42095/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Short Time Training Programme has been allocated a budget of €1 million. The training cost for each of the 277 participants on the programme is approximately €3,600. The programme is being managed by FÁS and will provide training to 277 people on systematic short time for 2 or 3 days per week that they are not working. The training will last for a full year and participants on the programme will retain their social welfare entitlements. FÁS have recently developed a specific curriculum for this programme and its participants. FÁS are currently in the process of identifying and selecting appropriate companies and their employees to participate in the programme.

131. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment the estimated number of apprentices by category who cannot progress with their training due to the non-availability of on-the-job experience; and if she will make a statement on the matter. [42096/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** The number of redundant apprentices currently recorded on the FÁS Apprenticeship Database who cannot progress with their training due to the non-availability of on-the-job experience is as follows:

- 168 apprentices require on-the-job training and assessments at Phase 3
- 130 Apprentices require on-the-job training and assessments at Phase 5

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- 391 Apprentices require on-the-job training and assessments at Phase 7
- 98 Apprentices require to complete the minimum duration of 4 years employed as an apprentice in the specified trade to qualify for the Advanced Craft Certificate.

My Department will forward a detailed breakdown of these figures to the Deputy for his information. I have set out the measures which are being implemented to assist redundant apprentices on a number of previous occasions in the House most recently in the answer to Parliamentary Question No. 40856 of 11th November 2009.

### **Employment Support Services.**

132. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment the estimated annual cost in a full year of the first round of temporary employment subsidy; if this is being paid from general taxation or the training fund surplus; and if she will make a statement on the matter. [42097/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Employment Subsidy Scheme has been designed specifically as a preventative measure to retain jobs in vulnerable but viable firms that are in danger of being lost. Under the First Call of the Employment Subsidy Scheme 7,478 jobs will receive the subsidy of €9,100 over the 15 months duration of the scheme. This means that in 2009 the First Call of the Scheme is estimated to cost €19.5 million and in 2010 it is estimated to cost €48.6 million. However, Enterprise Ireland are still evaluating applications so it is possible these amounts could rise. The Scheme is being funded from the Exchequer. A Second Call for applications to the Scheme will be launched in the near future.

### **National Training Fund.**

133. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment the level of the retained national training fund surplus; the estimated amount at the end of 2010; and if she will make a statement on the matter. [42100/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** As published in the 2009 Revised Estimates for Public Services, the projected fund surplus in the National Training Fund at the end of 2009 is €204.678 million. The estimated fund surplus at the end of 2010 will be published next month in the Book of Estimates following the 2010 Budget.

### **FÁS Training Programmes.**

134. **Deputy Willie Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of persons who are currently on waiting lists for FÁS training schemes; the number of these who were previously self-employed before becoming unemployed; the waiting time for persons on the waiting lists to start their courses; if she will provide a breakdown of the figures per administrative region; and if she will make a statement on the matter. [42118/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** I understand from FÁS that as at 16 November 2009 the number of persons who were currently on waiting lists for FÁS training schemes totalled 41,157. The following table breaks this figure down into regions.

Region	Number of Applicants
Dublin	13,986
Midlands	2,510
Mid West	3,781
North East	2,947
North West	3,018
South East	5,361
South West	7,058
West	2,496
Total	41,157

Waiting times vary considerably among courses and depend on the type of course being applied for as well as its duration and the capacity of each class. For example short (modular) courses that on average run every 4-9 weeks have a shorter waiting time when compared to traditional longer courses that would tend to run from 10-49 weeks. The previous status of persons applying for FÁS courses is not transferred to FÁS by the Department of Social and Family Affairs, only their current unemployed status. Every effort is being made by FÁS to reduce course waiting times to an absolute minimum.

#### **Employment Rights.**

135. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment, further to Parliamentary Question No. 199 of 3 November 2009, the bodies represented by the members of the review group at the two meetings that have taken place to date in 2009; and if she will make a statement on the matter. [42136/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** Representatives of the Department of the Taoiseach, my Department, and the Department of Finance; of the Irish Congress of Trade Unions (and its affiliate unions SIPTU and IMPACT); and of the employers' body IBEC attended the two informal meetings of the Review Group on Employee Representation held to date (on 14th September and 13th October, 2009). The Group is chaired by the Secretary General of the Department of the Taoiseach. I understand that there is scope for additional representatives from the relevant Government Departments, IBEC and ICTU to attend meetings of the Review Group as appropriate.

#### **Job Creation.**

136. **Deputy Jimmy Deenihan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the announcement by a company (details supplied) at a conference in Stockholm of its first large scale move into offshore wind power, potentially creating thousands of new jobs designing and manufacturing turbines; if she will approach this company to consider here for its turbine manufacturing facility in Europe; and if she will make a statement on the matter. [42159/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Government fully recognises the potential of the growing renewable energy, energy efficiency and environmental sectors as a potential new source of foreign direct investment and job



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creation for Ireland. To this end IDA Ireland set up a new “Cleantech” Department in January 2009, specifically to target foreign investment from these sectors. I am aware of the announcement by General Electric that it has acquired Scanwind in a move to get into the fast developing offshore wind power sector. As a global multinational corporation with a substantial market presence in a range of renewable clean technology sectors, including offshore wind, General Electric is a major target company for IDA Ireland.

### **Air Services.**

137. **Deputy Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the impact on the numbers employed at Aer Lingus of the development of a new airline within the group; her further views on the fact that this will be a device to make workers here redundant or force them to re-apply for their jobs to the new entity at poorer pay and conditions; and if she will make a statement on the matter. [42282/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** As the Deputy will be aware, Aer Lingus is a private limited company and, as such, any commercial proposal by the company to restructure or reorganise its operations such as suggested by the Deputy for the development of a new airline within the group is not one to which the Tánaiste or I are privy, or have any role. Primary responsibility for the aviation sector resides with my colleague the Minister for Transport.

I am of course aware of proposals announced by Aer Lingus in the media a few weeks ago involving a plan to undertake further rationalisation at the company and a collective redundancy programme involving up to 676 redundancies over a two year period. I understand that consultations with the relevant employee representative groups have already commenced in relation to this development.

The restructuring process within Aer Lingus is the subject of continuing dialogue with the trade unions representing the company’s employees. I am satisfied that there is, an adequate legal framework in this country governing restructuring arrangements at company level in the form of legislation covering collective redundancies and legislation covering information and consultation requirements. I should point out, in this regard, that any allegations that workers are being made redundant and forced to reapply for their jobs under lesser terms and conditions of employment may be pursued under legislation introduced in 2007 entitled the “Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007”.

### **Departmental Agencies.**

138. **Deputy Mary Upton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will consider instructing bodies under her aegis such as Enterprise Ireland to present the work of Irish visual artists as part of their international work; and if she will make a statement on the matter. [42298/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Department of Arts, Sport and Tourism, in cooperation with the Office of Public Works (OPW), operates the “Per Cent for Art Scheme”. Under the Scheme, all Government Departments and their Agencies are required to spend up to 1% of their budget for capital projects on art, subject to certain maximum limits. A set of national guidelines was published by the Department of Arts, Sport and Tourism in 2004, the purpose of which was to outline a common

national approach to the implementation of the Scheme and to provide a set of basic operational procedures to assist staff concerned in the process.

Following representations from the Secretary General of the Department of Arts, Sport and Tourism in October 2007, my Department wrote to the Chief Executives of all the Agencies under the auspices of my Department, including Enterprise Ireland, enclosing a copy of the 2004 guidelines produced by the Department of Arts, Sport and Tourism and exhorting them to co-operate in ensuring that the Scheme was adopted and promoted in respect of all construction projects for which their Agencies were responsible. In these circumstances it is considered that it is not necessary for me or my Department to issue any further instructions to the State Agencies that come under the aegis of the Department.

### **Departmental Expenditure.**

139. **Deputy Joan Burton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the savings to date in 2009 yielded from the 8% reduction in professional fees introduced in February 2009; the savings she expects to be made as a result of this 8% reduction in 2009 as a whole; and if she will make a statement on the matter. [42646/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** In February of this year, the Government decided that expenditure savings should be achieved through a general reduction of the order of 8% in professional fees paid by public service bodies in respect of services rendered to them from 1 March 2009. As a result of this decision, my officials issued instructions that all contracts held by the Department, its Offices and its agencies should be examined with a view to achieving savings through a reduction in professional and other fees. The savings yielded to date across my Department, its Offices and agencies through a reduction in fees is estimated to be €488,800. The total savings projected to the end the year is €605,000.

### **Tax Code.**

140. **Deputy Joe Carey** asked the Minister for Finance if negotiations have taken place with any airlines in relation to the €10 travel tax; his plans to have such discussions; and if he will make a statement on the matter. [42026/09]

143. **Deputy Fergus O'Dowd** asked the Minister for Finance if discussions are ongoing between him and some airlines in relation to the €10 travel tax; and if he will make a statement on the matter. [42005/09]

145. **Deputy Joe Carey** asked the Minister for Finance if his attention has been drawn to comments made in relation to the €10 travel tax by the Tourism Renewal Group; his views on its advice that the travel tax be abolished; and if he will make a statement on the matter. [42028/09]

146. **Deputy Joe Carey** asked the Minister for Finance if his attention has been drawn to comments made in relation to the €10 travel tax by the chairman of Fáilte Ireland in Fáilte Ireland's submission to the Commission on Taxation; his views on this submission; if further discussions have taken place between Fáilte Ireland and himself on this issue; and if he will make a statement on the matter. [42029/09]

**Minister for Finance (Deputy Brian Lenihan):** I propose to take Questions Nos. 140, 143, 145 and 146 together.

A meeting took place with the airline in question to discuss a range of issues and the air travel tax arose in that context. It is policy to review all taxes in the lead up to the Budget, however, there is no specific review of the air travel tax. We currently face significant financial challenges and the air travel tax is an important revenue raising measure.

#### **Decentralisation Programme.**

141. **Deputy Jimmy Deenihan** asked the Minister for Finance when the planned building at the Curragh, County Kildare will go to tender by the Office of Public Works; and if he will make a statement on the matter. [42273/09]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** The Office of Public Works has advanced the procurement process for the new Defence Forces Headquarters in the Curragh. The Part 9 planning process has already been completed. However, a decision to proceed to tender stage will be taken in the context of the estimates and budgetary process.

#### **Tax Code.**

142. **Deputy Fergus O'Dowd** asked the Minister for Finance if he has received representations from an association (details supplied) in relation to a matter; and if he will make a statement on the matter. [42003/09]

**Minister for Finance (Deputy Brian Lenihan):** I received representation from the Association mentioned in the details supplied. As I outlined in the response to the Association in November 2008, I have been informed by the Revenue Commissioners that, for reasons of confidentiality, they cannot comment on the tax affairs or obligations of named persons. However, I can confirm that, in my response, I did inform the Association that its members could make a submission to Revenue outlining the precise details of the arrangements that apply to them.

*Question No. 143 answered with Question No. 140.*

#### **Departmental Expenditure.**

144. **Deputy Joan Burton** asked the Minister for Finance the savings made to date in 2009 yielded from the 8% reduction in professional fees introduced in February 2009; the savings he expects to be made as a result of this 8% reduction in 2009 as a whole; if he expects the €67 million target for 2009 to be met; and if he will make a statement on the matter. [42020/09]

**Minister for Finance (Deputy Brian Lenihan):** As the Deputy is aware, in February of this year, the Government decided to pursue a general 8% reduction on fees to legal, medical, veterinary and other professionals engaged by the public service from 1 March 2009. My Department wrote to each Government Department outlining how this decision should be implemented. The savings achieved to date by my Department and the offices under its aegis, together with the estimated additional savings for the remainder of the year, are as follows:

	Savings to date in 2009	Estimated additional savings for the remainder of 2009	Total
	€	€	€
Office of the Appeals Commissioner	0	0	0
Office of the Commission for Public Service Appointments	13,217	3,043	16,260
Office of the Revenue Commissioners	1,812,000	600,000	2,412,000
Public Appointments Service	16,034	5,346	21,380
State Laboratory	450	0	450
Valuation Office	1,227	0	1,227
Office of the Minister for Finance	58,417	164,801	223,218
Full year total			2,674,535

In the time available to answer the question, the Office of Public Works was unable to compile the information sought by the Deputy. However, the information will be compiled by that Office and forwarded to the Deputy as soon as possible.

In response to your query as to whether the estimated €67m target for 2009 will be met, the 8% reduction in consultancy and other professional fees forms part of an overall savings package which the Government announced. Measures have been implemented across departments to achieve this level of savings. Other Departments have therefore been requested to respond directly to the Deputy in respect of the implementation of the proposal within their Department and the savings achieved to date.

*Questions Nos. 145 and 146 answered with Question No. 140.*

### **Statutory Instruments.**

147. **Deputy Leo Varadkar** asked the Minister for Finance the State agencies under the remit of his Department who have, or had over the past decade, the power to sign statutory instruments; and if he will make a statement on the matter. [42039/09]

**Minister for Finance (Deputy Brian Lenihan):** The following bodies under the remit of my Department have advised that they have the power to sign statutory instruments.

- The Office of the Revenue Commissioners
- The National Treasury Management Agency in relation to the management of the Government small savings schemes.
- The Financial Services Regulatory Authority
- The Irish Financial Services Appeals Tribunal Financial Services Ombudsman Council.

148. **Deputy Leo Varadkar** asked the Minister for Finance if he will provide a list of all unnumbered statutory instruments signed by him or his predecessors over the past ten years; and if he will make a statement on the matter. [42054/09]

**Minister for Finance (Deputy Brian Lenihan):** As the Deputy may already be aware statutory instruments made on or after 1 January 1948 in general are allocated statutory instrument numbers under the Statutory Instruments Act 1947 (the Act). However, under section 2 of the

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Act, the Attorney General has the power, where certain criteria are met, to exempt certain statutory instruments from the operation of section 3(1) of the Act. Statutory instruments so exempted do not require to be issued with a statutory instrument number. Every certificate or direction given by the Attorney General under section 2 of the Act is published in the *Iris Oifigiúil*. In relation to my own Department, I am not aware of any certificate or direction having been issued during the period outlined in the Deputy's question.

### **Tax Code.**

149. **Deputy Leo Varadkar** asked the Minister for Finance the cost of extending mortgage interest relief for first-time buyers to eight and nine years respectively; and if he will make a statement on the matter. [42090/09]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that sufficient data on mortgage interest relief is not available to enable a precise estimate to be provided. However, based on projected 2009 claims and making certain assumptions about the levels of mortgage interest payments appropriate to first-time buyers in year seven of their mortgages, the full year costs are estimated to be of the order of €12.5m for extending the relief by one year and €25m for extending it by two years.

150. **Deputy Leo Varadkar** asked the Minister for Finance the money that would be saved by the abolition of mortgage interest relief for principal primary residences purchased in 2010; and if he will make a statement on the matter. [42091/09]

**Minister for Finance (Deputy Brian Lenihan):** The position is that the yield from the abolition of mortgage interest relief for residences purchased in 2010 would be dependant on a number of inter-related factors such as the level of house purchasing, house prices, availability of credit and prevailing interest rates in 2010. In the current circumstances, it is not possible to predict these factors accurately enough to provide a reliable potential yield figure.

151. **Deputy Leo Varadkar** asked the Minister for Finance the recent changes in the tax treatment of locum or sessional work pharmacists, doctors and veterinarians particularly regarding their self-employed as opposed to PAYE treatment; the reason for these changes; and if he will make a statement on the matter. [42102/09]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that there are no recent changes of the kind mentioned by the Deputy but that cases come to their attention from time to time where individuals have been incorrectly classified, either by the individuals or by the person engaging those individuals, as self-employed in relation to particular engagements. If, on an examination of the facts and circumstances of any particular engagement, the Revenue Commissioners find that individuals are, in their opinion, employees rather than self-employed contractors, they will notify the person engaging those individuals to register for, and operate, the PAYE system on payments made to those individuals. Where there is a disagreement with the Revenue Commissioners on employment status, the matter can be appealed to the Appeal Commissioners and the courts.

The question of whether an individual pharmacist, doctor or veterinarian is engaged under either a contract of service (i.e. an employee) or a contract for service (i.e. self-employed) is a question of fact and of general law. Regardless of how the parties to an engagement may describe the relationship, all the relevant factors, including written, oral and implied details, that bear on that relationship are examined, given their proper weight and a decision made on

their overall effect. Depending on the facts and circumstances of a case, an individual may be a full time employee, a part-time employee, a temporary employee, a casual employee or, indeed, genuinely self-employed. The fact that individuals may not have continual work does not, of itself, make such individuals self-employed contractors.

To provide some clarity as to whether an individual is employed or self-employed, the Employment Status Group (set up under the Programme for Prosperity and Fairness) published a Code of Practice for determining Employment or Self-employment status of Individuals, known as ‘the Code’. Furthermore, under Towards 2016 — The Ten Year Framework Social Partnership Agreement, a commitment was given to the Social Partners that the regulatory bodies i.e. the Revenue Commissioners, the Department of Social & Family Affairs and the National Employment Rights Authority (NERA), would be active in the area of correctly establishing the status — employed or self-employed — of individuals. Arising from this, the Code was updated with the assistance of the Irish Business and Employers Confederation, the Construction Industry Federation, the Small Firms Association, ICTU and the regulatory bodies mentioned above. As stated in the Code, “its purpose is to eliminate misconceptions and to provide clarity. It is not meant to bring individuals who are genuinely self-employed into employment status”.

152. **Deputy Willie Penrose** asked the Minister for Finance, in circumstances when a child has been diagnosed with dyslexia by a psychologist from the Department of Education and Science with a reading ability of 4% and IQ of 85%, whereby in these circumstances the parents have been advised to look at private tuition and typing courses for dyslexic children, which costs approximately €260 per month and where they have to purchase a laptop with special software and where they also pay €750 for a special course to help the child, if they would be entitled to tax relief for this expenditure; and if he will make a statement on the matter. [42109/09]

**Minister for Finance (Deputy Brian Lenihan):** The position is that there is no provision in tax law to allow relief for expenses relating specifically to the education or instruction of children with dyslexia. Nor would income tax relief be available for the purchase of a laptop and software, as these items are not medical, surgical, dental, or nursing appliances. Full details of the types of expenditure which qualify for relief under the heading of health expenses relief are available on the Revenue website at: <http://www.revenue.ie/en/tax/it/leaflets/it6.html>

I should point out that in recent years the Government has increased significantly the supports available through the direct expenditure system for children with disabilities. In 2005, approval was given for the Department of Education and Science to move from individual allocation of resource teaching support for children with special needs, on foot of a psychological assessment, to an approach whereby all mainstream primary schools are allocated resources based on their enrolment without the need for individual psychological assessments for the high incidence categories of need, such as dyslexia and mild general learning disability. In all, it is projected that, of the total budget of the Department of Education and Science of almost €9.5 billion, over €1 billion is allocated across services for special needs.

As with many areas where State support may be required, the question arises as to whether such support may be more effectively provided through the direct expenditure route rather than through the tax system. One advantage of the former mechanism is that the support may be better targeted at those in need, irrespective of family income, whereas support through the tax system can only benefit those whose incomes are high enough to benefit from tax relief.

