

DÁIL ÉIREANN

Déardaoin, 26 Samhain 2009.
Thursday, 26 November 2009.

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

Paidir.
Prayer.

Request to move Adjournment of Dáil under Standing Order 32.

An Ceann Comhairle: Before coming to the Order of Business I propose to deal with a notice under Standing Order 32. I call Deputy James Bannon.

Deputy James Bannon: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the threat to the midland counties and other areas bordering the River Shannon, as a result of unprecedented levels of water. Up to 80 millimetres above previous records have been recorded in Lough Ree and many counties experiencing serious flooding, and the position in Athlone in my constituency of Longford-Westmeath is a cause of particular concern. This is due to the failure of the Government to honour the promise of some of its Members to establish a River Shannon authority to take overall control of river management and development in the Shannon navigation area, with its prime function being flood protection and alleviation and land drainage. Shame on the Government. It promised this in 1991, again in 1995 and in 2004, yet it has failed to act. As a result, hundreds of homes in my constituency are flooded.

An Ceann Comhairle: Having considered the matter raised, it is not in order under Standing Order 32. That said, Deputy Bannon will be aware we will give a sympathetic hearing to other means of considering the matter.

Order of Business.

The Tánaiste: It is proposed to take No. 12, motion re proposed approval by Dáil Éireann for a Council Framework Decision on accreditation of forensic service providers carrying out laboratory activities, back from committee; No. 13, motion re proposed approval by Dáil Éireann for a Council Framework Decision on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA, back from committee; No. 14, motion re proposed approval by Dáil Éireann for a Council Decision concerning the signing of an agreement between the European Union and Japan on mutual legal assistance in criminal matters, back from committee; No. 15, motion re proposed approval by Dáil Éireann for a Council Decision concerning the signing of an agreement between the European Union and the United States of America on the processing and transfer of financial messaging data from the European Union to the United States for purposes of the terrorist finance tracking programme, back from committee; No. 15a, motion re proposed approval by Dáil Éireann for a Council Decision on the use of information technology for customs purposes; No. 47, the

[The Tánaiste.]

Adoption Bill 2009 [*Seanad*] — Second Stage (resumed); and No. 3, the Inland Fisheries Bill 2009 — Order for Second Stage and Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that: (1) Nos. 12, 13, 14 and 15 shall be decided without debate; (2) the proceedings on No. 15a shall, if not previously concluded, be brought to a conclusion after 45 minutes and the following arrangements shall apply: (i) the speeches shall be confined to a Minister or Minister of State and to the main spokespersons for Fine Gael, the Labour Party and Sinn Féin, who shall be called upon in that order and who may share their time, and shall not exceed ten minutes in each case; (ii) a Minister or Minister of State may make a speech in reply which shall not exceed five minutes.

An Ceann Comhairle: There are two proposals to put to the House. Is the proposal for dealing with Nos. 12, 13, 14 and 15, motions re proposed approval by Dáil Éireann for Council framework decisions and Council decisions without debate agreed to? Agreed.

Is the proposal for dealing with No. 15a, motion re proposed approval by Dáil Éireann for a Council decision on the use of information technology for customs purposes agreed to?

Deputy Phil Hogan: It is not agreed. The guillotine is being used in respect of this proposal. Fine Gael has a serious problem with regard to any matter coming before the House that is not allowed proper scrutiny. Therefore, Fine Gael opposes the use of the guillotine mechanism.

Deputy Emmet Stagg: The Labour Party supports the principle outlined by Deputy Hogan.

Question put: “That the proposal for dealing with No. 15a be agreed to.”

The Dáil divided: Tá, 64; Níl, 56.

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.
 Byrne, Thomas.
 Calleary, Dara.
 Carey, Pat.
 Conlon, Margaret.
 Connick, Seán.
 Coughlan, Mary.
 Cregan, John.
 Cuffe, Ciarán.
 Curran, John.
 Dempsey, Noel.
 Devins, Jimmy.
 Dooley, Timmy.
 Fitzpatrick, Michael.
 Flynn, Beverley.
 Gogarty, Paul.
 Grealish, Noel.
 Hanafin, Mary.
 Haughey, Seán.
 Healy-Rae, Jackie.

Kelleher, Billy.
 Kelly, Peter.
 Kenneally, Brendan.
 Kennedy, Michael.
 Killeen, Tony.
 Kitt, Michael P.
 Lenihan, Brian.
 Lenihan, Conor.
 McGrath, Michael.
 Mansergh, Martin.
 Martin, Micheál.
 Moloney, John.
 Moynihan, Michael.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donoghue, John.
 O'Flynn, Noel.
 O'Hanlon, Rory.
 O'Keeffe, Edward.
 O'Sullivan, Christy.
 O'Sullivan, Maureen.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Ryan, Eamon.
 Sargent, Trevor.
 Scanlon, Eamon.
 Smith, Brendan.
 Treacy, Noel.
 White, Mary Alexandra.

Níl

Bannon, James.
 Breen, Pat.
 Broughan, Thomas P.
 Bruton, Richard.
 Burke, Ulick.
 Byrne, Catherine.
 Carey, Joe.
 Connaughton, Paul.
 Coonan, Noel J.
 Costello, Joe.
 Coveney, Simon.
 Crawford, Seymour.
 Creed, Michael.
 D'Arcy, Michael.
 Deenihan, Jimmy.
 Doyle, Andrew.
 Durkan, Bernard J.
 English, Damien.
 Feighan, Frank.
 Ferris, Martin.
 Flanagan, Charles.
 Flanagan, Terence.
 Gilmore, Eamon.
 Hayes, Brian.
 Hogan, Phil.
 Howlin, Brendan.
 Kehoe, Paul.
 Kenny, Enda.

Lee, George.
 Lynch, Ciarán.
 Lynch, Kathleen.
 McCormack, Pádraic.
 McEntee, Shane.
 McGinley, Dinny.
 McGrath, Finian.
 McManus, Liz.
 Neville, Dan.
 Noonan, Michael.
 Ó Snodaigh, Aengus.
 O'Dowd, Fergus.
 O'Keeffe, Jim.
 O'Mahony, John.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Perry, John.
 Quinn, Ruairí.
 Ring, Michael.
 Shatter, Alan.
 Sheahan, Tom.
 Sheehan, P. J.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Tuffy, Joanna.
 Upton, Mary.
 Wall, Jack.

Tellers: Tá, Deputies Pat Carey and John Cregan; Níl, Deputies Paul Kehoe and Emmet Stagg.

Question declared carried.

Deputy Enda Kenny: I understand the report into the activities of the Dublin diocese will be published this afternoon. Dr. Diarmuid Martin has said this report will shock everybody. It will be launched by the Minister for Justice, Equality and Law Reform and the Minister of State with responsibility for children. Will the Tánaiste make arrangements at a suitable time in order that the House will have an opportunity to discuss the report? Will she ensure, together with the Minister for Justice, Equality and Law Reform, that on this occasion victims of abuse will not be locked out of the proceedings as they were on the last occasion when the Ryan report was published and that victims will be treated with absolute respect if they turn up later? I assume that will be the case and I would like the Tánaiste to confirm that.

The Taoiseach has admitted the allocation of €10 million in respect of immediate assistance for humanitarian and farming causes is not sufficient. I understand the Taoiseach and the Minister for the Environment, Heritage and Local Government are visiting areas again today that are severely affected by flooding. The reports coming in are shocking in terms of the destruction of dwelling houses and loss of income in respect of all farming activity. Is the Cabinet emergency committee examining the question of a more accurate assessment of what is needed as a response from Government? When will we know that?

The discussion on the National Asset Management Agency Bill in the House lasted 86 hours and we were told on umpteen occasions by the members of the Government that the impact of NAMA would be to free up credit and have credit flow at competitive rates for business. The chief executive officer of Allied Irish Banks yesterday confirmed to Deputy Richard

[Deputy Enda Kenny.]

Bruton that when the NAMA bonds are received by his bank, the money will not be allowed to flow for credit. The Minister for Finance who rightly said we are not deeply embedded in the banking sector, as we own 26% of AIB, also said he is entitled under the law to force banks to allow credit to flow at competitive rates. In view of the statements by bank representatives to an Oireachtas committee yesterday, what does the Government propose to do under the legislation we passed during the debate on which the Minister for Finance told the House repeatedly that when it was passed more credit would flow at cheaper rates? What is happening? I met people yesterday who went to their bank managers with a view to putting up their own money in seeking loans to develop businesses and they were told bluntly by them that they would not even lodge the application for them. This is scandalous.

An Ceann Comhairle: The Deputy is drifting from the Order of Business.

Deputy Enda Kenny: If this continues, in a short time banks will have retrenched at the cost of businesses and thousands of jobs.

Deputy Michael Creed: The Government has been sold a pup.

Deputies: Hear, hear.

Deputy Enda Kenny: We passed the Bill and the Government needs to do something about this. Businesses are starved of credit and I was told by businessmen face to face that bank managers have said to them, "I will not even lodge the application for you". That is absolutely scandalous at a time they want to put their money where their mouths are in the middle of a recession, follow through on their initiatives, retain jobs and create new ones. The Tánaiste's portfolio is critical. What does the Government intend to do about yesterday's admission at the committee?

The Tánaiste: With regard to the report on the Dublin diocese, victims are being advised of, and will be given, the report prior to its publication at 2.15 p.m. An electronic copy will be made available to Members with a hard copy available later. It runs to 750 pages.

Deputy Enda Kenny: If they turn up, will they be allowed in?

Deputy Dermot Ahern: They are in the Department of Justice, Equality and Law Reform at the moment.

The Tánaiste: They are being spoken to now in private.

Deputy Enda Kenny: If they attend the Minister's launch, I assume they will be allowed in.

The Tánaiste: If they choose to go. The most important thing is that they are being spoken to at the moment prior to the report's publication at 2.15 p.m.

The assessment of the impact of flooding is ongoing. Two insurance companies have decided to provide some funding prior to the full assessment being made. One of my Ministers of State has been in touch regarding that initiative. With regard to the moneys being made available, as has been reiterated on a number of occasions, this initial sum is being made available on the basis of extreme hardship over and above the existing support measures. Further assessments will take place, arising from what has happened and what, unfortunately, may happen in the next number of days.

I have read the report of the chief executive of Allied Irish Banks to the Joint Committee on Finance and the Public Service. The preferred option is to go initially to the international

markets and, following the enactment of the NAMA legislation which removes uncertainty in the banking sector, state where we want to be, which is in the international markets and lending to business. That is the chief executive's initial reaction, and rightly so. Only as a second measure would we go to the ECB to deal with the bond situation.

Deputy Michael Creed: The Government was sold a pup.

The Tánaiste: Yesterday, the Minister of State and I had an opportunity to meet the small business forum, where the issue of access to capital has been raised. The NAMA legislation gives the Minister for Finance powers to issue guidelines on lending and to set up an arbitration mechanism to deal with disputes regarding the availability of credit.

Deputy Michael Creed: Businesses will be closed by then.

The Tánaiste: This is a matter for ongoing discussion by my Ministers of State, the banking sector and myself to ensure that, following from the NAMA legislation, we get money back into business. That is an ongoing difficulty and struggle.

Deputy Michael Creed: They have not got a clue.

Deputy Pádraic McCormack: Does the Tánaiste believe that?

Deputy Enda Kenny: Shops will close.

The Tánaiste: That being said, ongoing measures are being taken to address those concerns.

Deputy Eamon Gilmore: I wish to raise four matters. First, the Murphy report will be published today. The Tánaiste said an electronic copy of the report will be provided to Members. Is that being done now or will it be done before the release of the report at 2.15 p.m? Second, the Taoiseach undertook to provide a hard copy of the report to the spokespeople on justice.

Deputy Dermot Ahern: And health.

Deputy Eamon Gilmore: I thank the Minister for Justice, Equality and Law Reform. What arrangements will be made to debate the report in the House?

Issues relating to the recent floods were raised by Deputy Kenny. In the House yesterday, the Taoiseach declined to acknowledge the inadequacy of the €12 million relief fund. When I put it to him that the Government needs to talk to insurance companies, he seemed reluctant to consider that suggestion. I am glad he held a press conference yesterday at which he acknowledged the fund's inadequacy and said that insurance companies are being talked to. I raised a number of issues related to the flooding and the difficulties people are experiencing in coping with it. Will time be made available next week for Ministers to give the House an up-to-date report and for a discussion of the situation?

Five of the seven items on today's Order Paper relate to Europe. The Lisbon treaty will come into effect next Tuesday, 1 December, introducing a number of reforms in the way in which European legislation is dealt with. From that date, all proposals for European legislation must come to the national parliaments in addition to the European Parliament and the European Council. To my knowledge, the House has not made arrangements to deal with this reform, although I know the committees with responsibility for European affairs have discussed it. What proposals has the Government made to enable the Dáil to deal with these significant new powers and functions? European legislation may be referred back to the Commission and if nine parliaments do this the legislation in question will be, effectively, blocked. National

[Deputy Eamon Gilmore.]

parliaments have been given significant new powers under the Lisbon treaty and they come into effect on Tuesday next. What arrangements is the Government making to deal with this?

Yesterday, the Taoiseach informed the House that talks are resuming between Government and the public service unions on the public service pay bill. I hope they succeed because another strike is threatened for this day week. Yesterday, IBEC announced it is pulling out of the national pay agreement. This action and its timing is provocative and unhelpful. The Tánaiste is the Minister with responsibility in this area. Did IBEC inform her of its intention to open up a pay free-for-all? Where does this leave those public service bodies which are members of IBEC and are, apparently, parties to the talks between the public service unions and the Government?

The Tánaiste: A hard copy of the report on the Dublin Archdiocese will be made available to spokespeople on justice and health. I would like to facilitate a debate on this matter but the time available to the House is short. However, I am sure the Whips will rise to the occasion and arrange to make time available.

The Government clearly indicated that the relief fund was an initial response. It was put in place on the basis of making further assessments of the damage and of what further remedial actions may have to be taken.

Deputy Dan Neville: They saw the light.

The Tánaiste: At present, people are dealing with severe personal and business hardships. When the floods recede we will assess other damage. That will be done in the context of local actions which have taken place and will continue to take place. Unfortunately, this matter will take a considerable time. There will be further assessment of future work needed to address issues which arise from the flooding. This is an initial and immediate response. There are mechanisms for the provision of supports and they will be provided following further assessment by the group and further advice to the Cabinet. The Taoiseach and the Minister for the Environment, Heritage and Local Government, with the local committees, are assessing the situation today.

With regard to the new legislative measures following from the Lisbon treaty, the Chief Whip is meeting the Attorney General and I believe a meeting will take place with the Minister, the Cathaoirleach of the Seanad and your own Office, a Cheann Comhairle, to address the issue. I will revert to the Deputy later today on this matter.

We should have had further discussions on the matter of social partnership today. Although I was not informed personally, I was advised of IBEC's decision yesterday evening through the Taoiseach's office. With regard to the pay terms of the transitional agreement, the Minister for Finance made it clear, on 4 February last, what the issues are with regard to the private sector. The action of IBEC is disappointing. The agreement contained robust inability to pay mechanisms, specifically designed to address the current economic realities. It is disappointing that this has happened and I am sure we will have further discussions about this issue in due course.

Deputy Bernard J. Durkan: On an issue also raised by Deputy Gilmore, the Joint Committee on European Affairs has produced an interim report which will be submitted to the Oireachtas within the next 48 hours and which, it is to be hoped, will be of some help.

Given the current climate, would it be possible for the Tánaiste to give some indication as to when the three proposed Bills relating to the operation of the financial services and banking systems will be published? Is there any urgency regarding the drafting and introduction of the Bills to the House?

An Ceann Comhairle: Is the Deputy referring to promised legislation?

Deputy Bernard J. Durkan: Yes, I never refer to anything but promised legislation. The Ceann Comhairle should know that.

One of the Bills to which I referred has an expected publication date for 2010. It is not possible to indicate a date for the publication of the two other Bills. The issues are apropos of those raised by Deputy Kenny on the Order of Business and relate to the manner and operation of the financial and banking services in this country. If the matter is not urgent——

An Ceann Comhairle: The Deputy should avoid the elaboration.

Deputy Bernard J. Durkan: ——and the legislation is not urgently required, when will it become urgent? Can the Tánaiste give an indication to the House as to when items Nos. 56, 57 and 58 are likely to come before the House, if such an urgency exists? Could she also indicate when item No. 59, a Bill to modernise the VAT legislation, including making the layout and structure of the legislation more in line with that of the re-cast EU VAT directive, given the particular trading difficulties currently affecting this country will be published? Such difficulties affect the Ceann Comhairle's area. Would the Tánaiste like to shed some light on when or if the Bills to which I referred will come before the House?

The Tánaiste: I mo thuairim, níl ciall ar bith leis an cheist seo a chur os mo chomhair, mar tá na freagraí éagsúla ag an Teachta féin.

The Deputy has the answers so there is not much sense in asking me questions. This matter has been raised *ad infinitum* over the past number of weeks. These are particularly important pieces of legislation. The Taoiseach and I indicated work is ongoing in the relevant Department to bring these Bills before the House as quickly as possible. The majority of the Bills referred to will come before the House next year.

On the issue of the VAT Bill, there is no date for its publication. However, to be innovative in this House——

Deputy Bernard J. Durkan: That is dangerous.

The Tánaiste: To be innovative and so we can provide additional time for the relevant spokespersons to address their concerns in this House, I will ask the Department of Finance to provide an update on each piece of its legislation for the benefit of the Deputy.

Deputy Bernard J. Durkan: I thank the Tánaiste for her reply.

An Ceann Comhairle: Deputy Durkan, you cannot have a second bite of the cherry.

Deputy Bernard J. Durkan: I am not looking for a second bite of any cherry. I am merely seeking attention, once again, for the issues which affect everybody in this country at the present time. I am merely asking the Tánaiste to re-state——

An Ceann Comhairle: Several other Deputies wish to speak.

Deputy Bernard J. Durkan: For the benefit of the Tánaiste and the Government, I wish to reiterate that these issues are urgent. It is fine for the Tánaiste to say these issues have been raised before.

An Ceann Comhairle: The Deputy has been offered a briefing on the matter.

Deputy Bernard J. Durkan: The reason they have been raised is because the people of this country are talking about these issues now.

An Ceann Comhairle: Deputy Durkan, resume your seat. I call Deputy McCormack.

Deputy Pádraic McCormack: When will the Twenty-eighth Amendment of the Constitution Bill, dealing with the rights of children, come before the Dáil?

Deputy Bernard J. Durkan: Hear, hear.

Deputy Pádraic McCormack: When will the Child Care (Amendment) Bill 2009, for the provision and care and the protection of children, come before the Dáil? The first Bill to which I referred was published in 2007 and has not yet come before the Dáil. It is a very urgent matter in the current climate.

Deputy Bernard J. Durkan: Correct.

The Tánaiste: As the Deputy knows, the Committee on Health and Children indicated some legislative measures needed to be introduced. The Minister for Health and Children, Deputy Harney, is introducing them——

Deputy Pádraic McCormack: When will they be introduced?

The Tánaiste: ——and the Bill should come before the Cabinet soon. On the issue of a referendum, the committee has been given until the middle of December to bring forward proposals for consideration. We will not have a date until such time as the committee——

Deputy Pádraic McCormack: The first Bill was published in 2007.

The Tánaiste: As the Deputy knows, the committee has been asked to bring forward proposals.

Deputy Pádraic McCormack: It is very slow in bringing them forward.

The Tánaiste: Additional time has been afforded to it, given the seriousness of the matters being discussed.

Deputy Pádraic McCormack: It is very slow.

Deputy Martin Ferris: Given the projections of terrible weather for the weekend and a continuation of what has happened over the past week, and the high tides next week, has——

An Ceann Comhairle: Is the Deputy referring to promised legislation?

Deputy Martin Ferris: Yes, I will come to it in a moment. Has the Government put any provisions in place in regard to mobilising the Civil Defence, in particular to areas in need which have been drastically affected over the past number of weeks? Given the fact that many peoples' homes have been destroyed, farmers have lost——

An Ceann Comhairle: The Deputy will have to find an alternative way.

Deputy Martin Ferris: ——livestock, feed and so forth, is it intended to introduce legislation to put in place a national insurance fund to protect people who have been affected and will continue to be affected in the future by what has happened over the past week? Insurance companies have made it clear that these people are not covered by insurance.

The Tánaiste: There is no legislation promised.

Deputy Seymour Crawford: In light of the ongoing activities of dissidents in Border areas and north of the Border, when will a Bill dealing with explosives come before the House so the issue can be discussed? More than 430,000 people are currently unemployed. Is there any legislation to insist the 70 jobs being created in Grove Turkeys in Monaghan be advertised and given to locally-skilled people rather than bringing in non-nationals to fill the posts?

An Ceann Comhairle: The Adjournment is an ideal location for such an issue.

Deputy Seymour Crawford: There is a need for legislation to deal with the situation. Can the Tánaiste advise us when the social welfare Bill will come before the House to grant the promised increases in social welfare?

The Tánaiste: The first Bill to which the Deputy referred will come before the House in the middle of next year. The issue of the social welfare Bill has been dealt with for some time. If there is a necessity for such a Bill, it will come before the House after the budget.

Deputy Joanna Tuffy: Under the Commissioners of Public Works (Functions and Powers) Act 1996, the Office of Public Works has the power to make schemes or other arrangements for the provision of assistance in the form of money, land or whatever to people who have suffered loss or injury due to flooding.

An Ceann Comhairle: Deputy Tuffy, those remarks are not on promised legislation.

Deputy Joanna Tuffy: It is secondary legislation. Will the Government consider setting up a scheme, which could be administered through the OPW and the Red Cross where, in addition to Government funding, people could make donations to a supplementary hardship fund? Irish people are very generous. We have such schemes for overseas aid——

An Ceann Comhairle: The Deputy is giving too much detail.

Deputy Joanna Tuffy: ——where we match Government funding and donations.

An Ceann Comhairle: We can find out when this legislation is due to be published.

Deputy Joanna Tuffy: It would be one way for the Government to provide for people suffering hardship in a more discretionary way than as happens with the current community welfare officer system. I am not suggesting it overtake Government aid, rather, it would supplement it.

The Tánaiste: No legislation is required.

Deputy Joanna Tuffy: The matter arises from legislation.

Deputy Noel Dempsey: It is covered under the Charities Act.

Deputy Mary Upton: This morning yet another report was published on binge drinking, underage drinking and the enormous damage which is done to a lot of people in this country by the abuse of alcohol.

An Ceann Comhairle: Is the Deputy referring to promised legislation?

Deputy Mary Upton: I am.

Deputy Mary Upton: Will the Deputy tell us about it?

Deputy Mary Upton: To preface my remarks, the commentary in the headlines in the newspapers concern the lack of political will to tackle the issue of binge drinking. Against that background, when can we expect the sale of alcohol Bill and the public health (alcohol labelling provisions) Bill to come before the House?

The Tánaiste: The sale of alcohol Bill will come before the House early next year. The other Bill will come before the House later in the year.

Deputy James Bannon: As we are now approaching 2010, which has for some time been the promised date of publication for the monuments Bill, can the Tánaiste be more specific regarding the date of its publication?

On another item of promised legislation, a former Minister, who is now a vocal Member of the House, promised the people of the midlands for a long time that she would bring forward a River Shannon authority Bill on the management of the River Shannon, but that legislation has not come to fruition.

An Ceann Comhairle: This is not promised legislation. We will concentrate on the Deputy's query on the monuments Bill.

Deputy Emmet Stagg: Is Deputy Bannon referring to Deputy O'Rourke by any chance?

Deputy Paul Kehoe: Deputy Bannon should wait until she comes into the Chamber.

Deputy James Bannon: The Tánaiste might indicate when action will be taken.

The Tánaiste: Many Members who have been elected to this House for many years would remember the late Seán Doherty who always thought there should be a scheme to drain the River Shannon.

Deputy James Bannon: And de Valera before that.

The Tánaiste: Maybe he was not far wrong, God rest him.

On the issue of the monuments legislation, the heads of that legislation have been sent to the relevant Departments for observations, but we would not be in a position to say it would be available any sooner than next year.

Deputy Ulick Burke: The Tánaiste indicated that the funds being made available for flood relief were on an interim basis. It has been brought to my attention that an insurance company, namely the FBD Insurance, has broken with traditional established practices and has refused to make interim payments——

An Ceann Comhairle: We have been over this territory.

Deputy Ulick Burke: I know but this is a particularly serious matter. When interim and agreed payments were being made, emergency works could be carried out to the many private residences, businesses and farm buildings throughout the country. However, this company has broken the established precedent and will not make any payment until all matters have been finalised.

An Ceann Comhairle: The Deputy will have to find an alternative way to raise that matter. It does not relate to promised legislation.

Deputy Ulick Burke: The Tánaiste has a tradition and experience in reining in agencies that have broken with tradition.

Deputy P. J. Sheehan: She would want to rein in the banks.

An Ceann Comhairle: Deputy Burke can table a parliamentary question on this matter or raise it on the Adjournment.

Deputy Ulick Burke: In this instance, given the urgency of the matter, I ask the Tánaiste to speak to those insurance companies and ask them to continue to follow the established practices whereby adjustments could be agreed later in order that vital emergency works can be carried out.

Deputy Joe Costello: We all know the great work that has been done throughout the length and breadth of the country by the community service sector. The fact that the Department of Community, Rural and Gaeltacht Affairs is effectively dismantling that sector through savage cutbacks and the elimination of its independence, and that the Tánaiste——

An Ceann Comhairle: Is the Deputy referring to promised legislation?

Deputy Joe Costello: Yes. Given that the community sector will effectively no longer have its current status and responsibility for it will be transferred to——

An Ceann Comhairle: Tabling a parliamentary question on this matter or tabling it for an Adjournment debate would be the ideal way to obtain the information the Deputy seeks.

Deputy Joe Costello: We are drastically changing the nature of the community development service. Therefore, it will not be able to carry out its current remit——

An Ceann Comhairle: There is no legislation promised in this area.

Deputy Joe Costello: Does the Tánaiste or the Government propose to transfer responsibility for the service to another Department?

An Ceann Comhairle: The Deputy will have to table a parliamentary question on this matter. It is not possible for such detailed information to be made available on the Order of Business.

Deputy Joe Costello: My second question is directly related to legislation. If the independence of the community service sector and the community development programmes are to be removed and responsibility for that sector is to be transferred and it is to have a new role, what legislation will be put in place to effect that and to implement the Department's proposals?

An Ceann Comhairle: Is legislation promised in this area?

The Tánaiste: No.

Deputy Joe Costello: There is no legislation promised.

The Tánaiste: Not of which I am aware.

Deputy Joe Costello: How will the new role be effected?

The Tánaiste: That is a matter for the Minister.

An Ceann Comhairle: I must advise that the parliamentary question route is the best way for the Deputy to pursue this matter.

Deputy P. J. Sheehan: Under promised legislation, when will the Tánaiste introduce the legislation on capacity and ratification of the disability convention? I understand the Department of Justice, Equality and Law Reform published the draft legislation in September 2008. The legislation was due to be published in early 2009, but that has not happened. When will it be introduced? It is long over due and this issue is an old chestnut now.

The Tánaiste: If the Deputy is referring to the mental capacity legislation, which I believe he is, it will be ready early next year.

Deputy P. J. Sheehan: Early next year. It is being put on the long finger again.

The Tánaiste: It is not long until the New Year now.

Deputy Jan O'Sullivan: I want to ask the Tánaiste about a matter I believe she would like to answer. Will she outline her plans to spend the Dell globalisation fund and in particular—

An Ceann Comhairle: We had this discussion yesterday morning.

Deputy Jan O'Sullivan: I waited a long time for the Ceann Comhairle to notice my raised hand. The Tánaiste needs to take the opportunity to—

An Ceann Comhairle: We have already had this discussion. This matter is not related to promised legislation.

Deputy Jan O'Sullivan: It may be, as some legislation may be required.

An Ceann Comhairle: The Deputy should table a parliamentary question on this matter for next week.

Deputy Jan O'Sullivan: Will the Tánaiste take the opportunity to tell us how she plans to spend the fund and in particular to indicate that the workers' needs and wishes will be the priority rather than the educational and training institutions?

An Ceann Comhairle: The Tánaiste might give a very brief reply.

The Tánaiste: All politics is local. On the issue of the Dell funding, we have got clearance from the European Union following ongoing discussions between my Department and the European Commission. The money, as I indicated, will be for the benefit of the individual and not for anyone else's benefit. To reiterate and clarify the position, the money will not go to the individual but it will be for the benefit of the individual and to augment his or her capacity for training or to provide seed capital for a person to set up his or her own business. In bringing together everyone who will be involved in the distribution of that money, it is my clear intention that there will be one line person who will be accountable to me and my Department for the disbursement of those moneys.

An Ceann Comhairle: I call Deputy Feighan.

Deputy Jan O'Sullivan: Will the workers be involved in that group? I thank the Ceann Comhairle.

The Tánaiste: We have to give women a break here the odd time.

Deputy Frank Feighan: When will the finance appropriation Bill come before the House? The issue of the number of cheques returned by the banks in the past six months must be examined. I sought this information by way of a parliamentary question to the Minister for Finance, but he did not have the information I required. Furthermore, he did not believe there was anything unusual about this situation. This is a serious matter. He is either living in denial or living in a cave.

Deputy Michael Creed: He is in an ivory town rather than a cave.

Deputy Frank Feighan: Most businesses throughout the country are under pressure and tens of thousands of cheques are being returned.

The Tánaiste: The Bill is usually taken in or around the last week of the session.

An Ceann Comhairle: I call Deputy Kathleen Lynch.

Deputy Kathleen Lynch: I thank the Ceann Comhairle for calling me. I appreciate that the Order of Business has run on a little long this morning.

In terms of the flood relief, and I will be brief——

An Ceann Comhairle: We have covered this matter.

Deputy Kathleen Lynch: Can I ask the Chair a question? In times of urgency, apart from parliamentary questions, to which I would get only a written reply, how can we manage to get issues on the agenda that need to be dealt with?

An Ceann Comhairle: There is also the Adjournment debate.

Deputy Kathleen Lynch: The Minister who takes an Adjournment matter has a prepared speech. Can I ask the Chair a further question? If this matter is not the subject of promised legislation, and clearly it is not, and those of us on the Opposition benches do not have sufficient time to draft the necessary legislation——

An Ceann Comhairle: The Deputy is very good at creating time.

Deputy Kathleen Lynch: ——how can we manage to address this? Apart from inquiries and everything else which I believe can wait, people in dire circumstances and community welfare officers are already overloaded with work because of the downturn in the economy. Has the Tánaiste additional plans to put in place a mechanism to spend the money that will be allocated for this? This is my question and it is a straightforward one.

An Ceann Comhairle: Tabling a parliamentary question would be a more appropriate way to pursue this matter. The Tánaiste might very briefly respond.

The Tánaiste: The Department of Social and Family Affairs will disburse the emergency funding and other funding mechanisms will be managed through the relevant line Departments in due course. It will be done through the Department of Social and Family Affairs locally.

Deputy Kathleen Lynch: With no additional staffing or additional opening hours?

The Tánaiste: To be fair, people are doing their utmost.

Deputy Kathleen Lynch: And they are completely swamped. That is the point I am making. They are doing their utmost.

The Tánaiste: That is a management issue for the Department.

Deputy Joan Burton: I remind the Tánaiste and the Government that at the time of the flooding of the Tolka in my constituency the Red Cross was heavily involved at the invitation of the former Taoiseach, Deputy Bertie Ahern. That worked very successfully and I would recommend it to the Government in regard to relief in terms of the current floods. Many people are not used to going to community welfare officers. The Red Cross was very flexible and fast in its response on that occasion. The Minister of State, Deputy Carey, would also know that.

Has the Minister any proposals to review the arrangements in respect of the aviation regulator? There are approximately 700 Irish people abroad at the moment with Budget Travel. The people in Egypt are having a great difficulty——

An Ceann Comhairle: This is not promised legislation.

Deputy Joan Burton: Let me continue for a moment. Although there is a very large and substantial bond, there appears to be a collapse in the market because of the decline in business. The regulator is upholding the regulations and there is very little scope for the travel businesses to go to the courts for protection.

An Ceann Comhairle: The Deputy should table a parliamentary question.

Deputy Joan Burton: Some of my constituents are stuck in various places.

An Ceann Comhairle: We know.

Deputy Joan Burton: Given the weather here, one might say they are fortunate in a way. However, a large bond exists which should provide for everyone to be brought home. The information must be given out clearly by the regulator.

An Ceann Comhairle: Such detail is not for the Order of Business.

Deputy Kathleen Lynch: These people cannot wait until next Tuesday.

Deputy Phil Hogan: There is some indication the Government will abolish or merge the county enterprise boards with Enterprise Ireland. Will the Government introduce legislation under the Employment Agency Regulation Bill to achieve that objective?

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

The Tánaiste: That is a budgetary matter and, as the Deputy will appreciate, I cannot discuss it prior to 9 December.

Deputy Phil Hogan: No, it is not.

Deputy Joe Behan: It may not be in order to ask the question but this morning the people of Arklow, the constituency of Wicklow and the whole country are coming to terms with the shocking and tragic murder last night of a shopkeeper who was defending his premises. Has the Government any plans to address the issue of knife crime? Obviously, we do not know the full circumstances although some details are in the media today. It is a shocking event which has left people reeling not only in Arklow, but generally in the constituency and the country. Does the Tánaiste agree it is important that this issue is addressed generally by legislation and that we should have an opportunity to discuss the issue in the House at some stage in future?

The Tánaiste: I can speak for all Members on this matter. I condemn the killing in Arklow yesterday. I convey my sympathies to the family of the deceased and the people of Arklow. It is a traumatic time for the people who live there. We introduced new legislation to the House which increased the penalty for the use of knives. There are heavy penalties for offences involving weapons under the Firearms and Offensive Weapons Act 1990 and the Criminal Justice (Miscellaneous Provisions) Act 2009. As well as taking rigorous action against such criminal activity, the Garda is involved in a campaign specifically dealing with the use of such weapons. I recognise the Garda is investigating the situation and all the available resources of the force will, hopefully, address the serious issues. The legislative framework has been changed. It is terribly unfortunate that such an incident has taken place in Arklow town.

Food (Fair Trade and Information) Bill 2009: First Stage.

Deputy Michael Creed: I move

That leave be granted to introduce a Bill entitled an Act to provide, in the interests of the common good, for the prohibition of activities which prevent, restrict or distort fair trade in grocery goods in the State, and to provide for information on the grocery trade in Ireland to be gathered and published, and to provide for related matters.

An Ceann Comhairle: Is the Bill opposed?

Minister of State at the Department of the Taoiseach (Deputy Pat Carey): No.

Question put and agreed to.

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

Deputy Michael Creed: I move "That the Bill be taken in Private Members' time."

Since I am on my feet I extend as a courtesy to the Tánaiste the option that her Department may borrow the Bill at any stage and introduce it to the House to tackle the predatory powers of the supermarkets and to deliver a fairer price to private producers.

Question put and agreed to.

EU Council Decisions: Motions.

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

That Dáil Éireann approves the exercise by the State of the option or discretion provided by Article 1.11 of the Treaty of Amsterdam to take part in the adoption of the following proposed measure:

a proposal for a Council Framework Decision on Accreditation of forensic service providers carrying out laboratory activities,

a copy of which proposed measure was laid before Dáil Éireann on 3 November 2009.

Question put and agreed to.

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

[Deputy Pat Carey.]

That Dáil Éireann approves the exercise by the State of the option or discretion provided by Article 1.11 of the Treaty of Amsterdam to take part in the adoption of the following proposed measure:

a proposal for a Council Framework Decision on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA,

a copy of which proposed measure was laid before Dáil Éireann on 4 November 2009.

Question put and agreed to.

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

That Dáil Éireann approves the exercise by the State of the option or discretion provided by Article 1.11 of the Treaty of Amsterdam to take part in the adoption the following proposed measure:

a proposal for a Council Decision concerning the signing of the Agreement between the European Union and Japan on mutual legal assistance in criminal matters,

a copy of which proposed measure was laid before Dáil Éireann on 12 November 2009.

Question put and agreed to.

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

That Dáil Éireann approves the exercise by the State of the option or discretion provided by Article 1.11 of the Treaty of Amsterdam to take part in the adoption of the following proposed measure:

a proposal for a Council Decision concerning the signing of the Agreement between the European Union and the United States of America on the processing and transfer of Financial Messaging Data from the European Union to the United States for purposes of the Terrorist Finance Tracking Programme,

a copy of which proposed measure was laid before Dáil Éireann on 17 November 2009.

Question put and agreed to.

Minister of State at the Department of Finance (Deputy Martin Mansergh): I move:

That Dáil Éireann approves the exercise by the State of the option or discretion provided by Article 1.11 of the Treaty of Amsterdam to take part in the adoption of the following proposed measure:

a proposal for a Council Decision on the use of information technology for customs purposes,

a copy of which proposed measure was laid before Dáil Éireann on 25 November 2009.

This motion deals with the Council decision on the use of information technology for customs purposes. The customs information system, CIS, a computerised network database, which is the subject of the proposed European Council decision, is one of the tools used by customs

services in the member states of the European Union to co-operate with each other in combating smuggling and customs fraud.

International co-operation between customs administrations is not new. On its accession to the EEC in 1973, Ireland became party to the Naples Convention, drawn up in 1967. That convention proved invaluable to customs administrations in what is now the EU in dealing with cases involving smuggling of prohibited substances, including drugs, restricted goods, such as guns and ammunition, and dutiable goods, such as alcohol and tobacco products. Since then, Customs and Excise has been continually introducing new tools to combat smuggling, including the introduction of a scanner and the Customs cutter, and continually updating the legal bases for co-operation with colleagues in other member states as the need arose. A second scanner and cutter will also be operational by the end of this year.

The success of this co-operation and sharing of intelligence can be demonstrated by the fact that seizures of cigarettes and “roll your own” tobacco more than doubled by value since 2007. Some 74.5 million cigarettes were seized in 2007 and 135 million in 2008. In addition, Customs seized more than 1,500 kg of “roll your own” tobacco in 2007 and almost 3,100 kg in 2008. During the period January to October 2009, more than 200 million cigarettes have been seized with a retail value of approximately €80.5 million. This includes the recent seizure on 27 October of some 120 million cigarettes at Greenore Port, which was valued at €50 million.

Alcohol seizures increased from 139 seizures in 2007 to 282 in 2008. This involved the seizure of more than 22,800 litres of beer, wine and spirits in 2007 and more than 83,000 litres in 2008. During the period January to October 2009, there were 319 seizures of alcohol, totalling almost 90,000 litres of beer, wine and spirits.

Drug seizures in 2008 included the seizure of more than 1.6 tonnes of cocaine and heroin. One of the largest cocaine seizures in the history of the State, with an estimated street value of €105 million, took place in November 2008. Other large seizures during 2008 included two consignments of cannabis, valued at €18 million, in Rosslare and 10 kg of heroin valued at €2 million. The overall street value for drugs seized in 2008 was over €152 million. During the period January to October 2009, drugs with a street value of €42 million were seized.

Cash seizures in 2008, representing the proceeds of crime, amounted to €3.5 million, seven times more than Customs seized in 2007. During the period January to October 2009, the net amount of cash seized amounted to €1 million.

Most of the large seizures were made as a result of intelligence. This is the strongest indication of the increased effectiveness of the intelligence capability of Customs and Excise and of good quality inter-agency co-operation in Ireland and internationally. However, we cannot be complacent and we must consider the potential losses to the Exchequer of such activities, their effect on legitimate business and the impact of drug abuse on our communities. The people engaged in smuggling activities are becoming more sophisticated in their approach and more ruthless in their determination.

One of the initiatives taken at EU level to combat smuggling was the development of the customs information system, CIS. On completion of the Single Market in 1993, the EU decided to build an information system specifically for customs, aimed at ensuring that the relevant officers would have immediate access to information on suspicious border crossings throughout the EU. The reasons for setting up this system, which are equally valid today, were the abolition of normal customs controls at the internal EU frontiers on completion of the Single Market and the effect this could have on the ability of customs to combat smuggling including drug trafficking; the clear need to enhance existing arrangements for co-operation between the customs services in the member states and to improve the effectiveness of customs controls, particularly at the external frontiers of the EU; the success of and improvements in technology had

[Deputy Martin Mansergh.]

demonstrated the benefits of fully using the potential of such technology for the rapid dissemination of information between customs offices across the EU; and the increased sophistication of the techniques used by those involved in transnational organised crime.

The aim of the CIS is to enable national customs services to exchange and disseminate information on smuggling activities and requests for action. Since information can be accessed quickly, legitimate trade can be facilitated, while customs and police officers can act effectively on the basis of information from other customs services in relation to possible illegal activities. Its purpose is to assist in preventing, investigating, and prosecuting serious contraventions of customs law. The system is a computerised network comprising the central database in Brussels, with terminals in all the member states linked to that database. The CIS consists of two parts to the central database, each of which is similar in structure. They are underpinned by two separate legal bases to cover both the first pillar, which deals with the three communities of the European Community, the European Atomic Energy Community, EAEC or EURATOM, and the former European Coal and Steel Community, ECSC, and the third pillar, which deals with police and judicial co-operation in criminal matters. The legal bases are a Community regulation dealing with first pillar customs fraud, Regulation (EC) No 515/97, which was amended most recently in 2008 by Regulation (EC) No 766/08; and a convention dating from 1995, which also has a number of subsequent associated Protocols covering third Pillar customs-related matters.

In each of the databases, the main categories of information collected relate to commodities, means of transport, businesses, persons and fraud trends. Direct access to data is reserved exclusively for the national authorities designated by each member state. Revenue has been designated as the national authority for Ireland. Within Revenue, there are 17 terminals located throughout the country, primarily at the ports and airports, with between two and five users in each location authorised to interrogate the system and input cases.

The Council decision we are dealing with today is to provide a fresh legal basis for the third pillar CIS in order to allow the information to be used more fully. Part of the rationale for the decision is also to consolidate, update and replace the existing CIS Convention, as well as a number of protocols. These are a protocol dating from March 1999 on the laundering of the proceeds of breaches of customs legislation and the inclusion of the registration number of the means of transport in the list of information which could be exchanged between member states; and a protocol dating from May 2003 and providing for the creation of a customs files identification database, which has an intelligence focus on persons or businesses that have been or are the subject of investigations in the member states in connection with serious breaches of customs legislation.

It is important to note, as already indicated, that the system has been in operation for some years, with the CIS convention and the protocols underpinning it from a legal perspective. Consequently, customs administrations in the member states are already allowed to exchange information using CIS in respect of breaches of customs legislation. A proposal was made by the French Presidency in 2008 to replace the convention and existing protocols with this new Council decision. The decision was also regarded as being necessary to adapt the existing legal basis better to the control services' requirements and to allow information on the CIS, which is currently only an alert system, to be used for operational and strategic analysis.

The European Parliament has passed its opinion and the Swedish Presidency plans to have this decision adopted as an A point at the Council of Justice and Home Affairs Ministers on 30 November 2009. I have circulated with my speech the main elements of the decision.

Deputy Phil Hogan: I welcome the agreement that has been reached in respect of the Council decision on the use of information technology for customs purposes. This decision will lead to the various member states of the European Union coming together to use the best technology possible in order to combat the type of smuggling that has become more high profile in recent years.

The Minister of State referred to recent seizures of cigarettes and drugs off our coasts. However, the south-west coast appears to be extremely vulnerable with regard to the smuggling of drugs. Ships are able to drop large quantities of illegal materials some miles off the south-west coast where they can be picked up by locals interested in seeing to it that they reach the Irish market. There is a considerable amount of work to be done in respect of this part of the coast. I accept that it is not easy to police it. Some fishermen who used to provide intelligence to the authorities are not as co-operative as previously because they were adversely affected by legislation that was introduced in recent times. The various peninsulas located in Cork and Kerry appear to make the coastline there particularly vulnerable in the context of illegal activities. I accept that the technology to which this decision relates will be used but perhaps the Minister for Justice, Equality and Law Reform might consider introducing further technology, in the context of the legislation necessary to implement the decision before 27 May 2010, to assist in combating the type of smuggling to which I refer.

There is evidence of a significant increase in the amount of coal being smuggled into this jurisdiction from Scotland and elsewhere. Perhaps this matter might be contemplated by the tax and excise provisions — particularly as they relate to a carbon tax — that will be contained in the budget to be introduced on 9 December by the Minister for Finance. There is a need to monitor the increase in the type of illegal activity to which I refer and to take action in respect of it.

Will the Minister of State indicate where Ireland's terminals relating to the CIS system are located? How many people are involved in their operation? Is the information gathered here through the system expected to be used in court cases? What is the status of such information in the context of its being used to assist in apprehending those involved in smuggling rings? Is the CIS linked to the US system? What level of co-operation exists between the EU and the US with regard to dealing with many of the issues to which the Minister of State referred?

I welcome the fact that there is co-operation among EU member states. The Council's decision will certainly underpin this co-operation. However, there is a need to go beyond that. Is it possible that an agreement might be reached between the EU and the US in order that information might be shared and the high profile and highly illegal smuggling of drugs, cigarettes and solid fuel might be stamped out? Such an agreement would allow the European Union to co-operate more fully with other continents to ensure that the Irish Exchequer and Irish businesses do not operate at a disadvantage as contraband cigarettes and other products are placed on the market at very low prices which makes a huge contribution to the loss of finance to the Exchequer and to losses for businesses as they have to compete with this activity on our streets.

I welcome this opportunity to support the Council decision and I welcome the intentions of the Minister of State, as outlined in his contribution, to implement this in Irish law prior to May 2010.

Deputy Joan Burton: The Labour Party welcomes Ireland signing up to these arrangements. Cigarette smuggling is estimated to cost the State approximately €500 million a year. Given the very bad state of the public finances it is important to remind people who buy smuggled cigarettes, whether on street corners or out of the back of vans, that the cost to everybody is enormous. The capacity of smuggled cigarettes to damage an individual's health even more

[Deputy Joan Burton.]

than ordinary cigarettes properly manufactured and vouched for by the manufacturers is very considerable.

The recent discoveries have been extremely helpful and I congratulate the Customs Service, the Revenue Commissioners and the gardaí. However, former Scotland Yard officers have pointed to the fact that the penalties in Ireland for cigarette smuggling are exceptionally low. Where prosecutions are undertaken — and the number of prosecutions is relatively small — the average fine for cigarette smuggling is only approximately €500. I want to draw the attention of the Minister of State to the remarks reported in the *Irish Examiner* of John O'Connor, a retired flying squad commander, that “the average fine cigarette smugglers were being hit with in Ireland was minuscule. Any attempt to dissuade gangs from smuggling in major shipments of contraband would fail unless the fines system was toughened up”. He also made the important point that Ireland is seen as a fairly attractive staging post for smuggling and that historically, the number of prosecutions taken by Ireland for smuggling is small and that the penalties average approximately €500.

For a professional criminal or smuggler, being brought before the courts and fined or imprisoned is part of the risk of the trade, and an average fine of €500 is seriously laughable and would not deter these people for a moment. We need to re-examine what is going on. We have a long coastline and we are an attractive jumping-off point. We have a record of IRA and loyalist paramilitaries, who were always criminals but signed up in paramilitary colours, who have now slipped over to criminality. They have very sophisticated networks and full-time businesses in cigarette smuggling. Not enough is being done to dampen it down or to create a consciousness among purchasers of contraband of the additional health risks they run by using contraband cigarettes or of the economic damage being inflicted on the country by the loss of €500 million in tax revenues because of the failure to stop smuggling.

Will the Minister of State explain what proposals there are to change the penalty structure and impose serious penalties that would make professional criminals think twice? Have the Minister of State or the Government had discussions with the Garda Commissioner on community policing in areas where contraband cigarettes are being openly sold? In many highly-visible city centre areas one can see people on the street selling cigarettes. We also know cigarettes are sold through commercial channels. It is a challenge for the Government.

We need community-based policing to tap somebody selling cigarettes on the street and stop them. Instead, we have to look at people loitering with intent. Local people know what is happening. I do not know whether the Minister for Justice, Equality and Law Reform has spoken to the Garda Commissioner about reducing the level of sales. People are selling with impunity on streets in Irish towns and cities because there is no serious local community Garda presence in a persistent and consistent basis over a period of time to stop the selling of contraband.

This is important and it is heavily related to the drugs trade. People can use the enormous profits they make in selling contraband cigarette to invest in the drugs trade. These are professional criminals who see themselves as business people investing in smuggling and investing the profits of their smuggling in the drugs trade. Government action in this regard has been very lacking in joined up connections to deter selling on our streets and other channels, of which I am sure the Minister of State is perfectly aware.

I have raised the issue of intelligence on many occasions. Private airports in Ireland are not regularly or sufficiently scrutinised. A number of years ago, a flight from a continental airport to Weston Airport was used for drug smuggling purposes. We have many private airports but regulation of the comings and goings of craft is strictly limited, which creates an open oppor-

tunity to smuggle contraband which can be used in Ireland or brought to the North and on to the UK.

In the run up to the budget, various people on behalf of the cigarette lobby have suggested, as has the drinks trade, that in Ireland excise duty on products such as cigarettes is very high and that it should not be raised, although very good health reasons exist for increasing it. This is against a background not of the objective cost of cigarettes versus the cost to the health services over the long term of high cigarette consumption in this country but that much revenue is lost by legitimate traders through the huge sales of contraband in this country.

The Director of Public Prosecutions, Mr. James Hamilton, recently stated that one in every four cigarettes smoked in Ireland contains illegally imported tobacco. They are sold on the streets, in pubs and clubs and through agents. An information campaign is needed to advise the public that the quality of these smuggled cigarettes is not guaranteed. They may be highly carcinogenic because of the additives used in them. The people involved in the smuggling case in Greenore appeared to be operating a cigarette factory along the Border. They were manufacturing cigarettes from contraband tobacco. Smugglers do not even get a slap on the wrist given that they pay a fine of €500.

I hope the Minister of State will tell us that the Government has serious plans in place to persuade people not to use contraband tobacco for the sake of their health in particular. I am sure the Minister for Finance could do with an extra €500 million in tax revenue. Law and order would benefit enormously if the professional smugglers of cigarettes and drugs were brought before the courts and jailed.

Minister of State at the Department of Finance (Deputy Martin Mansergh): I thank Deputies for their support. As most of us are aware, Ireland has a very long coastline and has been vulnerable to smuggling for centuries. I note Deputy Hogan's comments about coal smuggling and am sure the relevant agencies are aware of the matter.

I agree with Deputy Burton regarding the costs of cigarette smuggling in terms of undermining social solidarity, taking badly needed funds from the Exchequer and impacting on health. Although we must not be under any illusion about how much smuggling we can prevent, we are stepping up our efforts in this regard. I do not think the Deputy is correct in regard to penalties. On 13 October 2009, the Minister for Finance stated:

The penalties for cigarette smuggling provided under legislation on summary conviction, are a monetary fine not exceeding €5,000 and/or a custodial sentence not exceeding 12 months. These are the maximum penalties that can be imposed at District Court level. The penalties for conviction on indictment are €12,695 or treble the duty-paid value, whichever is the greater, and/or a custodial sentence not exceeding 5 years. These penalties are considered adequate.

Deputy Joan Burton: I accept those are the penalties but the average fine is €500.

Deputy Martin Mansergh: That is not primarily a legislative issue, however. I am aware of the connection between smuggling and dissident paramilitary activity but it would be wrong to be entirely reductionist because it is certainly not the case that the majority of smugglers are from paramilitary backgrounds. However, the fact of this connection throws light on the supposed ideals of such organisations.

Deputy Burton's comments on community policing and the graduation from contraband cigarettes to drugs are valid but there is no reason for the Garda to avoid acting against people who sell contraband. Whenever rates of excise duty are set for budgetary or health purposes,

[Deputy Martin Mansergh.]

the impact on smuggling must be borne in mind. The higher the rate, the greater the incentive for smuggling. At the same time, however, one cannot lower the duties solely for that reason.

Question put and agreed to.

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

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

Deputy Joe Carey: I welcome the opportunity to contribute on this important Bill. Many Deputies in this house have received correspondence on the bilateral agreement with Vietnam, which has been allowed to lapse since May. No interim arrangements were put in place while we waited for the incorporation of the Hague Convention into our adoption legislation.

It beggars belief that the Minister of State at the Department of Health and Children knowingly allowed this agreement to peter out over the previous 12 months without doing anything. The worst aspect was his inability to communicate with prospective adoptive parents. I have been contacted by a number of families in County Clare about the issue. They are concerned that the lack of communication from the Minister of State's office implies a serious lack of urgency.

Between 400 and 500 declarations of suitability are issued annually by the Adoption Board. To my knowledge, 20 people are at an advanced stage in the process of intercountry adoption with Vietnam. I am glad the Minister of State acknowledged the debacle that has occurred this year but his admission is of little comfort to those who have been so badly affected. Ireland signed the Hague Convention in 1996 but we are only now getting around to the issue of a child centred adoption process. Substantial elements of our legislation were introduced through Private Members' motions tabled by my colleague, Deputy Alan Shatter, who has professional expertise in family law. The Minister should use the contributions made by the Deputy throughout the process of adopting this Bill on Committee Stage.

The assessment process proposed in the Bill regarding the suitability to adopt appears ridiculous in that it can take a couple or individual up to three or four years to be assessed. It must be recognised that people now marry and start families at a later age in life. Prospective parents, through no fault of their own, can become bogged down in our system and may be deemed unsuitable to adopt on age grounds or simply because the system is slow. Waiting times for assessment need to be reduced. In addition, those who have been assessed for adoption should not be scrutinised each time they subsequently seek to adopt. There is no legitimate reason not to reflect in the adoption process the reality that couples have children later in life and life expectancy for both men and women is increasing.

Social workers are supposed to carry out between 18 and 20 assessments per annum. The current average of between eight and ten assessments per annum indicates that there is a problem with the process. The timeframe for completing assessments also varies geographically. A person who lives in one part of the country could have an assessment completed in between 12 and 18 months, while a person living in another location could wait for up to five years for an assessment to be completed. This is a disgraceful and wholly unacceptable discrepancy which must be addressed in the legislation. We must not have a nod and wink approach or the use in the legislation of the phrase "as soon as practicable" in connection with the completion of assessments.

A "grandfather clause", as recommended by the Law Reform Commission, is not included in the Bill. As the legislation stands, families who have adopted a child from a country which falls outside the restrictions are prevented from adopting a second child from the country in

question. In many cases those involved in inter-country adoption seek to build families with more than one child from the same country or with a similar background and experience. The absence of a grandfather clause could result in children being precluded from growing up with a sibling who shares his or her culture and comes from their country of origin. This restriction would not serve the best possible interest of the adopted child who lives in a family which wishes to adopt a second child from the same country. The absence of a grandfather clause could also mean that if a biological sibling were to become available for adoption, the parents would not be able to adopt the sibling. The Minister must consider this discrepancy and amend the Bill accordingly. Many Deputies argued in favour of the inclusion of a grandfather clause.

We have an opportunity to establish robust adoption legislation, both from an inter-country perspective and in terms of domestic processes and laws relating to children and parents. The Bill, as proposed, has many shortcomings and is not particularly comprehensive. I hope that during its time in the Oireachtas it will be developed and improved.

Deputy Paul Connaughton: I am pleased to have an opportunity to speak on the Adoption Bill. I pay tribute to the Adoption Board, despite its shortcomings. The sensitivities involved in adoption make it a highly demanding area which requires great care. As a public representative and parent, one of my most pleasurable experiences has been to observe the great joy adoptive children bring to adopting parents. Not even the winning of the lottery could bring the same degree of joy and hope that an adoptive child brings to a family.

As Deputies are aware, adoption works in two ways. When a child, whether Irish or from any country in the world, becomes available for adoption, he or she may have the good fortune to become a member of a loving, caring home in which he or she is looked after in the same manner as biological children. Many couples who have adopted children on the basis that they could not have children have subsequently had their own children. I have never seen a rift of any description between adopted and biological children in the families I know. This demonstrates without a shadow of a doubt that human nature is able to recreate the special bond between a parent and biological child with adopted children.

The work of the Adoption Board has changed dramatically over the years. I am informed that few children are available for adoption in Ireland. For obvious reasons, couples have, for many years, looked elsewhere for opportunities to adopt. Irrespective of the country from which children are adopted, the adoption process, from the first to the final day, is extremely difficult. I have been through the process with a number of families over the years.

While the Bill has some shortcomings on which I will not have time to speak in detail, I welcome most of its provisions. Shortcuts must not be introduced and the principles involved in adoption must be adhered to at all times. Adopting parents must always be suitable, an observation which some would argue is infant class stuff. It is vital, however, that this fundamental principle is applied irrespective of the pressures in society. We must ask whether a prospective adopted child will be cared for in a loving manner and provided with the best care possible given that his or her biological parents are unable to provide such care. It is the responsibility of the authorities, in this case the Adoption Board, to ascertain as best they can, under a variety of headings, whether the prospective adoptive parents will be able to raise the child with loving care and attention and do all the things all parents would like to do for their children. In my long career, I have not encountered any problems in this regard, although I am sure difficulties arise on occasion. I have not seen much trouble, so I have to take it that the selection process has been good but extraordinarily tortuous.