### Departmental Properties.

153. **Deputy Ciarán Lynch** asked the Minister for Finance the number of buildings that are leased from private landlords for Government use on terms which include an upward only rent review; if this term is applicable to the Treasury Building at which National Asset Management Agency will be based; and if he will make a statement on the matter. [42151/09]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** In the time available to answer the question, it has not been possible to compile the information sought by the Deputy. However, the information will be compiled shortly and forwarded to the Deputy directly.

### Tax Code.

154. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Finance the number of vehicles that have been confiscated due to vehicle registration tax evasion in each of the years 2006, 2007 and 2008 in counties Donegal, Sligo, Leitrim, Cavan, Monaghan and Louth. [42154/09]

155. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Finance the average time applying from actual confiscation for vehicle registration tax evasion to case conclusion in Counties of Donegal, Sligo, Leitrim, Cavan, Monaghan and Louth. [42155/09]

156. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Finance the amount of revenue he has raised from fines imposed for vehicle registration tax evasion in the years 2006, 2007 and 2008 in the counties of Donegal, Sligo, Leitrim, Cavan, Monaghan and Louth. [42156/09]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that the Table below sets out the number of vehicles that have been seized due to Vehicle Registration Tax evasion and the amount of resulting fines imposed in each of the years 2006, 2007 and 2008 in Counties Donegal, Sligo, Leitrim, Cavan, Monaghan and Louth. I am further advised by the Revenue Commissioners that the average time from seizure to release of the vehicles is as follows:

- 60% within 24 hours;
- A further 15% are dealt with within 7 days;
- A further 10% are dealt with within 1 month.

In exceptional cases, vehicles may be held for a period exceeding one month, whilst awaiting a response and/or payment of penalties by the owners.

	2006		2007		2008	
	Seizures	Fines	Seizures	Fines	Seizures	Fines
		€		€		€
Donegal	137	72,837	108	87,847	189	133,368
Sligo	6	700	11	7,100	8	7,570
Leitrim	8	3,325	19	6,830	7	3,785
Cavan	73	29,480	82	74,860	69	40,967
Monaghan	133	62,600	102	62,230	121	76,185
Louth	153	91,619	129	97,795	175	115,395

**Public Sector Pay.**

157. **Deputy Arthur Morgan** asked the Minister for Finance the number of public sector workers earning between €100,000 and €110,000, €110,000 and €120,000, €120,000 and €130,000, €130,000 and €140,000, €140,000 and €150,000, €150,000 and €160,000, €160,000 and €170,000, €170,000 and €180,000, €190,000 and €200,000, €200,000 and €250,000, €250,000 and €300,000, €300,000 and €350,000, €350,000 and €400,000, €400,000 and €450,000, €450,000 and €500,000; and the number of public sector workers earning in excess of €500,000. [42158/09]

**Minister for Finance (Deputy Brian Lenihan):** I refer the Deputy to my reply to Question No: 39451/09 which was based on earnings data supplied by the Revenue Commissioners in relation to the income tax year 2007, which is the latest year for which data is available. Because of the obligation by the Revenue Commissioners to conserve confidentiality in relation to the taxation affairs of individual tax payers, the breakdown by income bands requested by the Deputy is not provided in relation to incomes in excess of €220,000 due to the small numbers of income earners with incomes in excess of that level.

The income figures supplied includes public service income and income earned from other sources for that year. The data also includes various forms of income from public sources to groups that would not normally be regarded as being employed within the public service, e.g. those receiving fees, those on State Boards etc. It should also be noted that as the data dates from 2007, it does not reflect developments since then; in particular the revised contracts for Hospital Consultants which are being implemented this year.

**Property Valuations.**

158. **Deputy Jimmy Deenihan** asked the Minister for Finance if he is satisfied that the valuation of the National Aquatic Centre dated 25 October 2002, carried out by the Valuation Office is valid; and if he will make a statement on the matter. [42278/09]

**Minister for Finance (Deputy Brian Lenihan):** The Valuation Office is the State property valuation agency. In addition to its statutory functions, the Office also provides a valuation consultancy service to Government departments and public bodies. The Valuation Office provided a valuation of the National Aquatic Centre dated 25th October 2002 on foot of a valuation request from the public body concerned. The Commissioner of Valuation is independent in the exercise of his duties and I, as Minister for Finance, have no function in decisions in this regard.

**Tax Code.**

159. **Deputy Terence Flanagan** asked the Minister for Finance if he will respond to a matter (details supplied); and if he will make a statement on the matter. [42285/09]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that due to their policy of confidentiality as regard taxpayers' affairs it is not possible to supply the information requested.

160. **Deputy Terence Flanagan** asked the Minister for Finance if he will respond to a matter (details supplied); and if he will make a statement on the matter. [42286/09]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that due to their policy of confidentiality as regard taxpayers' affairs it is not possible to supply the information requested.



**Tax Yield.**

161. **Deputy Seymour Crawford** asked the Minister for Finance the amount of money received by the Exchequer from the sale of alcohol from 2004 to 2008; the amount he has received to date in 2009; his views on whether there is a major transfer of tax into Northern Ireland; if he will ensure that budget 2010 will recognise same and resolve this matter; and if he will make a statement on the matter. [42312/09]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that the yield received by the Exchequer from the sale of alcohol from 2004 to 2008 is in respect of Alcohol Products Tax and VAT, are as follows:

Alcohol Products Tax Yield

	Beer	Spirits	Wine	Cider	Total
	€m	€m	€m	€m	€m
2004	458.2	314.9	184.8	64.2	1,022.1
2005	457.3	319.8	195.1	66.1	1,038.3
2006	460.7	338.0	209.2	69.2	1,077.1
2007	464.8	367.6	230.2	68.3	1,130.9
2008	427.1	350.9	231.3	60.6	1,069.9
2009 (Jan to Oct)	338.4	200.2	194.0	48.5	781.1

The data on Alcohol Products Tax for 2009 is for the period January to the end of October 2009 and is provisional.

The VAT yield provided below in respect of alcohol is estimated, as the information to be furnished on VAT returns does not require the yield from particular sectors of trade to be identified.

Estimated VAT Yield

Alcohol	2004 Est.	2005 Est.	2006 Est.	2007 Est.	2008 Est.	2009 (Jan to Oct) Est.
	€m	€m	€m	€m	€m	€m
Beer	510	521	532	542	536	397
Spirits	218	226	240	270	259	197
Wine & Cider	258	275	302	310	294	223
Total	986	1,022	1,074	1,122	1,089	816

A Report prepared by the Office of the Revenue Commissioners and the Central Statistics Office into the implications of Cross Border Shopping for the Irish Exchequer, was published in February this year and is available on my Department's website. The Report noted that the main causes for the change in price differentials between goods in Northern Ireland and the Republic over recent years has been the rapid depreciation of Sterling against the Euro. It is a long-standing practice for the Minister for Finance not to comment in advance of the Budget on any tax or expenditure matters that might be the subject of Budget decisions and I do not propose to deviate from that practice.

**Tax Code.**

162. **Deputy Finian McGrath** asked the Minister for Finance if he will support the case of a person (details supplied). [42318/09]

**Minister for Finance (Deputy Brian Lenihan):** I assume the Deputy is referring to the recommendation by the Commission on Taxation that the artists' exemption scheme be abolished. The artists' exemption scheme along with all other recommendations will be borne in mind in the context of consideration and examination of the Commission's report by the Government.

**Tax Collection.**

163. **Deputy John Perry** asked the Minister for Finance if a person (details supplied) will receive their full VAT reimbursement; and if he will make a statement on the matter. [42324/09]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that they do not have a record of any outstanding claim for 'VAT reimbursement' from the person in question. Upon receipt of any such claim, it will, as is the normal practice, be examined as expeditiously as possible.

**Health Services.**

164. **Deputy Mary O'Rourke** asked the Minister for Health and Children if she will review the case of a person (details supplied) in County Westmeath. [42063/09]

**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.

**Youth Services.**

165. **Deputy Ruairí Quinn** asked the Minister for Health and Children if she will provide funding to a youth project (details supplied) in County Kildare in view of its worthy track record to help tackle early school leaving within the community and the positive impacts it has had on tackling social disadvantage and exclusion; and if she will make a statement on the matter. [42075/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** The Youth Affairs Unit of my Department received an application on behalf of the Youth Project referred to by the Deputy, to be considered for funding in 2008 under the Special Projects for Youth Scheme. Due to the large number of applications received and the limited funding available, it was not possible to provide the funding requested. The 2009 budget allocation for youth services is €48m, a decrease of 8% on the 2008 figure. In light of budgetary constraints, it is intended that the 2009 Youth Affairs budget will continue to focus on supporting existing youth programmes and services for young people including those with fewer opportunities. In that context, Youth Affairs Unit will not be in a position to consider any new applications for funding this year.

**Health Services.**

166. **Deputy Ciarán Lynch** asked the Minister for Health and Children when a cancelled orthodontic appointment for a person (details supplied) will be rescheduled. [41995/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the HSE for direct reply.

167. **Deputy Damien English** asked the Minister for Health and Children when the contracts for the Health Service Executive patient transport services in the north-east region commenced; the expiry date of the contracts; the number of tenders received for same; and if she will make a statement on the matter. [41999/09]

168. **Deputy Damien English** asked the Minister for Health and Children if providers of the Health Service Executive patient transport services for the north-east region are permitted to subcontract services under the terms of contract; if so, if a monitoring mechanism exists to ensure services are carried out as per terms of contract; and if she will make a statement on the matter. [42000/09]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 167 and 168 together.

As this is a service matter, it has been referred to the HSE for direct reply.

### **Departmental Reports.**

169. **Deputy George Lee** asked the Minister for Health and Children if she will provide this Deputy with a copy of the Integrated Workforce Planning Strategy for the Health Services 2009 to 2012 report; and if she will make a statement on the matter. [42010/09]

**Minister for Health and Children (Deputy Mary Harney):** My Department and the Health Service Executive published the Integrated Workforce Planning Strategy for the Health Services on 6th November 2009. The strategy was designed and developed to ensure integration of workforce planning activity with the broader objectives of financial and service planning in the Irish health care and social care system. As a significant proportion of health funding is spent on staff costs, it is necessary to ensure that it is spent efficiently and delivers on key health goals. The strategy is particularly relevant in the current economic climate as it ensures a credible check that workforce demands are achievable and can be met within current financial or human resources or through dedicated funding.

The strategy supports the development of health service human resources including initiatives already underway such as improved Consultant/NCHD ratios, Nurse Prescribing and SKILL development for support staff. It also provides health service planners with the tools to assess other sources of supply through redeployment, retraining or changed skill mix.

The strategy sets out to enhance existing workforce planning analysis in the Irish health service for a wide range of health care occupations. For example, the Strategy follows the publication in June of the report by the Expert Group on Future Skills Needs (EGFSN) and FÁS — *A Quantitative Tool for Workforce Planning in Healthcare*. That report contained workforce planning analysis for selected health care occupations and provided a valuable evidence base for workforce planning decisions resulting from policy and demographic changes. The strategy was published on the Department's website and a copy is available to download at the following address: [http://www.dohc.ie/publications/workforce\\_planning\\_strategy.html](http://www.dohc.ie/publications/workforce_planning_strategy.html).

### **Health Services.**

170. **Deputy George Lee** asked the Minister for Health and Children if she will make arrangements for a person (details supplied) in Dublin 14 to be placed in a secure environment

so that they can receive suitable treatment; and if she will make a statement on the matter. [42011/09]

**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.

#### **Medical Cards.**

171. **Deputy Joanna Tuffy** asked the Minister for Health and Children when a decision will be reached in respect of a medical card application for a person (details supplied) in County Dublin; the reason for the delay; and if she will make a statement on the matter. [42021/09]

**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.

#### **Grant Payments.**

172. **Deputy John Perry** asked the Minister for Health and Children if a person (details supplied) in County Sligo will be awarded payment under the children's clothing and footwear scheme 2009; and if she will make a statement on the matter. [42030/09]

**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.

#### **Statutory Instruments.**

173. **Deputy Leo Varadkar** asked the Minister for Health and Children the State agencies under the remit of her Department which have, or have had over the past decade, the power to sign statutory instruments; and if she will make a statement on the matter. [42041/09]

**Minister for Health and Children (Deputy Mary Harney):** The information requested by the Deputy is not readily available within my Department but it will be forwarded to the Deputy as soon as it has been collated.

174. **Deputy Leo Varadkar** asked the Minister for Health and Children if she will provide a list of all unnumbered statutory instruments signed by her or her predecessors over the past ten years; and if she will make a statement on the matter. [42056/09]

**Minister for Health and Children (Deputy Mary Harney):** The information requested by the Deputy is not readily available within my Department but it will be forwarded to the Deputy as soon as it has been collated.

#### **Hospital Waiting Lists.**

175. **Deputy Mary Upton** asked the Minister for Health and Children, further to Parliamentary Question No. 185 of 13 October 2009, if each publicly funded hospital is allocated a quota for referral to the National Treatment Purchase Fund; if so, the quota for each hospital; if it is the case that a person may apply to the NTPF, thus bypassing the hospital quota arrangement; if such is in place, the agreed waiting time for a person before being referred to the NTPF; and if she will make a statement on the matter. [42064/09]

**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.

**Health Services.**

176. **Deputy Edward O’Keeffe** asked the Minister for Health and Children if she will arrange for a child (details supplied) in County Cork to be assessed. [42071/09]

**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.

**Nursing Homes Support Scheme.**

177. **Deputy James Reilly** asked the Minister for Health and Children, with regard to private nursing homes approved under the nursing homes support scheme, if the €190 licensing fee per designated place in a nursing home was included in the detailed costing that formed part of the negotiations on the cost of care with the National Treatment Purchase Fund; and if she will make a statement on the matter. [42077/09]

178. **Deputy James Reilly** asked the Minister for Health and Children the amount of funding she will make available to the nursing homes support scheme in 2010; and if she will make a statement on the matter. [42078/09]

179. **Deputy James Reilly** asked the Minister for Health and Children the role the county registrar will play in approving care representatives to the nursing homes support scheme; if county registrars have been briefed on the processes and procedures with regard to this; and if she will make a statement on the matter. [42079/09]

180. **Deputy James Reilly** asked the Minister for Health and Children if patients registered under the nursing homes support scheme in public hospital care who do not have a medical card will be charged additional moneys for care services such as physiotherapy, occupational therapy, speech therapy, special incontinence wear, special bandages and so on; and if she will make a statement on the matter. [42080/09]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** I propose to take Questions Nos. 177 to 180, inclusive, together.

Under the new Nursing Homes Support Scheme, the National Treatment Purchase Fund (NTPF) has agreed a price with each private nursing home provider wishing to partake in the scheme. This price forms the maximum agreed price for “long-term residential care services” provided under the scheme. A resident who avails of the scheme should not be charged any additional fee over and above this price, except where he or she chooses to obtain additional services (i.e. any services not coming within the definition of “long-term residential care services”) such as hairdressing or delivery of daily newspapers.

In addition, the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2009 specify that the registered provider shall agree a contract with the resident within one month of their admission, included in which are details of the services to be provided for that resident and the fees to be charged.

The €190 annual fee is payable by the registered provider and residents should only be charged those fees set out in their agreed contract with the provider. The Minister for Health and Children has indicated that she would anticipate that the registration fee should factor into negotiations with the NTPF in the context of agreeing a price for the purposes of the Nursing Homes Support Scheme. I also understand that the NTPF has endorsed this by accepting that

the fee should be included as part of the reasonable day to day running costs associated with the provision of long-term residential care services.

The Deputy has also raised the issue of charging for a number of services which fall outside of the definition of “long-term residential care services”. The Nursing Homes Support Scheme Act 2009 defines “long-term residential care services” as maintenance, health and personal care services. The legislation further provides for the details of the goods and services which constitute “long-term residential care services” to be specified in writing. In the case of approved private nursing homes, the details are stipulated within the agreement with the NTPF while, in the case of public nursing homes, they are set out in a document laid before the Houses of the Oireachtas by the Minister for Health and Children.

In stipulating the goods and services that constitute “long-term residential care services”, it was imperative that both the care recipient and the taxpayer would be protected, and that the scheme would not facilitate double-counting. Medications and aids that are prescribed for individuals under an existing scheme, such as the medical card or drugs payment scheme, are not included in the cost of long-term residential care services as this would involve the tax payer and the care recipient effectively paying on the double. Accordingly, a person’s eligibility under these other schemes remains unaffected. In particular, the Deputy has asked about specialised dressings and I wish to confirm that non-Medical Card holders who are eligible for the Drugs Payment Scheme can avail of specialised dressings in accordance with the terms of that scheme. Furthermore, existing arrangements with regard to the provision of incontinence wear to residents in public and private nursing homes will also remain in place.

The issue of therapies extends much more widely than nursing homes. It is a subject that is currently being examined comprehensively across all care settings in the context of eligibility legislation. With regard to the funding available for the scheme, Budget 2009 provided €55 million for the introduction of the scheme this year. In advance of the introduction of the scheme, a dedicated subhead for long-term residential care was established within the Health Service Executive’s Vote (Subhead B16 in Vote 40). The total funding in Subhead B16 currently stands at €909 million. This represents the total State funding available for long-term residential care in 2009. Planned expenditure levels for the Health sector will be considered as part of the Estimates and budgetary process for 2010. Deliberations by Government on the expenditure allocations for next year are likely to continue until the Budget.

Finally, as regards the role of County Registrars in the Care Representative process, an application for appointment as a care representative must be made to the County Registrar in any county in the Circuit in which the person requiring a care representative now lives or in which he or she has lived at any time during the past three years. Where an application is not contested, the order appointing a care representative may be made by a County Registrar. All of the County Registrars have been briefed on the Care Representative process and the President of the Circuit Court has issued a Practice Direction.

### **Hospital Staff.**

181. **Deputy Michael Noonan** asked the Minister for Health and Children her plans for the appointment of additional rheumatologists; when additional rheumatologists will be appointed in Limerick; and if she will make a statement on the matter. [42098/09]

**Minister for Health and Children (Deputy Mary Harney):** Following the 2005 report of Comhairle na nOspidéal, there have been significant developments in the area of rheumatology treatment. One of the key recommendations of the report was the recruitment of a number of additional consultant rheumatologists. The number of consultant posts overall increased from

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16 in 2002 to 25.7 at present, including a post for children and young people at Our Lady's Children's Hospital, Crumlin. As the issue raised by the Deputy is a service matter, I have referred the question to the HSE for direct reply.