This is a technical matter. I am not sure whether those in charge at the HSE can make up their minds. If they can do it in 18 months in some parts of the country, but it takes five years in other parts, is it because the staff are not there? Is it because the rules are different? I know

[Deputy Paul Connaughton.]

they are not. There must be some reason that it takes two or three years to get off the starting blocks in some parts of the country.

I hope this Bill will standardise the eligibility to become adoptive parents. I have never seen such anxiety caused by the wait for the letter to prospective adoptive parents informing them of the success or otherwise of their application. I have known couples who have tried every possible way of having a baby. They put thousands of euro that they did not have into this. I know of people who borrowed the cost of their own house to do it, because there was nothing as important on earth to them as having a baby in the house. It is very important that we should at least shorten the anxiety period for them when we know it can be done so quickly in some parts of the country. There is an effort in this Bill to do that, and I heard the Minister of State say this a few times outside the Dáil.

Naturally enough, there are certain medical criteria that the parents will have to meet. In one unusual case, the woman in question unfortunately contracted cancer halfway through the period prescribed for tests for suitability for adoption. She got the all clear from her doctor, but she was told a few days later that she would have to wait another three years, I assume because it was thought that the cancer might develop again. I find that hard to accept. Any parent could get cancer next week, and if such a parent decided to wait three years before having children, there is no law to say that the cancer might develop three years and two days later. Given that the medical advice was that the cancer had cleared up, and that the most eminent consultant in the world could not guarantee that it would not return, I still thought that the restriction was going a bit too far. The family involved would dearly love to adopt a child and I assume there are many more like it.

The whole adoption process is a tortuous journey when one considers the different legislative hurdles in the different countries. If they were all the same, we probably would not have this debate at all. One may have to spend two months in Vietnam or six weeks in Russia, so there is no end to the cost that this puts on families, and there is no doubt that their sincerity is beyond question. They are only too delighted to do this, but one would hope that there would be a standardisation of all the rules, and I think that is what is involved in this Bill.

It appears that some countries from which we adopt children will not be involved in the Hague Convention. I know many couples who have been waiting years for the go-ahead in Vietnam. If the Vietnamese do not sign up to the Hague Convention, then no matter how far the negotiations have gone, it is going to fall down. That is very hard to take. Cases always fall outside the law, but it is hard to take when everything is done by the book but adoption cannot take place because the child's country of origin will not sign up to the Hague Convention. The Minister of State is as genuine as they come on this issue, but if there is anything at all that can be done, the parents would be grateful. They know so much more about this than I do, because nobody knows more about it than those involved.

I consider the grandfather clause to be unusual term. I do not know how it managed to be called that, but I know what it is. I know some families that successfully adopted a child from Vietnam and from Russia, and they would love to have another child from the same country for a variety of reasons. As far as I can see, that is not contained in the Bill. I am surprised that it has been left out. It is a small enough matter on the outside, but it is a major issue for the parents who would like to have another child from the same country with the same culture, so that in years to come such a child will be able to go back to the country of his or her birth with a brother or sister.

Deputy Cyprian Brady: I would like to share time with Deputy White.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Deputy Cyprian Brady: I agree wholeheartedly with the previous speaker on the sensitivities surrounding this Bill. Most Members know people who have gone through the drawn out process of adoption, or people who are going through the process as this Bill is going through the House. The Minister of State recognises those problems and the pressure couples are under while they are going through that process. The process is cumbersome for many reasons. Almost 400 children were adopted from abroad in 2008. Some countries have provided more of those children than others.

Until the 1990s, Ireland was a country that sent its children abroad to be adopted, but we have changed and become a country that takes in children from abroad for adoption. There are almost 5,600 children in care in Ireland, approximately two thirds of whom are in long-term foster care. I have always admired people who foster children because it is a very tough thing to do, knowing that after building up a loving relationship with a child, ultimately, that he or she will move on. Those people who are involved in fostering have to be admired for their commitment and the effort they put into it. These are the changes that have taken place in this country over the past 20 years. I find it hard to justify that we have not ratified the Hague Convention despite signing up to it in 1993. It is about time we did, and I very much welcome that this is one of the prime features of the Bill.

The Hague Convention has three main objects: first, to establish 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 in international law; second, to establish a system of co-operation among contracting states to ensure that those safeguards are respected and thereby prevent the abduction, the sale of, or traffic in children; and third, to secure the recognition in contracting states of adoptions made in accordance with the convention. The whole thrust of the Hague Convention is that it has the welfare of the child at heart, which is something we cannot lose sight of in the Bill and which has to be at the core of what we do. I read a quote which stated that the whole purpose of adoption is to provide a family for a child, not a child for a family. Whatever steps must be taken to protect the child's rights and welfare, we must be extremely careful.

To be fair to the Minister of State, it is not an easy thing to do. We have all had contact from various different groups, individuals and couples, and some of the stories are quite harrowing. As the previous speaker said, going through a long process of adoption has a major effect on the individuals concerned, as well as on their wider families and, as I have seen from the correspondence and e-mails I have received, on their friends and wider circle. People become very concerned for the couple at the centre. Those sensitivities and that pressure must be recognised and acknowledged. If this Bill does anything, it must streamline the system which is in place and ensure that there is a way forward for couples who wish to adopt with an end in sight, and not have them start out on a journey which does not have any end, which is part of the problem for many.

I understand the Bill affects cases which are under way, some for up to four or five years. It is incumbent on the Department and the Minister to get as much legal advice as possible with regard to how this legislation deals with such cases. Given the effort people have made and the serious amount of money they may have spent in the process, all of this must be taken into account whatever changes are made in this area. The reorganisation and streamlining of the system is crucial.

The Adoption Board has done great work over the years. When one considers the changes that have taken place, there has been a significant strain on the resources and services which the Adoption Board was in a position to provide. It is crucial not to lose the expertise that has

[Deputy Cyprian Brady.]

grown up in the Adoption Board not only among those people who are involved directly, such as the staff, but also among the consultants and those who advise the board. That expertise and experience must be retained in the new adoption authority of Ireland which is being put in place under the Bill. No more than in any other walk of life, those years of experience cannot be exchanged overnight. Experience builds up over a long number of years and it is crucial that it is kept in place.

To return to the ratification of the Hague Convention, the convention recognises that inter-country adoption suits some children but does not suit all. If we are to keep the welfare and well-being of the child at the heart of what we do, whatever mechanism is put in place to scrutinise, investigate and ensure that the information being provided on both sides is correct, we must recognise that it will not work in all cases, which is just the way matters pan out because that is life. It may suit some people but it will not suit others. However, we have to build in the safeguards and strengthen the regulations that are in place at present. This legislation will ensure that where information was not correct or where, for whatever reason, a particular adoption does not work, there is a mechanism to deal with that swiftly and effectively. This is in the interest of both sides, the child as well as the new parents, but it is also in the interest of the place where the child is coming from. It is something we must ensure.

Over the years, the support services have been under significant strain. They play a major part in the post-adoption situation. The services which are available are crucial both for the child and the adoptive parents because people can find themselves in a situation where they come across something they had not bargained for and cannot handle. The support services have to be strong enough to deal with such situations. In a case where an adopted child has other siblings, it is crucial that the whole family unit is catered for by whatever support services are available.

A section of the Bill deals with alternative countries, and those countries that are part of the Hague Convention — Brazil, Thailand, South Korea and the Philippines — are suggested alternatives. However, there is also scope for the inclusion of non-convention countries though the use of bilateral agreements. The onus is on us, as a state, to ensure that those countries we deal with fulfil all of their obligations, particularly in regard to the welfare of the child. We must take responsibility. It is very difficult for a state to assess the mechanisms of another state, including their legal and justice systems, and we must be extremely careful in this regard. Signing up to the Hague Convention will ensure that those countries we deal with directly fulfil all the requirements.

In the case of countries such as Russia, Ethiopia and China, for example, is very difficult for us to have such certainty. This is also the case for Vietnam. The number of children coming from Vietnam has grown in recent years and we must ensure that whatever steps we take on this side comply with our requirements under the Hague Convention, but also that whatever systems are in place in the other country would have at their heart the welfare and well-being of the child. We should not lose sight of that, which is why this legislation is so crucial now. We cannot afford to lose sight of that core value and any steps to be taken are welcome in that regard.

A long, drawn-out adoption process can be hard enough and the Minister of State has indicated that he is taking legal advice on dealing with transitional arrangements. People may have gone far down the road and invested much personal time, money, effort and emotion into it so this must be taken into account. I understand there are difficulties and some people may not ultimately end up where they thought they would be. There may be alternatives that can be taken advantage of, although transitional arrangements can be very sensitive.

With regard to the grandfather clause, the retention of the awareness of where an adopted child comes from is very important and appears to be becoming even more vital. There was a time when the suggestions were for a complete break. Friends of mine have adopted from abroad and made a point of ensuring the child is aware of where he or she came from and the culture and heritage there. It is crucial for the development of a child and the retention of such a connection only strengthens a family unit. The family may come from a completely different culture but the connection must be maintained.

This is a particularly sensitive area and in fairness to the Minister of State, he is aware of these sensitivities and has taken them into account. The two main thrusts of this legislation — the ratification of the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption and the setting up of the adoption authority — will improve what is a very delicate and sensitive mechanism. I wish it the very best.

Deputy Mary Alexandra White: I thank Deputy Brady for sharing his time. This is not just another piece of legislation; it is a most important Bill which cuts to the heart of family life and the real longing of people to become parents. Unfortunately, many people cannot become parents because of a variety of reasons, and they may long to become adoptive parents. Significantly, the most e-mails I have ever received have been on this issue recently. People are lobbying me and other Deputies and Senators to ensure we enact good legislation dealing in particular with people trying to adopt from Vietnam or where bilateral agreements lapse or fall.

People in transition who have applied to adopt a child from Vietnam, Ethiopia or Russia are worried because they find themselves in political limbo. This is good legislation and we want to ensure Ireland ratifies the Hague Convention, which makes the Bill so important. The decision of the Government to unify all adoption legislation was the impetus for this Bill and the principle underlining it, which is to be welcomed. We all know the Hague Convention is crucial as we need an international adoption system that ensures countries party to bilateral agreements put the welfare of the child and the importance of the parent-child relationship at the heart of the process.

We saw indications this week from the final UNICEF report into the adoption process in Vietnam. It indicated that the circumstances in which children are offered for adoption are disturbing and the process of verifying a child's status regarding adoptability are inadequate. We must think not only of the longing of Irish parents to adopt a child from these countries but also of how the adoptions are processed in those countries. Best practice must be used to identify people who want, or may be forced, to put their children up for adoption because of economic circumstances. We must ensure a couple adopting a child will not do so to the expense of parents in a poor country who are perhaps coerced into giving up a child, whom they may never see again.

It is important that Ireland's legal arrangements with other countries are watertight and mindful of international reports. The Bill, as it stands, precludes the State from allowing adoptions from countries which have not signed up to the Hague Convention or do not have bilateral agreements with Ireland. For example, there is no provision for transition arrangements for prospective parents who have begun applications for adoptions from such countries. These parents may have devoted themselves to the process of application, examination for eligibility and waiting times to adopt children from these countries with no bilateral agreements and which have not signed up to the Hague Convention. We must consider the Bill as it stands in this regard to see if we could make these applications valid in the long term.

For many couples, time is not on their side. They worry about the length of time of the process and the details of it, which is good and right. Sometimes there is a hold-up because we must ensure all regulations have been satisfied with children coming to Ireland, and that we

[Deputy Mary Alexandra White.]

are not receiving children under poor circumstances because of legislation in place in other countries. Parents here may benefit as a result but the mother of a child in another country may have been coerced into putting the child up for adoption. I have spent some time in Thailand and Vietnam and I have seen the poverty in those countries and the amount of children there. Everything on both sides must be watertight.

I commend the Minister of State on some of the technical aspects of the Bill which ensure that legal issues relevant to the sensitive matter of adoption are fully provided for. I have met many people across the board who are longing for this legislation to be put in place. The transitional arrangements for countries not signing up to the Hague Convention should be looked at again. All prospective adoptive parents want to ensure that we have a good and robust piece of legislation that we can be proud of. I look forward to further debate.

Deputy Joe Costello: I am pleased to have the opportunity to speak on this important legislation, the Adoption Bill 2009. I welcome the Bill as it is long overdue. It is well over half a century since we got around to updating legislation that should have been modernised long before that. The Hague Convention was signed in 1996 but it was approved in 1993. It has taken us 16 years to get to this stage and it is a scandal that it has not been progressed before now. The convention was signed in 1996, when my party was last in Government, and no progress has taken place since.

Successive Fianna Fáil-led Governments have been in office and have done nothing to ensure that the benefits of the Hague Convention, along with its protection and safeguards, are put in place. It is welcome to at least see us passing this legislation to finally ratify the convention next year, as the Minister of State has indicated. Some 16 or 17 years will have passed in which we will not have put children first in this country.

Adoption is a very important and emotional issue. It is the centre of existence for so many loving couples and individuals who are going through the process of having a child adopted and seeking to bring an unwanted or abandoned child into a loving home. They seek to give such a child care and support and rear him or her as every child should be reared. Every adopting couple has the best interest of the child at heart. It is imperative that we, as legislators, ensure the best interest of the child is dealt with by providing a framework through which the adoption process can take place.

We understand from international social services dealing with adoption that from 30,000 to 40,000 adoptions take place around the world every year. The number is substantial. Ireland is one of the countries with the highest number of adoptions in the European Union and significant numbers of Irish people are anxious to adopt children and are willing to go through the arduous process involved in adopting a child. The process has been extended and made more difficult over the years and all of us have received e-mails and letters telling us the harrowing stories of prospective couples and individuals who have faced problems and disruptions in the process. The most recent problem for adoptive parents has been the problem caused as a result of the expiration of the Vietnamese bilateral agreement last summer. The agreement has not been renewed and major issues have arisen with regard to its future renewal.

Adoption is an exceedingly important issue and we must deal with it with great consideration and sensitivity. We must show sensitivity to the children in question, their biological parents and the prospective parents. Often, adoptive parents believe the biological parents are dead or have abandoned the child, which is why the Hague convention is so important. It can ensure the situation is valid and that standards and mechanisms are in place in the sending country so that no questions arise in terms of the validity and mechanism of the adoption process.

It has taken us a long time to put children's rights first. We still do not have a child-centred Constitution, although we have been talking about this for years and talks are ongoing on the introduction of an amendment to the Constitution in the coming year. The Leas-Cheann Comhairle is central to those discussions, but despite the number of years that have passed since the foundation of the State, we do not have clearly delineated protections for children in the Constitution. The Hague convention does this and includes the adoption and the inter-country adoption processes in a child-centred fashion.

The bilateral agreements that have been established have been an Irish solution to an Irish problem and were established on something of an *ad hoc* basis. They operate with some countries, but not with others. Adoptions from Cambodia, for example, operate under the Hague convention, but there seems to be a reluctance here to encourage Irish people to adopt children from there. The convention is not operational in Vietnam, yet a large number of children have been adopted from there. We have no bilateral agreement with the Russian Federation, but we have an adoption procedure that operates there. We have a hotchpotch of relationships with other countries from which children are adopted. It is beyond belief to think this has continued throughout the 20th century and into this first decade of the 21st century without being regularised and standardised and best practice being put in place, particularly in view of the fact we are in breach of our international covenants in the matter.

The principle behind adoption is that an unwanted or abandoned child living in poverty with little hope for the future is given a loving home with the prospect of a new life. This is admirable and clearly all prospective adoptive parents adhere to this principle. We are now in the process of regularising the situation by providing in legislation for the implementation of the Hague convention, but at the same time questions have arisen with regard to the validity and propriety of the existing process with Vietnam. It is sad that just as we are about to adopt best practice, we have found we have been operating a process that has been criticised as being less than best practice and in many cases bad practice.

We must ask ourselves questions about our expectations with regard to adoptions from developing countries into industrialised and wealthy countries. How can such countries interface without having a watertight framework and mechanism in place to ensure proper procedures are followed at all times? This is difficult, because we are not comparing like with like. On one side we have a wealthy country and on the other one with great needs as a result of poverty and its inability to rear and nurture its children. These issues pose a danger. When there is such discrepancy between the status of both countries, it is inevitable there will be breaches of best practice. However, if no best practice agreement is in place — just a bilateral or no agreement — it is inevitable problems will arise. Unfortunately, we have seen this in recent days in the case of UNICEF's report on the Irish adoption process in Vietnam. The Minister has taken these findings on board and has indicated that the Adoption Board is conducting an investigation into Helping Hands, the mediation agency involved in the adoption process in Vietnam.

The allegations and findings are substantial. It has been found that moneys have changed hands improperly. That cannot be taken lightly. It is fraud and the findings are disturbing and alarming. It has been found that one wealthy country has been improperly involved with a poor country in receiving children for adoption.

If the UNICEF findings are proved to be true, there could be serious repercussions for Ireland. I do not know if it is proper for the Minister of State to ask the Adoption Board to investigate the UNICEF allegations; it may be necessary to look further and wider. I presume the Adoption Board is responsible in the first instance for supervision of the mediation agency. It is similar to the case of the banks where the regulatory authority was not regulating them.

[Deputy Joe Costello.]

Was the Adoption Board keeping an eye on whether procedures and best practice were in place? The board should not be responsible for conducting an investigation when it may well be negligent itself in terms of monitoring and supervision.

I am loath to say it but perhaps the fraud squad should be involved. This is not a route preferred by anyone but I refer to the nature of the UNICEF findings, which refer to very serious, systemic shortcomings in the manner in which Ireland conducted its business with Vietnam. These were substantial rather than minor matters. It is a very serious matter if the entire process of adoption from Vietnam is tainted. We need to deal with the situation in a comprehensive fashion because this involves the welfare of children. Last week the House passed legislation to prevent the trafficking and exploitation of women and children, which is a problem throughout the world. Such trafficking for the sex trade or the labour market is regarded as the third largest global industry. It is an underground business controlled by gangs.

The Hague Convention foresaw the need to deal with the trafficking of children and the issue of child laundering, that children could be used rather than simply being abandoned. It is still the case that children are abandoned, discarded and institutionalised. The best option for these children is for them to be brought into a loving environment by means of adoption.

However, if the country sending the children for adoption is using the opportunity to trade children for money this is completely unacceptable. This is the practice alleged and we must ensure it never taints the Irish adoption process. It is scandalous that over the past 16 or 17 years, Ireland has not put in place the standards set out in the Hague Convention which are only minimum standards. These standards are not absolute best practice but rather international minimum standards which every country is expected to maintain and I am pleased that Ireland has done so now. However, I hope that irreparable damage has not been done to the process of inter-country adoption in which Ireland has engaged during the twilight zone, which was almost an Irish way of going about things rather than adopting best practice and international standards.

I refer to a recent report from Save the Children which I regard as alarming. It states that approximately 80% of children living in orphanages in Third World countries have a surviving parent. If those children are adopted they are being taken away from a surviving parent. In such circumstances support is required for the parent to ensure the child is not put into an institution or an orphanage purely as a result of poverty or some other reason. These matters need to be carefully examined, something which has not happened in the present process.

I hope the situation as outlined by UNICEF is neither endemic nor in operation in other countries from which children are adopted into Ireland. We must ensure there is an investigative process with regard to all countries involved in the Irish inter-country adoption process. The sooner this is undertaken by the Minister of State, the better. This would be preferable to his rather questionable proposal to establish an investigation by the Adoption Board into the mediation agency.

It is important to remember that loving couples and individuals are available who would provide a fantastic home for unwanted children or for children abandoned in homes and orphanages. We must not allow that system to fail because there is a current disruption in the process. Many countries have not signed up to the Hague Convention and Vietnam is one of those countries. We have been asking for transitional arrangements to be made. The Minister of State has indicated that where standards similar to the Hague Convention standards are in place, arrangements can be made in that respect.

I hope transitional arrangements can be put in place with the safeguards incorporated in this Bill. I hope people who have been waiting for years to become adoptive parents will not have

to begin the process all over again and that the arrangements can be concluded under the transitional arrangements. If the Minister of State decides Ireland will not deal with any country that has not put the Hague Convention arrangements in place, this will be a body blow to many prospective adoptive parents who are currently in the adoption process. Having learned the lessons of what has happened, it is time to put those procedures in place. I urge the Minister of State to give the House some indication of how he intends to proceed with regard to ratification of the Hague Convention and how he intends to deal with this very complex, cumbersome interim stage of transitional arrangements.

Deputy Jim O’Keeffe: This Bill is hugely significant, particularly for all those involved in the adoption process. It is important for the children who are, and who will be, adopted, adoptive parents, prospective adoptive parents and birth parents. It is also important for all those involved in administering the process and who make decisions that have huge implications for many and that, in some instances, have life and death consequences. My views on the legislation are informed by the many adoptive parents with whom I have had discussions and, in particular, by the International Adoption Association Ireland and its senior officers. I also have a personal interest in that I am the happy father of eight wonderful children and I feel strongly for those who want to establish families through the adoption process.

The legislation must be child-centred and it must be protective of the welfare of children on all occasions and in all circumstances. There is unanimity in the House on that but, in adopting this approach, full consideration must be given to the rights of adoptive parents and those who wish to adopt. The welfare of adopted children is inextricably bound to their relationship with adoptive parents and there must not be a conflict between the rights, duties and responsibilities of adoptive parents and placing children at the centre of our approach in adoption legislation. In many instances, there is a coincidence of interest to ensure adoptive arrangements are established and maintained to lead to the loving family relationship that is so important to the adoptive parents and crucial for the development of the children.

I am delighted the Bill is before the House and while I am trying to participate in the debate on a non-political basis, I am glad the Government has got around to introducing the Bill. Reference has been made to countries that have not ratified the Hague convention but Ireland has not ratified it yet. We signed up to the convention during the last Fine Gael-led Government in 1996 and, therefore, when we start pointing fingers abroad, it should be borne in mind it has taken us 13 years to get around to the process of ratification. It is high time the Bill was introduced as an essential part of the ratification process.

The Hague convention provides for a safer system of inter-country adoption and it helps to guard against the abduction, sale and trafficking of young children. It aims to ensure inter-country adoption is in the best interest of the child and to ensure legally binding standards apply to such adoptions, these standards are appropriately supervised, and communication and co-operation channels are established between the authorities within the countries of origin and the receiving states. There is total support for that approach. However, contrary to the perception of many, the convention does not preclude adoption from non-convention or non-bilateral agreement countries. Instead, member states are obliged to ensure adoptions are carried out in accordance with the requirements of the convention. It also permits non-member states of the broader Hague Conference on Private International Law to participate in it ensuring broader acceptance and recognition of standards is possible. One could look to Thailand as an example. Such inclusion is a clear recognition that the best interests of children transcend purely legal structures.

The convention is an important basis on which we should operate but it does not constrict us and bind us, provided the State focuses on convention’s standards and ensures they are

[Deputy Jim O’Keeffe.]

observed in every instance in so far as possible. That should be borne in mind when we implement the legislation. That is especially important when we consider where children are adopted from. The vast majority of inter-country adoptions globally are conducted from non-Hague convention countries and it is important that the Government has an approach in place to deal with that.

The convention provides both mechanisms and the aspiration to work together with less developed countries to improve child protection and related services, yet it has taken Ireland, an allegedly well developed country, although some would question that in the current circumstances, 13 years since signing up to the convention to get around to ratification. I have had the opportunity to visit many other countries in the course of my duties. They are well behind us in development terms, yet we should be there to help them to raise their standards rather than condemning them to exclusion from the process. The convention clearly recognises that progress is part and parcel of the development and maintenance of such systems and that the process of building the systems is continuous and imperative to helping children today as well as protecting children tomorrow. The Government should adopt this partnership approach because, through it, we can ultimately ensure more countries are brought into the convention process.

Inter-country adoption is a valid and important form of alternative care for children who do not have a chance of a permanent home with their birth family or within their community or state of origin. The Minister of State agrees and I accept his approach is well meaning. I would perhaps be critical of some of his actions but I accept his heart is in the right place and I am glad he seems to share this approach. It would be wrong to give an impression either from the Ministry or the House that we oppose inter-country adoption. We are trying to ensure such adoption is carried forward to the highest standard. A number of people have raised this issue with me and I favour inter-country adoption. I understand the attitude of the Minister of State and the Government is similar.

The bilateral adoption agreement with Vietnam ended earlier this year and there are threats to adoptions from Russia and Ethiopia. Our responsibility for waiting times, about which I am aggrieved, is another issue to which I will refer later. I am anxious a system is put in place to ensure the highest standards for inter-country adoptions. The consequences of such adoptions are enormously positive for the children, which is clear from a study conducted by the children’s research centre in Trinity College Dublin. Its findings are in line with many studies around the world into the outcomes for adopted children. The centre summarised its findings by saying the children recover. In many instances, they recover from deprivation, poverty, abandonment, bad health, maltreatment and neglect. They recover from bad health, maltreatment, neglect and other difficulties. Adoption offers the opportunity for that recovery. That is the finding of all independent studies of which I am aware. The best place for a child is in a safe, permanent and loving home. It is my understanding that children can recover. Ireland’s experience of inter-country adoption is that they do recover.

We will have some discussion about adoption from Vietnam in the coming months. The bilateral agreement has been suspended and we have seen the recent ISS report. It is important that we read the report carefully without focusing on those aspects of it which could be written up sensationally. The report hints at closing adoptions from Vietnam until that country ratifies the Hague Convention. However, that is not one of its main recommendations. The report raises the question that some children being adopted may not have been abandoned. That is an issue about which we must be concerned. It relies on the contents of several other reports in this regard. I understand the authors of the report visited two provinces from which adop-

tions are conducted but I believe neither of these are provinces from which Irish children have been adopted.

Let us take the report in the round, look at the good and the bad and see it as a challenge as to how its findings should best be dealt with. According to the report, poverty is a critical and key driver in the abandonment and relinquishment of children. There are also issues regarding single mothers and there are financial and discriminatory issues. Many of the issues touched on in the report could have applied to Ireland a generation ago, when there was considerable adoption outward from here. Let us have sympathy and understanding for a country which is at a different stage of development.

The report calls on receiving countries, including Ireland, and the Hague Convention Bureau to participate in providing technical assistance and supporting and working with Vietnam to build the type of child protection systems we all recognise are necessary. Let us commit ourselves to doing what we can to help that country go forward. There are already indications of progress from Vietnam. There has been an awareness there of the existence of this problem for some time. An international body has been allowed to assess the Vietnamese situation, contrary to our own assessment of the activities of the HSE. That outside body has already begun to deal with issues as they emerge. It appears Vietnam will sign the convention in January and will ratify it much more quickly than we did. Vietnam intends to ratify the Hague Convention in the latter half of next year or early the following year. Let us encourage Vietnam in that regard and let us not, in any circumstances, engage in condemnatory activity.

There is a great number of children in institutions in Vietnam and that number will grow. The percentage of such children is small in relation to the total population of 87 million but large in numerical terms. Some of those children would be better off in homes in Ireland. How can we encourage that? I have no ready answer but I hope the Minister of State is open to discussion on that matter. It has been suggested that the ISS report finds against bilateral agreements with regard to their compatibility with the Hague Convention. However, the main concern in this regard refers to the failure of Vietnam to ratify the Hague Convention. We all know how long it takes to do that. The report strongly suggests that any bilateral agreement should include a clause allowing automatic termination once the convention enters into force in Vietnam. That is very sensible. At the same time it implies that there is scope for a bilateral agreement in the meantime. Let us not take the report as being totally exclusionary of bilateral agreements. Let us look at what is in the best interests of the children and of achieving a resolution which would accommodate the situation in which children find themselves and the parents who wish to provide loving homes for them in this country.

Many such parents have shown their bona fides, having completed a robust assessment and endured years of waiting for due process in Ireland before ever applying to adopt in Vietnam or any other country. We talk about problems in Vietnam and other countries, but people who live in glass-houses should not throw stones. The waiting time for adoption assessment in Ireland is scandalous. The Minister of State assumes the HSE will have a central role in future adoption assessment. I am not anti-HSE. I attended a swine flu vaccination clinic in South Brown Street, Dublin yesterday. Five hundred people were vaccinated in a single day, the clinic was well managed and organised and the staff coped wonderfully.

However, the record of the HSE on adoption is scandalous. I hear stories of applicants having a good rapport with social workers but the management of the assessment process is scandalous. I have been highlighting this issue for years. It is not getting any better. Before we examine the assessment process, let us assess the HSE and ask if it should have any role in assessing adoptive parents. It has failed utterly. I do not accept that any State body should be automatically given such a role. Let it first prove itself. Let us also seek and encourage alterna-

[Deputy Jim O’Keeffe.]

tive bodies. The HSE should not have a monopoly in this area. The Minister has heard the horror stories. How can people be left in limbo year after year without any explanation? It is unacceptable. It is in our power to end this monopoly and perhaps remove the HSE from the adoption process entirely. We should encourage other bodies to become involved in the assessment process. I will push this issue until I see it improved. It is not a question of improving the HSE or giving it more money and more social workers. It has failed utterly and does not deserve to be involved. Let us look for alternatives.

There must be a proper transition process to the new regime. We cannot condemn those who have spent five or six years in the wilderness of a HSE assessment. Last week, I spoke to a couple who have been waiting for six years and seven months and have still not completed their assessment for a Russian adoption. We cannot condemn such people to further unnecessary delays. Let us commit ourselves to doing what is necessary to create a proper transition process, particularly for those who have endured long years of waiting. I urge the Minister of State to be as flexible as necessary in reaching out to those people and making sure the implementation of the Bill will give them a fair chance to complete the adoption process at the earliest possible date.

There is goodwill on all sides of the House towards this legislation and towards the Minister of State. Members on both sides of this House want to see a proper and good system. We are not saying there is a simple solution; we know there are problems. Let us try to mobilise the resources of this House in a way where we can all work together to solve the complex issues and try to ensure we have a proper adoption system working effectively, efficiently and quickly in order that the children who need to be adopted as quickly as possible and the adoptive parents who have been waiting for so long to get through the trials and tribulations of the assessment process are allowed to establish those loving family relationships for which they have yearned for so long.

Deputy David Stanton: I am pleased to speak on the Bill which I welcome and wish speedy progress through the House. The Bill is long-awaited but makes some important changes to adoption law in practice. It will repeal the Act of 2001, will mean the dissolution of the Adoption Board and its replacement by the Adoption Authority of Ireland and will ratify the Hague convention on Inter-Country Adoptions. The convention is the main international statute governing inter-country adoptions and its aim is to put in place better safeguards for inter-country adoptions and for all people concerned, in particular for children involved in the adoption process.

I came across a particularly interesting quote recently that adoption is about finding a family for a child and not a child for a family. Putting children at the centre is quite important. Like many other Members, I have received a number of representations from people on inter-country adoptions, especially with Vietnam. I have met prospective parents, as has the Minister of State who is quite sympathetic and concerned about their plight.

Recently I met two ladies who asked me to raise a number of points. They understand the importance of the convention and that the interests of the child are paramount at all times but they believe certain key changes need to be made to the Bill before it is passed. They are concerned there is no adoption from non-Hague or non-bilateral countries. They said that Ireland, the last of the receiving countries to ratify the convention, is doing so in a manner which differs from other countries. They maintain the manner in which it will be ratified will preclude adoptions from non-Hague and non-bilateral countries — in effect, denying some of the countries which need help to raise their standards the chance of partnership in that pursuit.

They point out that the Hague convention requires member states to operate to Hague convention standards but does not preclude adoption from non-Hague states. They asked why the Government proposes to ratify the convention in this way. They maintain Ireland needs to follow suit with other countries and ratify the convention in a manner which allows adoption from countries which are not Hague ratified but which meet Hague convention standards.

The negotiation of new bilateral agreements with countries such as Russia, Vietnam, Ethiopia, etc., is also of paramount importance to these prospective adoptive parents. They want to know when the Minister will deliver a decision on a new bilateral agreement with Vietnam after the publication of the ISS report. That report came out recently and I will return to it in a moment.

They point out that for some years, Russia, Vietnam and Ethiopia have been the main countries Irish couples have adopted from and they maintain the system has worked very well up to now. They maintain the agreements with these countries need to be progressed as a matter of urgency. They also recognise the progression of legislation through the House can be quite lengthy and that in the interim, it is essential that new bilateral agreements are put in place to ensure inter-country adoptions can continue from this country.

As the Minister of State and Members realise, this is a very sensitive issue. I am sure that for people who find themselves in a situation where they cannot have children of their own and feel they need to adopt, it is extremely sensitive, personal and traumatic. They point out that the waiting times to get clearance for adoption, get a place on a preparation course and start the whole process can be up to three years. They maintain it can go on for six years or more. They worry about couples nearing the cut off age limit. People go through such a long process of preparation and if they reach the cut off age limit, because of the delays, they could end up being denied the opportunity to give a child a loving home. They want to stress that needs to be avoided at all costs.

We are talking about speeding up the processes in place until now in order that decisions can be made earlier. That does not mean that standards drop but this needs to be addressed. I do not see why it takes so long for clearance to be given to people. They maintain that the Government needs to understand the human element to the issue. They state the majority of couples in their situation travel a long and very difficult road through infertility, loss and continuous disappointment to reach that point and they want the Government's support.

Many couples have similar concerns. Having read UNICEF's International Social Services adoption report, it is clear there are serious problems in the Vietnamese adoption system. I am sure this will come as a huge shock to many people. Why was this not brought to the fore before now? Many people were going through the process in Vietnam without being warned that there were issues. They are now in limbo which is extremely traumatic.

I am disturbed by certain charges, including what is described as "humanitarian aid". The conduct and practices of certain agencies have been very disturbing. The Government should have regulated this properly from the start. I understand a review committee was supposed to be put in place to oversee the agreement and identify and solve any problems. Perhaps the Minister of State will address this. Deputy Shatter has been asking questions about this for quite some time. He also asked that the deliberations of, and the documentation relating to, this review committee be made public in order that we can all see what went on. We could ask why alarm bells did not ring among the review committee. Was the Government not aware of the allegations made?

The voice of the child is quite important where adoption is concerned and, indeed, at all times. Today a report from the Dublin archdiocese will show the way children in our State were neglected in the past. We have come a long way but we still have a long way to go.

[Deputy David Stanton.]

Barnardos has raised the issue of post-adoption services, tracing legislation and so on. There are issues about closed and open registers which may need to be addressed in regard to information being made available to natural family members. That is extremely sensitive and important. This is a very complex area. When one really starts to delve into it, one sees that it is not straightforward.

I raise an issue Deputy Naughten has raised for quite some time. The Hague convention refers to missing children. I am very disturbed that so many children who came here from outside the State have gone missing from the care of the HSE. This is an awful scandal and I would like some Minister to make a statement on it and tell us exactly what happened.

For some time I have been calling for a register of guardianship. Perhaps the Minister of State might consider this. When a couple have a child and are not married, unless the mother agrees to the father becoming a guardian of the child, he cannot do so. Even if the mother agrees to do so and a certificate of guardianship is made available to the father and he becomes a guardian of the child, that certificate is simply a sheet of paper. If it is lost, damaged or destroyed, there is no central register or record of his guardianship. I do not understand why that is the case. The Minister of State might indicate the position. I have raised this matter here down through the years. If something happens to the mother and the father has lost the certificate, what is the position? Fathers are concerned about this issue. A register of guardianship should be provided. It would be a simple matter to provide such a register, which would be similar to the register of births, marriages and deaths. It could be provided as a central register and a person who wishes to obtain a certificate of guardianship at a later stage could do so in the same way as a person could obtain a birth certificate. There may be a good reason such a register does not exist. I would be grateful if the Minister of State would let me know, when replying or by letter, why that is the case. I would like to be enlightened about this.

I welcome the Bill and appreciate it is complex. We will have a detailed debate on it on Committee Stage. An important aspect of it is that it gives effect to the Hague convention, which seeks to establish safeguards to ensure inter-country adoptions take place in the best interests of the child and with respect to his or her fundamental rights as recognised in international law. Another objective of the convention is to establish a system of co-operation among contracting states to ensure that those safeguards are respected and thereby prevent the abduction, the sale of, or traffic in children, which is a major issue, and to secure the recognition in contracting states of adoptions made in accordance with the convention. These are serious, weighty and complex matters. I wish the Minister of State well in his work on the legislation as I do all the spokespersons.

Deputy Michael Kennedy: I welcome the opportunity to speak briefly on the Bill. Ireland's signing up to the Hague convention is long overdue and very welcome. Most Members have received a great number of representations on this Bill. One issue of which we are all now aware is the length of time the adoption process takes. Many couples have informed me that the timelag involved is often up to five years. That causes a great deal of anxiety for couples. It is far too long. From that aspect alone, hopefully, the bringing into law of this Bill will speed up the process and allow couples to know the rules and regulations that apply and what they must do. Many people have advised me of the frustration they suffer during the long period of this process. Knowing a number of adoptive parents, I know the joy having an adopted child among their family brings them. In terms of the Bill, it is very necessary to put the child's interest to the forefront.

I have also received representations regarding the transitional arrangement, particularly in regard to Russia and China. We need to deal with that issue. The grandfather clause, as it is

called, is another matter that has been a major issue in the representations I received. I have also received representations from adopted children concerning the location of records, with which I will deal later.

I welcome the commitment of the Minister of State, Deputy Andrews, to continue discussions with the Hague Conference to seek advice on how to deal with cases which are midstream. I understand more than 500 applications exist for adoptions of children from Vietnam, Russia, Ethiopia and other countries. I believe an amendment should be considered in the future. I would like the Minister of State to respond to that matter. It is of grave concern to those people who have been five and more years involved in the adoption process. I understand there are legal issues involved and there is also the issue of Ireland not having been part of the Hague convention. I welcome the fact that the Minister of State said he will discuss with the Attorney General and Adoption Board how we may proceed in this respect.

I have received a large number of representations on the grandfather clause. I am not suggesting we can willy nilly enter into agreements regarding adoptions with countries that do not subscribe to the principles of the Hague convention, but in the case of couples who have adopted a child and who wish to adopt a sibling, the issues involved need to be dealt with in a pragmatic way. I ask the Minister of State, Deputy Andrews, to consider that issue and to bring forward an amendment to the legislation, if possible. Many couples who have adopted a child from Vietnam or another country would like to adopt a brother or sister. When one reads the e-mails and letters one gets, one can understand the love a couple give the child they have adopted. One knows they will provide a loving home for a child who is living in an orphanage or in bad circumstances in their homeland. I ask the Minister of State, Deputy Andrews, to examine that aspect.

Another issue on which I have received representations is the storage of records. This might not seem very serious to many people in the context that an citizen can walk into the office in Westland Row and receive his or her birth certificate straight away, having paid the small fee involved. An adopted child does not have that facility. It has been put to me that there is discrimination against adopted children in that they can only deal with the office in Roscommon. That may seem rather trivial to some people but there are people in my constituency who are adopted and the parents have set up an association for adopted parents. They believe this to be a particularly discriminatory issue. On their behalf, I ask the Minister of State if records could be made available to adopted children, similar to manner in which they are available to ordinary citizens. I would like the Minister of State to give a commitment that he will address that issue.

This Bill it is long overdue. The principle of the Hague convention is important. On a day like today when the Murphy report into the sexual abuse of children by clergy is being published, it is critical that we bring into law as quickly as possible a Bill that ensures that no children, whether they are Irish born children or adopted children, will ever suffer at the hands of any institution of the State.

Deputy Martin Ferris: I welcome the opportunity to speak on this Bill. I welcome the Bill, which finally provides for the Irish Government to ratify the Hague convention on inter-country adoptions. This is a progressive step forward and it is the right way to go, albeit the Bill is long overdue.

The Hague Convention is designed to ensure that inter-country adoptions are made in the best interests of the child, with respect for his or her fundamental rights and to prevent the abduction, sale of or trafficking of children. Deputies have been privy to many cases of illegal adoptions over the years. Some cases have resulted in terrible circumstances with tragic abuse for

[Deputy Martin Ferris.]

the unfortunate children in question, primarily because no checks and balances were in place and as a result of an abuse of the system in place.

The majority of adoptions by families in Ireland today are inter-country adoptions. Thousands of people have adopted children from abroad and many others are in the process or will wish to adopt from abroad in the future. We have to ensure that the rights of children and mothers are fully respected in the countries from which people are adopting, a matter of great importance. The rights of the mother, and the rights of the biological father of the child, a matter not often referred to in this debate, must be protected as well.

On Monday, a report was released from UNICEF which raised very serious questions about adoption practices in Vietnam. It states that “the level and nature of inter-country adoptions from Vietnam are essentially influenced by foreign demand”. The report stated this was shown by the fact that the majority of children adopted from Vietnam were under one year of age, the age group most sought after by would-be adoptive parents. Some ten or 15 years ago there were a significant number of adoptions from orphanage centres in Romania. Vietnam now appears to be one of the countries in which adoptions are being processed because of a bilateral arrangement.

The UNICEF report also raised serious questions about procedures for verifying the status of children and for ensuring free and informed consent to adoption. This is of great concern. I spoke to the Minister of State in respect of constituents who have lobbied on the matter and who are awaiting adoptions from Vietnam. I believe many other Members have encountered the same circumstances. The Minister of State has been very helpful in this regard and I appreciate it.

We can all understand the desire of people to adopt, especially couples who cannot have children themselves. However, the interests of the children must be paramount and if there are any doubts about this, the issues must be addressed. Vietnam has been a major source country for children adopted in Ireland. The State’s previous bilateral agreement with Vietnam has expired and people who were in the process of adopting have been left in a difficult situation. I urge the Minister of State to do all in his power to assist and I accept that he will do so. A new bilateral agreement is needed but the issues highlighted in the UNICEF report must be resolved, a matter of paramount importance. I trust this will be agreed given the number of people effectively in limbo at present.

Strong human rights safeguards are essential and must be backed up by such legislation as this Bill. This is why the Hague Convention is so important. In making bilateral agreements with other states on inter-country adoptions, we must be satisfied that children’s rights are fully safeguarded as well as the rights of the mother and, if possible, the rights of the father. We do not seek to have repeated in other countries what happened here, where children were dumped in institutions, some of them fostered and abused in foster care.

In the not too distant past, a woman approached me and informed me of her circumstances. She, along with her sister and brother, became parent-less as a result of the death of her mother and father within six months. They were dumped in institutions in this country. This person left the institution eventually as a girl of sixteen years with a train ticket to Dublin. There, she became pregnant and ended up having the child. She was taken to an institution in the Six Counties by the parents of the father of the child and the child was forcibly removed from her. She spent the rest of her life trying to find that child. Thankfully, a happy ending followed. Eventually, she found her child, albeit with significant resistance from the religious orders, which did everything in their power to prevent the reunion from coming about. That is what

happened and although she is now deceased, the last 18 years of her life were blissful because she had found her lost son.

There are many cases which other Members could relate as well involving similar circumstances and in which people were put into institutions for no reason whatsoever. In some such cases, the lives of these people were destroyed as a result. In the very recent past, I encountered a case in which a son was trying to locate his mother. Again, there was significant resistance from the religious orders and institutions but eventually the required information was forthcoming. The working out of the Bill and the ratification of the Hague Convention should protect the child and the parents of the child from the country of adoption. This is a very good proposal and the resulting legislation will be very good as well.

On a related issue, there are considerable delays in the HSE process of carrying out assessments of applicants to be adoptive parents. The Hague Convention requires assessments to be carried out in reasonable time, which is not the case in this instance. I trust the Minister of State will ensure that the new Bill leads to speedier assessments.

Deputy Noel Ahern: Having listened to the Minister of State's speech, it is interesting to consider the history of adoptions. The first legislation in this area dates from 1952. Beforehand, adoptions were carried out on an informal basis. In the past, we sent some children abroad to be adopted in other countries. In recent years, there is no doubt the adoption of children from abroad has become the norm because no Irish children have been available for adoption here. Any Irish children available for adoption have tended to be adopted within the extended family.

I regret the fact that we must look abroad and at some stage in the future we should examine the situation. It is extraordinary that the UK and other countries not far removed from us seem to be able to have children available for adoption within their own system. I hope sincerely that we move in this direction in future, even if it means we should loosen our system or change the Constitution, because there are a great number of loving families and homes which could give children a better quality of life. Such families could look after children a good deal better. I accept the general principle of the Bill that everything must be child-centred. If a change to the Constitution or legislation is required to allow broader adoptions within the country, we should facilitate this, although this is not part of the current legislation.

I accept the aim of the legislation is to support and protect the children for whom adoption services are devised and provided. The core of the legislation is the ratification of the Hague Convention in Ireland. As outlined, the policy and legislation should be child-centred and the interests of the child must be paramount. I accept that but, as previous speakers indicated, the people by whom one is usually approached are those who have been waiting to adopt children for some time. These individuals are concerned about the delays to which the system gives rise.

The Bill makes provision for the State to enter into discussions with states which are not party to the Hague Convention for the making of bilateral arrangements in respect of inter-country adoptions. The states with which such arrangements are entered into must have in place the rules, regulations, system and structure which obtain under the Hague Convention or similar. It is accepted that what we are doing is child-centred and implements best practice. If, however, so many rules and regulations are applied to ensure that each file is 100% correct, will couples who want to adopt children be encouraged to do so? Are we going to focus on what is right in all cases rather than considering what is required by a child or the loving couple who wish to adopt him or her?

There comes a point when it is not possible to dot all the i's or cross all the t's. Sometimes it is necessary to consider the long-term good of the child by evaluating whether it would be

2 o'clock

[Deputy Noel Ahern.]

better to allow him or her to remain in an orphanage, continue to live in squalor or whatever or to see to it that he or she is adopted by a loving couple. Even when this matter is considered from a child-centred point of view, the final decision on adoption must contemplate the nature of a child's upbringing rather than in ensuring that it is possible to stand over every item of documentation in his or her file.

I accept that I may be coming at this from the point of view of couples who are seeking to adopt children in order to bring joy to themselves, but also to provide those children with a good upbringing in a welcoming society. I hope, therefore, that all the new rules and regulations will assist people who are seeking to adopt. I hope they will not be used in the future to prevent people adopting. I accept that it is necessary to be careful, particularly in instances where children are being adopted from countries or cultures with which we are not overly familiar. However, there is a level beyond which one should not go in this regard.

There are those who are concerned that in future bilateral agreements will only be possible with states which have adopted or ratified the Hague Convention or which have in place standards equivalent to those laid down in that convention. Will there be any countries from which people will be able to adopt children in the future or will the system be so regulated that it will not facilitate those who want to adopt?

Some of those who have been waiting to adopt children from Vietnam have become extremely annoyed and we have all seen the e-mails, sent over a number of months, in which these people have lashed out in all directions, including at the Minister of State, which, I am sure, he did not deserve. An issue arises with regard to whether these people have been kept informed. Another aspect is that while we all like to deliver good news, we are often reluctant to deliver bad news. My heart goes out to couples who might have been involved in the adoption system for five years and who, prior to that, might have been trying to have babies, undergoing fertility tests and treatments, etc. Regardless of whether the news is good or bad, we should communicate with these people. Silent sympathy is not enough. We owe it to these couples to inform them of the situation, outline our concerns, indicate that we are working in the best interests of the children involved and try to bring them along with us. Some of the people to whom I refer are rather distraught. While a number of the e-mails may have gone over the top to some degree, one can understand from where their authors are coming on this matter.

The assessment process has been extraordinarily slow. In many instances, people have complained that they have been involved with this process for five years. As already indicated, these individuals may have previously tried to have babies, undergone fertility tests, etc. Those who have obtained declarations of suitability, immigration clearance certificates and so forth do not now know whether they will be able to proceed with adoptions. In such circumstances, one is prompted to wonder about the HSE's adoption process and the number of individual and group consultations that take place.

The highest number of complaints received relate to the wait in respect of the first assessment. In that context, one must wonder whether it is necessary for the HSE's adoption process to be so lengthy. Adopting a child, particularly one from outside the country, is a major step but one must ask whether it is necessary to oblige people to wait five years to adopt. It only takes nine months to have a baby. Is it right that people are being obliged to wait five years in order to adopt? These individuals are obliged to watch others who have not been suitably prepared bring children into the world. In many instances, the latter do not have a clue with regard to rearing children and their offspring probably have no hope from the outset.

As the Minister of State is aware, there is great unhappiness with the delays relating to the HSE's adoption process. The relevant transition measures, which will have to be specified prior to enactment, will be the foundation on which this legislation will stand. It is fine to introduce a document that outlines what will be best practice into the future. However, it is important that we assist those couples who have been involved with the process for a number of years to finalise their adoptions.

It is a case of where one draws the line. The Minister of State may say that those who have obtained the necessary documentation and who are within two or three months of adopting may proceed. However, it should be extended much more liberally than that. It is my opinion that those who have been involved with the process for many years should be encouraged to and assisted in completing that process before the new measures come into place. Often, it is waiting for the first assessment which seems to annoy people most of all. For me, the fundamental issue is that transitional measures should be very well thought out and planned and should cater for people in the process.

The question everybody is asking is where they stand. Perhaps they have spent three, four or five years on this, have received their declaration and are within two months of getting a referral, but are now wondering where they stand. It is the answers to these questions that people want. We have to be fairly liberal and bring these on board. The Minister of State quoted two recent reports but it is extraordinary that other countries, and I do not mean banana republic countries but countries such as France, Denmark, Canada and Italy, do not seem to have difficulties with their bilateral arrangements with Vietnam. One begins to wonder whether we are being a bit too careful. The US has withdrawn but I have been told that its system was a bit iffy. The French had a link with Vietnam in the 1950s and one would not normally associate the other countries I named as being loose and free with regulations. If they are happy with their bilateral agreements and their adoption procedures with those countries at present, why are we getting too fussy? Perhaps those are the wrong words.

We must consider the long-term future of the child, and consider the child being in an orphanage, community or wherever. Would it not be better in a loving home in Ireland? Often over the years I felt there was an attitude at a high level in the Department or in the HSE, long before the Minister of State or his officials were there, which was not exactly friendly to the adoption process. Some people see adoption as something that happened decades ago. Perhaps concerns were raised in a few cases, but there were also thousands of cases of babies being placed in loving homes here and elsewhere. I am not sure whether there is an anti-adoption bias somewhere at the high levels of the Department of Health and Children or in the HSE.

Our system with Vietnam was regarded as very good. Other countries have different cultures and values. We should not judge everything by our standards. If other western democracies are happy with the procedure and process, I do not know why we have been reluctant and allowed the bilateral arrangement with Vietnam to go into abeyance.

It is extraordinary how the issue raised over the HSE and assessment was allowed to happen. Professional groups such as social workers will always cry that they want more social workers. I wonder whether this is what it is really all about. Some of these professional groups, no matter how many positions one gives them, will drag out the work and create extra interviews and layers of bureaucracy to slow down the end product. There is huge unhappiness with what we have allowed to happen and some believe that it is contrary to the Hague Convention.

The convention has many very good aspects and lays down rules for a speedy and efficient assessment process. While we want to ratify the Hague Convention, some of the carry on at the HSE has not adhered to its best principles. The assessment process has been nothing short

[Deputy Noel Ahern.]

of a disgrace. Article 35 of the convention states: “The competent authorities of the Contracting States shall act expeditiously in the process of adoption.” However, the Bill dilutes this aim and incorporates the phrase “as soon as practicable” in section 37. A constituent has suggested to me that this seems to impose a less onerous standard on the State or the HSE than is contained in the Hague Convention. If that is correct, it seems strange that, in introducing what we are stating is best practice, we are picking the bits that are best practice to suit ourselves and in our process, and where the HSE is making a mess of the assessments, we are watering down best practice as stated in the Hague Convention because it suits inefficiency in the HSE. I am told this by a constituent and if it is correct, then somebody has something to answer. We cannot be selective about implementing best practice; it is either best practice or it is not. Perhaps this runs into my feeling that a view is held in the HSE or the Department which is not friendly to adoption.

In an attempt to reduce waiting lists, the Government has agreed to introduce independent assessment agencies. That is fine, but we are also told that applicants will have to apply to the HSE in the first instance. However, the Bill suggests that after these independent assessment agencies have done their business, an applicant will have to return to the HSE. It seems to create another waiting list and gives the HSE a double monopoly on the process.

While the Bill is good and the Hague Convention is best practice, the fundamental matter is that of our transition arrangements and how we regard the loving couples here who have been in the system or process for a number of years. We cannot abandon them or let a couple of them in and then state after they have been on the waiting list for five years that new rules or regulations apply and that they must start again with another country, if there is another country.

We should examine our system. It is extraordinary that the UK still has children for adoption in its system. We will have to consider changing the Constitution to allow us have children for adoption. At present, we allow many children who are born into dysfunctional families or poverty to stay in that system forever. Many people in what I regard as the overall industry might care for dysfunctional children from the time they are babies until they end up in prison. Instead of having sticking plaster solutions, we would be far better off considering the ultimate solution and encouraging adoption. While it is not part of this Bill, I hope that sooner or later we have a constitutional amendment to allow more children to be adopted here at home. We would then have less need to go to other countries.

Deputy Andrew Doyle: I wish to share time with Deputy Catherine Byrne.

I welcome that, at long last, the Bill is before the House. It is exactly ten months this week since it was introduced in the Seanad. We have been given various reasons for the failure to bring it before the House but in the meantime, our bilateral agreement with Vietnam is lapsed and we have to wait for the ISS report to be finalised. Given that the Minister of State received a draft of the report in August, it seems odd that he did not attempt to use the draft recommendations to fast-track a new bilateral agreement with Vietnam. On a day when yet another report on institutional abuse is being published, it is appropriate that we discuss the consolidation of our adoption legislation, which dates back to 1952. People suffered terribly in Irish institutions. Adoption is supposed to be child centred and I accept that the Bill endeavours to meet that goal. Thankfully, people in this country are willing and able to accommodate children who are housed in institutions in other parts of the world.

The Bill’s flaws have been clearly identified. I hope Deputy Noel Ahern’s advice will be heeded in the context of Government amendments. The flaws are not contentious and can be

addressed with the co-operation of Members, such as Deputy Shatter, who have a sincere interest in improving the Bill.

Why does the Bill only cover signatories to the Hague Convention or countries with which we have bilateral agreements? The convention does not specifically exclude non-signatories. Vietnam probably will not ratify the convention before 2011. The existing delays are already frustrating people who want to give children a better life and a home. The essence of the Bill will be lost if we have to wait another two years.

The Minister of State told the international adoption agencies' annual conference on 10 October that there would be no transitional measures. However, the convention's guide to good practice advises:

States are strongly encouraged to consider dividing procedural changes into two categories: those for adoption cases already in process at the time of entry into force (or other changes) and those for new cases beginning after entry into force . . . States must, however, clearly indicate which cases will be considered "in process" when the Convention enters into force.

It is unfair to tell people who have invested considerable time and emotional energy into the adoption process that they have to go back to square one. The children are left in limbo as they await the signing of a new bilateral agreement. It is essential that we reach agreements with Ethiopia, Vietnam and Russia. It appears Vietnam is prepared to enter into a new bilateral agreement once we pass this Bill because we will then be Hague proofed.

If we can reach a consensus on the amendments needed in the Bill, why can we not work towards new bilateral agreements in tandem with our deliberations in this House? A previous Minister of State at the Office of the Minister for Children, Deputy Brian Lenihan, stated that a grandfather clause would be provided for those who have adopted already but that is not set out in the Bill. Such a clause makes practical sense for those who have already adopted and we should be able to accommodate it without dispute. The failure to include it in the Bill was clearly an oversight.

Reference has been made to waiting times and our cherry picking of the convention in order to create a less onerous schedule. The proposed structure requires adoption agencies to be vetted by the HSE but if the new adoption agency has a straight relationship with a properly certified agency, why involve the HSE? The post placement reports on Russian adoptions indicate that the HSE has fallen between two stools. In a reply to a parliamentary question I asked in October, the Minister of State, Deputy Barry Andrews, assured me the matter was being addressed. However, the social workers assigned to overseeing adoptions must also perform other tasks of a pressing nature. Unless an agency or a unit within the HSE is dedicated to this area, processing will once again give rise to inordinate delays.

I recently met 11 sets of parents who were in the process of adopting children from Vietnam. Nine of them had already adopted one child and wanted to adopt again, while two had not yet adopted. One prospective mother who was far advanced in the process and had already been to Vietnam was distraught by the fear that the transitional arrangements would push her back to square one. Another couple had not progressed far. Couples who have reached a certain stage in Vietnam should be allowed to start from this position if they choose to adopt in another country with which we have a bilateral agreement. I ask the Minister to take account of these practical considerations before Committee Stage.

Deputy Catherine Byrne: I welcome the Bill to the House because it offers genuine hope to thousands of couples who desperately want a family but for various reasons cannot have chil-

[Deputy Catherine Byrne.]

dren of their own. It opens the door to giving children a loving home, with an extended family in a new country.