### **Medical Cards.**

182. **Deputy Joe Costello** asked the Minister for Health and Children the reason for the delay in processing applications for renewal of medical cards; the status of an application in respect of a person (details supplied) in Dublin 7; and if she will make a statement on the matter. [42105/09]

**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.

### **Child Care Services.**

183. **Deputy Ruairí Quinn** asked the Minister for Health and Children if there are plans to reduce the minimum number of children a child-care provider needs to cater for in order to be able to participate in the early childhood care and education scheme; if his attention has been drawn to the fact that there are many child-care providers who wish to participate in the scheme but due to the fact that they care for fewer than ten children they have been turned away; and if she will make a statement on the matter. [42106/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I have responsibility for the implementation of the free Pre-School Year in Early Childhood Care and Education (ECCE) scheme which is being introduced in January 2010. The scheme as announced allows for a minimum enrolment of 8 children who qualify for the free Pre-School Year, rather than 10 as stated. In addition, exceptions to this requirement are provided for. As a result, services which, for good reason, have an enrolment of not more than 8 children of whom 3 or more are in their pre-school year and the remainder will be eligible in the following year, and childminding services with an enrolment of 5 children, all of whom are in their pre-school year, can apply to participate in the scheme. These minimum requirements are considered appropriate to ensure that a satisfactory standard of pre-school provision is delivered.

### **Hospital Waiting Lists.**

184. **Deputy Willie Penrose** asked the Minister for Health and Children if she will take steps to admit a person (details supplied) to hospital; and if she will make a statement on the matter. [42110/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service issue, it has been referred to the HSE for direct reply.

### **Grant Payments.**

185. **Deputy James Bannon** asked the Minister for Health and Children the reason a person (details supplied) in County Longford was refused a transport grant; and if she will make a statement on the matter. [42114/09]

**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.**

186. **Deputy James Bannon** asked the Minister for Health and Children the reason a child (details supplied) in County Longford has been denied a medical card on medical grounds; and if she will make a statement on the matter. [42142/09]

**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.

187. **Deputy James Bannon** asked the Minister for Health and Children the reason a person (details supplied) in County Longford was refused a medical card. [42145/09]

**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.

**National Treatment Purchase Fund.**

188. **Deputy Michael Noonan** asked the Minister for Health and Children, further to Parliamentary Question No. 336 of 16 September 2009, if she will fulfil the commitment made to a person (details supplied) in County Limerick; if her attention has been drawn to the fact that even though an appointment for 26 November 2009 in a hospital was arranged for them under the National Treatment Purchase Fund scheme, the NTPF has informed the person that no new case authorisation numbers are being issued and the surgery is being deferred; and if she will make a statement on the matter. [42161/09]

**Minister for Health and Children (Deputy Mary Harney):** I have been advised by the NTPF that this person's case is being processed at present. The Fund envisages that the private hospital concerned will be in contact with the patient during the coming weeks to arrange the treatment.

**Hospital Waiting Lists.**

189. **Deputy Edward O'Keeffe** asked the Minister for Health and Children if an appointment will be arranged for a person (details supplied) in County Cork. [42284/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for direct reply.

**Departmental Expenditure.**

190. **Deputy Ciarán Cuffe** asked the Minister for Health and Children the cost of the methadone programme over the past five years; and if she will make a statement on the matter. [42295/09]

**Minister for Health and Children (Deputy Mary Harney):** As the Deputy's question relates to a service matter it has been referred to the HSE for direct reply.

**Medical Cards.**

191. **Deputy David Stanton** asked the Minister for Health and Children when a medical card will issue to a person (details supplied) in County Cork; and if she will make a statement on the matter. [42308/09]



**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.

192. **Deputy John McGuinness** asked the Minister for Health and Children if an appeal against a decision by the Health Service Executive not to grant a medical card to a person (details supplied) in County Kilkenny will be expedited and approved. [42311/09]

**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 Services.**

193. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to Parliamentary Question No. 186 of 13 October 2009, when a reply will issue from the Health Service Executive. [42317/09]

**Minister for Health and Children (Deputy Mary Harney):** I understand that the HSE issued a response to the Deputy on the mental health aspects of Parliamentary Question No. 186 of 13 October 2009. The HSE will respond further to the Deputy in relation to the acute hospitals aspect of his question.

#### **Departmental Expenditure.**

194. **Deputy Joan Burton** asked the Minister for Health and Children the savings to date in 2009 yielded from the 8% reduction in professional fees introduced in February 2009; the savings she expects to be made as a result of this 8% reduction in 2009 as a whole; and if she will make a statement on the matter. [42647/09]

**Minister for Health and Children (Deputy Mary Harney):** I have made a number of sets of Regulations under the Financial Emergency Measures in the Public Interest Act 2009 (FEMPI) to reduce the fees and allowances payable to health professionals. These include general practitioners, pharmacists, dentists, ophthalmologists, optometrists and dispensing opticians who hold contracts with the HSE, persons providing smear taking services as part of the National Cervical Screening Programme and consultant psychiatrists who participate in the Mental Health Tribunal process. Although the amount of savings made to date under the FEMPI Act is not readily available, I am confident that savings of €75 million will be achieved in 2009.

#### **Air Services.**

195. **Deputy Fergus O'Dowd** asked the Minister for Transport if he has received representations from an association (details supplied) regarding a matter. [42004/09]

**Minister for Transport (Deputy Noel Dempsey):** The issues raised by the Deputies are commercial matters for the Board and management of Aer Lingus to address. I have no function in this regard.

#### **State Airports.**

196. **Deputy Joe Carey** asked the Minister for Transport his views on the well-being of Shannon Airport with the strong prospect that its main passenger provider (details supplied) is to reduce its activity at the airport by 75%; the action he has taken to prevent the loss of this business; and if he will make a statement on the matter. [42027/09]

**Minister for Transport (Deputy Noel Dempsey):** Negotiations between the Shannon Airport Authority and airlines are day to day operational matters for the authority and I have no statutory function in this regard. I have been informed however by the Shannon Airport Authority that while the current economic climate remains difficult that they will continue to work with all airlines to deliver commercially viable routes to the Shannon region. As the Deputy will be aware there has been very substantial investment in the airport in recent years including the provision of preclearance facilities which enabled U.S. preclearance to commence at Shannon this summer and it is hoped that these facilities will provide an opportunity for Shannon Airport to realise its full potential.

### **Statutory Instruments.**

197. **Deputy Leo Varadkar** asked the Minister for Transport the State agencies under the remit of his Department that have, or had over the past decade, the power to sign statutory instruments; and if he will make a statement on the matter. [42045/09]

**Minister for Transport (Deputy Noel Dempsey):** Harbour Authorities, Port Companies, the Dublin Airport Authority, the Railway Procurement Agency and CIE have power to make bye-laws. The Commission for Taxi Regulation and the Railway Safety Commission have power to make regulations. The Irish Aviation Authority has the power to make orders and regulations.

198. **Deputy Leo Varadkar** asked the Minister for Transport if he will provide a list of all unnumbered statutory instruments signed by him or his predecessors over the past ten years; and if he will make a statement on the matter. [42060/09]

**Minister for Transport (Deputy Noel Dempsey):** Under the Interpretation Act 2005 a statutory instrument means an order, regulation, rule, bye-law, warrant, licence, certificate, direction, notice, guideline or other like document made, issued, granted or otherwise created by or under an Act. In view of the wide range of documents that are defined as statutory instruments the information requested by the Deputy is not readily available.

### **Public Transport.**

199. **Deputy George Lee** asked the Minister for Transport the reason CIE is not subject to parliamentary questions, freedom of information requests, Comptroller and Auditor General audits and investigations; and if he will make a statement on the matter. [42297/09]

**Minister for Transport (Deputy Noel Dempsey):** In common with other commercial semi state agencies, CIE and its subsidiary companies are not subject to FOI as it would compromise their ability to compete effectively in the markets in which they operate. While as Minister I am not answerable in the Dáil for the operational activities of autonomous state bodies I regularly address, in the context of PQs, Estimates debates, Private Members Business, legislation etc, broader policy, legislative and funding issues relating to the provision of public transport services by CIE and its subsidiaries. The position in relation to audit of accounts is that the legislation establishing CIE and its subsidiaries requires that their accounts be audited annually by an auditor or auditors appointed by their Boards with the consent of the Minister. These audits are carried out to the same auditing and accounting standards as apply to audits by the C&AG.

It should also be noted that the capital funding paid to the CIE companies under Transport 21 for public transport development projects is subject to a rigorous monitoring and auditing

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regime including cost benefit analysis. Some cost benefit analyses have been published on my Department's website. In addition the annual subvention paid to CIE towards the cost of public service obligation services and the 2nd Railway Safety Investment Programme have been subject to VFM Reviews under the Department of Finance's Expenditure Review Process in 2006 and 2008 respectively. Both reports are available on my Department's website.

The Chairman and/or Chief Executives of the CIE companies also appear regularly — on 9 occasions since 1 January 2008 — before Oireachtas Committees particularly the Oireachtas Transport Committee.

### **Departmental Expenditure.**

200. **Deputy Joan Burton** asked the Minister for Transport the savings to date in 2009 yielded from the 8% reduction in professional fees introduced in February 2009; the savings he expects to be made as a result of this 8% reduction in 2009 as a whole; and if he will make a statement on the matter. [42649/09]

**Minister for Transport (Deputy Noel Dempsey):** My Department has identified savings estimated to be €256,000 to date in 2009. It is expected that my Department will have savings estimated to be €306,000 for the full year.

### **Departmental Staff.**

201. **Deputy Frank Feighan** asked the Minister for Justice, Equality and Law Reform the position regarding the case of a person (details supplied) in County Leitrim filling a vacancy in the agriculture office in Drumshanbo, County Leitrim. [41980/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have requested from the Garda Authorities the information sought by the Deputy, and I will write directly to the Deputy when the information is to hand.

### **Road Traffic Offences.**

202. **Deputy Mattie McGrath** asked the Minister for Justice, Equality and Law Reform the number of speed cameras here on a county basis; the road types or classifications they are situated on; if same are in a permanent position or randomly placed; the number of times their locations are changed if they are randomly placed; the person who is responsible for maintaining and locating these speed cameras; the cost of purchasing and maintaining speed cameras; and if he will make a statement on the matter. [42065/09]

203. **Deputy Mattie McGrath** asked the Minister for Justice, Equality and Law Reform the number of persons caught speeding each year for the past five years by road classification; the number of persons caught speeding each year on a county basis; and if he will make a statement on the matter. [42067/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I propose to take Questions Nos. 202 and 203 together.

The emphasis in Garda enforcement of speed limits is on the use of mobile speed detection equipment because of the nature of our road network. Eight new Garda mobile speed detection vehicles came into operation in September, 2008. These state-of-the-art vehicles represent a substantial upgrading of the resources available to An Garda Síochána to address the problem

of speeding on our roads. In addition, An Garda Síochána has over 400 hand-held speed detection devices.

The Garda authorities procured an automated number plate recognition (ANPR) system last year for installation in 104 Garda vehicles. This system allows for automatic in-car detection by An Garda Síochána of stolen vehicles, untaxed vehicles and vehicles on Garda lists. As a result of the availability of this system, An Garda Síochána not only gains improved intelligence on persons known to them, is able to deny the use of roads to criminals and detect drivers who do not pay their motor tax, they also have enhanced traffic law enforcement capabilities, including the detection of speeding.

In addition, as part of a pilot programme introduced some years ago, there are a number of fixed camera installation posts at various locations in the Dublin area and the Louth-Meath Garda Division, and cameras are rotated between these posts. As none of these cameras are fixed in one location, they are not allocated on a county basis. They are used on all road types and are maintained and located by An Garda Síochána.

An Garda Síochána is engaged in a procurement process for outsourcing the provision and operation of safety cameras, in accordance with EU Directives, national public procurement procedures and relevant legislation. Contract discussions between the Gardaí and the preferred bidder have now concluded. Provision has been made for funding for the project, and it is hoped to enter into the contract shortly. This initiative will make a significant contribution to maintaining the progress being made in increasing the safety of our roads. Details of the number of persons caught speeding by year, road classification and county could not be obtained without a disproportionate use of Garda resources.

**204. Deputy Mattie McGrath** asked the Minister for Justice, Equality and Law Reform the conviction for a person caught driving under the influence of drugs; the number of persons who have been convicted of driving under the influence of drugs; and if he will make a statement on the matter. [42068/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose. I have requested the CSO to provide the statistics sought by the Deputy directly to him.

### **Services for People with Disabilities.**

**205. Deputy David Stanton** asked the Minister for Justice, Equality and Law Reform the responsibility his Department has in the national disability strategy; the amount expended on this strategy to date in 2009; and if he will make a statement on the matter. [42322/09]

**Minister of State at the Department of Justice, Equality and Law Reform (Deputy John Moloney):** The Department of Justice, Equality and Law Reform co-ordinates Government policy on the National Disability Strategy and provides the Secretariat to both the Senior Officials Group on Disability and the National Disability Strategy Stakeholder Monitoring Group. The Department of the Taoiseach chairs both Groups. Each relevant Government Department is responsible for its own expenditure on disability. The Department of Justice, Equality and Law Reform has been allocated €2.66 million for expenditure under this heading in 2009 and expenditure to date is under €2 million.

### **Prisoner Transfers.**

206. **Deputy Michael D. Higgins** asked the Minister for Justice, Equality and Law Reform if there have been developments regarding the proposed transfer of certain Guantanamo detainees to here; and if he will make a statement on the matter. [41941/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** In response to US requests for assistance in bringing about the closure of the Guantanamo detention facility, EU Justice and Home Affairs Ministers adopted a framework at the June Ministerial Council in relation to the resettlement of former Guantanamo detainees. Two individuals arrived in Ireland for resettlement on 26 September 2009 as a humanitarian measure. The primary reason for agreeing to resettle them here is that, although they were cleared for release by the US authorities and were not to be prosecuted by the US, it was considered that, they could not, for compelling reasons, be returned to their home countries. I hope they will be afforded the time and space to adjust to their new circumstances and to rebuild their lives in Ireland.

### **Garda Investigations.**

207. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform the steps being taken by gardaí to stop the recent escalation of thefts in a village (details supplied) in County Meath; and if he will make a statement on the matter. [42023/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda authorities that the area referred to by the Deputy is subject to regular patrols by uniform and plain clothes personnel, including the District Detective and Drug Units and Traffic Corps personnel. Members of An Garda Síochána carry out high visibility checkpoints in the area, including under Operation Anvil and mandatory alcohol testing checkpoints. I am further informed that there has been an active investigation of incidents in the area which resulted in a number of arrests and a file will be prepared for submission to the Law Officers. I am also informed that there is ongoing liaison between An Garda Síochána and the local community, where an active Neighbourhood Watch scheme is in place.

### **Statutory Instruments.**

208. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the State agencies under the remit of his Department which have, or had over the past decade, the power to sign statutory instruments; and if he will make a statement on the matter. [42042/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I can inform the Deputy that the State Agencies under the remit of my Department who have, or have had over the past decade, the power to sign Statutory Instruments are as follows:

#### *The Private Security Authority*

Section 51 of the Private Security Services Act 2004 provides for the making of Regulations with the consent of the Minister for Justice, Equality and Law Reform and hence such Regulations contain the signature of the Minister for Justice, Equality and Law Reform and that of the Chairperson and Chief Executive of the Private Security Authority (PSA). Section 3 (2) of the Private Security Services Act 2004 provides that the Authority may exempt by order persons from any or all of the provisions of the Act. Such orders are signed by the Chairperson and Chief Executive of the PSA and published in *Iris Oifigiúil*.

*The Data Protection Commissioner*

The Data Protection Commissioner has limited powers, subject to the consent of the Minister for Justice, Equality and Law Reform, to make regulations under the Data Protection Acts 1988 to 2003.

*The Courts Service*

The Courts Service has the power to sign Statutory Instruments under section 29 of the Courts Service Act 1998.

*An Garda Síochána*

The Commissioner of the Garda Síochána has the power under section 9 of the Phoenix Park Act 1925 to make regulations governing traffic in the Phoenix Park.

209. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform if he will provide a list of all unnumbered statutory instruments signed by him or his predecessors over the past ten years; and if he will make a statement on the matter. [42057/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I can inform the Deputy that no unnumbered Statutory Instruments were signed by me or any of my predecessors over the last ten years.

**Proposed Legislation.**

210. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform his plans to introduce legislation in relation to social networking sites; the need for privacy default settings following the case of a person (details supplied); and if he will make a statement on the matter. [42086/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** As the Deputy is no doubt aware, the internet is an international and world wide phenomenon, it has no borders and no single organisation controlling it. Therefore efforts to combat illegal and harmful materials and activities on it can often be hampered by the multiplicity of jurisdictions, differing legal systems and differing societal norms. Many of the major Social Networking Sites available here in Ireland, including the service referred to, are hosted outside this jurisdiction, principally in the United States. As such they are subject to the US jurisdiction and generally their Terms of Service explicitly provide that users agree to be governed by US law.

While acknowledging these difficulties, I should emphasise that there is a robust self-regulatory framework for internet service providers (ISPs) in operation here in Ireland which actively encourages the adoption of best practice procedures aimed at limiting the proliferation of illegal and harmful content on-line. The Internet Service Providers Association of Ireland (ISPAI) Code of Practice and Ethics sets out clear guidelines and minimum standards in respect of dealing with complaints regarding suspected illegal or harmful material on-line.

The first thing someone should do if they are having issues with content on a Social Networking Site is report the matter to the website owners. A person can use the website reporting tools to do this and should also contact the service provider through its Customer Care or Report Abuse facility. Specifically in relation to the service referred to by the Deputy, I would note that it does have an explicit Privacy Policy which indicates that a user of the service can

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control who their profile information is shared with. For users aged under 18, the default setting for profiles is private.

I wish to advise that in 2008, the European Commission convened 18 of Europe's major social networking operators, including the service referred to by the Deputy, as well as researchers and child welfare organisations, to form a European Social Networking Task Force to discuss guidelines for the use of social networking sites by children. These guidelines, the Safer Social Networking Principles for the EU, were adopted voluntarily by the European industry and were signed on Safer Internet Day 2009, February 10 2009, in Luxembourg. The Safer Social Networking Principles for the EU have been developed to provide good practice recommendations for the providers of social networking and other user interactive sites, to enhance the safety of children and young people using their services. The Principles provide that social networking providers should, inter alia, provide a mechanism for reporting inappropriate content, respond to notifications of illegal content or conduct and should review their systems for examining reports of inappropriate or illegal content. The European Commission has indicated that it will monitor on an ongoing basis the implementation of the Social Networking Principles and I understand that a comprehensive review by the Commission of the implementation of the Principles is currently underway.

#### **Garda Recruitment.**

211. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform if and when the last group of Garda trainees who completed and passed their training at Templemore College, County Tipperary, in September 2008 and who were due to be recruited in August 2009 will be recruited; and if he will make a statement on the matter. [42115/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I assume that the Deputy is referring to the group of candidates who have passed the entry requirements and were due to commence training in August 2009. I refer the Deputy to PQ no 105 of Tuesday 10th November 2009 in which I stated that the moratorium on Public Service recruitment, introduced in May 2009, applies to Garda recruitment. I intend to keep the position under review during the course of 2010 in consultation with the Garda Commissioner and my colleague the Minister for Finance.

#### **Registration of Title.**

212. **Deputy Michael Ahern** asked the Minister for Justice, Equality and Law Reform the reason for the delay with the land registry in respect of a person (details supplied) in County Cork. [42280/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I can inform the Deputy that under the Registration of Deeds and Title Act 2006, the Property Registration Authority (PRA) was established as and from 4 November, 2006. The PRA replaces the Registrar of Deeds and Titles as the registering authority in relation to property registration in Ireland and, subject to the above Act, is independent in the performance of its functions.