The Bill provides for the incorporation of the Hague Convention into Irish law, a welcome move which will implement minimum standards for the operation of inter-country adoptions and, I hope, improve the adoption experience for couples. As many speakers have noted, however, the legislation has many flaws. An opportunity has been lost to effect positive change and genuine reform of the adoption system.

Many young couples who wish to start a family have endured considerable upset and trauma as a result of unsuccessful pregnancies, infertility and many other challenges that face would-be parents. They desperately want a family of their own and deserve our support and that of the Minister of State with responsibility for children to improve the adoption process and make it more accessible.

New life is extremely important. As a mother, I have experienced the joy of bringing a new baby home to my family. I am also aware of the challenges and opportunities presented by having a child. Many couples who cannot conceive face terrible heartache and sadness. For many of them, adoption is the only avenue left open to have a child. They have endured years of emotional turmoil, endless bureaucracy and psychological testing to qualify as a parent in the eyes of the law. Some will argue that these couples are more qualified as parents than many of those with families of their own. Men and women in this position do not face a nine month pregnancy but four to five years waiting to adopt a child. During this time, they look forward with unbearable hope and excitement to welcoming a new child into their home. They have stored up much love and affection in the knowledge that a whole new world is about to open up for them and their new son or daughter. For this reason, it is important to have in place a proper framework to facilitate adoption and to ensure the process is as straightforward and stress free as possible for parents and children. We know the stress endured by parents but we must not forget that the welfare of the child is paramount and every effort must be made to ensure the child comes first throughout the process.

The experience of adoption in Ireland was once much different from that of today. Many young, single mothers were forced to put their babies up for adoption for fear of bringing shame on their families. The large number of babies available for adoption meant couples at one time did not face a long wait before adopting a child, as is the case today. They did not rely on inter-country adoptions and bureaucracy was minimal. These position at that time created particular problems, however. For example, many birth parents were never able to make a connection with children they did not want to give up for adoption.

The position has changed utterly. Many young mothers with newborn babies can bring them up without stigma and enjoy the love and affection of their family, friends and community. This possibility was not available to many mothers in the past. Ireland has a tradition of fostering and many people foster children aged between four and eight years, filling a gap in the lives of these children with love and family surroundings.

Many couples seeking to adopt a child must look abroad. In recent years, many children have been adopted from a number of foreign countries, principally Russia, China, and Vietnam. These beautiful children have brought great happiness to their new families. In recent months, I have received a large number of e-mails and letters from people who are angry and frustrated as a result of the delays in inter-country adoptions. The Government has allowed bilateral agreements with Vietnam and Russia to lapse. Many people used these agreements as a bridge pending legislation. Couples seeking adoptions in these countries are now stuck in limbo, half way through the adoption process and with no real end in sight.

Once the Bill is enacted, parents will be allowed to adopt only from countries which have signed the Hague Convention. As Russia and Vietnam have not yet signed the convention, adoptions from these countries will no longer be an option for would-be Irish parents. As many as 300 Irish couples are some way through the adoption process with Vietnam. They have been through years of painstaking meetings and interviews with social workers and the Health Service Executive and have been granted what are known as declarations of suitability. Having reached the final hurdle, they are being told they may not cross it. We must not abandon these couples and I plead with the Minister of State, Deputy Barry Andrews, to resolve these cases as a matter of urgency. New bilateral agreements must be formally agreed to ensure children in Vietnam and Russia are not abandoned.

Another element missing from the Bill is what is known as a “grandfather clause”. The introduction of such a clause would enable couples who have adopted a child from a country which has not signed the Hague Convention or with which we do not have a bilateral agreement to adopt a second child from the same country. Such a measure makes sense as it would allow many parents to adopt a brother or sister of an adopted child, thus creating a genuine sense of family. I urge the Minister to introduce a grandfather clause on Committee Stage.

It is also important to take account of the circumstances of biological parents in the adoption process. We must be careful to ensure children are being adopted with all the proper procedures in place and for all the right reasons. If both parties are agreeable, open adoptions, under which biological parents can retain some contact with the child given up for adoption, should be placed on a statutory basis.

I am aware that the adoption process is complicated and I welcome the establishment of the Adoption Authority of Ireland. I hope the authority will help new parents throughout their adoption journey. Proper post-adoption services must be established to help and support families with any difficulties they encounter following an adoption. We must also ensure that money does not dictate who can and cannot adopt a child, especially in the area of foreign adoptions. Only this week, we heard from the United Nations that substantial fees are being charged by some adoption agencies to adopting couples on the pretext that the money will be used for humanitarian purposes. The practice whereby authorities which assist with adoptions in some countries receive large sums of money for signing off on adoptions is unacceptable. Adoption should not be about personal or monetary gain. We must never forget that it is about the rights and welfare of children.

Between 1991 and 2009, 4,000 children were adopted in Ireland. Many of us will have seen in our communities and families the joy these children bring to couples who are unable to have children. We must continue to work on behalf of couples who wish to bring a child into their home and give him or her loving care. While the legislation goes some way towards assisting such couples, we need to ensure we have dotted all the i’s and crossed all the t’s before it is enacted.

Deputy Mary Upton: I welcome the opportunity to speak on this Bill, for which we have waited for a long time. From listening to those who have spoken on this debate, it is clear we all agree that the rights of the child must be protected above all else. The best interests of the child must be at the centre of the debate. I know this is the primary concern of everybody in the House, no matter what party they represent. However, where we disagree is on the process and the time taken to bring forward this Bill.

The purpose of the Adoption Bill 2009 is belatedly to give effect to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoptions. The objectives of the convention are to establish 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

[Deputy Mary Upton.]

recognised in international law; to establish a system of co-operation among contracting states to ensure those safeguards are respected and thereby prevent the abduction, sale, or traffic in children; and to secure the recognition in contracting states of adoptions made in accordance with the convention. This convention was concluded in 1993. The Labour Party in Government ratified the convention in 1996. It is 13 years since this happened and it is only now this Fianna Fáil Government has begun the process of giving legal status to this convention.

Every one of us in this House has received passionate e-mails and letters from the parents involved. While we must do it carefully and thoroughly, this process must be moved forward quickly. The major issue for many couples who have been in contact with us is the time spent waiting in limbo, not knowing how long the process will take or if they will ever get recognition.

Any legislation that strengthens the rights of children and eliminates any risks to the children within the adoption process is welcome. We have been waiting more than 20 years for significant reform of the adoption laws in this country. It behoves this House to ensure the Bill is the best possible legislation for children, prospective adoptive parents and for the State. It is also critically important that the rights of the biological parent or parents are protected. Unfortunately, the Adoption Bill 2009 as it stands is not as good as it could be. I hope the amendments put forward by the Labour Party will be accepted on Committee Stage. There should be a detailed discussion on the merits of these amendments, because it is important that we get this Bill right.

The first issue I want to address is inter-country adoption with countries that have not ratified the Hague Convention. Like everyone else in this House, I have been contacted by dozens of worried prospective parents who are concerned that the process through which some of them have been proceeding for five or more years will be cancelled. They will be back to square one, except that there will be another gap before that process can begin again. Their hopes of adopting children will be shattered. Due to age limitations and other such factors such, it imperative that this Bill moves forward quickly.

The majority of domestic adoptions are familial adoptions. Therefore, there are several hundred prospective adoptive parents who cannot adopt children here and who are obliged to look beyond the boundaries of the State. A constituent who is also an adoptive parent summed it up best when he wrote to me stating, "Inter-country adoption is not a first or even a second preference for anyone involved. Children should be raised by their birth parents or another suitable individual or couple within their own culture. However, it is far preferable for the children than life in an institution." I am sure we would all agree with that.

Deputy Noel Ahern's contribution highlighted domestic adoption procedures. He made some interesting points about our need to examine the process for domestic adoptions, and I concur with him on that point. It is a very delicate debate, but we should at least give it an airing and listen to what people have to say. It is not part of this Bill, but we should reconsider it.

Together with Russia and Ethiopia, the Republic of Vietnam has become the country from which most Irish adoptive parents try to secure an adoption. Ireland had an adoption agreement with Vietnam, but this was allowed to lapse by the Minister of State on 1 May. I acknowledge that the process was being delayed before the current Minister of State took over responsibility for it, but this protracted delay is now unacceptable and the issue must be progressed with all speed, while in no way compromising the safety, security or rights of the child, of his or her biological parents, or those of the adoptive parents. The arrangements in place with Vietnam and the lapsing of the bilateral agreement are generating huge concerns. The Minister of State now informs us that he needs to consider the MoLISA and ISS reports on adoption in Vietnam, but this was not the case at the beginning of the year.

In response to a series of parliamentary questions on 27 January, the Minister for State finished his reply by stating, "The work to prepare for and advise the Government on this issue and the implementation of the Government's decisions is being given the highest priority." We are ten months down the road and I would not like to think this delay implies the highest priority. I appreciate that it will not happen within a day or a week, but we have waited a long time and there are so many frustrated prospective parents out there that we need to move things forward quickly. It is clear that ten months later, we are no nearer to securing a new agreement with Vietnam, Russia, Ethiopia or with any other country that has not ratified the Hague Convention and on which the Minister of State now gives no commitment.

The Minister of State offered the opinion in January that the adoption agreement could not be allowed to "roll over" for an additional five years due to the changes in the Irish adoption system. It was therefore incumbent on him to secure a new inter-country adoption agreement. He would have received the same entreaties as I did from prospective parents at their wits' end. Despite this, securing a new agreement was not achieved and many prospective parents have questioned the actions of the Minister of State. I have had some angry e-mails and letters from prospective parents wondering why he has not moved this forward.

The plight of some of these people is all too real and heartbreaking in many cases. I have received dozens of e-mails, a sample of which goes as follows:

We are asking for you to help us with a situation that is breaking our hearts, and those of hundreds of other prospective adoptive parents from around the country...our hearts are broken thinking of our baby in an orphanage every minute of the day. We are pleading with you all to help us and the 250 plus couples that have been approved for adoption...unless people are personally affected by Vietnam then they have no idea of the heartache of the not knowing what is going on. Over the last seven years, we have had two failed IVFs and countless surgical procedures and were told that it would not be possible to conceive a child naturally... adoption is our very last chance of becoming parents.

The pain these families are going through is real. All of them want a chance to bring a child up in a loving situation. In the case of inter-country adoption, they are able to offer the child opportunities that children in Ireland take for granted and which they would be unlikely to have in their own country, particularly as it is likely they would end up in orphanages.

I want to quote another prospective adoptive parent who wrote to me. She stated:

We obviously fully support Ireland ratifying the Hague convention and strongly believe that strict controls need to be in place regarding inter-country adoptions. However, we believe that the Minister's approach to the introduction of this Bill will lead to havoc in inter-country adoption over the next few years.

These are strong and passionate statements coming from those who are truly concerned about the impact this delay is having on their opportunities and prospects for adoption.

At the recent inter-country adoption conference, an expert speaker stated that most countries which passed the legislation did not automatically stop working with non-Hague countries, as the Minister of State is intent on doing, it would appear. There is no argument about the need for the highest, most rigorous standards in the adoption process. However, from the very many parents who have been in touch with me in recent months, it is clear that they have been put through the most demanding and challenging process. Not one of them is questioning the need for a rigorous process and they are all happy to engage in it. Nonetheless, they are irritated by the fact that it takes so long and because they must jump through so many hoops in order to get to the other end of the process. Having been through the gruelling process and having

[Deputy Mary Upton.]

waited in hope for a child that they truly want to cherish and provide a good home for, their disappointment defies description.

It is right that Ireland must protect the rights of a child and ensure that inter-country adoption is of the highest standards. Where we have an issue with the Government is that there are so many families in the inter-country adoption process for whom the opportunity has been closed off. They have gone through so much, they have responded to the intense investigations and consultations with social workers, they have gone before the Adoption Board and many have travelled to countries in other continents — I am thinking particularly of Vietnam — only to be told now, years into the process, that the Government can no longer sanction such inter-country adoptions.

I want to quote from another parent, because parents are at the cutting edge of this debate:

Our primary concern is the proposal not to introduce a transitional arrangement for this Bill. Adoptive parents are at various stages in the adoption process. It is just not practical or humane to suggest that as soon as the Adoption Bill comes into law that no further adoptions can take place from non-Hague countries. Some parents are on waiting lists, may have received referrals for children from non-Hague countries or may have met and bonded with these children. They cannot be told just to relinquish these children. Those parents will probably return to Ireland with their children and will rely on the High Court to sort out the situation.

That is another angle from a parent with a slightly different concern.

Three main areas that have been outlined by my colleague, Deputy Jan O’Sullivan, where amendments are proposed. I urge the Minister to accept these amendments on Committee Stage. First, there is the need to put transitional arrangements in place for families that are in the process of adopting a child from a country that has not yet ratified the convention. This has been debated and referred to by all speakers. Those transitional arrangements are extremely important, I would suggest, for the sanity of parents who are waiting and wondering what will happen in the intervening period. Second, there is a need to provide for a bilateral arrangements to be put in place, in certain circumstances, with specific countries that are not in a position to ratify the convention, for example, Ethiopia. Third, there is a need to introduce a “grandfather clause” which would facilitate families who have already adopted a child from a particular country and who wish to adopt another child with a similar cultural background. This issue should be looked on sensitively. If such adoptive parents have already been through a process and gone through all the interviews with the social workers and the Adoption Board, and they are aware of a child from the same country from which they have already adopted a child, surely it makes sense that they would be already accredited as being suitable, that the process would move forward quickly and efficiently, and that a facility would be allowed for this grandfather clause. These are three key issues that must be addressed to restore confidence to prospective adoptive parents.

Just as important is the need to move this legislation quickly, albeit thoroughly, so that prospective parents are not left in limbo any longer. It is unfair to the prospective parents as well as to the child who might be benefiting from the security of a caring home and family, and who might otherwise be in an orphanage with little of the comforts of a family environment and little hope for the future. We know the process here can take anything up to four or five years. However, depending on where one lives in the country, the process can be very quick or much slower. This situation needs to be addressed. We must examine the question of the resources that are needed and available, and how they are put in place and distributed in an even fashion throughout the country. Just because one happens to live in area A, one becomes

victimised in terms of the length of time it takes to get through the process. We must consider this and find how it can be co-ordinated and moved forward so there is not this differentiation just because one is, let us say, geographically compromised.

In summary, the three key points we would like to see are the transitional arrangements, the bilateral arrangements and the grandfather clause. I urge that the legislation be taken quickly. I am certain we will have a number of additional amendments on Committee Stage, where there will be an opportunity to look in much greater detail at the specific implications of this legislation.

Deputy John Perry: I wish to share time with Deputy James Reilly.

Acting Chairman (Deputy Brian O'Shea): Is that agreed? Agreed.

Deputy John Perry: I am delighted to have the opportunity to speak on this important Bill. Its purpose is to implement into Irish law the Hague convention on the Protection of Children and Inter-country Adoption 1993, to replace the Adoption Board with a new authority and to consolidate the Adoption Acts 1952-98 into a single Act. I have listened to the important points made by Deputy Upton, who correctly reflected the level of concern and the huge delay involved. It is important to ratify the Hague convention and statutorily provide for the inter-country adoptions to be in accordance with the standards set out in the convention, to repeal the Adoption Acts of 1952 and 1998 and bring forward or restate or update the provisions of those Acts, and to establish the Adoption Board as the adoption authority of Ireland with additional functions and powers. When we consider the concerns of parents who wish to adopt children, it is very unfortunate that people must go through the rigours, delays and frustrations, sometimes due to lack of staffing, that can prevail from the north west to the south west. It is important this is dealt with in a very compassionate way.

The current legislative basis for domestic and inter-country adoption is the Adoption Acts 1952 and 1998 but there has been a seismic shift since then. The trend was initiated by the Romanian orphanage crisis and the publicity it received in the media. In total, 3,569 overseas adoptions were registered by the Adoption Board between 1991 and 2007. There are still many opportunities and in excess of 1,600 people are waiting for their applications to be processed. This is unfair in many ways and the issue has been discussed for a long time. There is also the situation with regard to Vietnam and the opportunities there. There has been an appeal to Deputies around the country with regard to delays, frustrations and the lack of clarification. Significant commitment is needed to put the regulation in place.

It is important that we speed up the adoption process. When there are people with facilities and who are approved by the HSE, I cannot understand why there are significant delays. It is incomprehensible when we are part of the European Union, as one would imagine there would be a uniformity of regulation within Europe. I hope Ireland will ratify the Hague Convention and for that action there will be a reaction from Russia and even the Ukraine or other countries from where people may adopt children. It is a pity there has been such difficulty.

The 1996 Hague Convention and the areas of co-operation covered by it include assistance in locating a missing child, the furnishing on request by authorities in one state of a report and other information which may be relevant to a decision concerning protection of a child in another state and the notification of the fact that a child who is seriously at risk has moved from one state to another. There is also a provision for consultation in respect of a decision by authorities in one state to place a child in care, such as foster care or an institution, in another state. It also concerns facilitation through mediation and similar means of agreed solutions for the protection of a child, such as in a parental custody dispute.

[Deputy John Perry.]

At present the prospects for the convention are encouraging. It is important that Ireland ratifies it and I know the United Kingdom and Australia have reacted quite positively as well. Considering the human position behind the matter, there are people with ways and means, as well as accreditation. They are able to give a child who may otherwise be in an orphanage a loving home and care, which is very important.

The principal feature in the Bill relates to the Hague Convention. Part 3 provides for the placing of a child for adoption and the care of a child pending placement. It also provides for an accredited body, which is very important. The big concern is facilitation and the register, along with security. Society has changed in many ways and accreditation is given by multiple State authorities. With the new statutory body to be set up it is important resources are made available to deal with the matter.

Will the Minister give a timeframe for the Bill's implementation? When will the Adoption Bill 2009 become law? Deputy Shatter will put forward amendments to it on behalf of Fine Gael. He is a recognised expert on adoptions and other inter-country issues within the State. This country can in many ways become preoccupied with the creation of legislation but the difficulty can come with enactment and operation of provisions.

It is important that the International Adoption Association welcomed the Adoption Bill 2009. It indicated that the Bill will ultimately allow Ireland to ratify the Hague Convention and that one of the more important provisions of the legislation will be for the appropriate Minister to establish bilateral agreements with non-Hague countries, from which Irish families have adopted over 1,400 children to date. The Hague Convention is very important but Ireland should get involved proactively and sign these bilateral agreements. People have the prospect of bringing children in from Vietnam, Russia or the Ukraine and it is important for us to move the issue forward.

The Bill would make it imperative that the Government speedily establish such bilateral agreements with several countries to ensure children in need are not excluded from the possibility of securing a family life instead of languishing in institutions. That is the nub of the matter. When dealing with children, I do not understand why there should be any delay whatever. The matter is being discussed for quite a while. What is the reason for the delay?

The grandfather clause has been recommended by the Law Reform Commission, which has done a comprehensive report on this. Its opinion should be considered. Such action would reduce the appalling waiting lists for assessments and bring about support for post-adoption services for children. That is important. The long assessment can bring about trauma and disappointment. Prospective parents do not mind spending money and are very determined to do whatever is needed within regulations.

It is not preferable to keep any child in an institution when there is a possibility of a suitable permanent placement abroad. It is sad that many more children reside in institutions than are adopted either domestically or internationally. I hope this Bill will enable Ireland to help as many of these children as possible. It is the backbone of this effort. There are people with financial means, facilities and accreditation and they could bring people out of institutions and put them into family homes.

As a caring nation, we should be leading the way on this issue. I am very disappointed that we have not ratified the Hague Convention to date. The issue has languished for ages, as I know from letters I have received from parents in my constituency. I am delighted to have had the opportunity to speak on this very important Bill. With politicians, it is not about how much we know but how much we care. It is about time we started caring for people who want to adopt children. Such people do not want excuses; they want implementation, recommendations

and encouragement to take children from orphanages in order to put them in family homes. The State should facilitate that.

Deputy James Reilly: I am delighted to speak on this very important Bill. It will be timely for many people lost in the wilderness waiting to adopt children, particularly those in other countries. There are a number of issues that must be addressed but which are not taken in by this Bill, one of which is the variation in waiting times around the country.

It is inexplicable and grossly unfair that people living in urban areas wait much longer than those in rural areas to have their assessments completed by social workers and psychologists. There is even variation between large urban areas, with waiting times much longer in Dublin than in Cork.

Deputy Michael Creed: They are long in Cork also.

Deputy James Reilly: As my good friend, Deputy Creed, has said, they are very long in Cork but they are even longer in Dublin.

I regret that the Minister cannot be with us, although I know another report is being issued now. I thank the Minister of State, Deputy Haughey, for being here and I know he has an interest in child welfare. It can take anything from three to four and a half years to gain a complete assessment and declaration, which is outrageous. There is absolutely no need for the process to take this long.

I remember dealing with this issue 15 years ago on the Eastern Health Board. We were promised more social workers and although some were appointed, it was nowhere near the necessary amount. Given that we have such a problem with social workers and their availability, why are we not allowed use private psychologists? There should be an approved list from the HSE of psychologists who can charge for the service. There is an issue of fairness and private versus public services but if people are prepared to pay for the service, it would at least shorten the time waiting for those who cannot pay and who are not on the list to be assessed. If we are not prepared to employ the social workers required to complete this work, we should be prepared to look at other alternatives. The safety of children is very important and we want assessments to be carried out by properly trained, independent, accredited individuals. This is possible if the procedure is properly regulated through the HSE. I am aware some people have managed to get their assessments done more quickly and I understand Church of Ireland assessments can be carried out within six months. Why is there such disparity and where are transparency and fairness to be seen? It is bad enough that prospective parents must wait from three to four and a half years to get their declaration, but they then have to go on a waiting list for inter-country adoptions, which can take from another three months to a year.

I know we can have difficulties and issues with foreign countries, but these issues are beyond our control. Surely to God, however, we can control what happens within our borders and show compassion to the 10% of couples who are infertile, but who are generous enough of spirit to want to adopt a child and bring him or her up as their own and to afford him or her the best opportunities in life. There is no doubt in my mind that the best place for a child to be brought up is in a family, except when unfortunate conditions interfere with the well-being of that family, as happens from time to time. The best place for a child to be reared is in a family home.

The Bill does not address the waiting time for adoption. In this regard, the wording of the Bill on processing adoptions has been changed from “expeditiously” to “as soon as is practicable”. This seems a watering down of any sense of urgency. We must remember that people who put themselves forward as adoptive parents have already exhausted all the fertility options

[Deputy James Reilly.]

and have been through significant trauma. To put them through another three to five years of trauma waiting for an assessment seems grossly unfair and unnecessary. I accept the UN report published this week expresses some concerns about the procedures in some countries, but that should not stand in the way of us streamlining and improving the efficiency of our adoption system.

The Bill does not seem to address the area of sole applicants, an area that should be covered. There is an issue also with regard to the figures that have been provided. It seems that in the Dublin region alone no new inter-country adoption requests were reported from September 2008 to June 2009. Based on previous figures, we would have expected at least 80 first-time applicants per quarter, or from 220 to 240 applications over the period. What is the explanation for this? The lack of transparency in this regard undermines the bona fides of the Bill. I would like an explanation as to why no requests were reported and the Minister should ensure the House is given this explanation.

Another major issue is the lack of a grandfather clause that would allow applicants who have adopted from a country that is not signed up to the Hague Convention or a bilateral agreement to adopt again from the same country. This provision could include a time limit, but it should be included in the Bill. Otherwise, we could have a situation where a sibling of a child already adopted cannot be adopted. Surely it is always better to keep siblings together where possible. I urge the Minister to address this area.

A few weeks ago, Deputy Kenny raised the issue that the provisions of the Bill will mean that anyone with a declaration in hand and commencement for an adoption from a bilateral country or one that is not signed up to the Hague Convention may be disenfranchised, despite having been in the process for four or five years. This is grossly unfair. The Taoiseach indicated the Government would look at this and I hope the Minister will do more than that and address the anomaly. We need an interim measure period to apply so that those already in the process will not have to go through the whole process again.

We also need to address the matter of our interpretation of the Hague Convention. The interpretation in the Bill means we cannot adopt from countries that are not signed up to the Hague Convention. However, other member states of the European Union that are signed up to the convention still allow arrangements for inter-country adoption not party to the convention. Our interpretation is unfair to prospective adoptive parents here and to the children of those countries not party to the convention. It is unfair they cannot avail of our help or the opportunities adoption in this country would present for them. It is extraordinary that people who have gone through the assessment process — we have already outlined how hard, long and onerous that process is — must go through the assessment again if they wish to adopt a second child, although it does not take as long the second time. Unless there is some extraordinary concern, a second assessment should be an exception rather than the rule. I hope this issue will be addressed.

The bottom line is that we do not have enough social workers, do not avail of private psychologists and are ignoring the needs of our people who want to share their lives with children in need from other countries. While I fully accept the Minister's bona fides and his concerns around activity in some countries, this is no excuse for not addressing the issues that cause such hardship, stress and angst to our citizens.

Deputy Pat Breen: I welcome the opportunity to speak on the Adoption Bill 2009. I have listened to the contributions made over the past few hours, some of which have been very emotional and all of which have been serious. One of the objects of the Bill is to ratify the Hague Convention and to statutorily provide for inter-country adoptions in accordance with

the standards set out in the convention. It also proposes to repeal the Adoption Acts of 1952 to 1998 and restate and update the provisions of these Acts as appropriate. It will also reconstitute the Adoption Board as the Adoption Authority of Ireland, with additional functions and powers.

I welcome the opportunity to contribute to the debate. While 42,000 adoption orders have been made in this country since 1952, there has been a dramatic change in the pattern of adoptions here. In the 1950s and 1960s, more than 2,000 Irish children were adopted in the United States. These children were mainly placed with families with Irish connections. However, in 1996 it emerged that more than 200 of those who were sent to the United States as young children found it very difficult to trace their origins because in many cases the parents' names on the birth certificates were false.

From 1990 onwards there has been significant change in the pattern of adoptions which is reflective of the change in this country. The election of Mary Robinson as President of Ireland in 1990 was a defining moment in Irish history. In her speech at her inauguration she spoke about the fifth province:

The Fifth Province is not anywhere here or there, north or south, east or west. It is a place within each of us — that place that is open to the other, that swinging door which allows us to venture out and others to venture in.

We have begun to show new confidence in ourselves. There is a changing attitude and acceptance which has made it easier for single mothers to keep their children whereas in the past they were forced to give them up. We all have cousins, brothers and sisters or uncles and aunts who have adopted children in the past but the situation is now very different for those hoping to become adoptive parents. Many couples are turning to other countries such as Russia, Ukraine, Vietnam and Romania to adopt a child. In the period between 1991 and 2007, more than 3,565 children were adopted into Ireland from abroad with 31% of that total coming from Russia and 22% from Romania. We all remember the television pictures showing the Romanian dictator being killed by the mob in Romania and the pictures of the orphanages and institutions where children were held in atrocious conditions. The conditions in which those children lived was a revelation to us.

The majority of children adopted from abroad were aged 17 months on average. Some were older and others had psychological problems. More than 80% of the children had spent time in institutional care. From 2007 onwards there has been a dramatic increase in the number of adoptions from Vietnam and most speakers have focused in their contributions on the current problems associated with the adoption of children from Vietnam.

Every public representative knows the pain and anguish suffered by couples in their bid to become adoptive parents. In 2007, 130 babies, mostly girls, were adopted, compared to 68 in the previous year. The number of children adopted from Russia also increased from 143 in 2006 to 160 in 2007. Various studies and reports show that it costs a minimum of \$11,000 to arrange an adoption in Vietnam. Families who take this decision do not do so lightly and are distraught at the failure of this Government to agree a new bilateral agreement with Vietnam when the previous agreement ended in May. Several of those families have contacted most public representatives and they have contacted me through my constituency office in Ennis.

I wish to relate some of their stories to the Minister of State and the House:

The waiting is the worst. We are in limbo. The delay in agreeing a new bilateral probably means we will never have the chance now to have a child.

[Deputy Pat Breen.]

These are the words of one parent. Another couple first applied to adopt a child in 2003 and had been very close to concluding the adoption process. The mother's words are harrowing:

I have a room ready. I spent days deciding on the colour, the pictures. I wanted to make sure that everything was right. I was going to adopt a little girl. I bought her clothes, I had a little cot and now I am absolutely gutted.

Another said:

My husband and I had been in the adoption process for five years. We received our declaration of suitability last August and we have been registered to adopt from Vietnam since then. We would have expected to receive a referral for a child next month. I cannot describe to you what we and hundreds and people like us are going through right now. We are heartbroken by the way the Government is treating us. It is beyond cruel. We have travelled to Vietnam, we have learned some of the language and we cannot believe that while we have worked so hard this is slipping away from us now and we ask you for help.

These are some of the stories from some of the families who contacted me at my office in Ennis. I am sure the Minister of State, Deputy Tony Killeen, has the same stories to report.

More than 240 families who have already registered with the Helping Hands agency are now left in limbo since the old agreement ran out in May. These families feel let down by the Government. The Minister of State needs to clarify the situation as to whether he intends to conclude a new agreement with Vietnam. It is also important that the Hague Convention be ratified. I remind the Minister of State that countries such as France and Italy have ratified the Hague Convention and have new bilateral agreements with Vietnam. I appeal to the Minister of State, Deputy Seán Haughey, who is deputising for Deputy Barry Andrews, to clarify the situation. The lack of a new agreement is very distressing and traumatic for most families involved.

As previous speakers have said, the lack of the grandfather clause is another issue and one which I wish to address. This clause would allow post-adoptive applicants to conduct a subsequent adoption from the country of birth of a first adopted child. I refer to a recent report on adoption from Vietnam commissioned by UNICEF Vietnam and the Vietnamese adoption department of the justice ministry. This is an important report of which every public representative, the Minister and the Minister of State with responsibility for children, should read and take note. It details the major inadequacies in the adoption process applied in Vietnam and proposes that Vietnam suspend inter-country adoptions for the necessary period during 2010, to implement the Hague Convention on inter-country adoptions and to prepare for entry into force of the new law on adoption in 2011. It could be a long time before Vietnam reaches an agreement on adoptions. Among the many recommendations contained in the report is that foreign authorities should examine how they might play a more active role in monitoring the actions of adoption agencies from their respective countries as well as the timely investigation of any alleged malpractice, possibly through joint initiatives.

I ask the Minister of State to clarify the situation. Under the expired bilateral agreement a review committee composed of officials from the Department of Health and Children and the Vietnamese authorities overseeing the work of the bilateral agreement during the past five years was in place but following parliamentary questions that committee refused to publish any documentary information about its meetings.

The previous Minister of State with responsibility for children, Deputy Brian Lenihan, promised a grandfather clause in the Adoption Bill. The Law Reform Commission also recom-

mended a grandfather clause. I appeal to the Minister of State to include the clause by amending section 81 of the Bill. It is important in the first instance that children are protected and the ratification of the Hague Convention is a positive step. There is a lot more which could be included in the Bill. I hope the Minister will address these issues.

Debate adjourned.

Ceisteanna — Questions.

Priority Questions.

Sheep Industry.

1. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food his views on the financial and practical effects that the introduction of electronic tagging of sheep will have on the sheep sector here; if he has sought a derogation at European level regarding the introduction of electronic tagging in view of the decline in the sheep sector; and if he will make a statement on the matter. [43825/09]

Minister of State at the Department of Agriculture, Fisheries and Food (Deputy Tony Killeen): The introduction of electronic identification, EID, for sheep was agreed at EU level in late 2003. At that time, it was agreed to defer the implementation date until January 2008. The Council revisited this issue in December 2007 when it was agreed that the deadline for the compulsory introduction of EID should be set at 31 December 2009, six years after the original decision was taken. I have no discretion regarding the date of implementation.

I have always opposed the mandatory introduction of EID and I have used every opportunity to express both to the relevant European Commissioners, and my colleagues in the Council of Ministers, my clear view that EID should only be introduced on a mandatory basis across Europe when it has been clearly demonstrated that the benefits deriving from EID clearly outweigh any costs or inconveniences associated with its introduction. I have always advocated that EID should only apply on a voluntary basis for that reason. This position was again stated at the Council last week. I also raised the question of facilitating traditional cross-border trade in slaughter lambs at this forum. Unfortunately, most other member states do not share this problem of cross-border trade and were, therefore, unwilling to agree to further concessions in this respect.

In parallel to this opposition, I have placed an emphasis on acquiring concessions that will minimise any inconvenience in its introduction and will take due account of Irish conditions. In particular, provision has been made to exempt from EID, lambs under 12 months that are intended for slaughter. This means the vast majority of Irish sheep will not be affected by the EID requirement. Primarily, only those animals retained for breeding over the coming years will have to be electronically tagged and, therefore, the additional costs to farmers in any given year are being kept to a minimum. In these circumstances, it is with the greatest reluctance that we must prepare for the introduction of EID during 2010. I urge the stakeholders to engage with my officials with a view to implementing a system best suited to Irish conditions.

Deputy Michael Creed: I am not sure I would like to thank the Minister of State for his reply but we are getting nearer to having all the facts on the table. I appreciate the history lesson and, in some respects, I have sympathy for him because his two predecessors, who should have killed this proposal in its infancy, kicked it to touch and the chickens are coming home to roost

[Deputy Michael Creed.]

on his watch. Does he accept field trials have shown this system to be 20% inaccurate? We have a traceability and tagging system that works. Does he not accept the net import of the proposal for the sheep sector, apart from the cost and inconvenience, is that because EID will be superimposed on the current system, both systems will collapse and traceability will have zero effectiveness as a consequence?

Deputy Tony Killeen: It is important to bear in mind a strong qualified majority in voting terms of members of the European Council favour this new system and that has been the case for a considerable time. It has been a major achievement to defer its implementation until now and, more particularly, to ensure animals aged under 12 months that are intended for slaughter, which comprises the vast majority of the Irish flock, are excluded *de facto* from the system. As the Deputy said, our system works well and the Minister has made the point strongly at Council meetings. I also did so only last week and there is always a concern about the success of any new system.

The case was made by Spain, Italy and a number of other member states that they have expended a considerable amount on EID and they committed to it on foot of the 2003 decision. It is clear a large group of states hold that view strongly. From an Irish perspective, it is important to consider the importance of our export trade. That is a consideration all the stakeholders, including the Department, have to be cognisant of in the context of the decision having been made with a clear majority vote in its favour at Council.

Deputy Michael Creed: A 12-month derogation will be meaningless because a significant element of the industry is involved in hogget production. When one goes to the mart to buy store lambs, one may buy from ten different flocks. One will then have to superimpose the new tagging system on the current system. Twelve digit numbers will have to be transcribed individually in respect of each tagging. It will not work. Logistically it is a nightmare and it will collapse both systems. We will tip the industry, which is clinging on by its fingertips anyway, over the edge. We have witnessed the collapse of breeding ewe numbers by more than 50% over the past decade. The impact of this proposal will be the last nail in the coffin of the domestic sheep industry. I do not accept it is a *fait accompli*. Will the Minister of State give an assurance to the House that he will go back to Europe and show convincingly that the EID system will not work? It has a 20% inbuilt flaw in its capacity to be fully traceable and superimposing it on top of a system that works will only bring both into disrepute.

Deputy Tony Killeen: I assure the Deputy that what he has suggested has been done at every Council meeting at which this issue has been on the agenda for a considerable number of years.

Deputy Michael Creed: With no success.

Deputy Tony Killeen: A strong majority of member states favour the scheme.

Deputy Michael Creed: Will the Minister of State seek a derogation?

Deputy Tony Killeen: A number of derogations were successfully secured, particularly in regard to lambs aged under 12 months, which comprises a considerable cohort of the Irish flock. I am familiar with the 12-digit system, as there are many sheep farmers in my area and my family has always been involved in the industry. A study found that the average cost for the Irish flock owner would be approximately €30 per flock. A logistical undertaking is involved and it will be difficult initially but eventually——

Deputy Michael Creed: What is wrong with the existing system?

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

Deputy Tony Killeen: We have no difficulty with the existing system and we have extolled its virtue but we need to access export markets and this decision was made using qualified majority voting at European level.

Deputy Michael Creed: It is ridiculous.

Deputy Tony Killeen: At this stage, there is considerable merit in the stakeholders sitting down with departmental officials to examine how best to address the issue.

Grant Payments.

2. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food if he will confirm the continuation of the suckler cow welfare scheme in 2010; and if he will make a statement on the matter. [43793/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The suckler welfare scheme is funded fully by the Exchequer. The continuation of the scheme and the level of funding to be provided are budgetary matters which will be decided in the context of the forthcoming 2010 budget and the Estimates provision for the Department. The scheme was introduced in January 2008 and has more than 50,000 farmer participants. It covers approximately 85% of the country's suckler herd. It is expected that payments in 2008 and 2009 will amount to almost €64 million in respect of the 2008 scheme year. Due to the high level of participation in year one, the rate of payment in respect of the 2009 scheme year, that is calves born in 2009, was reduced from €80 to €40 per head. This announcement was made in the context of the allocation of the funding available in the 2009 budget. However, farmers have shown they remain committed to the scheme, which has been successful in meeting its objectives of improving welfare and husbandry standards, building knowledge of herd health and improving the breed quality of the suckler herd.

Deputy Seán Sherlock: I acknowledge the Minister's response, in which he referred to the importance of the scheme. Given that more than 50,000 farmers participate in the scheme while 32,000 have participated in Teagasc training and the budget is approximately €250 million, would the Minister not consider increasing the payment from €40 to €60 per head in the coming year because of the difficulties faced by farmers due to recent adverse weather conditions and the state of the market? Farmers have a deep commitment to the scheme but given the reduction in their incomes, an increase in this payment next year would provide a major buttress against loss of earnings in the current climate.

Deputy Brendan Smith: This scheme was introduced in 2008 and the payments issued in 2008 and 2009 were the first under this new stream of income. Funding for the 2009 scheme will be paid early in 2010. We do not know yet what our Estimates will be for 2010 or the indicative budget for 2011. Therefore, I am not in a position to say whether we will have resources for the scheme beyond this year's commitment. That is all for consideration in the budgetary Estimates process. I value the scheme and it has been very important for building on data available through the Irish Cattle Breeding Federation, ICBF, which is also substantially funded by the Department and by industry. It has done exceptionally good work and I fully appreciate the value of the scheme. However, I am not in a position to say what provision can be made for it in the future. The Government will meet the commitments which arose in 2009.

When the scheme was introduced the level of participation was not known. The figure I quoted for the percentage of suckler herds involved in the scheme is extremely high. The initial

[Deputy Brendan Smith.]

payment was more than drawn down. The future of the scheme and the level of funding will be finalised in the context of the budget.

Deputy Seán Sherlock: I appreciate the Minister's answer. I speak to this issue because of the current importance of the export market. It is a very productive sector and any inputs now or in the next two years will be vital to maintaining productivity and market share. There is a logic to maintaining the scheme. I ask the Minister to give a commitment to maintain the scheme and to review the payment. The Minister mentioned the ICBF. Its recent research, as indicated in the *Irish Farmers' Journal* of last week, suggests that the cow herd has shrunk by 6% this year. That could have negative implications for the future of the export market.

Is the Minister engaging with the farm organisations to, at least, maintain the scheme and to ensure, if there is a reduction from €80, that payment will continue to those farmers under the scheme?

Deputy Brendan Smith: All the farm organisations have been supportive of the scheme and have lauded its merits. Although it is less than two years old, it has been successful in meeting its objectives of improving welfare and husbandry standards, building knowledge of herd health and improving the breed quality of the suckler herd. The Deputy, quite rightly, raised those issues, which are important in the context of the challenge facing the beef industry of ensuring that the suckler herd does not decline. Unfortunately, there has been a decline in the suckler herd this year. Without the suckler scheme, the decline would have been greater.

I am aware of the importance of the scheme but I cannot make commitments until the budget and Estimates are complete.

Rural Environment Protection Scheme.

3. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food his plans to address the financial difficulty caused by the closure of the REPS 4 scheme to new applicants; his views on the uncertainty that this poses for farmers in serious financial difficulty; and if he will make a statement on the matter. [43826/09]

Deputy Brendan Smith: REPS 4 was closed to new applicants in July against the background of the deterioration in the public finances, the limited resources available to the Department and the increasing cost of the scheme as a result of the increase in the number of REPS participants. Over 12,000 farmers joined REPS 4 in 2007 and 2008, and about 17,000 more applications were received up to the 2009 closing date of 15 May for 2009. A further 1,500 applications which were received up to the time of closure will be processed as applications for 2010. I will be seeking the approval of the House for a Supplementary Estimate for my Department to transfer savings and additional receipts to scheme expenditure, including REPS. If agreed, payments due to REPS farmers in 2009 will be the highest ever. All those already in REPS will continue to receive annual payments until their current contracts run their course.

I plan to introduce a new agri-environment scheme in 2010 which will reduce compliance costs to participants and which will provide a menu of targeted environmental actions from which farmers may choose. Funding for the new scheme will include the additional modulation funds which I ensured would be retained for the benefit of Irish farmers in the negotiations on the CAP health check of last year. It will also include matching Exchequer funding. My officials are at present in discussions with the European Commission on the details of the scheme. The level of funding for the new scheme will be decided in the forthcoming budget and in the context of the allocation of resources for my Department.

Deputy Michael Creed: Does the Minister's Department have a tracking mechanism to assess the financial status of those who will exit REPS 2 and REPS 3 and who will move on to a State social welfare payment, that is, farm assist? If the Department has done such an assessment, does the Minister agree that it is financially irresponsible to withdraw REPS and thereby increase the State's liability in the form of farm assist? We need to take a cross-departmental view on this matter and acknowledge that the farm assist payment is 100% funded by the State whereas the REP scheme is 55% co-funded by the EU.

I ask the Minister to step back from the decision to suspend REPS 4 and not to conclude a deal with Brussels on a new rural development programme, pending a cross-departmental assessment of the issue.

Deputy Brendan Smith: REPS is not intended primarily as an income support measure but as an agri-environment measure. However, we all know its importance to the income of farmers.

My Department has been in consultation with other Departments, particularly the Department of Social and Family Affairs with regard to the loss of farm incomes, particularly during this year. The computations have been done of possible losses if people did not avail of such schemes. This year, we will pay out €369 million under REPS 3 and REPS 4. There are, at present, 63,000 participants in REPS, the highest level ever. Last year, there were 46,000 people in REPS. The scheme is under discussion with the EU Commission. The level of funding available for it will be finalised in the context of the budget, in the second week of next month.

Deputy Michael Creed: The Minister may dance on the head of a pin as much as he likes in arguing that REPS 4 is not an income supplement measure. He should tell that to the thousands of farmers throughout the country who, as they exit REPS 2 or REPS 3, are losing, on average, €6,500. Given the year they have had, that payment means the difference between putting bread on the table or not. The REP scheme is co-funded by Europe. Farmers who lose it will move to a payment which is 100% funded by the Exchequer. There is no logic in that.

This year, 10,000 farmers have a farm assist payment or are in the process of applying for one. That figure will increase significantly in the coming months in direct proportion to the numbers leaving REPS. I know I speak for Opposition Deputies and, I am sure, for backbenchers in the Minister's party, when I ask him to desist from his plan to introduce a Mickey Mouse REPS 4 programme and to reinstate the scheme he suspended in July last.

Deputy Brendan Smith: We will not be introducing an inadequate agri-environment measure in 2010. I am fully conscious of the serious pressure on farmers and farm families. Poor commodity prices and other difficulties have created problems. The number of farmers in REPS this year is the highest ever.

REPS has been an important source of income but it is important to note there is a certain cost to participation in it. We should all acknowledge that people must meet certain criteria. It is not a transfer of income as such. The farmer carries out a substantial amount of work to meet the relevant criteria and some of it is a pay back for the labour costs involved in the work carried out by him or her.

I am very familiar with, and conscious of, the serious difficulties facing the farming community in regard to income pressure with poor commodity prices, extreme difficulties with weather, lack of credit and so on. All of those have combined to make this year particularly difficult. I wish to introduce a substantial agri-environment measure commencing in 2010. In excess of 17,000 people entered REPS this year and they will continue with their plans over the next five years. That is the highest number of applications ever received. The second highest number of applications was 12,000. Currently, 63,000 people are participating in REPS who

[Deputy Brendan Smith.]

will receive payments. Substantial funds will issue from the Department from mid-December onwards.

I am fully conscious of the difficulties. I know from meeting farmers in my constituency and from speaking to my colleagues, the Minister of State, Deputy Killeen, the Minister of State, Deputy Sargent and Members on all sides of both Houses of the Oireachtas of the importance of this measure and scheme and its success to date.

Fisheries Development.

4. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food when the national seafood development operational programme 2007 to 2013 will be finalised; if there is a time restriction at an EU level regarding the finalisation of this programme; and if he will make a statement on the matter. [43827/09]

Deputy Tony Killeen: The seafood development measure contained in the National Development Plan 2007-2013 is divided between the EU co-funded operational programme and the national seafood development operational programme. The EU co-funded operational programme has already commenced and has funded the 2008 decommissioning scheme which has allowed 46 boats to be decommissioned with grant aid totalling €36.6 million already paid during 2008 and 2009.

The national seafood development operational programme 2007 to 2013 was advertised for public consultation in October 2008. Following this consultation process, issues were raised by the Department of the Environment, Heritage and Local Government and the Department of Communications, Energy and Natural Resources on behalf of the Central Fisheries Board regarding the grant-aiding of projects where environmental issues arise relating to compliance with the EU Birds and Habitats Directives and sea lice control on salmon farms.

This Department with its agencies working with the Department of the Environment, Heritage and Local Government developed a plan to deliver compliance with the EU Birds and Habitat Directives for wild fisheries and aquaculture over a determined timeframe. This plan was submitted to DG Environment for consideration and has been subject to detailed discussions. While DG Environment had indicated that it was in principle supportive of the plan, it has recently advised that it remains concerned about certain aspects of the planned approach to delivering compliance for aquaculture licensing. I will continue to work with the Department of the Environment, Heritage and Local Government to address the outstanding concerns of DG Environment.

In that regard, I secured €1 million for to the collection of baseline data for assessment purposes in 2009 in addition to funding provided by the Department of the Environment, Heritage and Local Government. Following an EU tender, the Marine Institute appointed personnel to operate the data collection exercise. This process is ongoing and will support compliance of aquaculture and wild fisheries with the terms of the Birds and Habitat Directives.

In regard to sea lice issues, I have met the Minister of State, Deputy Conor Lenihan, on this issue, most recently early this month. I advised on the significant progress made in regard to managing sea lice levels on salmon farms and the concerns of the fisheries boards were also set down. I hope there is a better understanding of the issues involved from the perspectives of both Departments and that on this basis we can find a satisfactory resolution to the concerns raised

Grants payable under the national seafood development operational programme 2007 to 2013 will be fully funded by the Exchequer. There are no EU time restrictions on the adoption

of the operational programme. Once the operational programme has been adopted, the individual schemes under the programme will have to be notified to the EU under EU state aid guidelines.

Deputy Tom Sheahan: The Minister of State said there are no time restrictions. Is there any hope of getting an approximate date or any indication of when this will be finalised? It is almost December 2009 and this programme runs from 2007 to 2013. What EU funding or co-funding has been lost due to the fact we do not have an operational programme in place?

The Minister of State said he received €1 million in 2009 for data collection. I remind him that €5 million was sent back which was not spent on surveys on aquaculture. This is an operational programme for fisheries but the Minister of State's reply would suggest he has no input into it. DG Environment, the Minister for Communications, Energy and Natural Resources, Deputy Ryan, and the Minister for the Environment, Heritage and Local Government, Deputy Gormley, seem to have the clout and the decision-making ability in regard to the operational programme. Will the Minister of State indicate a date and state how much funding has been lost by not having the operational programme in place?

Deputy Tony Killeen: I am assured that no funding under the co-funding programme has been lost or is at risk arising from the delays encountered here. The Deputy mentioned €5 million which was apparently provided for aquaculture surveys. I understand that was approximately 12 years ago and that the funding was not used for the purpose for which it was provided.

In regard to the work under way, a considerable amount of it is scientific in nature and is conducted by, or on behalf of, the Marine Institute on behalf of this Department and some additional work is done with the national parks and wildlife service of the Department of the Environment, Heritage and Local Government. I am satisfied with the level of co-operation with the agencies and the Departments at this point.

Deputy Tom Sheahan: I am not satisfied. Up to €10 million per annum in funding is being lost which could be drawn down if an operational programme for fisheries was in place. Jobs are also being lost. Is that not the case?

Deputy Tony Killeen: I understand no EU funding of any kind is at risk. Of course, if the programme were in place, we would be in a position to provide funding for aquaculture and sea and inland fisheries sectors and processors. We are working very hard towards achieving that.

While I am satisfied with the level of co-operation between the Departments and the agencies at this point, I wish it was possible to have more positive engagement with the fisheries and aquaculture interests and the environmental NGOs and that we could manage to expedite our dealings with DG Environment at Brussels level.

Deputy Tom Sheahan: Up to €10 million per year in co-funding is being lost.

Food Safety.

5. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food if he has received the findings of an analysis undertaken by his Department into samples of chicken fillets imported during the summer of 2009; the actions he intends to take on foot of such findings; and if he will make a statement on the matter. [43828/09]

Minister of State at the Department of Agriculture, Fisheries and Food (Deputy Trevor Sargent): My Department had analyses conducted at the Irish Equine Centre on ten batches

[Deputy Trevor Sargent.]

of imported poultry this year. This was specifically in the context of the gas flushing of poultry meat.

The results of these analyses are presently being assessed. Further, more detailed, information has been sought from the testing laboratory in order to provide a fuller picture of the microbiological status of these samples. If any follow-up action is needed, such as bringing any unsatisfactory results to the attention of competent authorities in exporting countries and asking that they take corrective action, this will be taken.

My Department is currently liaising with the Food Safety Authority of Ireland, in particular in regard to any action that needs to be taken at retail level when handling gas-flushed poultry.

Deputy Andrew Doyle: It could be said with some justification that the pork dioxin scare came up and bit us from behind. The Minister of State mentioned ten samples. He should bear in mind that in response to a previous parliamentary question on 17 November he said he was not aware of any testing on imported poultry meat having been carried out at the Department's laboratory. The response to a parliament question submitted by Deputy Creed a day later stated that the Department had analyses conducted on samples of imported poultry meat this year. It was the same response as that given here.

Deputy Michael Creed: He is covering up something.

Deputy Andrew Doyle: Something is amiss. If this turns out to be a health issue and the bacterial counts of these samples are proved to be in excess of what is humanly safe, the Minister of State is complicit in covering up results by saying he has sought further more detailed information. If we should be aware of the preliminary findings, surely the Minister of State and the Food Safety Authority of Ireland have a duty to bring this to our attention and to suspend the activity.

At peak 4 million chicken fillets are imported into this country each week. It is the most popular food the Irish housewife buys for her family. It is considered to be low fat and safe. If it is not fit, they have a right to know.

Deputy Trevor Sargent: I share the annoyance of Deputy Doyle in that I had hoped these tests would have been carried out more quickly. However, I am not a microbiologist and I do not know if the Deputy is one. We are taking the best advice available to us from the Irish Equine Centre. It has been contracted by the Department because it has the capability to carry out the tests to a standard that would give us the clout to take the action the Deputy is seeking, if that is warranted. For that reason, I have pressed this matter when I have been asked this question. I am advised the results will be concluded by next week at which point the issue will be taken up.

There is an interesting lacuna in legal terms in that the use by date must be displayed on a product, but the law does not specify the duration of the shelf life of a product. Normally, Irish processors apply a seven-day or eight-day shelf life to their products but with the use of gas-flushed technology, products can have a much longer shelf life. A shelf life of up to two or three weeks may be permissible on the basis of microbiological evidence.

I take Deputy Doyle's point that this is a serious matter but I do not want to overstate it. It is a matter that must be followed up with action, but it can only be action taken on the basis of comprehensive testing, the results of which we have to await. We will have those next week.

Deputy Andrew Doyle: Will the Minister of State confirm that those findings will be published? On the issue of the shelf life of products, what the Minister of State said is all very fine,

if one knows the slaughter date. The evidence is that chicken fillets are gas-flushed on the seventh day of shelf life of the product. Immediately the seal is broken on the wrapping of a product, the product is out of date.

Deputy Michael Creed: Hear, hear.

Deputy Andrew Doyle: That is key to this issue. We do not know the slaughter date of such products, nor their country of origin.

Why did we get two different answers on this issue last week? The FSAI convened a meeting of the suppliers and the retailers on this issue last April. It said it had no legal power to ban such a practice. The caveat here is that the retailer should have a scientifically valid way of setting use by dates. They were given two months to report back with a scientifically valid way of setting use by dates but that still has not happened.

Deputy Trevor Sargent: What the Deputy has said is so significant that I suggest he table a separate question on it. In the meantime, I will examine the matter. The Deputy has asked a question that warrants a specific separate answer. It is a question that needs a comprehensive answer but I cannot give him such an answer now.

Deputy Andrew Doyle: Will the findings be published?

Deputy Trevor Sargent: I do not have that information, but I hope they will be. The issue warrants being made public information.

Deputy Michael Creed: The consumer has the right to that information.

Deputy Trevor Sargent: I agree with the Deputy on that, but I have to take advice on that based on laboratory findings and the legislation in place. I expect that in terms of public health, it is a matter of public interest and people should have the information. I look forward to considering the information as soon as possible.

Deputy Andrew Doyle: We should have learned a lesson from the pork dioxin crisis.

Other Questions.

Dairy Sector.

6. **Deputy John Cregan** asked the Minister for Agriculture, Fisheries and Food the role he envisages for the dairy consultative group which he has recently established; and if he will make a statement on the matter. [43439/09]

Deputy Brendan Smith: Last month I announced my intention to establish a consultative group to advise me on medium and long-term measures for the dairy sector. I did this following the special Council of Ministers meeting on 5 October, where we had a thorough discussion on the need for measures to manage the dairy market in the period up to and beyond quota abolition in 2015. At that meeting it was agreed to set up a high level group of member states, chaired by the EU Commission's Agriculture Director General, to examine the type of arrangements to be put in place.

The Commission high level group will examine medium-term and long-term ways of stabilising dairy farmers' incomes and improving market transparency. The group is tasked with delivering a comprehensive report by June 2010, and it is due to meet about eight further

[Deputy Brendan Smith.]

times before then, having already met twice. It will examine means through which contractual arrangements in the supply chain can contribute to the highest possible returns for producers. This would give them more bargaining power in the process and provide a buffer against extremes of market volatility such as those that are being experienced at present. The group will also examine existing market instruments and consider what other means, including a dairy futures market, could contribute to the objective of price stability in the longer term.

I decided to establish a consultative group so I could hear the views of the experts here on issues emerging at the high level group. In particular, the ideas, knowledge and expert opinion of the Irish dairy sector will provide key perspectives on how the sector needs to be developed and supported into the future. The consultative group is representative of the broad dairy sector in Ireland and all the main stakeholder organisations are participating in it.

The first meeting of the consultative group took place on 2 November and was chaired by the Secretary General of the Department. I intend the group to meet regularly and it will follow the progress of the Commission high level group, and I look forward to receiving constructive input from them.

While in the short term we are seeing some signs of an improvement in dairy markets, the work of the group will help us to prepare the dairy sector for the medium term. It is important to remember that the medium-term prospects for global dairy markets are good. The expected growth in wealth and increased population is forecast to stimulate strong levels of demand for dairy products and returns will improve to all parts of the sector. The Government is committed to ensuring the Irish dairy sector reaches its full potential. One of the major challenges in the medium term will be to ensure that Irish farming and the agri-food sector is at the heart of an evolving high-value food market, which is focused on quality and innovation. This is at the core of Government strategy which sets out a series of actions to develop a competitive, innovative and consumer focused agri-food sector.

Deputy John Cregan: I welcome the setting up of the high level group at European level. I compliment the Minister, who along with his colleagues in the other member states, persisted in that regard. It is important this group will examine dairy markets, which, to say the least, are experiencing difficulties, and by extension the issue of the price of milk, which is at its lowest in many years, also needs to be addressed.

I further welcome the setting up by the Minister of the dairy consultative group. He might elaborate on its membership, work and the issues that will come into play in it trying to reach solutions.

Deputy Brendan Smith: I thank Deputy Cregan for his particular interest in this matter. He has raised the difficulties affecting the dairy sector during the course of this year. It is an issue that has been discussed in this House on many occasions.

On his question on the composition of the group, it comprises mainly different farm organisations, the IFA, the ICMSA, the ICOSA, Macra na Feirme, the Irish Co-operative Organisation Society, the Irish Dairy Industries Association and the Irish Dairy Board, Teagasc and some other specialists. All the relevant stakeholders are participating in this group. We have spoken on different occasions about the many challenges and difficulties facing the dairy sector. One of the issues is the area of volatility which needs to be addressed. We had high prices during 2007 but suddenly towards the end of 2008 and during the course of this year there was a huge drop in prices and prices fell below the cost of production. This has caused serious income difficulties for many farmers in Ireland, about whom we are concerned, but also for farmers

throughout Europe. During this year there were more Council of Ministers meetings and meetings of particular groups of Ministers.