The Deputy will be aware of the service to T.D.s and Senators which provides information on the current status of applications, such as the subject of this question, which was introduced in May 2006. The service provides a speedier, more efficient and more cost effective alternative to submitting Parliamentary Questions. It is operated by the PRA and is available all year

round. I can further inform the Deputy that his query has been forwarded to the PRA for attention and direct reply via the above mentioned service.

### **Global Irish Economic Forum.**

213. **Deputy Billy Timmins** asked the Minister for Foreign Affairs if he will report on the conference for Irish diaspora held at Farmleigh, Dublin, on 18 to 20 September 2009; and if he will make a statement on the matter. [42165/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The Global Irish Economic Forum took place in Farmleigh over the weekend of the 18-20 September. The Forum was convened by the Government with two broad objectives: to explore how the Irish at home and abroad, and those with a strong interest in Ireland, could work together and contribute to our overall efforts at economic recovery; and to examine ways in which Ireland and its global community could develop a more strategic relationship with each other, particularly in the economic sector.

A total of 180 individuals, invited by the Taoiseach, were present, not only from the traditional Irish Diaspora countries such as the United States, Britain, New Zealand, Australia and Canada but also from the Middle East, Asia, France, Germany, Argentina, Sweden and South Africa. They were joined by the Government, State Agencies and by a number of leading domestic business figures. Those invited from abroad shared a record of very high achievement in business and culture. The Forum was widely regarded by the participants as a very significant success. The discussions held on a range of mainly economic issues over the weekend were frank and open and marked by expressions of considerable enthusiasm and optimism about the future of Ireland, despite the present economic difficulties.

The Government has moved quickly to take forward the work begun at Farmleigh. At its meeting on 13 October, the Government considered a comprehensive report prepared by my Department and the Irish Management Institute. This document was subsequently made available to the public on [www.dfa.ie](http://www.dfa.ie) and [www.globalirishforum.ie](http://www.globalirishforum.ie) and was circulated to all Forum participants.

The Report contains details of the main themes to emerge, the specific initiatives proposed and the medium term objectives identified. Some of the proposals contained in the Report may be progressed more effectively by the private sector, others will need to be led by Government and some may involve a public/private partnership. I am encouraged by the fact that significant work has already been undertaken by some participants on the initiatives they advocated at Farmleigh.

The Government has also established a new inter-Departmental Committee of senior officials, Chaired by the Secretary General of the Department of Taoiseach, to consider the proposals and to report directly to Government. The post Forum process will complement the work already underway across many of the areas discussed at Farmleigh, including through the Innovation Task Force and the implementation of 'Building Ireland's Smart Economy'.

One outcome of particular significance is the emergence of an invaluable network of highly successful business figures across the globe who now feel that they have a stake in delivering renewed economic growth in Ireland. I have therefore decided to establish a new Global Irish Network made up of those invited to Farmleigh and other leading business figures in our global community. This network will give greater strategic focus to our economic and cultural promotional work abroad.



### Statutory Instruments.

214. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs the State agencies under the remit of his Department which have, or had over the past decade, the power to sign statutory instruments; and if he will make a statement on the matter. [42040/09]

215. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs if he will provide a list of all unnumbered statutory instruments signed by him or his predecessors over the past ten years; and if he will make a statement on the matter. [42055/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I propose to take Questions Nos. 214 and 215 together.

There are no State agencies operating under the aegis of my Department. There is a list of all statutory instruments brought by my Department from 1935 to date available at the following link of my Department's website. <http://www.dfa.ie/home/index.aspx?id=3034#instruments> Details of all statutory instruments, together with details of all legislation, are available on the following link to the website of the Irish Statute Book, which is produced by the Office of the Attorney General. <http://www.irishstatutebook.ie/home.html> I am not aware of any unpublished, and therefore unnumbered, statutory instruments which have come into force, since taking up my role as Minister for Foreign Affairs.

### European Economic Policies.

216. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which he proposes to influence the future development of the EU with particular reference to the Common Agricultural Policy, Common Fisheries Policy and the World Trade Organisation; and if he will make a statement on the matter. [42313/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The coming year will be an important one for the Common Agricultural Policy, the Common Fisheries Policy, and for the World Trade Organisation negotiations. The European Commission is expected to bring forward a formal communication in mid 2010 on the future of the CAP. In addition, the consultative process on reform of the CFP is expected to be finalised around the same time. As regards WTO negotiations, the next WTO Ministerial meeting will take place at the end of this month. It will be a timely opportunity for countries to reiterate the importance of bringing the Doha Round to a successful conclusion before the end of 2010.

Along with my colleagues in Government, in particular the Minister for Agriculture, Fisheries and Food, I will consistently outline the Irish position on these issues in the clearest possible terms at official and political level, in both formal meetings and in informal contacts. I will also work closely with other like-minded Member States to ensure that Ireland's interests are taken into account within the EU and in the wider international negotiations in order to achieve the very best possible deal for Ireland.

### Commodity Markets.

217. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs if he intends in the context of discussion with his colleagues at EU or UN level any proposals to discourage market speculators in commodities; and if he will make a statement on the matter. [42314/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** Commodity prices clearly impact on all of us, not least in the energy area, where market speculation is considered to be one of the

factors which contributed to the volatile prices that we saw in 2008. Volatility in wholesale energy prices has been a cause for considerable concern for the EU Commission and the International Energy Agency (IEA). As a member of the IEA, Ireland has access to a considerable body of ongoing research on international energy matters. At EU level, we are working with our EU colleagues on strategies to enhance security of supply, sustainability and competitiveness. These include acceleration of renewable energy and energy efficiency measures, ongoing investment in energy infrastructure and enhanced dialogue with oil and gas producing countries.

Food prices are also of crucial import. The EU Commission has over the past 2 years carried out a number of reviews and launched several initiatives regarding food prices, anti-competitiveness practices and better functioning of the food supply chain. In June 2008 a High Level Group (HLG) on Competitiveness within the Agro-Food chain was established led by Commissioners Verheugen (Enterprise and Industry), Fisher Boel (Agriculture), Kuneva (Consumer Protection) and Vassiliou (Health), 8 Ministers, industry, professional organisations and UK MEP Neil Parish. In July 2009, the HLG adopted a roadmap which comprised a total of 30 recommendations across the topics which it had considered, including the food supply chain.

In October, the Commission launched a Communication that aims to improve the functioning of the food supply chain in Europe. This Communication, which takes on board the report of the above-mentioned HLG, will be discussed at High Level Expert Groups in the relevant sectors with a view to taking concrete policy actions at Member State and EU level to improve the functioning of the food supply chain in Europe. The Commission will report on the advancement of these proposals by the end of 2010. Ireland is currently participating in these discussions at the meetings of the High Level Experts on Milk.

#### **EU External Relations.**

**218. Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which he intends to instigate the promotion of better relations between Russia and the EU; and if he will make a statement on the matter. [42315/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** Russia is an important strategic partner for the EU, particularly in terms of trade, energy and the Common Neighbourhood. Trade and investment between the EU and Russia have grown substantially. The EU is Russia's largest trading partner while Russia is now the EU's third biggest trading partner. Negotiations are currently underway between the EU and Russia on a new agreement to replace the existing Partnership and Cooperation Agreement. The successful conclusion of these negotiations will be important in the context of developing the EU-Russia relationship further.

As the Deputy may be aware, an EU-Russia Summit is taking place in Stockholm today. The Summit agenda includes: (i) climate change and energy; (ii) the economic and financial crisis; (iii) EU-Russia relations; and (iv) international issues. Other issues expected to arise include the important issue of human rights, the Common Neighbourhood, energy and Russia's WTO membership.

Ireland supports the development of the EU-Russia relationship and the potential that it offers, not just in economic terms but also in terms of peace and real security for the continent and beyond. We see the Summit as an opportunity to review developments in the relationship on many fronts, including the negotiations on a new EU-Russia agreement. We believe that it is important for the EU to maintain a constructive and frank relationship with Russia which develops areas of shared interest while at the same time addressing areas of difference. The

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improved relationship between Russia and the US is something I particularly welcome. I believe it offers an opportunity for us all, and notably the EU, to forge a more stable and balanced relationship with Russia for the future.

Our bilateral relationship with Russia has also developed in recent years, particularly in terms of trade. In 2008, Russia was Ireland's 32nd largest merchandise trading partner with trade valued at €467m. In 2007, Russia was Ireland's 15th largest services trading partner, with trade valued at €1.2bn.

### **EU Defence Policy.**

219. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which he proposes to influence defence policy at EU level in the future; and if he will make a statement on the matter. [42337/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** As the Deputy will be aware, the European Union's security and defence policy, ESDP, has developed as the operational arm of the Union's common foreign and security policy (CFSP) and is primarily intended to help prevent conflict overseas and to strengthen security and stability in regions such as the Balkans, the Middle East, Africa and Afghanistan. As reflected in the Ministerial Declaration on "ESDP Ten Years — Challenges and Opportunities", adopted at this month's meeting of the General Affairs and External Relations Council, the development of ESDP has enabled the Union to become an ever more active, capable and credible global actor, allowing it to combine in a comprehensive approach crisis management capabilities with longer term assistance and development policies.

Along with the successive deployment of 22 ESDP missions and operations in three continents — across a wide range of conflict prevention, crisis management and post-conflict peace-building tasks — Ireland and its EU partners have streamlined and continue to reform ESDP structures; refine ESDP planning capability; improve the EU's crisis management and rapid response capabilities; and increase cooperation with key partners, none more important than the United Nations. Ireland has sought to play a positive, constructive and active role in the evolution of ESDP that accords with our traditional policy of military neutrality. Along with like-minded partner countries, we continue to influence the overall parameters within which ESDP operates by acknowledging and placing particular emphasis placed on the primary role of the United Nations Security Council for the maintenance of peace and security. Conflict prevention has also been at the core of the Union's approach and Ireland has worked to ensure that this centrally important dimension to ESDP is given prominence.

The Union's security and defence policy is an inclusive project that has been conceived and elaborated with the engagement of all EU Member States — the intergovernmental nature of ESDP and the continued application of unanimity to decisions taken by the Union in the security and defence area has helped to safeguard Ireland's influence on developments. Once the Lisbon Treaty enters into force, ESDP will be known as the common security and defence policy (CSDP). CSDP will remain an integral part of the common foreign and security policy and will continue to provide the Union with an operational capacity to undertake missions outside the Union for peace-keeping, conflict prevention and strengthening security in accordance with the principles of the United Nations Charter. Ireland will continue to work with our EU partners to ensure that the EU, in the service of UN objectives, continues to make an

effective contribution to a more secure, just and stable world and we will work to influence the development of the Union's security and defence policy towards that end.

*Question No. 220 answered with Question No. 55.*

### **Protection of Aid Workers.**

221. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the proposals directly or at EU and UN level to protect aid workers overseas; and if he will make a statement on the matter. [42339/09]

222. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs his or his EU or UN colleagues' proposals to discourage or prevent the kidnapping of development workers; and if he will make a statement on the matter. [42340/09]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** I propose to take Questions Nos. 221 and 222 together.

The welcome release on 11 November of Fr Michael Sinnott after 32 days held captive by kidnappers on the island of Mindanao in the Philippines is yet another reminder of the commitment and sacrifice that aid workers and missionaries make in providing assistance to the most vulnerable across the developing world, particularly in conflict zones. The security of aid workers is a priority for the Government and for aid donors internationally. We maintain regular contact with our partners at EU level and at the UN on the complex issues involved.

A recent independent report on the provision of aid in insecure environments found that attacks against humanitarian aid workers have increased sharply in recent years, with 122 aid workers killed, 76 injured and 62 kidnapped in 2008. Some 60 per cent of these incidents occurred in three areas: Sudan, Afghanistan and Somalia.

It is clear that there are no simple security solutions for humanitarian aid workers operating in difficult and unstable situations, often during or in the aftermath of serious conflict. There is no comprehensive, universally applicable international convention on the protection of personnel engaged in humanitarian assistance. During armed conflict, or military occupation, the International Committee of the Red Cross and other relief organisations benefit from the protections provided by the 1949 Geneva Conventions and their Additional Protocols. The 1994 Convention on the Safety of United Nations and Associated Personnel and its 2007 Optional Protocol prohibit attacks on UN or associated personnel, including those deployed by a humanitarian Non-Governmental Organisation under an agreement with the UN. They require States to take all appropriate measures to ensure their safety and security. Some NGOs and their personnel are also protected by the terms of specific bilateral agreements between a donor country and the State in which they operate as part of a programme of official development aid.

The role of the United Nations is particularly important in relation to the security of aid workers in humanitarian emergencies and other volatile situations. The UN Department of Safety and Security (UNDSS) plays a pivotal role, overseeing security management, and often making available resources for the wider humanitarian community, including information, security officers and dedicated security radio channels. Many NGOs cooperate with the UN on security matters, exchanging information, agreeing security standards and coordinating emergency planning. Given its vital security management oversight and coordination function, as well as heightened security concerns amid increasing attacks against UN and other aid workers

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in both Afghanistan and Somalia I recently approved funding of €500,000 to UNDSS for its work in the two countries.

The safety and security of humanitarian personnel and protection of UN personnel is the subject of a recently agreed resolution which will be put before the UN General Assembly in New York in early December. The resolution condemns all violence against humanitarian workers and urges that States act to ensure that such acts of violence are fully investigated, and perpetrators brought to justice. Ireland participated actively in the negotiations and, along with EU colleagues, co-signed the resolution. The issue was also raised in a very recent statement to the UN Security Council by the Irish Ambassador to the UN in New York, Ms Anne Anderson.

In addition, Ireland is presently co-chairing the international Good Humanitarian Donorship group of 36 donors — including all EU 27 member states and the European Commission — which works to promote best practice in humanitarian aid and adherence to an agreed set of humanitarian donorship principles. In this role, we will schedule a detailed consideration over the coming months of the complex range of issues involved in assisting the security and effective operation of humanitarian aid workers.

Domestically, the Government continues to work with development NGOs on issues of access and security for aid workers. In 2009, the Irish Aid Rapid Response Initiative has sponsored the attendance of representatives of a number of NGOs, including Concern, Christian Aid, Goal and Trócaire, at field security training courses for humanitarian aid workers run by the Defence Forces. The Department of Foreign Affairs also supports the work of Cómhlámh, the Irish Association for Development Workers, in protecting the interests of development workers and volunteers. In particular, Irish Aid funded the development of the Cómhlámh Code of Practice for organisations sending volunteers to developing countries, which commits organisations to ensuring the protection, safety and well being of the volunteers.

The Code also highlights the need to ensure that volunteers are fully informed about health, safety and security issues relating to their assignment. More than 30 Irish volunteering organisations are involved in this important initiative. Irish Aid also provides funding for a counselling service organised by Cómhlámh for aid workers when they return to Ireland. The Government will continue to work closely with both our international partners and with development NGOs in Ireland to ensure that the security of aid workers is safeguarded to the maximum degree possible.

### **European External Relations.**

**223. Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the current and future international commitment to the western Balkans; and if he will make a statement on the matter. [42341/09]

**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 European Union's Stabilisation and Association process provides the framework for co-operation on economic, political and legal matters and aims to bring countries closer to EU standards and principles. Progress Reports on each of the countries of the Western Balkans were issued by the European Commission on 14 October 2009. It is expected that the reports will be discussed at the December GAERC.

On 15 November, the first democratic elections organised by the Government of Kosovo were held. I am pleased to note that initial reports suggest that they were organised in a professional manner and took place peacefully. The international community's commitment to assisting political progress in Bosnia-Herzegovina was underlined by the joint EU / US initiative, the "Butmir process". Two rounds of meetings were held last month with the leaders of the three main communities in Bosnia-Herzegovina. The EU and US made a series of proposals designed to improve the functioning of the political system there.

The Dayton Peace Agreement had established the Office of the High Representative. The High Representative is responsible for monitoring implementation of the Agreement and coordinating the activities of international organisations operating in Bosnia-Herzegovina. He is advised by the Steering Board of the Peace Implementation Council (PIC). The PIC comprises 55 countries, including Ireland and all other EU Member States, as well as international organisations. In February 2008, the PIC agreed on five objectives and two conditions to be met before the Office of the High Representative could be replaced by a European Union Special Representative.

The Butmir initiative placed a particular focus on resolving the major impediments to this transition which include the need for agreement on the division of state and defence property as well as constitutional issues. While the parties were not in a position to accept the necessary compromises during the Butmir talks, the Presidency saw grounds for cautious optimism and EU/US expert teams are following up. The Commission has said recently that, due to lack of progress in a number of key areas, there was concern that, while its neighbours progress towards their European perspective, Bosnia-Herzegovina could get left behind.

I welcome the signature by Slovenia and Croatia in Stockholm on 4 November 2009 of an arbitration agreement to resolve their maritime and land border dispute. I am pleased to see the resumption of negotiations on the remaining chapters of Croatia's accession negotiations. These had been blocked, pending resolution of this dispute. Ireland together with our EU partners remains committed to influencing positively the situation in the Western Balkans. We will do everything possible to ensure lasting stability in the countries of the region.

### **Overseas Development Aid.**

224. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent of commitment at EU and UN level in the fight against AIDS in Africa; and if he will make a statement on the matter. [42342/09]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** The European Union and United Nations have provided international leadership in the global response to HIV and AIDS. Their respected track record of action in Africa reflects their commitment to deliver on a number of high profile pledges to support those countries most affected by the pandemic, the majority of which are in sub-Saharan Africa. The EU and UN have a strong history of effective collaboration around AIDS and both are not only committed to realising the Millennium Development Goals that include ambitious global targets for HIV and AIDS, they are co-authors of the concept.

That the UN convened a special session of the General Assembly dedicated exclusively to HIV and AIDS is a measure of the UN's commitment. Recognising the cross-agency nature of response required, the UN has established UNAIDS, the Joint UN Programme on AIDS that brings together the efforts and resources of ten UN organisations including UNHCR, UNICEF, WFP, UNDP, UNFPA, UNODC, ILO, UNESCO, WHO and the World Bank. This impressive

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joint effort aligns not only these agencies, but their considerable portfolio of implementing partners that includes Non-Government Organisations. The joint UN programme is guided by its Outcome Framework for AIDS that optimises the partnership between the UN co-sponsors, guides their investments and holds co-sponsors accountable for making the resources of the UN work for results at country level.

The European Commission's Communication, *A European Programme for Action to Confront HIV/AIDS, Malaria, and Tuberculosis Through External Action*, to the European Council and Parliament guides the EU's overall strategy. This EU programme emphasises country level action in Africa in particular and the need to increase efforts to scale up interventions that have shown results.

Ireland recognises the importance of winning the battle against this epidemic for attaining all the Millennium Development Goals and Irish Aid commits more than €100 million each year to HIV and AIDS and other communicable diseases. At country level in Africa, Irish Aid works closely with the UN family, EU Member States, the EC and others in supporting national level responses to AIDS. Our experiences point to the valuable contribution and commitment of both the EU and the UN to AIDS work in Africa.