An Leas-Cheann Comhairle: A number of Deputies have questions on this matter.

Deputy Brendan Smith: Yes. Deputy Cregan also asked about the high level group. The purpose of establishing the high level group was to deal with the issue of ensuring that we have in place in Europe a means to stabilise dairy farmers' incomes and to improve market transparency. It comes back to the issue of the growing power of the multiples and the deficiencies in the food chain.

Deputy Seán Sherlock: I posed this question on the last occasion the Minister answered questions and I got the exact same answer as he has imparted to Deputy Cregan. I note he said that a meeting took place on 2 November. What was the outcome of that meeting? Will the stakeholder group, the consultative group, engage in a reporting procedure to the Joint Committee on Agriculture, Fisheries and Food in order that we can be in a position to monitor the nature of deliberations therein?

Deputy Brendan Smith: As Deputy Sherlock is aware we have engaged in conversation both in the House and outside in respect of the work of this group. Our dairy consultative group will run in parallel with the work of the high level group. It is our intention to keep the consultative group fully informed of the issues under discussion at the high level group in the European Union in advance of the discussions in Europe and subsequently. We seek an input from all stakeholders and welcome an input from the Oireachtas as well. Perhaps the Joint Oireachtas Committee on Agriculture, Fisheries and Food is the proper vehicle or forum.

Significant issues remain in respect of the dairy industry. The abolition of quota will take place in 2015 and adequate market support measures must be put in place. Market mechanism measures have been helpful this year but we would prefer if they were more effective. We must try to eliminate the volatility that has existed up to now.

Deputy Seán Sherlock: We are aware of the importance of the abolition of quotas. This is why we have called for consultation and an act of participation. It is important that the Joint Committee on Agriculture, Fisheries and Food would feed into that process in some way. It is also important that we are notified of the ongoing nature of the consultations. Did the Minister invite Teagasc to the last meeting? Is the scientific community involved in this process as an active participant? When I put the question in October, I was informed it would be invited.

Deputy Brendan Smith: Teagasc will participate. I do not know whether its representatives were present at the last meeting but I presume they were and I will clarify that for the Deputy. We want all relevant stakeholders to participate. We would be pleased to keep the Joint Committee on Agriculture, Fisheries and Food fully briefed and informed and we welcome its input.

A large number of issues must be dealt with by the high level group and by our consultative group in respect of the contractual relationship between producers and processors to strengthen the bargaining power of producers, transparency for producers, the industry and consumers, information on markets and innovation on research because things will change and evolve. This is a major area and one in which we encourage all stakeholders to be involved who are prepared to come along willingly and participate actively and constructively.

Organic Farming.

7. **Deputy Paul Gogarty** asked the Minister for Agriculture, Fisheries and Food the reason

[Deputy Paul Gogarty.]

the levels of organic dairy conversion are low in view of the fact that the price of organic milk is 45 cent per litre; and if he will make a statement on the matter. [43454/09]

Deputy Trevor Sargent: The decision of whether to convert from conventional to organic dairy farming is a matter of decision for each dairy farmer, based on their circumstances and preferences. While there had been an increased interest in organic production early in this decade, the exceptionally high prices for conventional manufacturing milk in 2007 and early 2008 probably dampened this interest. Other reasons for the limited interest may include the fact that concentrate feed costs are less influential than they were, the fact that there is no premium on the product during the two-year conversion period when some additional costs may be incurred and the fact that farmers have their own preferences in relation to co-operative dealings and the use of veterinary medicinal products.

I can assure Deputies that the organic option is available for those who might wish to consider it. Anyone contemplating such a conversion can be guided through the process by my Department. Specifically in the milk area, there is a further incentive for those converting in the form of a special additional allocation of 45,000 litres of milk quota.

Last year, I announced the latter scheme and was facilitated by the 2% increase in milk quotas from 1 April 2008, that I helped to secure earlier. The scheme allows existing organic producers to expand and is also aimed at encouraging new entrants into the sector. It is in keeping with the Organic Action Plan 2008-2012, which is my Department's response to the target in the programme for Government for 5% of the agricultural land area to be under organic production by 2012. One of the specific actions in the plan is to facilitate the expansion of the organic dairy sector by allocating additional quota and I am pleased that I have been able to deliver upon this so soon.

Deputy Mary Alexandra White: I presume that due to climate change there are opportunities for organic milk producers to benefit in their pockets to a greater extent than those who practice conventional farming because they do not face the increased burden of inputs. Is the figure of an 11% increase in organic milk production the most up-to-date figure available? Do the rules make it easier for farmers to convert from conventional to organic farming? The transition timeframe is two years. How many farmers are in the conversion period?

Deputy Trevor Sargent: I thank the Deputy for her question and her ongoing interest. The cost of conventional milk production is affected by the cost of inputs and the return, which has been rather disappointing in the recent past. I take this opportunity to urge farmers to consider the overall picture in terms of the cost of inputs and the return. They may be surprised to learn the return on the organic option is a good deal more attractive at present than conventional production. I can verify that the Deputy is correct to state the figure of 11% increase each year in spite of the recession. The sector is holding up and is healthier in terms of an increase in sales than the UK sector. An Bord Bia informs me the sector has bottomed out and is rising again despite the fact there is a recession in the UK as well. The opportunities and indicators point in the right direction for those who chose organic production.

Deputy Seán Sherlock: Why is the vast bulk of the population not drinking organic milk if it is only priced at 45 cent per litre?

Deputy Trevor Sargent: There may be a misunderstanding on the part of the Deputy. The price referred to is the price received by the farmer from the creamery. At present there are two creameries——

Deputy Seán Sherlock: Does it not refer to the current market price for a litre of milk in the shops?

Deputy Trevor Sargent: No. Obviously, the price is higher than the conventional price in the shops, but not much higher in my experience. However, the Deputy will agree it is a good return for the farmer to receive 45 cent per litre. It may be difficult to rationalise why more people do not choose the organic option, given the 45 cent price.

Deputy Michael Creed: Perhaps the process is not as environmentally friendly as the Minister of State believes.

Deputy Trevor Sargent: I do not want the Deputy throwing cold water on the option and it does not help anyone to rationalise the reasons in that way. Some farmers may be familiar with existing arrangements with their co-operatives. Only two dairies operate under the organic system, one of which is a good deal larger than the other. There are hopes for another operation closer to the Border. Ironically, this does not dissuade people in Northern Ireland from producing organically and selling milk to a creamery in the midlands. Clearly, it is not a disincentive in that regard. In addition, some farmers have invested in slatted units and other aspects of conventional production and may be reluctant to turn their back on it. There are many relevant factors.

Deputy Andrew Doyle: I do not believe slatted units prevent the production of milk whether organically or otherwise. The key point is that it costs a good deal more in terms of carbon spent to produce a unit of food organically than to produce a unit of food non-organically.

Deputy Trevor Sargent: From where did the Deputy get that idea?

Deputy Andrew Doyle: It is derived from multiple research. A lady in Dublin Castle at a conference entitled The Greening of Agriculture was adamant that organically produced food was less carbon efficient than conventionally produced food. This does not necessarily apply to intensively produced food but to conventionally produced food in a moderate way using the best available science and technology including, dare I say so, GM food technology and minimal or no till cultivation, which has developed organic soil. Dr. John Geraghty from Kilsheellan showed graphic slides according to which, flooding——

An Leas-Cheann Comhairle: Is the Deputy asking a supplementary question?

Deputy Andrew Doyle: I did not get to speak on the issue of flooding because Wicklow was not flooded. We are too high.

An Leas-Cheann Comhairle: This is Question Time.

Deputy Andrew Doyle: Flooding issues can be dealt with and it is possible to have organic matter in the soil without it being farmed organically. The holistic approach must be taken in this regard.

Deputy Trevor Sargent: I am surprised the Deputy is ignoring the people of Arklow when he refers to flooding.

Deputy Andrew Doyle: I did not ignore the people of Arklow.

An Leas-Cheann Comhairle: I ask the Minister of State not to be provocative.

Deputy Trevor Sargent: The Deputy may be referring to the fact that it might be better to grow organic food here rather than importing it from far away locations. The no-till method is quite in keeping with organic methods. If the Deputy is serious about the incomes and welfare of farmers, he should consider what the market wants. The fact that we are obliged to import 70% of the organic produce sold in this country indicates that major opportunities exist not only here, but also in the UK, which regards Ireland as a local market. I would have thought the Deputy, if he is serious about this matter, would want us to grab a piece of the UK market, which is valued at €2 billion.

Deputy Andrew Doyle: I have been nice to the Minister of State so far.

Deputy Trevor Sargent: Organic farming has continually proven to be extremely efficient in respect of its carbon footprint. This is because it is based on working with nature, minimising inputs and taking advantage of the natural benefits that exist.

An Leas-Cheann Comhairle: We must proceed to Question No. 8.

Deputy Michael D'Arcy: I put it to the Minister of State that if it organic farming is so profitable, then Kerry Group would be involved.

Deputy Trevor Sargent: That company cannot get everything right.

Departmental Offices.

8. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if, in view of the rationalisation of local agricultural offices he has considered the possibility of providing field staff with a localised docking station within existing State owned premises as an access point for information technology purposes to maximise productivity; and if he will make a statement on the matter. [43581/09]

Deputy Brendan Smith: The Government approved my plan for a reorganisation of my Department's local office network last July. The plan involves reducing, from 57 to 16, the number of offices from which the Department will operate district veterinary, forestry and agricultural environment and structures support services in the future. The decision to close some 40 offices was made only after we had completed a detailed study of the Department's operations at local level. Decisions were made in respect of the overall strategy and against a background of major changes in the Department's operating environment in recent years which were brought about by the impact of the single farm payment, benefits derived from substantial investment in information communications technology and significant reductions in the incidence of disease.

Improvements in business processes, information technology and communications will allow the Department to provide to all of its clients, the full range of services from the 16 enhanced offices set out in the plan. Departmental staff will be relocated to the enhanced offices, where appropriate, or redeployed to other areas of the Department or to other Departments or agencies. Where particular arrangements which would benefit service delivery and operational needs are identified, they will be considered on the basis of an agreed business case.

Deputy Michael Creed: I support in principle the endeavours being made by the Department to rationalise its office network. I am anxious to ensure that what emanates from the process in this regard will involve the most efficient and sustainable use of resources. In that context, I recently met staff who are involved with the rationalisation process. I was informed that under the proposal to close down operations in Kilkenny and transfer them to Waterford, staff

from the Kilkenny area will be obliged to travel to Waterford each day in order to obtain their work schedules. Some of those whom I met suggested that if a docking station were provided at the offices in Kilkenny that are still owned by the State, field officers would be able to download their work schedules, maps and other essentials and would not be obliged to travel to Waterford each day. These officers would also be able to input any data obtained as a result of their field trips at that docking station. This would mean that the Department would obtain more for less in respect of its field staff.

The proposal being made in this regard seems logical and it would lead to a more efficient and better use of staff resources. Will the Minister consider this proposal not just in the context of Kilkenny, but at other locations where it is proposed to have staff travel long distances to work? I am not referring to keeping offices open to the public, but to facilities at which staff could download what they need in order to complete their work without being obliged to travel to other locations.

Deputy Brendan Smith: I welcome Deputy Creed's support for the rationalisation of our office network. He made that support known on previous occasions. When he refers to docking stations, I presume the Deputy is referring to making facilities and technology available at existing offices. Senior management in the Department has been involved with the personnel in all of our offices in respect of the restructuring and rationalisation of the network. Naturally, a practical approach will be taken in the context of dealing with particular issues. We want to minimise the necessity for people to travel.

As the Deputy stated, a large proportion of the work of these officers involves being out in the field and they work with members of local farming communities in the areas to which they are assigned. Even though the location of head offices may change, many staff will continue to work in the geographical areas for which they currently have responsibility. All of these matters will be dealt with on a practical basis as the rationalisation process continues.

Drumshanbo, Navan, Enniscorthy and Waterford have been identified as the locations for the first four enhanced offices. The human resources division and other divisions of the Department are working with the personnel at all of the offices affected in the interests of putting the new structures in place as soon as possible. The arrangements in this regard will, in the first instance, be discussed with the relevant personnel. It is vital that the staff involved will be made aware of what is proposed.

Deputy Seán Sherlock: What is the timeframe with regard to the completion of the process? I tabled a parliamentary question in respect of how this matter will affect north Cork——

Deputy Michael Creed: The Deputy wants my constituents to travel a long way.

Deputy Seán Sherlock: ——and the Minister's reply indicated that it is proposed to transfer operations there to Fermoy. Having consulted some of the staff in Mallow, it transpires that major issues have arisen with regard to the move to Fermoy. How definitive is the decision this regard? What consultations took place in respect of retaining the staff in Mallow and transferring operations to a larger premises there?

An Leas-Cheann Comhairle: We are moving rapidly from the general to the specific.

Deputy Michael Creed: May I comment on that matter?

An Leas-Cheann Comhairle: Yes, if the Deputy proposes to be helpful.

Deputy Michael Creed: I do propose to be helpful because there will be no need for me to pose a further supplementary if I intervene at this juncture. I understand it is proposed to close the offices at South Mall in Cork and at Mallow and to transfer operations to Fermoy. In light of staff concerns and the geographical area involved, it is absurd to ask——

An Leas-Cheann Comhairle: I do not want Members to become bogged down in asking questions in respect of a particular question.

Deputy Michael Creed: That is fine. Perhaps the Minister might reconsider the position, particularly in light of the points raised by Deputy Sherlock. Will he——

An Leas-Cheann Comhairle: I will allow the Deputy to ask a further supplementary when the Minister has replied to those which have just been put to him.

Deputy Brendan Smith: The Deputies who represent Cork East and Cork North-West have made adequate proposals on what they see as the optimum location for the enhanced office in their region. Management at the Department is involved in discussions with the officials in all the local offices to ensure that the rationalisation will result in the creation of the number of enhanced offices to which I referred earlier. I am firmly of the view that, where possible, departmental offices should not be situated in city centre locations.

Deputy Michael Creed: No one is suggesting that.

Deputy Brendan Smith: I accept that. It is because offices should not be situated in city centre locations that a decision was taken to transfer operations from South Mall in Cork. Where possible, we should ensure that the service is brought out to local farming communities. However, I accept that this cannot always be done.

Deputy Michael Creed: Is the Department contractually committed to transferring operations to Fermoy?

Deputy Brendan Smith: Perhaps I might discuss with both Deputies the particular issues relating to location of the office for the north and east Cork areas on another occasion.

I am sure Members share my view that there should be as much co-location as possible in respect of the offices of the Department and Teagasc. We are intent on taking this route. It is often the case that a person who goes to a departmental office to access a service or seek advice may also have business to conduct with Teagasc. In that context, I want to encourage as much co-location as possible in respect of our offices in order that efficiencies might be obtained. Progress is being made in that regard.

An Leas-Cheann Comhairle: We may move to a location closer to the Minister's heart as I call Deputy Crawford.

Deputy Seymour Crawford: I support Deputy Creed on his point on the need to utilise premises that are available for field staff. The obvious situation is where the Minister promised to keep open the office in Ballybay, which is the most important centre for the export of live cattle. It is important that people get to their place of work in time so that live exports happen on time. I hope this can be facilitated and that staff will use Ballybay as a base rather than having to travel to Cavan.

Deputy Michael Creed: I tabled this question in an attempt to be helpful. Whether it is Teagasc or county council offices, State offices in one guise or another should be used to maximum efficiency. There should be no demarkation whereby an officer of the Department

of Agriculture, Fisheries and Food cannot use the IT available in a local authority, Teagasc or another State-funded facility such as a social welfare office to assist in efficiencies. That is what I suggest, particularly in Kilkenny, but I am sure it will have much wider application and will result in greater efficiencies. Will the Minister bring this specific issue to the attention of those handling the issue in the Department?

Deputy Brendan Smith: The use of technology has changed our ways and means of doing business and will continue to change them. In the past, far too many statutory agencies, be they Departments or local agencies or authorities standing alone in isolation in the provision of services to the public in general. There can be greater utilisation of public services by all Departments and agencies.

I assure Deputy Crawford that I will ensure there is a very active and busy office in Ballybay because there is a huge amount of activity in the poultry and pig industries in that area. Naturally, there will be particular areas of work that will be delivered from Ballybay to the farming community generally and not just that in County Monaghan

Live Exports.

9. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the discussions he has had with the Irish owners of meat plants operating in the UK regarding the issues facing those involved in the live export trade having animals slaughtered in the UK; and if he will make a statement on the matter. [43570/09]

Deputy Brendan Smith: The live export trade is an important element of Ireland's meat and livestock industry providing a complement to the beef trade. The UK remains the largest single destination with more than 81,500 animals exported in 2009, an increase of more than 150% on the same period in 2008. Of these exports, 86% consists of weanlings, stores and finished cattle with calves accounting for the remainder. Northern Ireland alone accounts for almost 90% of total live trade to the UK with the balance going to factories throughout Britain.

I am fully aware of the issues facing those involved in the live export trade. These include labelling, inclusion in quality assurance schemes and veterinary issues. As regards labelling, the Deputy will be aware that this matter is governed by comprehensive EU regulations introduced in 2000, which are underpinned by a full animal identification and traceability system. The primary compulsory element of these regulations is a requirement that the country of origin of the animal be shown on any label. Given the accepted preference of UK consumers for domestically sourced beef, this poses difficulties for Irish producers and processors in this marketplace.

Participation in the British quality assurance scheme is restricted to animals born and finished in the UK. This scheme, known as "Red Tractor", is similar to the Bord Bia equivalent, and excludes foreign born animals. Given that quality assurance is seen as a key requirement to supply the retail sector, Irish animals would be seen as less valuable to processors compared to assured domestic cattle.

With a view to addressing these challenges, Bord Bia has been working for some months with the industry on extending its beef quality assurance scheme to include cattle for export. The scheme would draw on data from the existing beef quality assurance and beef suckler welfare schemes, and would incorporate auditing of participants to verify compliance. Such a scheme could enable Irish-born animals to access higher-value market channels in Britain and other countries. Discussions on this matter are ongoing and I have asked Bord Bia to progress it as soon as possible.

[Deputy Brendan Smith.]

Veterinary issues associated with the export of Irish cattle for finishing to Britain are the subject of ongoing discussion at bilateral and EU level and take place against the backdrop of our continued commitment to public health and food safety. While the purchasing policy of British meat plants, whether Irish or British owned, is, of course, a commercial decision for these plants I will continue to work with the industry to ensure continued access to the British market for live exports.

Deputy Michael Creed: The issue of live exports is far more important than the number of finished animals exported live for slaughter in the UK or that are fattened; it serves as a price-setting mechanism in the differential between the Irish and UK markets, which at present is approximately €150 a head. It is critical that every impediment and roadblock to it is challenged head on. As I stated during previous debates on this, we have leverage through work permits and the beef investment fund through which we will provide €50 million to meat plants in Ireland to modernise.

Where there is a will there is a way. The Minister has a stick and I implore him not to be afraid to use it. We have a carrot to the tune of €50 million and that carrot could be withdrawn and the stick used instead if they do not play ball. In view of the price-setting mechanism, the price differential and the sterling issue, it is imperative that this matter is addressed as a matter of urgency.

Deputy Brendan Smith: As Deputy Creed stated, of course the price is a critical issue for farming families. Unfortunately, those prices have declined and the economic conditions have added to their difficulties. The volume of beef sold on all our major markets has declined while demand has shifted towards cheaper cuts. Additionally, sales in food service outlets, such as restaurants, have fallen as fewer people are eating out. Particular pressures exist with regard to the export of beef and from speaking to Members on all sides of the House I am fully conscious of the pressures on people with regard to beef prices.

The Department has conveyed to Meat Industry Ireland the concerns expressed to the Oireachtas by individual farmers and farm organisations and associations. We supplied answers to the British authorities with all queries they posed to us on veterinary matters. From our point of view nothing is outstanding on any query from the British veterinary service.

Deputy Seán Sherlock: I assume the Minister in his reply is giving an assurance on the future of live exports. Is this the case?

Deputy Brendan Smith: As everyone in the House agrees, live exports are absolutely essential. If we did not have them the competitive element of the industry would be rather weak. I am anxious that we have as strong a live export trade as possible. Naturally we want a strong beef processing industry also. That balance must be achieved because the beef industry is important for jobs in processing facilities. The increase in live exports so far this year is impressive.

Deputy Seymour Crawford: I mentioned Ballybay a few minutes ago and I will do so again.

An Leas-Cheann Comhairle: I wonder why.

Deputy Seymour Crawford: One of the issues is that there seems to be a delay in getting live cattle to the marts. I urge the Minister to ensure his personnel are available at the earliest possible time to ensure that cattle going North for slaughter are able to be slaughtered on the same day. This is part of the problem. Some people in the job are afraid to open their mouths

in case they would suffer as a result. I received a telephone call from a dairy farmer who sold his herd recently. When he was at the mart in Ballybay he was livid at how it operated, or did not operate. It was very slow with unnecessary delays.

Deputy Brendan Smith: I want to see delays minimised. I had a meeting with the marts division of the Irish Co-operative Organisation Society on a number of issues. Delays were not an issue discussed at that meeting which was on minimising costs with regard to the number of personnel attending. In our area, I provided additional resources for marts and assembly centres for the export of animals. Particular requirements are laid down by the European Union with regard to requirements we have to meet, and we have to do so in a speedy and efficient manner. I will double-check to ensure that every impediment to slowing up the movement of cattle is eliminated.

Deputy Johnny Brady: I am heartened by the Minister's comments. Several people have brought to my attention the delays in slaughtering cattle exported to Great Britain. Deputy Doyle and I raised this issue during a visit to our officials in the EU and they agreed to investigate it.

Deputy Brendan Smith: Deputy Brady has raised the issue with me on previous occasions. I will ensure that our exports meet statutory requirements and that no undue delays arise. I will also facilitate farmers and mart operators in transporting stock as rapidly as possible.

Common Agricultural Policy.

10. **Deputy Terence Flanagan** asked the Minister for Agriculture, Fisheries and Food if, in the context of the Common Agricultural Policy post 2013, it is his intention to pursue the prioritisation of premium payments for low carbon grass based production systems as a policy objective; and if he will make a statement on the matter. [43598/09]

Deputy Brendan Smith: I am open to examining the benefits of premium payments for low carbon grass based production systems in the context of the future Common Agricultural Policy, along with the other policy options that are being put on the table. However, I believe it would be premature to direct Irish policy solely in such a specific direction at this time.

The discussions on the Common Agricultural Policy after 2013 are still at a very early stage. Although policy analysis and general debates have commenced in a number of member states, including Ireland, they are still primarily concerned with the broad outlines and general principles. These include big ticket issues, such as the amount of funding that will be available, the overall direction of the direct payments system, the positioning of rural development policy in the CAP or with cohesion policy, the need for continued market supports, the question of national co-financing and the need for modulation. In the circumstances, my priority at present is to secure a strong and adequately resourced CAP after 2013. This is a point I have pressed strongly in discussions to date and for which there is good support in the Agriculture Council.

I am conscious of the importance to the EU of ensuring security of food supply and maintaining family farming. However, as a Minister of an exporting country, I am also conscious of the need for competitiveness and innovation. I hope to see all of these objectives clearly reflected in the new CAP.

Deputy Andrew Doyle: Not only are we facing challenges in food production, but we will also have to deal with carbon emissions by meeting new targets on renewable energy and greenhouse gas reduction. In terms of carbon emissions per unit of food produced, this is one of the most efficient countries on the planet. If we can agree a standard of equivalence, it

[Deputy Andrew Doyle.]

makes sense to push the food security agenda in a carbon friendly manner. That could form part of our basis for securing CAP funding.

Deputy Seán Sherlock: We will have to deal with the issue of methane emissions at some stage. What is the Minister's view of the challenges that will have to be faced in the context of climate change?

Deputy Brendan Smith: I share the concerns of Deputies Doyle and Sherlock. We need to join up our thinking on climate change policy and the future of CAP. Teagasc and other institutes have been conducting research on methane gas emission from livestock and grasses. I have consistently raised with the Council of Ministers the need to ensure that the EU's proposal to the Copenhagen summit gives due cognisance to the importance of food security. Along with New Zealand, our food production system is regarded as the most efficient in the world. If we produce food efficiently, our production base should not be weakened in the context of a growing population and increasing global demands. We have already brought these issues to the table in respect of the future of CAP and the debate on climate change.

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 Leo Varadkar — the provision of permanent accommodation for Tyrrelstown Educate Together school and Mulhuddart national school; (2) Deputy Aengus Ó Snodaigh — the payment of the Christmas bonus to recipients of social welfare payments; (3) Deputy Joan Burton — the provision of permanent accommodation for Tyrrelstown Educate Together school and Mulhuddart national school; (4) Deputy Seán Sherlock — the need to ensure the continuation of the local development social inclusion partnership at Blackwater Avondhu Partnership Ltd.; (5) Deputy Ruairí Quinn — the need to reform the regulations in respect of student grant application for third level students; (6) Deputy Pat Rabbitte — the Minister's future plans in respect of the drug treatment court; (7) Deputy Róisín Shortall — the need to provide for a judicial sentencing commission; (8) Deputy Joe Costello — the current position regarding community development projects; and (9) Deputy Andrew Doyle — the carers allowance.

The matters raised by Deputies Pat Rabbitte, Seán Sherlock, Joe Costello and Andrew Doyle have been selected for discussion.

Adjournment Debate.

Drug Treatment Court.

An Leas-Cheann Comhairle: Deputy Rabbitte will raise the Minister's plans — future plans — in respect of the drug treatment court. The syntax is not right but I am sure the Deputy understands the matter he submitted.

Deputy Pat Rabbitte: I would never seek to gainsay the Leas-Cheann Comhairle's syntax. Several weeks ago I had the opportunity to visit the drug treatment court while it was in session and to meet some of the participants in the specially designed programme. The drug treatment court is a progressive innovation aimed at the rehabilitation of persons with addiction problems

who have committed non-violent offences. It only deals with clients referred from two postal districts in the north inner city and was established as a permanent court in 2006. The aim of the court is the reduction of crime through rehabilitation of the offender, but it does not exclude punishment should the circumstances so warrant.

In addition to the judge, the drug court team comprises a court co-ordinator, a probation and welfare officer, a garda, a clinical health nurse and an education officer. The court's programme includes the provision of medical attention, counselling and educational and vocational modules. The progress of the offender on the programme is regularly monitored by the court. The judge is expected to give effective leadership and to be a motivator, enforcer and sanctioner. Each member of the team at pre-court meetings, which are held in private, provides verbal reports on aspects of the participants engagement with the programme. This could include urine screens, attendances at clinics, meetings, counselling sessions, assessments, motivation and engagement, family circumstances, medical reports and whether further charges or convictions have been brought. A full picture of the participant gradually becomes apparent to the court.

Initially defendants appear in court every week to account for their progress. Sanctions and incentives are employed by the court on a carrot and stick basis to encourage and reward progress and sanction failure to comply. The prize is avoiding a custodial sentence and having charges struck out on graduation from the programme.

The Secretary General of the Department of Justice, Equality and Law Reform recently stated to the Committee of Public Accounts:

I am disappointed with its low output and am not convinced any longer that is the way we should go. An evaluation is under way and we hope it will be completed by the end of the year. Consultation is also taking place with the Judiciary and we will see where that goes...- while it was started with the best of intentions, the production level of the court does not justify extending the model elsewhere. It is not working and we must go back to the drawing board.

Does the Minister of State at the Department of Justice, Equality and Law Reform, Deputy John Curran, hold the same view as the Secretary General? Furthermore, I ask whether the evaluation is complete, what its conclusions are and when it will be published.

In so far as I can see, the only reason the throughput is not higher are the obstacles in the way of expanding the remit of the drug treatment court to include the entire city of Dublin. These obstacles pertain to the inability of other agencies, such as the HSE, to provide the necessary support services but they can be resolved if the political will exists to do so. I am sure the drug treatment court is an expensive innovation. However, I am equally sure it is not as expensive as the alternative of custodial care for a majority of drug abusers. Everywhere throughout urban Ireland we see the consequences of drug pushing and drug abuse and the incalculable cost of the damage being done by recidivist abusers.

Minister of State at the Department of Justice, Equality and Law Reform (Deputy John Curran): I thank Deputy Rabbitte for raising this matter. I am responding on behalf of the Minister for Justice, Equality and Law Reform who sends his apologies.

The Drug Treatment Court, which originally operated on a pilot basis in the north inner city of Dublin, was placed on a permanent footing and extended to the Dublin 7 area. The court uses a multidisciplinary approach and involves a range of Government Departments and agencies charged with dealing with various aspects of the problem of drug misuse.