The UN and EU have been important contributors to the encouraging gains reported by UNAIDS. In the past decade we have seen a six-fold increase in funding for HIV and AIDS and this has supported a remarkable acceleration in delivery of services, commodities and activities for AIDS in those countries most affected. In Africa death rates from AIDS are declining due to improved access to anti-retroviral treatment, the epidemic has been reversed in a number of African countries and an unprecedented number of people affected by AIDS, including children, are benefiting from care and support work.

### **Foreign Conflicts.**

225. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the top 15 priority locations worldwide in which the EU and UN are involved in the prevention of war, genocide, starvation and human rights abuses; and if he will make a statement on the matter. [42343/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** Preventing war, genocide, starvation and human rights abuses are key priorities for the EU and UN worldwide. Unfortunately, no part of the world is totally free from all of these challenges. It is not the policy or practice of the Government to draw up a 'league table' on such issues. The complexity and specificity of individual country situations would render such an exercise difficult and the outcome would be of limited value. I can assure the Deputy, however, that Ireland is actively engaged in work to address these enormous challenges at both national and international level, with our EU and UN partners.

Tackling war, genocide, starvation and human rights abuses is undoubtedly among the most critical tasks facing the international community in the 21st century. Ireland's active participation in multilateral institutions such as the EU and the UN provides us with an opportunity to voice our concerns, to work to alleviate hardship and suffering and to contribute to the development of a sustainable approach to properly address the root causes of these problems. A comprehensive and inclusive approach to tackling poverty, conflict and security stands the best chance of facilitating real and positive change in the lives of millions of people. Ireland will, of course, continue to address these challenges bilaterally and through the EU and UN.

### European External Relations.

226. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which he proposes to promote and extend better relations between the Ukraine and the EU; and if he will make a statement on the matter. [42344/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** Relations between the EU and Ukraine have developed in recent years on a number of fronts. At a Summit in September 2008, it was agreed to begin negotiations on a new EU-Ukraine Association Agreement to replace the existing Partnership and Cooperation Agreement. These negotiations have made substantial progress. Ukraine has also been an active participant in the EU's new Eastern Partnership initiative, which aims to enhance relations with our Eastern neighbours. As the Deputy may be aware, the next EU-Ukraine Summit will take place in Kiev on 4 December 2009. The agenda items for the EU-Ukraine Summit in December are expected to include: (i) the financial and economic crisis; (ii) climate change and energy; (iii) internal developments in Ukraine; (iv) internal developments in the EU; (v) EU-Ukraine relations; (vi) Eastern Partnership and (vii) international issues.

Ukraine has been hit particularly badly by the global economic downturn. The European Commission has been examining ways in which it can help Ukraine deal with the economic crisis. The European Commission has also helped Ukraine secure financing to reform its gas sector with the aim of promoting stability and avoiding another gas dispute with Russia. This is not just a domestic matter for Ukraine but has wider repercussions for the EU, and some of its member States in particular, as we witnessed last winter. Ireland supports the development of the EU-Ukraine relationship and welcomes the progress made on the new Association Agreement. We believe that it is important that the EU continues to engage and assist Ukraine in dealing with the effects of the economic crisis. We support the Eastern Partnership initiative, the launch of which the Taoiseach attended in Prague in May 2009.

Ireland's bilateral relationship with Ukraine has also developed in recent years. During a visit to Dublin in February 2006, the then Ukrainian Foreign Minister signed Memoranda of Understanding on the holding of regular high level political consultations (two rounds of which have since taken place), as well as in the fields of education and culture. Negotiations continue on concluding a Double Taxation Agreement. In 2007, Ireland contributed €1 million to a civil service reform project which is being run in conjunction with UNDP and the Central Civil Service Department of Ukraine.

*Question No. 227 answered with Question No. 111.*

### Services for People with Disabilities.

228. **Deputy Brian O'Shea** asked the Minister for Arts, Sport and Tourism if he will continue the funding for the sports inclusion disability officer for Waterford for all of 2010; and if he will make a statement on the matter. [42321/09]

229. **Deputy John McGuinness** asked the Minister for Arts, Sport and Tourism if funding for the sports disability officer programme will be continued after 2010; and if he will make a statement on the matter. [41992/09]

233. **Deputy Seán Ó Fearghaíl** asked the Minister for Arts, Sport and Tourism his views on the concerns and proposals in correspondence from an organisation (details supplied); and if he will make a statement on the matter. [42291/09]



234. **Deputy Finian McGrath** asked the Minister for Arts, Sport and Tourism if he will support a matter (details supplied); and if he will make a statement on the matter. [42319/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I propose to take Questions Nos. 228, 229, 233 and 234 together.

Special funding of €2.5 million was allocated from the dormant accounts fund for the appointment of 20 Sports Inclusion Development Officers (SIDOs) in Local Sports Partnerships (LSPs) in 2008. The SIDOs were appointed on two-year contracts to provide opportunities for persons with a disability to participate in sport and physical activity. A network of 33 LSPs have been set up throughout the country by the Irish Sports Council (ISC) to coordinate and promote sport at local level especially amongst specific target groups such as older people, girls and women, people with disabilities, unemployed people, and those who live in identified disadvantaged communities. The special dormant accounts funding was in addition to the annual funding provided to the LSPs by the ISC for programmes and initiatives aimed at increasing participation in recreational sport. The ISC has allocated €6 million to the LSPs in 2009. The continuation of the SIDO scheme from 2010 will be dependent on negotiations on the 2010 Estimates.

### **Arts Funding.**

230. **Deputy Catherine Byrne** asked the Minister for Arts, Sport and Tourism if he is committed to maintaining funding for the arts, particularly the Irish Film Board, the Arts Council and Culture Ireland; his views on whether the livelihoods of thousands of persons working in the arts are under threat if funding of the arts is not maintained into the future; and if he will make a statement on the matter. [41998/09]

**Minister of State at the Department of Arts, Sport and Tourism (Deputy Martin Mansergh):** As Minister for the Arts, I am committed to supporting the arts and the Government will continue to fund the arts sector within available financial resources. Decisions regarding funding, whether within my Department's Vote or on the part of other relevant Departments will be taken in the context of the ongoing Estimates and budget preparation process. My policy on the arts reflects Government Policy in this area as set out in the Programme for Government and further elaborated in my Department's Statement of Strategy. This policy is to promote and strengthen the arts in all its forms, increase access to and participation in the arts, and make the arts an integral and valued part of our national life.

The Arts Council is the principal agency through which State funding is channelled to the arts. Since 2002, funding for the Arts Council has increased by over 50% from €47.7 million in 2002 to €73.4 million in 2009. It is my aim to continue to support the Arts Council in its role, working within the financial and other resources available to me, into the future. I regard Culture Ireland as a key element of my Department. Its remit is to promote Irish arts and artists worldwide across all art forms including theatre, music, dance, literature, visual arts and film. Since its establishment in 2005 Culture Ireland has made a wide impact worldwide through the promotion and support of over 1,350 Irish cultural initiatives and events in 74 countries.

The Irish film industry is one of our most important industries, providing substantial levels of employment and significant inward investment. Our film industry is dependent on the combined supports provided by the Irish Film Board, the tax relief afforded by the Section 481 scheme, the continued presence of a studio infrastructure (currently Ardmore Studios) and a stock of world-class talent. It is an internationally traded sector and is subject to external

competitive influences and incentives that require our systems to be continually updated and upgraded. The Government recognises the benefits to Ireland of having a vibrant film industry and audiovisual sector. This is evident in the commitment in the Renewed Programme for Government to maintain the funding supports of the Irish Film Board.

### **Statutory Instruments.**

231. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism the State agencies under the remit of his Department who have, or had over the past decade, the power to sign statutory instruments; and if he will make a statement on the matter. [42032/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** Since the Department was established in June 2002, two agencies under its remit have had, and continue to have, the power to sign statutory instruments, namely, Bord na gCon and Horse Racing Ireland.

232. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism if he will provide a list of all unnumbered statutory instruments signed by him or his predecessors over the past ten years; and if he will make a statement on the matter. [42047/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** Pursuant to the Statutory Instruments Act 1947, as amended, the Attorney General has the power, where certain criteria are met, to exempt certain statutory instruments from the operation of that Act. Statutory instruments so exempted do not require to be issued with a statutory instrument number. Since the Department was established in June 2002, my Ministerial predecessors and I have signed no unnumbered statutory instruments.

*Questions Nos. 233 and 234 answered with Question No. 228.*

### **Departmental Expenditure.**

235. **Deputy Joan Burton** asked the Minister for Arts, Sport and Tourism the savings to date in 2009 yielded from the 8% reduction in professional fees introduced in February 2009; the savings he expects to be made as a result of this 8% reduction in 2009 as a whole; and if he will make a statement on the matter. [42641/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** In February 2009, the Government mandated the securing of a general reduction of 8 per cent in all professional fees, including medical, construction, financial and legal-related fees. The Department, including the National Archives, is not a significant user of these professional services, so the scope for savings in monetary terms was and is correspondingly very limited. Nevertheless, to date, savings of approximately €4,838 have been realised, with approximately a further €1,400 in savings anticipated by year end, bringing the total savings for 2009 as a whole to approximately €6,238. In addition to these quantifiable savings, in certain cases, new procurement exercises have been conducted in order to achieve up-to-date market rates for services.

### **Íocaíochtaí Deontas.**

236. D'fhiafraigh **Deputy Eamon Gilmore** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil dul chun cinn déanta maidir le deontas a chur ar fáil le hobair dheisiúcháin a dhéanamh ar an ionad lae do dhaoine ag a bhfuil riachtanais speisialta ar an gClochán Liath, Contae Dhún na nGall, agus le méadú a chur leis; agus an ndéanfaidh sé ráiteas ina thaobh. [41983/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** Níl aon iarratas faighte ag mo Roinnse maidir leis an obair seo. Tuigim go bhfuil an t-Ionad faoi chúram Feidhmeannas na Seirbhíse Sláinte agus mar sin is gnó dóibh siúd aon obair atá le déanamh air.

#### **Gréasán Bóithre.**

237. D'fhiafraigh **Deputy Eamon Gilmore** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil sé chun sochar airgid a chur ar fáil in 2010 le hobair feabhsúcháin a dhéanamh ar bhóthair áise ar Árainn Mhór, Contae Dhún na nGall; agus an ndéanfaidh sé ráiteas ina thaobh. [41984/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** Ón mbliain 2002 go dáta, tá os cionn €1.3m ceadaithe i ndeontais ag mo Roinnse do Chomhairle Chontae Dhún na nGall chun oibreacha a chur i gcrích ar bhóithre áise ar oileáin i gContae Dhún na nGall faoin Scéim Mionoibreacha d'Oileáin. Bhain €983,853 de seo le bóithre ar Oileán Árainn Mhór amháin. Beidh cinneadh maidir le maoiniú tograí i 2010 faoi na scéimeanna éagsúla atá ag mo Roinnse ag brath ar an soláthar airgid a bheidh ar fáil agus ar an líon gealltanais atá ann cheana a d'fhéadfadh a bheith le cur i gcrích i gcaitheamh na bliana sin.

#### **Road Network.**

238. **Deputy Eamon Gilmore** asked the Minister for Community, Rural and Gaeltacht Affairs if, in view of the substandard road from Crolly to Donegal Airport at Carrickfin with a particularly dangerous stretch at Meenaleck, it is envisaged to make an allocation of moneys under the Gaeltacht strategic roads programme for this road in 2010; and if he will make a statement on the matter. [41985/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** In the first instance, it should be noted that responsibility for the regional road referred to by the Deputy rests with Donegal County Council. Since 2002, my Department has allocated a sum in excess of €2 million in grant aid to improve this road under the Gaeltacht Strategic Roads Scheme. The question of allocating further funds under this scheme will be considered in the context of the funding available to my Department in 2010, as well as outstanding commitments.

#### **Community Development.**

239. **Deputy Fergus O'Dowd** asked the Minister for Community, Rural and Gaeltacht Affairs the future plans for a community development programme (details supplied) in County Louth; and if he will make a statement on the matter. [42007/09]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran):** I refer the Deputy to Question No. 104 answered yesterday, 17 November 2009.

#### **Statutory Instruments.**

240. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs the State agencies under the remit of his Department which have, or had over the past decade, the power to sign statutory instruments; and if he will make a statement on the matter. [42034/09]

241. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs if he will provide a list of all unnumbered statutory instruments signed by him or his predecessors over the past ten years; and if he will make a statement on the matter. [42049/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** I propose to take Questions Nos. 240 and 241 together.

My Department was established on the 6th June 2002. Since its establishment, my Department has not enacted any statutory instruments of the type referred to by the Deputy. Waterways Ireland, an agency under the aegis of my Department, has the power to make statutory instruments.

#### **Community Development.**

242. **Deputy Tom Hayes** asked the Minister for Community, Rural and Gaeltacht Affairs when the community support scheme for older people based in south Tipperary will be reopened. [42074/09]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran):** I refer the Deputy to my reply to Questions Nos. 52, 63 and 110 on 17 November 2009.

243. **Deputy John Deasy** asked the Minister for Community, Rural and Gaeltacht Affairs if the sports inclusion disability officer programme will continue to receive funding under the dormant accounts scheme when the current funding arrangements expire in February 2010; and if he will make a statement on the matter. [42150/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** Special funding of €2.5 million was allocated from the Dormant Accounts Fund, through the Department of Arts, Sport and Tourism, the lead Department for this measure, for the appointment of 20 Sports Inclusion Development Officers in Local Sports Partnerships in 2008. I would draw the Deputy's attention to the response by my colleague, the Minister for Arts, Sport and Tourism, to question 171 on Thursday 5 November 2009 on the matter raised.

#### **Departmental Expenditure.**

244. **Deputy Joan Burton** asked the Minister for Community, Rural and Gaeltacht Affairs the savings to date in 2009 yielded from the 8% reduction in professional fees introduced in February 2009; the savings he expects to be made as a result of this 8% reduction in 2009 as a whole; and if he will make a statement on the matter. [42643/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** Savings made to date in 2009 in professional fees in respect of contracts that were in place when the reduction was introduced amount to €33,176. This is the total expected savings for this year. I can assure the Deputy that efforts will continue to negotiate the most advantageous terms for fees, based on current market conditions, as and when contracts come up for renewal.

#### **Social Welfare Benefits.**

245. **Deputy Willie Penrose** asked the Minister for Social and Family Affairs if a young child who has been diagnosed with dyslexia by her departmental psychologists, and where their reading is just 4% and their IQ is 85%, is entitled to domiciliary care allowance; the criteria which applies in such a case; and if she will make a statement on the matter. [42108/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The transfer of the Domiciliary Care Allowance scheme from the Health Service Executive to this Department arises from

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a Government decision on 28th February 2006 to reallocate certain functions between Departments and Agencies as part of the health service reform programme.

The Domiciliary Care Allowance scheme is now a statutory scheme with the primary legislation provided for in the Social Welfare and Pensions Act 2008. As there were no agreed national medical guidelines for the scheme while it was administered in the Health Service Executive, an Expert Medical Group was established in advance of the transfer of functions. This Group was chaired by the Department's Chief Medical Advisor and comprised of senior medical personnel from the HSE as well as eminent professionals in the areas of physical disabilities which affect children, and child psychiatry/psychology. This report was reviewed independently by external medical experts. The primary purpose of this Group was to agree a set of consistent and objective guidelines for use in determining eligibility of children for Domiciliary Care Allowance.

The Group considered that the most appropriate way for the Department to conduct assessments for medical eligibility was by assessing evidence submitted by the claimant rather than by way of individual examination by the Department's Medical Assessors as they are not involved in advice or treatment of the child. The new process in operation in the department involves the submission of a detailed statement by the parent or guardian of the child; a detailed statement by the child's General practitioner; and any other relevant evidence from qualified experts who have examined the child.

In order to qualify for Domiciliary Care Allowance a child must have a disability so severe that it requires the child needing care and attention and/or supervision substantially in excess of another child of the same age. This care and attention must be given by another person, effectively full-time so that the child can deal with the activities of daily living. The child must be likely to require this level of care and attention for at least 12 months. Eligibility for Domiciliary Care Allowance is not based primarily on the medical or psychological condition, but on the resulting lack of function of body or mind necessitating the degree of extra care and attention required. Each application is assessed on an individual basis taking account of the evidence submitted. As such it is not possible to say, in general, if a child with dyslexia or any other intellectual disability will qualify for a payment under the scheme.

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 Code.**

246. **Deputy Mary Upton** asked the Minister for Social and Family Affairs if she will put a system in place which makes allowances for the sporadic nature of income of visual artists so that they are not penalised for inconsistent PRSI contributions and are able to access State benefits such as old age pensions; and if she will make a statement on the matter. [42300/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** Self-employed people including Artists are liable for PRSI at the Class S rate of 3%. Consequently, they are eligible for a narrower range of benefits than general employees who, together with their employers, pay a total social insurance contribution of 14.05%, excluding levies, under the full-rate PRSI Class A. PRSI Class S contributors are entitled to the following payments: the Widow's or Widower's

(Contributory) Pension; the Guardian's Payment (Contributory); the State Pension (Contributory); Maternity Benefit; Adoptive Benefit, and the Bereavement Grant.

Self-employed workers who do not qualify for an insurance-based benefit may establish entitlement to assistance-based payments such as Jobseekers Allowance. They can apply for the means-tested Jobseeker's Allowance if their business ceases or if they are on low income as a result of a downturn in demand for their services.

Similarly, any person who does not satisfy the social insurance contribution criteria for the State Pension (Contributory) may apply for the State Pension (Non-Contributory), award of which is, *inter alia*, subject to a means test. In addition, self-employed persons who are no longer covered by compulsory PRSI can opt to pay Voluntary Contributions if they meet the necessary requirements. Payment of Voluntary Contributions can help to maintain or improve an individual's contributory pension entitlement. Self-employed persons pay a special rate for Voluntary Contributions and the current amount payable is €253 per year.

247. **Deputy David Stanton** asked the Minister for Social and Family Affairs if she will consider reducing the amount of time people have to be in receipt of social welfare benefits in order to qualify for the back to education scheme especially at third level in view of the current unemployment situation; and if she will make a statement on the matter. [42323/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** Since its introduction, the underlying objective of the back to education allowance (BTEA) scheme has been to equip people on social welfare payments with qualifications that will enable them to obtain employment in the labour market. It is a second chance educational opportunities scheme for people on welfare payments who wish to participate in full time education and who would not otherwise be able to do so.

Improvements to the scheme were announced in the supplementary budget and came into effect from 1 May 2009. In order to qualify for participation, an applicant must now be in receipt of a relevant social welfare payment for 3 months if pursuing a second level course or 12 months if pursuing a third level course. The qualifying period for access to third level courses is reduced to 9 months for those who are participating in the National Employment Action Plan process or engaging with the Department's facilitator programme. People who are awarded statutory redundancy may access the scheme immediately, provided an entitlement to a relevant social welfare payment is established prior to commencing an approved course of study.

In general, an applicant must be at least 21 years of age prior to commencing an approved course of study. However, lone parents and recipients of jobseekers' payments who are out of formal education for at least 2 years can qualify at 18 years of age. The requirement to be in receipt of a social welfare payment for a minimum period has always been a feature of the scheme. A waiting period is considered essential to confer entitlement to income support for an indefinite period and is considered necessary in the context of targeting scarce resources at those who need it most. The back to education allowance has an important role to play in enhancing the employability skills of jobseekers. The conditionality of the scheme will continue to be monitored in the context of the objectives of the scheme and changes in the economic climate.

248. **Deputy George Lee** asked the Minister for Social and Family Affairs her plans to introduce a three-tier system of child benefit; and if she will make a statement on the matter. [42016/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** As the Deputy will be aware, the rates of Child Benefit have increased significantly since 2001, having trebled for the first two children and increased by over 185% for the third and subsequent children. Partly as a result of this, and partly as a result of an increase in the number of eligible children, overall expenditure on Child Benefit grew from just under €965 million in 2001 to nearly €2.5 billion in 2008.

If the Government does not take steps now to reduce overall public expenditure and restore stability to the public finances, we risk making the economic situation far worse for everyone, including welfare recipients, in the long term. Excessive borrowing and an unsustainable increase in the national debt will hamper our ability to fund social services, including welfare, in the future. We must find an appropriate balance between protecting the most vulnerable people in the short term and taking necessary action to avoid prolonging our country's current economic difficulties.

It is in this context, that the Government is considering how savings might be made in Child Benefit. We are considering a range of options, including but not limited to those set out in the reports of the Commission on Taxation and the Special Group on Public Service Numbers and Expenditure Programmes. The Government has not yet made a final decision on the future of Child Benefit. I can assure the Deputy that in considering this issue we are mindful of the needs of families that have come to rely on their Child Benefit income. Our final decision will be outlined on Budget day.

#### **Statutory Instruments.**

249. **Deputy Leo Varadkar** asked the Minister for Social and Family Affairs the State agencies under the remit of her Department which have, or had over the past decade, the power to sign statutory instruments; and if she will make a statement on the matter. [42043/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The four statutory bodies operating under the aegis of the Department are the Pensions Board, the Citizens Information Board, the Family Support Agency and the Social Welfare Tribunal. In addition the Pensions Ombudsman comes under the remit of the Department. The Combat Poverty Agency has been integrated into the Office of Social Inclusion in the Department since 1 July 2009. None of the above agencies has or had the power over the past decade to sign statutory instruments.

250. **Deputy Leo Varadkar** asked the Minister for Social and Family Affairs if she will provide a list of all unnumbered statutory instruments signed by her or her predecessors over the past ten years; and if she will make a statement on the matter. [42058/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** No unnumbered statutory instruments have been signed by me or by any of my predecessors over the past ten years.

#### **Social Welfare Benefits.**

251. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be approved and paid their fuel allowance. [42089/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** A claim for Fuel Allowance was received from the person concerned on 13 October 2009. The Allowance was awarded on 20 October 2009, with effect from 25 September 2009. A formal notification of this decision issued on 20 October 2009. All arrears due were issued on 23 October 2009.

**Social Insurance.**

252. **Deputy Leo Varadkar** asked the Minister for Social and Family Affairs the estimated yield from employers, employees and self-employed PRSI in 2009 and 2010; and if she will make a statement on the matter. [42092/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The estimate of €7,500 million for total PRSI income was published in the revised estimates volume for 2009.

2009 PRSI Estimated Income

Total	Employer	Employee	Self Employed
€7,500 million	€5,216 million	€1,868 million	€416 million

The forecast for 2010 is being addressed in the context of the 2010 Estimates and Budget process which is currently underway.

**Social Welfare Appeals.**

253. **Deputy Michael Ring** asked the Minister for Social and Family Affairs if an oral hearing will be heard in relation to a carer's allowance appeal for a person (details supplied) in County Mayo. [42137/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Social Welfare Appeals Office has advised me that, following receipt of the relevant Departmental papers including comments on the grounds of appeal, the appeal from the person concerned has been referred to an Appeals Officer for consideration. As part of this consideration, the Appeals Officer will decide if an oral hearing is appropriate in this case. The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

254. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the position regarding an appeal in relation to jobseeker's benefit for a person (details supplied) in County Mayo. [42140/09]

255. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the position regarding an appeal in relation to carer's allowance for a person (details supplied) in County Mayo. [42141/09]

257. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the position regarding an appeal by a person (details supplied) in County Mayo. [42146/09]

258. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the position regarding an appeal by a person (details supplied) in County Mayo. [42147/09]

259. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when an invalidity pension appeal will be finalised for a person (details supplied) in County Mayo. [42148/09]

262. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when an appeal for carers allowance will be finalised for a person (details supplied) in County Mayo.. [42153/09]



**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I propose to take Questions Nos. 254, 255, 257 to 259, inclusive, and 262 together.

Further to my response to 34699/09 on 07 October 2009 and 35166/09, 35167/09 & 35391/09 on 13 October 2009 and 37057/09 on 20 October 2009 and 39201/09 on 03 November 2009, I am advised by the Social Welfare Appeals Office that there is no update to the information given previously. The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on Social Welfare entitlements.

256. **Deputy James Bannon** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Longford was refused a carer's allowance. [42144/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** On 28 September 2009 the person concerned was refused Carer's Allowance on the grounds that full time care and attention is not required in this case. He was notified of this decision, the reason for it and of his right to appeal to the Social Welfare Appeals Office. He has appealed this decision and an appeal has been opened in this case. On 16 November 2009 his Carer's Allowance file was submitted to the Social Welfare Appeals Office. The Social Welfare Appeals Office will be in contact with him directly regarding his appeal. Under Social Welfare legislation, decisions in relation to claims must be made by Deciding Officers and Appeals Officers. These Officers are statutorily appointed and I have no role in regard to making such decisions.

*Questions Nos. 257 to 259, inclusive, answered with Question No. 254.*

260. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the position regarding an appeal in relation to a carer's allowance for a person (details supplied) in County Mayo. [42149/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Social Welfare Appeals Office has advised me that, in accordance with statutory requirements, the relevant Departmental papers and comments on the grounds of appeal in the case of the person concerned have been sought. When received, the appeal in question will be referred to an Appeals Officer for early 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.

261. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when an appeal will be heard in relation to domiciliary care allowance for a person (details supplied) in County Mayo. [42152/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Social Welfare Appeals Office has advised me that, following receipt of the relevant Departmental papers including comments on the grounds of appeal, the appeal from the person concerned has 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.

*Question No. 262 answered with Question No. 254.*

#### **Departmental Expenditure.**

263. **Deputy Joan Burton** asked the Minister for Social and Family Affairs the savings to

date in 2009 yielded from the 8% reduction in professional fees introduced in February 2009; the savings she expects to be made as a result of this 8% reduction in 2009 as a whole; and if she will make a statement on the matter. [42648/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** Savings to date in 2009 yielded from the 8% reduction in professional fees total some €1.84 million. The vast bulk of the savings arise from fee reductions applied in respect of dentists, opticians and medical appliance providers (hearing aids) under the Department's Treatment Benefits schemes. A small amount of the saving (approx €8,000) arises in respect of a number of drawdown contracts for the provision of technical advice and expertise in the ICT area.

Professional fees paid to GPs in respect of medical certification were not directly reduced in response to the consultation process; however notional savings of some ten million euro have accrued up to the end of 2008 due to the absence of an annual review mechanism. As part of the consultation process it was agreed that the current fees would stand and an annual review mechanism would be put in place from June of this year. It is estimated that a further €700,000 may be saved in the Treatment Benefits area during the remainder of 2009. With regard to the draw-down consultancy contracts, it is not possible to accurately project further savings in 2009 given the nature of these contracts.

### **Statutory Instruments.**

264. **Deputy Leo Varadkar** asked the Minister for Defence the State agencies under the remit of his Department which have, or had over the past decade, the power to sign statutory instruments; and if he will make a statement on the matter. [42035/09]

**Minister for Defence (Deputy Willie O'Dea):** There are no agencies under the remit of my Department who have the power to make statutory instruments.

265. **Deputy Leo Varadkar** asked the Minister for Defence if he will provide a list of all unnumbered statutory instruments signed by him or his predecessors over the past ten years; and if he will make a statement on the matter. [42050/09]

**Minister for Defence (Deputy Willie O'Dea):** Under the provisions of subsection (4) of section 2 of the Statutory Instruments Act 1947 (No. 44 of 1947) the Attorney General may, if of the opinion that certain statutory instruments are of limited application, exempt such statutory instruments from the provisions of subsection (1) of section 3 of the Act. On 22 October 1954 the then Attorney General made a declaration that statutory instruments made under the following sections of the Defence Act 1954 (No. 18 of 1954) had only limited application and exempted these from the provisions of subsection (1) of section 3 of the Statutory Instruments Act 1947. The sections of the Defence Act 1954 to which the exemption from the provisions of subsection (1) of section 3 of the Statutory Instruments Act 1947 are 17, 21, 22, 23, 25, 26, 27, 29, 40, 43, 45, 46, 47, 48, 49, 53, 55, 56, 58, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 72, 73, 75, 80, 81, 82, 84, 86, 87, 88, 90, 92, 93, 94, 97, 98, 100, 102, 103, 114, 115, 116, 117, 180, 182, 184, 243, 244, 246 and 292. In addition, on 3 April 1991 the then Attorney General, again because of their limited application, exempted section 2 and 5 of the Defence (Amendment) Act 1990 (No. 6 of 1990) from the provisions of subsection (1) of section 3 of the Statutory Instruments Act 1947.

In the period since 1 January 2000 a total of 226 statutory instruments have been issued under the Defence Acts which are exempt from the provisions of subsection (1) of section 3 of the Statutory Instruments Act 1947. There is considerable work involved in compiling a full

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list of the 226 statutory instruments concerned but if the Deputy desires the full list this can be provided to him by my Department.

### **Defence Forces Reserve.**

266. **Deputy Jimmy Deenihan** asked the Minister for Defence the number of personnel which have been recruited into the Reserve Defence Force since his decision to lift the embargo on recruitment; and if he will make a statement on the matter. [42271/09]

**Minister for Defence (Deputy Willie O'Dea):** The military authorities have advised that as at the beginning of November 2009, 200 recruits had been attested since the embargo on recruitment to the Reserve Defence Force was lifted. The Directorate of Reserve Forces has approval to proceed with further recruitment to replace existing members of the Reserve leaving and being discharged in the normal manner.

As with the broader public service, the Defence Organisation is required to operate with reduced funding in 2009. In this context, my first priority for the Reserve was to consolidate the gains that have been made over recent years. Limited recruitment in order to replace existing members who leave during the course of the year was sanctioned. This ongoing limited recruitment is being closely monitored and will be kept under review in the light of the future budgetary provision available to the Department of Defence.

### **Departmental Reports.**

267. **Deputy Jimmy Deenihan** asked the Minister for Defence the reason his Department's annual report for 2008 was only published in November 2009 in view of the fact that the military submissions were complete by April 2009; and if he will make a statement on the matter. [42272/09]

**Minister for Defence (Deputy Willie O'Dea):** The Department of Defence and Defence Forces Annual Report was published in November 2009. The report covers the many functions and activities of both the civil and military elements of the Department of Defence and the Defence Forces. The report was therefore produced in close co-operation of both the civil and military elements of the Department with editing and re-drafting, as required, throughout the process.

### **Defence Forces Properties.**

268. **Deputy Jimmy Deenihan** asked the Minister for Defence when St. Bricin's Hospital will move to the Curragh in County Kildare; and if he will make a statement on the matter. [42274/09]

**Minister for Defence (Deputy Willie O'Dea):** The Government decision of 14 October 2008 approved a programme for consolidation of Defence Forces formations and included the closure of St. Bricin's. This closure of St Bricin's is linked to previous decisions regarding decentralisation, rather than the barrack consolidation programme. At this stage, it is necessary to arrange to transfer the services provided in St. Bricin's to the Curragh prior to its closure. The arrangements required to facilitate the transfer of the relevant facilities to the Curragh are being considered by my Department in consultation with the Defence Forces in the context of the overall decentralisation programme for my Department and Defence Forces headquarters.

269. **Deputy Jimmy Deenihan** asked the Minister for Defence the reason one building was not built to accommodate all military and civilian personnel in his Department; and if he will make a statement on the matter. [42275/09]

**Minister for Defence (Deputy Willie O'Dea):** The Government decision of December 2003 in relation to decentralisation provides for the transfer of my Department and Defence Force Headquarters (DFHQ) to two separate locations in county Kildare. My Department's Dublin-based civil service staff, together with about 55 military personnel, are being decentralised to Newbridge, Co. Kildare and DFHQ to the Curragh, Co Kildare. Construction and fitting-out of new accommodation at Station Road, Newbridge is being managed by the Office of Public Works (OPW). The building is under construction and is expected to be available for occupation early in the New Year.

Procurement of the new building for DFHQ is also being handled by the OPW. A State owned site has been identified in the Curragh, planning permission has been granted and a short-list of tenderers has been drawn up by the OPW. The question of proceeding to the next stage of the project (invitation of tenders) is dependent on the necessary funding for the project being available to the OPW. This will be decided as part of the on-going Estimates and budgetary process.

#### **Defence Forces Recruitment.**

270. **Deputy Jimmy Deenihan** asked the Minister for Defence when the vacancy in Collins Barracks, Cork for a military pharmacist will be filled; and if he will make a statement on the matter. [42276/09]

**Minister for Defence (Deputy Willie O'Dea):** The vacancy for the post of military pharmacist, Collins Barracks, Cork, has arisen as a result of the retirement of the previous incumbent. Following discussions with the Department of Finance, sanction has now been received to permit my Department to recruit a civilian pharmacist to fill the position on a temporary basis. Arrangements are being made to complete this process as soon as possible.

#### **Commemorative Events.**

271. **Deputy Jimmy Deenihan** asked the Minister for Defence when the 1916 commemoration committee will have its next meeting; and if he will make a statement on the matter. [42277/09]

**Minister for Defence (Deputy Willie O'Dea):** Arrangements are being made for a meeting of the Oireachtas Consultation Group to be held on 2nd December 2009. The Group will be briefed on progress of commemorative projects during 2009. It is also proposed to arrange site visits that day to view some of the works in progress.

#### **Proposed Legislation.**

272. **Deputy Seán Ó Fearghaíl** asked the Minister for Defence his views on correspondence from an organisation (details supplied); and if he will make a statement on the matter. [42292/09]

**Minister for Defence (Deputy Willie O'Dea):** I would refer the Deputy to my reply to Parliamentary Question Nos. 349 and 352 of 10 November 2009 where I stated that I have decided not to proceed with the establishment of the Authority, which was a primary focus of the Bill. I also stated that the way forward will involve a review by my Department of the varying usage of the lands by a range of different interests in the Curragh, not least the Defence

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Forces, with a view to establishing how these can be best accommodated and managed within the existing administrative framework and within existing resources.

### **Air Corps Aircraft.**

273. **Deputy Jimmy Deenihan** asked the Minister for Defence when the Pilatus PC-9 that crashed in October 2009 will be replaced; and if he will make a statement on the matter.

[42325/09]

**Minister for Defence (Deputy Willie O'Dea):** An accident involving an Air Corps Pilatus PC9 aircraft occurred in Cornamona, Co. Galway on the 12th October, 2009 resulting in the tragic loss of the lives of Captain Derek Furness and Cadet David Jevens. The Air Accident Investigation Unit of the Department of Transport is investigating the cause of the accident. The Air Corps grounded the PC9 fleet following the accident as a precaution. The remaining seven aircraft were cleared to resume their role as training aircraft on the 19th October, 2009. The aircraft involved in the accident was damaged beyond repair. There are currently no plans for its replacement.

### **Defence Forces Reserve.**

274. **Deputy Jimmy Deenihan** asked the Minister for Defence the size and role of the First Line Reserve; and if he will make a statement on the matter. [42326/09]

**Minister for Defence (Deputy Willie O'Dea):** The military authorities have advised that as at 31 October 2009, the First Line Reserve (FLR) comprised 360 personnel (132 Officers, 31 Non-Commissioned Officers and 197 Privates). The FLR is intended to provide a pool of trained personnel who are available at short notice to supplement Permanent Defence Force (PDF) units in times of emergency. The FLR is a potentially valuable resource and my primary concern is to ensure that the former PDF members who make up the FLR are utilised to the maximum benefit of the Defence Forces.

Phase 1 of the RDF Review Implementation Plan introduced significant changes for the Army Reserve and Naval Service Reserve. Phase 2 is being implemented. As the Plan is reaching its conclusion, there is a requirement to critically examine the progress that has been made to date and to consider options for the future. This will be informed by the valuable lessons learned from the implementation process. In addition, the RDF was selected for review as part of the 2009-2011 phase of the Government's Value for Money and Policy Review initiative and this Review is scheduled to commence in the near future. It is anticipated that this review, together with the general budgetary situation, will also assist in informing decisions regarding the future development of the Reserve.

### **Departmental Expenditure.**

275. **Deputy Joan Burton** asked the Minister for Defence the savings to date in 2009 yielded from the 8% reduction in professional fees introduced in February 2009; the savings he expects to be made as a result of this 8% reduction in 2009 as a whole; and if he will make a statement on the matter. [42644/09]

**Minister for Defence (Deputy Willie O'Dea):** The information requested is being compiled by my Department and will be forwarded to the Deputy as soon as possible.

### **Nuclear Plants.**

276. **Deputy Michael D. Higgins** asked the Minister for the Environment, Heritage and Local Government if he has been in contact with the British Government following recent disclosures that it is planned to open ten new nuclear facilities there predominantly on the west coast; his views on same; and if he will make a statement on the matter. [41930/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** As an EU Member State, Ireland recognises the right of every Member State to determine its own energy mix. It is a matter for the UK Government to determine its own energy policy, and nuclear energy has been a part of that policy for many years. My Department is in regular contact with the relevant UK Government Departments and agencies on radiological protection matters and nuclear safety. The Radiological Protection Institute of Ireland (RPII) also has regular contact with the regulatory bodies responsible for radiological protection and nuclear safety in the UK, and meets frequently with my Department to discuss these matters.

Through these ongoing contacts, I am informed of key policy developments with regard to nuclear power in the UK. As part of this ongoing contact, my Department and the RPII continue to discuss the UK's plans to build new nuclear power stations with the relevant UK officials and regulators. I mentioned the issue during a meeting last week with the UK Ambassador and I have asked my officials to follow up on the UK proposals recently published for consultation at a meeting with British officials next week, and to seek information predominantly on any safety and waste issues associated with the proposals.

As a non-nuclear nation, Ireland does not stand to benefit from the next wave of developments in nuclear energy, but must still bear any transboundary risks which might arise from these facilities. In view of this, the Government continues to press for the fullest possible information from the UK authorities on activities that might contribute to that risk, and the need for any planned nuclear facilities to conform to international safety standards is of clear importance in this regard. My Department's priority in all discussions with the UK on its nuclear energy programme is the safety of the Irish people and the protection of our environment, particularly the shared marine environment of the Irish Sea.

### **International Agreements.**

277. **Deputy Michael D. Higgins** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on the prospects for progress on the climate change negotiations in Copenhagen. [41914/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I refer to the statement which I made at a meeting with the Joint Committee on Climate Change and Energy Security on 11 November 2009. Towards the end of my statement, I addressed the recently changed outlook for the 15th Conference of the Parties to the UN Framework Convention on Climate Change, which will be held in Copenhagen next month. It is now the case that a politically-binding agreement rather than a legally-binding treaty may be the outcome. This is disappointing given in particular the clear commitment of the Parties at the 13th Conference in 2007 to finalise a new treaty in 2009.

However, the EU commitment and determination to achieve a new legally-binding treaty to succeed the Kyoto Protocol is undiminished. The fact that it may not be achieved at the Copenhagen conference is disappointing for many Parties, including Ireland, and the focus must now be on exerting maximum pressure to finalise the new treaty in the shortest possible time.

### Waste Management.

278. **Deputy George Lee** asked the Minister for the Environment, Heritage and Local Government his plans to introduce a protocol on the reuse of computers in view of the fact that reuse is 20 times more effective than recycling at reducing the life cycle energy costs of a computer and the best practice in dealing with end of life computers; and if he will make a statement on the matter. [42012/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** My Department has brought a group of key stakeholders together to develop proposals to promote and maximise opportunities for the reuse of electrical appliances, including the reuse of computers. This group includes representatives of producers (some of whom have their own reuse programmes), retailers, the waste management sector, the Department of Community, Rural and Gaeltacht Affairs and the social economy sector. Following on from this, a reuse protocol is currently being developed, which will set out the responsibilities of all stakeholders. It is envisaged that this process will be completed shortly.

### Planning Issues.

279. **Deputy George Lee** asked the Minister for the Environment, Heritage and Local Government, further to Parliamentary Question No. 966 of 6 October, 2009, the classes of use that are specified in Part 4 of Schedule 2 of the Planning and Development Regulations 2001; and if he will make a statement on the matter. [42013/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The information requested is set out in the following table.

CLASS	
CLASS 1	Use as a shop.
CLASS 2	Use for the provision of— (a) financial services, (b) professional services (other than health or medical services), (c) any other services (including use as a betting office), where the services are provided principally to visiting members of the public.
CLASS 3	Use as an office, other than a use to which class 2 of this Part of this Schedule applies.
CLASS 4	Use as a light industrial building.
CLASS 5	Use as a wholesale warehouse or as a repository.
CLASS 6	Use as a residential club, a guest house or a hostel (other than a hostel where care is provided).
CLASS 7	Use— (a) for public worship or religious instruction, (b) for the social or recreational activities of a religious body, (c) as a monastery or convent.
CLASS 8	Use— (a) as a health centre or clinic or for the provision of any medical or health services (but not the use of the house of a consultant or practitioner, or any building attached to the house or within the curtilage thereof, for that purpose), (b) as a crèche, (c) as a day nursery, (d) as a day centre.

CLASS	
CLASS 9	Use— (a) for the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose), (b) as a hospital or nursing home, (c) as a residential school, residential college or residential training centre.
CLASS 10	Use as— (a) an art gallery (but not for the sale or hire of works of art), (b) a museum, (c) a public library or public reading room, (d) a public hall, (e) an exhibition hall, (f) a social centre, community centre or non-residential club, but not as a dance hall or concert hall.
CLASS 11	Use as— (a) a theatre, (b) a cinema, (c) a concert hall, (d) a bingo hall, (e) a skating rink or gymnasium or for other indoor sports or recreation not involving the use of motor vehicles or firearms.

280. **Deputy George Lee** asked the Minister for the Environment, Heritage and Local Government when he will reply to correspondence from a person (details supplied) in County Dublin; and if he will make a statement on the matter. [42014/09]

281. **Deputy George Lee** asked the Minister for the Environment, Heritage and Local Government if he will meet with a residents association (details supplied) regarding the request from Dún Laoghaire Rathdown County Council to designate land at Cherrywood as a strategic development zone; and if he will make a statement on the matter. [42015/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 280 and 281 together.

I refer to the reply to Questions Nos. 372 of 10 November 2009 and 953 and 971 of 3 November 2009. I am aware of the views of the Kiltarnan Residents Association and some other local residents regarding development on the proposed SDZ site. I will be making a decision on the SDZ proposal shortly, taking into account all of the relevant issues.

### **Local Authority Funding.**

282. **Deputy Joan Burton** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that some landlords are in financial difficulty and struggling to pay the €200 levy on non-principal private residences; if he will instruct the relevant authorities to make arrangements for payment of the levy in staged instalments; and if he will make a statement on the matter. [42019/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The charge on non-principal private residences is an essentially modest charge of €200 per annum, payable by owners of private rented accommodation, holiday homes and any other



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residential property that is not the owner's sole or main residence. I have no plans to make provision for payment by instalments. As it stands, there is a three-month period following the liability date in which to pay each year before any additional charges commence. The Act places collection of the charge under the care and management of the relevant local authority, and interpretation and implementation of the legislation is a matter for the local authorities in the first instance.

### **Statutory Instruments.**

283. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government the State agencies under the remit of his Department which have, or had over the past decade, the power to sign statutory instruments; and if he will make a statement on the matter. [42038/09]

284. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government if he will provide a list of all unnumbered statutory instruments signed by him or his predecessors over the past ten years; and if he will make a statement on the matter. [42053/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 283 and 284 together.

None of the State Bodies under the aegis of my Department has or had over the past decade the power to sign statutory instruments within the meaning of the Statutory Instrument Act 1947.

Directions have been issued under Section 2(4) of the Statutory Instruments Act 1947 exempting superannuation schemes under a range of Acts, including in the case of my Department's remit, the Heritage Act 1995 and the Radiological Protection Act 1991, from the operation of the 1947 Act. In addition certain Ministerial Orders do not come within the scope of the 1947 Act, for example orders which must be published in the *Iris Oifigiúil* such as an Order under Section 26 of the Local Government Act, 2001 fixing the polling day for local elections. Any such orders or schemes are unnumbered. The identification and listing of such Orders made over the past decade would take an inordinate amount of time and effort as they are not archived centrally. However, if the Deputy wishes to have information on any such orders made under a specific Act, my Department will assist accordingly.

### **Urban Renewal Schemes.**

285. **Deputy Mary Upton** asked the Minister for the Environment, Heritage and Local Government his views on whether the installation of a scheme for the allocation of vacant buildings to artists and artist co-operatives presents a transformational opportunity for towns and cities which may have been blighted by development of the past decade. [42301/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I have no function, as Minister, in the matter of the allocation of vacant buildings to artists and artist co-operatives. Under the Urban and Village Renewal measures of the two Regional Operational Programmes 2000-2006, grant assistance was provided by my Department to local authorities for a range of interventions to upgrade the fabric of the built environment in cities, towns and villages. Final funding allocations under this Programme, which ended in early 2008, involved total EU and Exchequer co-financed expenditure of over €158m.

### Water and Sewerage Schemes.

286. **Deputy Eamon Gilmore** asked the Minister for the Environment, Heritage and Local Government if he will give an assurance that the long awaited Maretimo and Carysfort drainage scheme, which has been proposed by Dún Laoghaire Rathdown County Council, will commence in early 2010; and if he will make a statement on the matter. [42307/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Carysfort to Maretimo Sewerage Scheme (Stream Improvement) is included in my Department's Water Services Investment Programme 2007–09 and I understand that Dún Laoghaire/Rathdown County Council will shortly be putting the contract out to tender.

Local authorities were asked in July to submit an assessment of needs for water and sewerage services to my Department by 23 October last. My Department has commenced consideration of these assessments, which will form a key input to the development of the 2010 to 2012 Water Services Investment Programme. In conducting their assessments, local authorities were asked to prioritise schemes and contracts for progression over the coming years based on key environmental and economic criteria. It is anticipated that the Water Services Investment Programme 2010-12 will be published in early 2010.

### Fire Stations.

287. **Deputy Thomas Byrne** asked the Minister for the Environment, Heritage and Local Government the position in relation to the provision of fire services at a location (details supplied) in County Meath; if a fire station will be provided for this area; and if he will make a statement on the matter. [42320/09]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** The provision of a fire service in its functional area, including the establishment and maintenance of a fire brigade, the assessment of fire cover needs and the provision of premises is a statutory function of individual fire authorities under section 10 of the Fire Services Act 1981. My Department's role is one of supporting and assisting fire authorities in delivering fire services through the provision of funding under the fire service capital programme and through setting of general policy. There are seven fire stations in Co. Meath, located in Navan, Trim, Kells, Oldcastle, Nobber, Dunshaughlin and Ashbourne. Meath County Council has not applied to the Department under the fire service capital programme to construct a fire station in Stamullen.

### Commodity Markets.

288. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent to which he has had discussions at EU or UN level to prevent or discourage speculation causing price hikes in the world energy markets; and if he will make a statement on the matter. [42316/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The past twelve months have seen major upheavals in energy markets around the world. The global financial crisis and ensuing recession have had a dramatic impact on the outlook for energy markets over the next few years. World energy demand in aggregate has already plunged with the economic contraction. How quickly it rebounds depends largely on how quickly the global economy recovers.

The current global decline in fossil fuel demand is reflected in the sharp decline in oil and gas prices in world markets during 2009 as compared with 2007/2008. The 2007/2008 scenario,

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which saw unprecedented volatility in oil and gas prices was due to a number of complex factors including market speculation. The consensus is however that as fossil fuels are a finite resource the outlook is for prices to permanently arise above the current level but the timing of this will be dependant on the economic cycle and a future availability of supply. This fact underlines the need to promote and invest in renewable energy and energy efficiency.

I have regular discussions with my Ministerial colleagues on energy policy in the European Union and most recently attended the Ministerial meeting of the International Energy Agency (IEA), which focussed on the World Energy Outlook and the urgent actions needed to ensure security of energy supply and to address the urgent challenge of climate change. EU and IEA Energy Ministers are committed to ensuring the transformation of the energy sector by promoting renewable energy and energy efficiency.

### **Statutory Instruments.**

289. **Deputy Leo Varadkar** asked the Minister for Communications, Energy and Natural Resources the State agencies under the remit of his Department which have or had over the past decade the power to sign statutory instruments; and if he will make a statement on the matter. [42033/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** In the time available, it has not been possible to conclude an examination of the relevant legislation. Officials within my Department are continuing their examination of the position and I will revert to the Deputy as soon as possible.

290. **Deputy Leo Varadkar** asked the Minister for Communications, Energy and Natural Resources if he will provide a list of all unnumbered statutory instruments signed by him or his predecessors over the past ten years; and if he will make a statement on the matter. [42048/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** In the time available, it has not been possible to conclude an examination of the relevant records. Officials within my Department are continuing their examination of the position and I will revert to the Deputy as soon as possible.

### **Special Areas of Conservation.**

291. **Deputy Seán Sherlock** asked the Minister for Communications, Energy and Natural Resources if an appropriate assessment is required for the licensed recreational or commercial angling for salmonids in freshwater special areas of conservation designated under the habitats directive and as transposed into Irish law by the European Communities (Natural Habitats) Regulations; the national competent or consent authority charged with drawing up such assessments; the bodies, institutions or authorities that were consulted in the process of drawing up the requirements for the assessments; the average cost and length of time for carrying out such an assessment; if the assessment template was submitted to Directorate General for the Environment in the European Commission for prior approval; if final agreement or signing off by the national parks and wildlife service was required before the assessment template was submitted to DG Environment for approval; the breakdown of assessments that finished at the screening stage compared with those which went on to have a full assessment; the role the competent authority will have in collecting the baseline data against which projects are assessed; and if he will make a statement on the matter. [42116/09]

292. **Deputy Seán Sherlock** asked the Minister for Communications, Energy and Natural Resources if an appropriate assessment is required for the licensed rearing and deliberate release of salmonids, for ranching purposes, in freshwater special areas of conservation designated under the habitats directive, as transposed into Irish law by the European Communities (Natural Habitats) Regulations; the national competent or consent authority charged with drawing up such assessments; the bodies, institutions or authorities that were consulted in the process of drawing up the requirements for the assessments; the average cost and length of time for carrying out such an assessment; if the assessment template was submitted to the Directorate General for the Environment in the European Commission for prior approval; if final agreement or signing off by the national parks and wildlife service was required before the assessment template was submitted to DG Environment for approval; the breakdown of assessments that finished at the screening stage compared with those which went on to have a full assessment; the role the competent authority will have in collecting the baseline data against which projects are assessed; and if he will make a statement on the matter. [42117/09]

**Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan):** I propose to take Questions Nos. 291 and 292 together.

Under the National Salmon Commission and Standing Scientific Committee (Terms of Reference and Procedure) Order 2006, (SI 483 2006), the Standing Scientific Committee (SSC) is tasked to provide the Minister with any appropriate assessment of salmon stocks for special areas of conservation and for all fishery districts prepared by the SSC for purposes of Regulation 31 of the European Communities (National Habitat) Regulations 1997 (S.I. No. 94 of 1997). These latter Regulations give effect to Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Habitats Directive).

The SSC, which comprises scientific advisers drawn from the Marine Institute, Central Fisheries Board, the Environmental Protection Agency, National Parks and Wildlife Service, Bord Iascaigh Mhara, the Loughs Agency, the Agriculture, Food and Biosciences Institute for Northern Ireland and the Electricity Supply Board (ESB), carries out an annual assessment and the Minister publishes their report on the Status of Irish Salmon Stocks and Precautionary Catch Advice. The Directorate General for the Environment of the EU Commission has accepted the reports of the SSC as an appropriate assessment of wild salmon stocks.

The cost of the annual assessment is largely borne by the Fisheries Boards and the Marine Institute but not separately identified from fishery management budgets of which it is an integral part. The Central and Regional Fisheries Boards are responsible for reporting on the status of specific fish species and special areas for their protection identified in the Habitats Directive through the National Parks and Wildlife Services of the Department of the Environment, Heritage and Local Government. The licensing of salmon rearing for aquaculture is a matter for the Department of Agriculture, Fisheries and Food.

### **Energy Conservation.**

293. **Deputy Paul Kehoe** asked the Minister for Communications, Energy and Natural Resources the guidelines for the home insulation grant; if 100% of a house cannot be completed, whether a dwelling would meet the grant guidelines; and if he will make a statement on the matter. [42290/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The Government's Home Energy Saving Scheme, which is administered by Sustainable Energy Ireland (SEI), provides grant assistance to homeowners for retro-fit energy efficiency measures such as attic and wall insulation, very high- efficiency boilers, heating controls and Building

[Deputy Eamon Ryan.]

Energy Rating (BER) assessments. While a householder is free to choose which measures to install in his or her home, the householder must undertake works attracting grant payments of at least €500, not including the BER grant. The scheme, which is open to all householders in homes built before 2006, is stimulating the upgrade of a significant number of homes to the optimum standard achievable and to date almost 31,000 households have been grant approved.

All works carried out under the scheme are underpinned by a comprehensive Technical Specification and Code of Practice for contractors which ensure that works undertaken represent best value for each homeowner's investment and also best value for all public monies expended. In particular, contractors must ensure that, in the case of insulation, an optimal whole-surface solution is provided where physically and economically feasible e.g. this comprises internal or external insulation of all walls exposed; and in the case of roof insulation that this comprises insulation of the whole surface of the ceiling/roof-space as appropriate. All grant applicants are required to use a Sustainable Energy Ireland (SEI) registered contractor and in applying accept that their application relates to works which are economically and physically practicable and which will secure the optimal energy efficiency improvements to its home.

Partial works are only accepted in very exceptional circumstances e.g. where it is not physically possible to provide complete roof insulation coverage due to small inaccessible areas of the roof, or where a home may require significant additional modifications over what would normally be expected and that such modifications would make the initial investment inappropriate compared to the benefit the homeowner will get out of the investment. Where only part-home coverage is achieved, this must be detailed in the Declaration of Works (grant request) and the contractor must inform the customer that this may impact on their ability to draw down support from the scheme.

Taking this approach ensures that the homeowners gets best value for their money, that the Exchequer gets best leverage for its investment and with optimum works being undertaken, no further disruptive works are required at a later date.

#### **Departmental Expenditure.**

294. **Deputy Joan Burton** asked the Minister for Communications, Energy and Natural Resources the savings to date in 2009 yielded from the 8% reduction in professional fees introduced in February 2009; the savings he expects to be made as a result of this 8% reduction in 2009 as a whole; and if he will make a statement on the matter. [42642/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The savings to date in 2009 yielded from the 8% reduction in professional fees introduced in February 2009 are €845,000 on an annual basis.

#### **Departmental Investigations.**

295. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Agriculture, Fisheries and Food the steps he has taken to inquire into the dioxin contamination incident of December 2008; if a formal inquiry was established; if not, the reason for same; the status of an investigation into the incident; the conclusions which have been reached; the steps which have been taken to ensure that such an incident will not recur; and if he will make a statement on the matter. [41981/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** As I advised the Joint Oireachtas Committee I established a Review Group, chaired by Dr. Patrick Wall, to make recommendations on whatever adjustment of controls or other measures are necessary in the

light of the experience gained during the dioxin contamination incident. The Review Group is considering the report and recommendations of the Joint Oireachtas committee, which it received on 26th May 2009, in addition to a range of submissions from interested parties. The report will be available in the coming weeks.

In the meantime my Department, in accordance with risk assessment practice, has amended the 2009 Animal Feed Inspection Programme to:

- Identify the drying of feed and grain drying operations as a higher risk category
- place greater emphasis on the checking of HACCP plans of the Feed Business Operators
- remind operators involved in the drying of grain and feed that only gas in particular fuels (diesel & kerosene) can be used for such drying.

The Department has also reminded feed business operators of their obligation, under the Hygiene Regulations, to take all steps necessary to ensure the safety of the feed chain.

#### **Dealer Licences.**

296. **Deputy John McGuinness** asked the Minister for Agriculture, Fisheries and Food if all issues relative to the renewal of a dealer licence have been resolved in the case of a person (details supplied) in County Carlow; if not, if he will confirm the issues outstanding; the way these may be addressed; if he will expedite a conclusion; and if he will make a statement on the matter. [41994/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Following an inspection by my Department, the person in question has been granted approval to operate as a dealer from 29 October 2009 to 31 October 2010.

#### **Food Safety.**

297. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if he commissioned an analysis during 2009 of samples of chicken fillets imported during the summer of 2009; the key findings of this analysis; if he will make this report publicly available; and if he will make a statement on the matter. [41997/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My Department had analyses conducted on samples of imported poultry this year. This was specifically in the context of the gas flushing of poultrymeat. The results of these analyses are presently being assessed and any follow-up action that is considered necessary will be taken. My Department is working in close liaison with the Food Safety Authority of Ireland on this matter. The Food Safety Authority of Ireland has issued guidelines on the handling of poultry (e.g. setting use-by dates) that was gas-flushed and that is opened prior to sale.

#### **Statutory Instruments.**

298. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food the State agencies under the remit of his Department which have, or had over the past decade, the power to sign statutory instruments; and if he will make a statement on the matter. [42031/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Other than the Veterinary Council of Ireland no other state agency under the aegis of my Department has or had power to sign statutory instruments. The Veterinary Practice Act 2005 gave power to the Veterinary Council to sign statutory instruments.

299. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food if he will provide a list of all unnumbered statutory instruments signed by him or his predecessors over the past ten years; and if he will make a statement on the matter. [42046/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** No unnumbered Orders, Regulations, Rules or Bye-laws have been made by me or to my knowledge by any of my predecessors over the past 10 years.

#### **Grant Payments.**

300. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Cork has not yet received their headage and single payment for 2009; when payment will issue; and if he will make a statement on the matter. [42069/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application under the Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on the 8 May 2009.

This application was selected for and was the subject of a ground eligibility and animal identification and registration inspection. During the ground eligibility inspection, discrepancies were found in relation to parcel D23411019. As a result of this discrepancy the claimed area of 14.67ha was reduced to 14.23ha. If the total area found is not sufficient to support the number of entitlements held, penalties will be applied as per the Terms and Conditions of the scheme. In this case the number of entitlements held by the person named is 15. As the difference between the area declared and the area found is more than 3%, under EU Regulations, the difference between the area found and the area claimed is doubled and deducted from the area found. As a result the area put forward for payment under the Single Payment Scheme and the Disadvantaged Areas Scheme is 13.35ha.

Also during the course of the animal identification and registration inspection non-compliance was found under Statutory Management Requirement 8A in that the flock register had not been maintained. This resulted in a cross compliance penalty of 5% being applied to 2009 Single Payment Scheme/Disadvantaged Areas Scheme.

The person named was informed of these findings on 5 October 2009 and of his right to seek a review of this decision within 21 days and of his right to appeal the outcome of any such review. To date, no review has been sought. The person named will have the right to appeal the outcome of any such review to the Independent Agriculture Appeals Office. The inspection is completed and the application has now been fully processed. Payment under the Disadvantaged Area Scheme will issue this week with payment under the Single Payment Scheme due on 1 December.

301. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will receive his disadvantage area scheme payment for 2009 in view of the fact they submitted their REP scheme plan in September 2009. [42088/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application under the 2009 Disadvantaged Areas Scheme was received from the person named on 15 May 2009. Payments under the Disadvantaged Areas Scheme commenced on 22 September, with payments issuing in respect of those cases cleared for payment at that stage. Payments have con-

tinued to issue, as outstanding issues are resolved. The application of the person named has now been fully processed with payment due to issue this week.

302. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will receive their forestry road grant payment. [42138/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I understand that payment of a forestry road grant was made to the person in question on 22 October 2009.

303. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo, will be awarded their REPS 4. [42139/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** REPS 4 is a measure under the current Rural Development Programme 2007–2013 and is subject to EU Regulations which require detailed administrative checks on all applications, including plan checks, to be completed before the first 2009 payments issue. Processing of applications, including the application from the person named, has commenced to facilitate the release of payments at the earliest possible date.

304. **Deputy Edward O’Keeffe** asked the Minister for Agriculture, Fisheries and Food when a single farm payment will issue to a person (details supplied) in County Cork. [42283/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application under the Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on the 28 April 2009. This application was selected for and was the subject of a ground eligibility and animal identification and registration inspection. The inspection is completed and the application has now been fully processed. Payment under the Disadvantaged Areas Scheme and the 70% advance payment under the Single Payment Scheme has issued with the balancing payment on the Single Payment Scheme due on the 1 December 2009.

305. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food, further to Parliamentary Question No. 1044 of 6 October 2009, when the review will be carried out in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [42304/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Further to my reply to the Deputy’s previous Question, I can confirm that an official of my Department was in direct contact with the person named and that the review referred to has now been concluded. The outcome is that the proposed penalties will not now apply, as the applications of the person named will be processed on the basis of the area found at inspection. A letter outlining of the outcome the review will issue shortly to the person named.

#### **Departmental Expenditure.**

306. **Deputy Joan Burton** asked the Minister for Agriculture, Fisheries and Food the savings to date in 2009 yielded from the 8% reduction in professional fees introduced in February 2009; the savings he expects to be made as a result of this 8% reduction in 2009 as a whole; and if he will make a statement on the matter. [42640/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The decision to apply the 8% reduction in professional fees resulted in an adjustment of €3.42m on my Department’s



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2009 Revised Estimate. This adjustment related to professional fees payable to private veterinary practitioners engaged periodically by the Department on food safety inspections and animal health testing work. The reduction in fees for veterinary practitioners is provided for in the Financial Emergency Measures in the Public Interest (Reduction in Payments to Veterinary Practitioners) Regulations 2009, (S.I. No. 216 of 2009).

Apart from the reduction in veterinary practitioner fees payable, the actual level of expenditure on such fees is dependent on the level of operational activities requiring the engagement of veterinary practitioners e.g. the number of animals sent for slaughter at meat plants, the level of disease testing in farm animals. In addition, my Department has applied the 8% reduction to professional fees across a number of other activities such as IT, financial and other professional service areas. The latest information available indicates that the saving in these areas will be in the region of €2.5 million for 2009 as a whole.

### **Schools Building Projects.**

307. **Deputy George Lee** asked the Minister for Education and Science if his attention has been drawn to the conditions at a school (details supplied) in Dublin 16; if he will prioritise funding to rectify these problems within the next six months; and if he will make a statement on the matter. [42008/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** A major capital project at the school to which the Deputy refers is currently at an advanced stage of architectural planning. The progression of all large scale building projects, including this project, from initial design stage through to construction is dependent on the prioritisation of competing demands on the funding available under the Department’s capital budget. The proposed building project will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme for 2010 and subsequent years. However, in light of current competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the delivery of the project at this time.

In the meantime, however, it is open to the school authority to apply to the Planning and Building Unit of my Department for emergency works funding for capital works of an urgent nature. Grants from this fund are available for very urgent works, primarily of a major health and safety nature, to schools that require them. My Department has not, as yet, received an application for emergency funding from the school to which the Deputy refers. My Department has recently received correspondence from the school regarding possible progression of the school hall element of the major project. My Department has responded directly to the school in this regard with a request for more detailed information on what is proposed.

### **School Accommodation.**

308. **Deputy George Lee** asked the Minister for Education and Science the criteria used by the forward planning section of his Department to identify and prioritise areas of high population growth that require school accommodation; the use of district electoral division data collected during the census; and if he will make a statement on the matter. [42009/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Forward Planning Section of my Department utilises the latest in GIS technology to assist in planning school requirements in the future. The Geographical Information System contains information on all schools in the country, primary and post primary level, geo-coded to their location. The information is then linked to the relevant demographic information for those areas — typically the demographic

information will be from the Central Statistic's Office Census data, the General Registrar of Births, the Department of Social and Family Affairs, An Post's Geo-directory and information supplied by Local Authorities through Development Plans. Growth projection figures are applied to the existing population with a view to assessing future requirements and areas of highest growth at primary and post-primary level.

### **Statutory Instruments.**

309. **Deputy Leo Varadkar** asked the Minister for Education and Science the State agencies under the remit of his Department which have, or had over the past decade, the power to sign statutory instruments; and if he will make a statement on the matter. [42036/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** Agencies under the aegis of my Department do not have the power to sign statutory instruments currently nor have they had such power over the past decade.

310. **Deputy Leo Varadkar** asked the Minister for Education and Science if he will provide a list of all unnumbered statutory instruments signed by him or his predecessors over the past ten years; and if he will make a statement on the matter. [42051/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** There are no unnumbered statutory instruments in the name of the Minister for Education and Science during the period in question. All statutory instruments made by myself and my predecessors have been numbered in accordance with the provisions of Section 4 of the Statutory Instruments Act 1947.

### **Higher Education Courses.**

311. **Deputy Michael Fitzpatrick** asked the Minister for Education and Science the initiatives that are being proposed to match labour market needs with skills training; the tools which are being proposed to be used to anticipate labour market needs and to predict which skills will be needed here for the future. [42070/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** Higher education institutions as a standard practice engage with employers in the review and development of higher education programmes. The Expert Group on Future Skills Needs (EGFSN) advises the Government on current and future skills needs and on other labour market issues that impact on Ireland's enterprise and employment growth. The Group brings together industry, academia and State agencies in identifying the overall skills requirements in the economy. The research and reports of the EGFSN also provide a valuable input to the development and amendment of course curricula

In addition, since the beginning of the year almost 6,000 additional places have been provided on flexible higher education courses and Post Leaving Certificate courses specifically to address the upskilling needs of people who have lost their jobs. This includes 2,500 places on part-time undergraduate and postgraduate courses in areas that have been identified by the EGFSN as being relevant to the skills needs of the enterprise sector and to the needs of the Smart Economy.

### **Schools Patronage.**

312. **Deputy Ruairí Quinn** asked the Minister for Education and Science the outcome of his talks with the bishops of the Roman Catholic Church concerning the transferring of Catholic schools to alternative patronage models; if he has received an indication of the schools which

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would be likely to be transferred; if a national forum on patronage would be a useful step forward in this matter; and if he will make a statement on the matter. [42073/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** In recent talks between my Department and the Bishops of the Roman Catholic Church there was a wide-ranging and constructive discussion about the different issues that may arise in planning for the future development of provision for primary education.

The Catholic School Patrons and my Department agreed that it was essential to engage in planning for change in a way that takes account of demographics, settlement patterns and a diversity of provision to accommodate parental choice. In the context of increasing diversity of provision, it was agreed that the next step would be for my Department to use its databases and other information to identify some locations where an implementation framework could be developed in consultation with all stakeholders.

While I would not rule out the possibility of holding a further forum on school patronage in the future, I believe that considerable further thought must be given to the timing and format of such an event. There will be ongoing contact between my Department and the Catholic School Patrons to progress this work.

### **Capitation Grants.**

313. **Deputy James Bannon** asked the Minister for Education and Science his views on the accusations of discrimination against minority religions in cutbacks of capitation grants and the pupil-teacher ratio, which continues to deteriorate, and whether he will stand over these discriminatory actions; and if he will make a statement on the matter. [42076/09]

317. **Deputy Brian O’Shea** asked the Minister for Education and Science if he will restore the previously agreed classification, as it was before in October 2008, for Protestant voluntary secondary schools in the free scheme (details supplied); and if he will make a statement on the matter. [42135/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 313 and 317 together.

I wish to reassure the Deputies that I, along with my colleagues in Government, recognise the importance of ensuring that students from a Protestant background can attend a school that reflects their denominational ethos. I have emphasised that the Government decided to continue to provide the Block Grant, which was increased this year and amounted to €6.5 million. It is targeted as a support to individual pupils to enable them to attend Protestant schools. I have made clear that I am prepared to work with the Protestant fee-charging schools to identify particular problems and issues that may be arising in some of their schools, or in respect of some students in their schools, and to examine how these might be addressed in a manner consistent with the Constitution.

In this regard I have met with Protestant educational representatives, including the Church of Ireland Board of Education; Monaghan Collegiate School; the Grand Orange Lodge of Ireland and the Committee on Management for Protestant Schools. In addition, my officials have also met with the Secondary Education Committee. I have explained that a simple reversal of the measures taken in Budget 2008 applicable to all Protestant fee-charging schools and determined solely on a denominational criterion was not legally possible. I believe that engagement between my officials and representatives of the Protestant schools is the best way to seek to resolve the issues that are of concern.

### **Proposed Legislation.**

314. **Deputy Mary Wallace** asked the Minister for Education and Science the position regarding the Student Support Bill 2008; if this legislation was debated on Second Stage in the time-frame to bring same to Committee Stage; and if he would make a statement on the matter. [42085/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Deputy will be aware that a number of amendments to the Bill in relation to legal and policy issues which have arisen since Second Stage are being advanced by my Department in close consultation with the Office of the Attorney General. The Bill makes provision for the transfer of responsibility for student grants to the VEC sector. In the existing budgetary situation, resources are not currently available to advance transition to new administrative arrangements in the immediate future. However, it is not possible to say definitively at this point when new administrative arrangements can be put in place and I am anxious, in light of the commitment to put all student grants on a statutory footing, to provide a statutory basis for all student grants for the intervening period.

Therefore, I am endeavouring to progress to a single scheme of grants as provided for in the Bill at the earliest possible date. While the current financial situation may necessitate retention of the existing administrative structures in the immediate term, I am assessing organisational options for the grants administration function in the longer run, with a view to streamlining operations and achieving more effective administrative efficiencies.

Possible options for a more significant aggregation of functions are now being explored in the context of budgetary considerations and the Government’s overall programme of public service reform. These developments also require consideration of a complex set of legal options in relation to further amendment of the Bill and my Department is working closely with the Office of the Attorney General to explore the issues in that regard. Subject to any technical, drafting and legal considerations arising, I hope to be in a position to have these amendments advanced sufficiently in order to progress to Committee as soon as possible.

### **Teaching Qualifications.**

315. **Deputy Olivia Mitchell** asked the Minister for Education and Science if the postgraduate diploma in primary school teaching will proceed in February 2010; and if he will make a statement on the matter. [42099/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The postgraduate diploma in primary education is currently provided by four state-funded Colleges of Education. The issue of providing such courses in the coming year is currently being considered in the context of likely demands in the system and the resources available. A decision on the matter will be communicated to the relevant colleges as soon as possible.

### **Schools Building Projects.**

316. **Deputy Joe Carey** asked the Minister for Education and Science if he will respond to correspondence from a school (details supplied) in County Clare; and if he will make a statement on the matter. [42101/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As the Deputy is aware, the school to which he refers has made an application to my Department for Major Capital funding for an extension including ancillary accommodation. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and

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assigned a Band 2 rating. Information in respect of the current school building programme along with all assessed applications for major capital works, including the project referred to by the Deputy, are now available on my Department’s website at [www.education.ie](http://www.education.ie).

The priority attaching to individual projects is determined by published prioritisation criteria, which were formulated following consultation with the Education Partners. There are four band ratings under these criteria, each of which describes the extent of accommodation required and the urgency attaching to it. Band 1 is the highest priority rating and Band 4 is the lowest. Documents explaining the band rating system are also available on my Department’s website. The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

In the meantime, the school was recently approved for funding for the provision of additional accommodation for one Mainstream Classroom. The Department has recently received a letter from the school and will be in contact with the school authorities shortly in this regard.

*Question No. 317 answered with Question No. 313.*

#### **School Accommodation.**

318. **Deputy James Bannon** asked the Minister for Education and Science when the new school building at a school (details supplied) in County Longford, which was given the go-ahead in 2006, will be constructed in view of the recent engineer’s report; and if he will make a statement on the matter. [42143/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I am pleased to inform the Deputy that plans are well in train to re-locate the school to which he refers to alternative and more suitable accommodation. The Planning and Building Unit of my Department is working closely with the school authority to ensure that the transfer to this accommodation is as smooth as possible.

With regard to the school’s application for a new building, this, in common with all such applications, has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned an appropriate band rating. Information in respect of the current school building programme along with all assessed applications for major capital works, including the project in question, are now available on my Department’s website at [www.education.ie](http://www.education.ie).

The priority attaching to individual projects is determined by published prioritisation criteria, which were formulated following consultation with the Education Partners. There are four band ratings under these criteria, each of which describes the extent of accommodation required and the urgency attaching to it. Band 1 is the highest priority rating and Band 4 is the lowest. Documents explaining the band rating system are also available on my Department’s website. The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

### **Schools Parking Facilities.**

319. **Deputy Lucinda Creighton** asked the Minister for Education and Science if there are any laws, regulations, or guidelines on the use of space in primary school grounds for staff parking; and if he will make a statement on the matter. [42157/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** In general, individual school authorities are responsible, in the first instance, for ensuring the safety and welfare of children, staff and others in their care, including traffic management measures within the vested area of the school site. My Department is prepared to consider applications from school authorities for grant-aid towards improving safety arrangements, including car parking, at individual schools. Guidelines are in place for parking facilities in respect of new school buildings and major extensions and my Department also meets the requirements of relevant Local Authorities in the matter. In the case of existing schools the provision of adequate on-site parking may be compromised by site issues.

### **Schools Building Projects.**

320. **Deputy Jimmy Deenihan** asked the Minister for Education and Science the number and address of new schools that were built in County Kerry since January 1998 to date in 2009; and if he will make a statement on the matter. [42160/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The following eleven new schools were constructed in County Kerry since 1998. Mercy Secondary School, Mounthawk, Tralee; Mean Scoil Nua an Leith Triuigh, Castlegregory; Coláiste na Sceilge, Caherciveen; Pobalscoil Inbhear Sceine, Kenmare; Scoil Phobail Sliabh Luachra, Rathmore; Pobalscoil Chorca Dhuibhne, Bóthar an Spá, An Daingean; Rathmore National School, Rathmore; Agh-acasla National School, Cloghane, Tralee; Tulloha National School, Kenmare; Knockaderry National School, Farranfore; Gaelscoil Faithleann, Killarney.

### **Grangegorman Development Agency.**

321. **Deputy Maureen O’Sullivan** asked the Minister for Education and Science the progress made to date in 2009 regarding the strategic plan for Grangegorman, Dublin 7. [42293/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Grangegorman Development Agency was established under Section 8 of the Grangegorman Development Agency Act 2005. The general aim of the Agency is to oversee the development of the lands at Grangegorman on behalf of the Departments of Education and Science, Health and Children, Dublin Institute of Technology and the Health Services Executive. Section 12 of the Act provides that the Agency following its establishment must prepare a Strategic plan consisting of a written statement and a plan indicating the objectives for the development of the Grangegorman site, including the setting of a budget for the strategic plan subject to the approval of the Minister for Education and Science together with a strategy for its delivery within the set budget. The draft Strategic plan and budget was received by my Department in 2009 and I intend bringing proposals on this plan to Government for consideration as soon as possible.

### **Schools Amalgamation.**

322. **Deputy John Deasy** asked the Minister for Education and Science the position regarding the provision of a new school for the proposed amalgamation of schools (details supplied) in County Waterford; the process of tendering involved; the estimated time scale for such a process; and if he will make a statement on the matter. [42310/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The new post primary school project for Tramore, Co Waterford, to replace the 2 schools referred to by the Deputy is one of the eight schools which I approved for inclusion in the 3rd Bundle of schools to be procured via Public Private Partnership. This bundle is in the pre procurement stage. Detailed output specifications and Public Sector Benchmark (PSB) are being prepared and outline planning applications have been submitted to the relevant local authority for all eight schools. On successful completion of this process, it is my intention that the Bundle will be handed over to the National Development Finance Agency (NDFA) for procurement. The indicative timeframe for the delivery of a PPP school currently stands at approximately 4 years from the date the Bundle is announced.

#### **Departmental Expenditure.**

323. **Deputy Joan Burton** asked the Minister for Education and Science the savings to date in 2009 yielded from the 8% reduction in professional fees introduced in February 2009; the savings he expects to be made as a result of this 8% reduction in 2009 as a whole; and if he will make a statement on the matter. [42645/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The information sought by the Deputy is not routinely collected by my Department. The Department is currently in the process of compiling the information for the Deputy and it will be forwarded as soon as possible.