[Deputy John Curran.]

The court's mission is to provide supervised treatment, education and rehabilitation for offenders with drug problems, as an alternative to prison. The programme lasts for a minimum of 12 to 18 months. To be successful the participant needs to demonstrate a willingness to become free of non-prescribed drugs and make a permanent change in lifestyle. Assessments carried out to establish suitability for inclusion on the programme take on average ten weeks. The main incentive for participants is the knowledge that outstanding charges will be struck out where the participant successfully completes the programme and does not re-offend in the 12 months following graduation.

The programme operates on a points system designed to encourage the participants towards successful completion of the programme. Follow-up support for participants includes 12 months post-graduation supervision. While a formal procedure is not in place to monitor offences beyond that period, indications are that participation in the programme is linked to a decrease in criminal activity. The court operates with the assistance of an inter-agency team which includes the judge, a probation and welfare officer, an addiction nurse, a Garda liaison officer, an education-training representative and counsellors.

The Department of Justice, Equality and Law Reform has been carrying out a review of the operation of the Drug Treatment Court. The review is reaching completion and the Minister for Justice, Equality and Law Reform was anxious that no decisions regarding the future of the court should be taken without a thorough examination of the facts. There are significant questions over the Dublin Drug Treatment Court relating to the throughput and graduation levels which have not come close to achieving what was intended on the establishment of the programme. Concern about the volume of cases led to the decision to carry out a review of the court's operations. It should be noted that on the establishment of the Drug Treatment Court in 2001, the planning committee had envisaged a potential enrolment of 100 participants in the first year. From establishment to date, a total of eight years, 228 persons have participated in the programme with only 27 graduates. A further 154 persons were referred but found to be unsuitable to participate in the programme.

This is a restorative justice initiative and success of such programmes should not and cannot be assessed simply in terms of throughput. Nonetheless, it appears from the figures that some adjustment of the court's current operations is essential. Having said that, I am sure the Deputy realises the value the Drug Treatment Court brings to the clients who come before it. The supervision is intensive and successive district judges and the court team have done an excellent, painstaking job in helping the individuals in question along the road to recovery. The team's commitment is genuine and wholehearted. The positive outcomes that can be achieved must be taken into account.

It is, therefore, important to recognise that in determining the cost effectiveness of the Drug Treatment Court many other factors come into play, rather than simply a straight comparison between treatment costs in one stream as opposed to another. For example, a participant in the Drug Treatment Court is not legally represented each time there is an appearance before the court. There are, therefore, savings to the criminal legal aid scheme which serve to offset any slight increase in costs. In addition, while people are participating in the programme, their involvement in crime is reduced, even if they do not complete the programme. These types of variable factors are also difficult to quantify.

Improved recidivism rates result in benefits to society in terms of decreases in the number of victims of crimes, in particular, crimes against property. Savings may also be demonstrated in the criminal justice system in terms of Garda time spent prosecuting, as well as court time and prison places.

This issue fits into the overall National Drugs Strategy 2009 to 2016 which I have responsibility for co-ordinating. Drug treatment courts can have a role to play in both the treatment and rehabilitation of offenders and by extension can impact positively in the fight against crime. As I stated, a review has been undertaken to examine the operation of the court, including examining best practice elsewhere to see how the court's low throughput levels could be increased. Officials at a senior level have met with representatives of the Judiciary and other relevant agencies. The report is nearing its conclusion and I will arrange to have the outcome communicated to the Deputy in due course.

Community Development.

Deputy Seán Sherlock: Concerns have been expressed to me about a proposal to close a branch office of the Blackwater Avondhu Partnership in Mallow. Some members of the board are concerned about the proposal because the office in Mallow supervises the local development social inclusion programme, LDSIP, and rural transport programme. I attest to the good work done by the office which has been in operation since 1996. I also share the concerns communicated to me by board members about the closure of the office as it will create significant potential for a diminution of the service provided in the Mallow and north Cork region.

I am also concerned that proposals have been made by the Blackwater Avondhu Partnership to instigate a round of voluntary redundancies in advance of any announcement in the budget of a reduction of a ministerial budget line for such groups to provide services. I am further concerned about certain corporate governance issues which arise as a result of the decision to which I refer. At the most recent board meeting of the Blackwater Avondhu Partnership, it was communicated to members that no decision had been made on the closure of the Mallow office or on seeking a round of voluntary redundancies. Despite this, staff have been notified that the office will close and a voluntary redundancy package will be offered. They must give their decisions on the package by next Monday.

Has the Minister given a direction to the partnership that the office in Mallow should close? Has the board or chief executive officer communicated to the Department an intention to seek voluntary redundancies? Has the Department communicated with the partnership about the need to seek redundancies and close one of its operational centres, namely, the Mallow office?

I ask that the Department give the board of Blackwater Avondhu Partnership an undertaking that all rules and regulations pertaining to corporate governance procedures will be adhered to as regards the responsibilities of the board, as distinct from the chief executive officer. I also ask that the Department issue guidance to the board in this respect.

The individuals who communicated with me are board members. While some of them vehemently oppose the closure of the Mallow office, they accept the argument that if rationalisation is required services will be moved to another office in Fermoy. They seek to ensure that the process applied to staff members in the Mallow office is completely transparent, the wishes of board members are observed and no person or persons act in a unilateral fashion. The reason I saw fit to raise this issue is that concern has arisen about the actions of some individuals with regard to the continuation of services in Mallow. I share this concern.

While I accept that we live in constrained times and the amalgamation of two entities sometimes causes one entity to suffer, I am adamant that the LDSIP, a phenomenally successful programme, should continue within the amalgamated structure. The rural transport programme, which delivers excellent services, should also continue, as should the other services such as those at the Mallow office.

Deputy John Curran: The local development social inclusion programme is a series of measures designed to counter disadvantage and to promote equality and social and economic inclusion. The LDSIP forms part of the National Development Plan 2007-2013 but is still being carried out under the guidelines of the 2000-06 programme pending the transition to a new programme in 2010. The new programme, called the local and community development programme, will preserve elements of good practice from the existing CDP and LDSIP programmes and will be rolled out in 2010.

The LDSIP is implemented locally by 37 integrated local development companies and 16 urban partnerships. These are not-for-profit companies that target the areas of greatest need in the country to provide an area-based response to long-term unemployment and to promote social inclusion under three measures: services for the unemployed, community development and community-based youth initiatives. All implementing bodies are companies limited by guarantee, without share capital. Implementing bodies have flexibility to prepare local development plans that respond to local economic and social needs. Each of these bodies prepares a strategic plan setting out objectives, actions and targets across the three measures designed to address poverty and social inclusion in their areas. Actions funded by the LDSIP involve integrated responses to the multidimensional nature of social exclusion which are grouped into these three areas of activity. Since the beginning of 2009, the LDSIP has achieved full county coverage as a result of the completed cohesion process.

The Avondhu-Blackwater Partnership is a newly integrated company following the merger of Avondhu Development Group and Blackwater Resources. The 2009 allocation under the LDSIP programme for the company is €501,270. The area of operation stretches from Ballyclough in the west to Araglin in the east and Carrignavar in the south. The integrated company also includes the newly expanded area for the social inclusion programme of Blarney. The greater Blarney area has a population of more than 27,500 people. The total population of the area of operation for the new company is in excess of 70,000 people.

In 2009, the key areas of work for the local development social inclusion programme include supporting collaborative initiatives to promote access to employment and training, the design of innovative pre-employment training for especially vulnerable unemployed people, and the referral of clients to other supports and services under the services for the unemployed measure. The “equality for all” project in Mallow and the integration project in Fermoy will bring a strong focus to this work.

Under the community development measure, the emphasis is on projects supporting interculturalism, community training, facilitation of groups involved in social inclusion, actions to support volunteering in the community, and the further development of local networks such as the north Cork Traveller forum and the north Cork immigrant forum.

Under the community-based youth initiative measure, the emphasis is on supporting a small number of local collaborations, including an innovative youth arts programme. A further key area of work in 2009 is capacity building in the greater Blarney area. The emphasis will be on developing the capacity of existing and newly emerging community groups and supporting the establishment of new networks.

Rationalisation of the operations, staffing, accommodation and so on of all the companies is at an advanced stage. It is a matter for the board of the Avondhu-Blackwater Partnership, as an independent limited company, to manage within the programme budget allocated to it and to deploy its staff and resources in the most effective way to achieve programme delivery. In advance of decisions in the 2010 budget, it is not feasible to anticipate levels of funding available for the new local and community development programme next year.

Decisions of the type to which Deputy Sherlock referred are quite properly a matter for the board of the company. The Deputy spoke about governance and I will ask officials in my Department to have a look at it. The key decisions to which the Deputy refers are rightly the decisions to be made by the board.

Deputy Joe Costello: There is great concern that community development projects are being savagely cut. Decisions being taken on the CDPs could undermine the provision of services. The 183 CDPs throughout the country are to be reduced by 35 before Christmas, while the remainder will be transferred from an independent management structure to the area partnerships. That is a radical intervention for people who have been working in these projects for many years and providing services that would not otherwise exist. They operate in disadvantaged areas and most of those employed are local people. They certainly provide an invaluable service to their communities.

The decision to reduce the number of CDPs and subsume the rest was taken without prior consultation with the projects or with the partnerships. This is hardly the way to do business if we are to ensure the cutbacks which take place are not seen to be insensitive and unwarranted. If any new systems are to be put in place, it would be more difficult to integrate them in the future.

I was glad to hear that a meeting took place yesterday at Croke Park between the Department of Community, Rural and Gaeltacht Affairs, the CDPs and the area partnerships. I am not sure to what extent there was a meeting of minds and whether there was any agreement to move forward in a more democratic fashion. The essential services that have been provided could be eliminated altogether. There would obviously be job losses and this is a serious matter as well. The question as to whether the new structure will be adequate to meet the needs of both organisations is difficult to say. It certainly will not be adequate unless there is a degree of consultation taking place.

We should not introduce cutbacks that are so severe they destroy the entity itself. The only way to ensure such is not the case is to provide for a good level of consultation between the various bodies involved and to find out whether there is more than one solution to the problem. In my constituency we have two partnerships, one of which is in the inner city and one of which is Glasnevin and Cabra. I am not sure whether either of them is enamoured of the proposals. They do not have the structures or staff to take on the role of subsuming the additional projects. One of the projects in the inner city is due to get the chop. I am not sure which project it is or whether the decision has been made. These are matters that affect most Members in every part of the country and they affect rural areas as well as urban areas.

Deputy John Curran: I thank the Deputy for raising this issue. My Department was established against a background of concern at the multiplicity of structures and agencies through which local and community development schemes and programmes are delivered. The Department inherited many local and community programmes that were established and operated under different Departments. There was an inherent danger of fragmentation of services and diffusion of resources. The cohesion process initiated by the Minister, Deputy Ó Cuív, to address these concerns resulted in a dramatic reduction and simplification of local delivery structures for a range of rural development and community development programmes. However, my Department still has a wide agenda of reform to advance. The next phase, now under way, concerns improving and joining up the outputs from programmes, as well as further consolidating structures.

The local development social inclusion programme, LDSIP, and the community development programme, CDP, are my Departments two main social inclusion-community development

[Deputy John Curran.]

programmes. Both have a community development element and both are delivered through separate local delivery structures comprising over 230 separate companies. I have already indicated that my strong view is that a single focused programme with a single integrated delivery structure is now needed in order to maximise the impact of these two programmes which serve disadvantaged communities. The Centre for Effective Services has very recently presented a new programme outline to my Department which I have accepted.

The aim of the new programme is to tackle poverty and social exclusion through partnership and constructive engagement between Government and people in disadvantaged communities. This will be underpinned by four high-level goals which are: to promote awareness, knowledge and uptake of a wide range of statutory, voluntary and community services; to increase access to formal and informal educational, recreational and cultural development activities and resources; to increase peoples' work readiness and employment prospects; and to promote engagement with policy, practice and decision making processes on matters affecting local communities. The new programme will preserve elements of good practice from the existing CDP-LDSIP programmes and will enhance monitoring and evaluation mechanisms. Further work by the centre, on more detailed aspects of the programme, is ongoing in the light of consultations and feedback with various community sector groups.

An implementation strategy involving the stakeholders is under way in preparation for programme roll-out in 2010. This has been discussed with representatives from CDPs and partnership companies at an information session which was held yesterday, 25 November. My Department will continue to oversee the implementation of the new programme and will deal with operational issues as they arise in practical and sympathetic ways. My overall aim is to ensure that, from 2010, disadvantaged communities will benefit from a more focused programme, with clear objectives and simplified and streamlined delivery structures leading to significant administrative savings and impact efficiencies.

In advance of proceeding to establish a single programme across CDPs and partnerships, my Department has initiated an evaluation of individual community development projects. Many of these projects span across two decades, with quite diverse activities. The objective of the review is to identify those projects that produce tangible, appropriate benefits for the communities they serve. Initial indications are that the vast majority of projects fall into this category and funding will be available, subject to budgetary constraints, through the new programme in 2010. For those projects that do not come into this category, continued funding from the Department will not be available. However, an appeals mechanism will be put in place. Again, I hope to have proposals from my Department in the near future.

I envisage that the main elements of the new integrated programme will comprise a small number of unambiguous goals to be achieved through clearly articulated outcomes for disadvantaged communities. Continuous evaluation and measurable targets will also be key features of the new programme, which I hope to launch early next year. While I cannot be specific at this stage about the impact on specific bodies in particular areas, disadvantaged communities will benefit from a more focused programme with clear objectives and simplified and streamlined delivery structures.

Social Welfare Benefits.

Deputy Andrew Doyle: Against a background of budgetary constraints and challenges to all sectors of public spending, we must first look for value for money. It is calculated that there are approximately 161,000 carers who provide 3.7 million hours of home care a week and probably no more than 30,000 to 35,000 of those qualify for carer's allowance in the first

instance. This represents a saving to the State of €2.1 billion if alternative residential care was to be paid for, and we must bear this in mind as a backdrop in any evaluation.

The Carers Association understands more than anyone the current economic challenges and accepts the need for the Government to make difficult policy and budgetary decisions. The association noted the value of the work it does, as we all understand and value it. All it calls for is that the Government would recognise the contribution of carers and protect what has already been achieved in terms of some modest financial assistance. The fear of the association is that there may be a risk to the continuation of the half-rate carer's allowance on foot of the McCarthy report, which recommended phasing it out.

The half-rate carer's payment is used by carers to cover additional costs associated with caring. The payment, which is worth up to €110 per week, is received by carers who are providing full-time care, which, experience has shown, is often in excess of 60 hours per week. Indeed, when we meet deputations locally, some people cannot get away to meet us because they cannot arrange for somebody else to take care of the person they are caring for. This allowance can often make the difference between the person being cared for in the home or not, which in itself creates a substantial saving for the State. In March, the Minister, Deputy Mary Hanafin, stated that the economic situation makes it difficult to commit to major advances in services for carers. It is understandable, as I have said, and the Carers Association recognises this. This is what led it to produce a set of cost-neutral proposals, the aim of which is to go in some way towards addressing the lack of essential support services available for family carers.

Many carers feel their role is totally undervalued. Carers are a vital element in keeping people at home. However, the association would foresee the need to form a whole new relationship interface with the State and relevant support services to maintain carers in their caring role. The dual approach of putting appropriate community and home services in place, thereby looking after the well-being of the carers themselves, is essential in the development of an effective strategy for all involved.

I have met the Carers Association in Bray. Over 4,000 carers provide care to members of their family and informally to non-members of the family in Wicklow. I find it very difficult given that Towards 2016 promised to develop a carers' strategy as one of its elements. For many reasons, I believe Towards 2016 was flawed but, in recognition of the role carers play, it seems a dreadful tragedy that the Minister could not see her way to producing that carers' strategy. I plead with the Minister's office to ensure that due recognition is given to carers in her approach to the budget. Specifically, I urge continuation of the half-rate carer's allowance. I would appreciate feedback on the issue.

Deputy John Curran: I thank Deputy Doyle for raising the matter, which I am replying to on behalf of my colleague, the Minister for Social and Family Affairs. Budget 2007 provided for new arrangements whereby people in receipt of a social welfare payment, other than carer's allowance or benefit, who are also providing someone with full-time care and attention, can retain their main welfare payment and receive a half-rate carer's allowance. Similarly, people currently in receipt of a carer's allowance, who may have an underlying eligibility for another social welfare payment, can transfer to that other payment and continue to receive up to a half-rate carer's allowance.

The report of the special group on public service numbers and expenditure programmes made a range of recommendations relating to the Department of Social and Family Affairs, including recommendations relating to the half-rate carer's allowance. The Department will consider the report's recommendations as part of the Estimates and budgetary process for 2010. Decisions on all of the issues arising will be a matter for Government. No decisions have been made in regard to the implementation of any of the McCarthy proposals relevant to the

[Deputy John Curran.]

Department of Social and Family Affairs. Full consideration will, of course, be given to the impact of all the proposals on the recipients involved. The House should be aware, however, that the purpose of the carer's allowance and the half-rate carer's allowance is to provide income support for carers, not to provide for additional medical support for the care recipient.

The Government is acutely aware and appreciative of the contribution made by carers to people needing ongoing care and support. In recognition of this, considerable improvements have been made in recent years in services and supports for carers. The payment rates for the carer's allowance were increased further in the 2009 budget by €7 to €239 per week for those aged 66 or over and by €6.50 to €220.50 per week for those aged under 66. Recipients of carer's allowance are also eligible for household benefits, free travel and the respite care grant.

The means test for carer's allowance has been significantly eased over the years and is now one of the most generous means tests in the social welfare system, most notably with regard to spouses' earnings. Since April 2008, the income disregard has been €332.50 per week for a single person and €665 per week for a couple. This means that a couple with two children can earn in the region of €37,200 and qualify for the maximum rate of carer's allowance, as well as the associated free travel and household benefits package. A couple with an income in the region of €60,400 can still qualify for a minimum payment, as well as free travel and household benefits. These levels surpass the Towards 2016 commitment to ensure those on average industrial earnings continue to qualify for a full carer's allowance.

From June 2005, the annual respite care grant was extended to all carers who are providing full time care to a person who needs such care, regardless of income. The rate of the respite care grant was also increased to €1,700 per year in respect of each care recipient from June 2008.

During 2008 an interdepartmental group chaired by the Department of the Taoiseach, with secretariat support provided by my Department, undertook work, including a public consultation process, to develop a national carers' strategy. However, it was not possible to set targets or timelines which could be achieved because of the prevailing economic position. In that context, rather than publishing a document which did not include any significant plans for the future, the Government decided not to publish a strategy. This position remains unchanged.

However, supports for carers provided by the Department are continuing and have not diminished in any way. It is estimated that the combined expenditure on carer's allowance, carer's benefit, the respite care grant and half-rate carer's allowance will be €650 million in 2009.

The proposals made by the Carers Association covered a range of Departments, including the Department of Health and Children, the Department of Social and Family Affairs and the Department of Education and Science. Officials from the Department of Social and Family Affairs met with representatives from the Carers Association to discuss the proposals made by the association which fall within the responsibility of the Department. There was agreement that the Department would promote the information that the carer's allowance can be shared by two carers providing care on a part-time basis and the Department's website was changed to reflect this.

The other proposals, however, were not cost-neutral and a number of them had considerable costs. For example, one of the suggestions was the development of a needs assessment model and the creation of a website. It would not be appropriate for me to comment further on budgetary proposals at this stage pending the outcome of these deliberative processes.

The Dáil adjourned at 5.25 p.m. until 2.30 p.m. on Tuesday, 1 December 2009.

Written Answers.

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

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

Agri-Food Sector.

11. **Deputy Seymour Crawford** asked the Minister for Agriculture, Fisheries and Food the discussions he has had with the Department of Enterprise, Trade and Employment regarding the difficulties that the agri-food industry is facing in view of the export dependency on the UK. [43575/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Government established a cabinet sub committee and inter-departmental group to promote economic recovery and measures have been taken, in particular a reduction in energy costs, to address factors currently impacting adversely on the competitiveness of the food industry. My Department has also been working closely with the Department of Enterprise, Trade and Employment and our respective Departmental Agencies, as the economic downturn, rising costs and currency exposures have translated into severe deterioration in trading conditions for food exports.

Arising from this work a number of public supports have been made available which will assist the sector: The Department of Enterprise, Trade and Employment has established an Enterprise Stabilisation Fund totalling €100 million, to be run by Enterprise Ireland, to allow for additional assistance to basically sound internationally traded companies that would otherwise struggle to survive the global downturn. A significant number of food companies have already availed of this fund. Exporting companies in the food sector are eligible for the Temporary Employment Subsidy Scheme, which was also established by the Department of Enterprise Trade and Employment, and is managed by Enterprise Ireland. Grant aid has been awarded under the Dairy and Beef and Sheepmeat Investment Funds, which are operated by Enterprise Ireland on behalf of my Department, to improve efficiencies and added value from processing. In relation to dairying, 19 projects were awarded €114m for investment of €286m. Grant aid of €69m awarded in the beef and sheepmeat sectors is expected to contribute to investment of €168m and contribute to a net increase in sales and exports of €400m by 2012. A range of horizontal aids are being used to subsidise investment in training, R&D and environmental improvements. A Teagasc/Enterprise Ireland technology transfer initiative is being

[Deputy Brendan Smith.]

developed to provide small and medium sized enterprises with access to research findings and assistance on commercialisation.

Increasing market access and diversifying the global reach of the food industry is also part of my Department's response to the difficulties caused by the large volume of product exported to a single market. Bord Bia, under the aegis of my Department, is the state agency responsible for market development of food, seafood, drink and horticulture at home and abroad, and closely monitors food exports. It has published a Strategy to boost food exports for the period 2009-2011. The strategy's six key priorities include enhancing the industry's position on its home market and export expansion with a particular emphasis on Eurozone markets.

An Bord Bia has a comprehensive set of marketing and promotional programmes in place, which have been developed in consultation with key stakeholders in the food industry. The schedule of marketing activities for 2009 has had direct regard to the impact of the sterling differential on competitiveness. An Bord Bia has also developed Post-Graduate Fellowship and Improving Innovation Success programmes which aim to identify market opportunities, develop sales leads and assist consumer foods companies to bring new products to markets.

Furthermore, an inter-Departmental Market Access Group chaired by my Department and comprising representatives from the Departments of Foreign Affairs and Enterprise, Trade and Employment, An Bord Bia, Enterprise Ireland and Bord Iascaigh Mhara has engaged in identifying potential market opportunities for the full range of Irish food and beverages, prioritisation of market initiatives and broader access issues.

Animal Diseases.

12. **Deputy Olivia Mitchell** asked the Minister for Agriculture, Fisheries and Food the initiatives he will introduce to tackle the problem of bovine viral diarrhoea in cattle; and if he will make a statement on the matter. [43618/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Deputy will be aware that my Department has national disease control programmes in place to counter what are known as “regulated diseases” in the national herd, examples of which include TB & Brucellosis. We have made major progress in dealing with many of the regulated diseases — for example Ireland now has Brucellosis-Free status and the incidence of BSE continues to decline. Considerable progress has also been made in relation to eradication of bovine TB and Ireland is to the forefront of international efforts to achieve a practical solution to the problems presented by a wildlife population infected with TB.

Bovine Viral Diarrhoea (BVD) falls within the category known as “non-regulated diseases”. While these diseases can be a significant issue at individual farm level resulting in reduced productivity, reduced profitability and impaired animal welfare, to date there has been no national approach to dealing with “non-regulated diseases”.

In January this year, I launched the Animal Health Ireland (AHI) initiative. AHI is industry-led and driven and part-financed by industry with financial support from my Department. AHI aims to improve overall animal health standards thereby securing improved profitability for farmers and international competitiveness of Irish livestock products through a coordinated national approach to animal health. AHI will address the issue of “non-regulated” diseases and has already begun to address the problem of BVD on Irish farms.

My Department has no direct responsibility for the day to day activities of AHI. My commitment of funding to AHI is conditional on the results of its work being placed in the public domain so that the relevant interested parties, especially farmers and veterinary practitioners,

can be kept informed and they can translate the results of its work into action to better control animal diseases, including BVD.

Beef Sector.

13. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food his views on the proposed introduction of a quality payment system for the beef sector; and if he will make a statement on the matter. [43604/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): As the Deputy is aware, the price paid for beef is a matter for the industry and the farmers who supply cattle.

Beef carcasses are classified or graded in accordance with EU Regulations using the EUROP scale for conformation and a scale of 1 to 5 to indicate fat cover. In most cases, the classification or grading result is used by the industry to determine the price paid to farmers.

Each main class for both conformation and fat can be further divided into sub-classes in order to further refine the grading assessment of beef carcasses and recent studies at Teagasc Grange have shown that the use of sub-classes to determine the price paid per kg of carcass would be justified.

Mechanical grading was introduced over five years ago in Ireland and is now well established and accepted as an independent, objective and consistent system for classifying beef carcasses.

The mechanical grading result includes sub-classes for both conformation and fat. However, the industry has not, to date, used the sub-class assessment as a basis of payment to farmers, with the exception of conformation grade P and fat grade 4. In Ireland the majority of steer and heifer carcasses are graded R or O — 87% of steers and 91% of heifers in 2008 — for conformation and the industry is considering the use of sub-classes in order to reward farmers for producing the better quality and higher value carcasses. The use of sub-classes when paying for cattle would send a clear message back to the farmer on the type of carcass required for the market and clearly would be a fairer system of payment.

Meat Industry Ireland (MII), and the farmers' representatives (IFA) are currently engaged in discussions concerning the introduction of a pricing grid for beef which would make use of sub-classes as a basis for payment. Such a pricing system would reward those farmers who produce a better quality carcass and overall would, I believe, be a welcome development for the beef industry.

Retail Sector.

14. **Deputy Joe Carey** asked the Minister for Agriculture, Fisheries and Food the recent discussions he has had with the Department of Enterprise, Trade and Employment regarding the introduction of a code of practice for the retail sector; and if he will make a statement on the matter. [43565/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Department of Enterprise, Trade and Employment consulted closely with my Department in preparing the consultation paper for the public consultation process, which was launched in August last. That Department is currently analysing some 29 submissions received from a range of interests. It is intended that this analysis will inform how best to give effect to the commitment in the Renewed Programme for Government on the issue of such a Code.

The proposed introduction of a Code of Practice for grocery goods undertakings follows public debate on grocery prices and price differentials. The consultation in August was under-

[Deputy Brendan Smith.]

taken to address concerns raised about the nature of the relationships between grocery goods businesses and, in particular, the relationships between suppliers and retailers of grocery goods. The questions asked of stakeholders, including consumers, included whether any such Code of Practice should be voluntary or statutory in nature; how it might best be enforced; whether a separate Ombudsman's office should be established; whether there should be a threshold to limit its application, and what impact the application of such a code might have on consumer choice and prices.

Underlying the debate is the increasing concentration of retail power in the hands of a few large supermarket chains. This is an international phenomenon, which has fundamentally changed the balance of market negotiating power in the food chain. And it is one factor, although not the only one, contributing to the declining share of the retail price received by producers. While there is, of course, always potential for some tension in any market relationship, there has been a noticeable trend recently towards greater tension, and even allegations of sharp practice.

The European Commission has recently published a Communication (COM(2009)591) in which it outlines proposals to make the European supply chain more transparent while promoting sustainable and market based relationships. These proposals are being considered initially in the context of the dairy sector by the High Level Expert Group on Milk, which is chaired by Director-General for Agriculture and Rural Development, Jean-Luc Demarty, and comprises Member State representatives. The High Level Group is currently considering submissions from interested parties and will begin preparing preliminary conclusions on contractual relations, bargaining power and transparency in the new year.

Dairy Sector.

15. **Deputy Niall Collins** asked the Minister for Agriculture, Fisheries and Food the position regarding the milk super levy; the impact that quota increases agreed in the Common Agricultural Policy Health Check have on milk prices; and if he will make a statement on the matter. [43436/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Based on estimated milk deliveries as submitted by milk purchasers for the period up to 31 October 2009, Ireland is just over ten per cent under quota when account is taken of the butterfat content of milk deliveries during the same period.

The milk quota increases agreed under the CAP Health Check have had no impact on milk prices. Indeed, the experience of the last two years on the dairy market has provided stark illustration of the relevance of quotas and has comprehensively proven that the levels of supply and demand are the defining criteria.

The high prices that prevailed in late 2007 and early 2008 were primarily caused by increasing global demand for dairy products combined with a reduced level of supply from Oceania as a result of drought. Irish producers were able to benefit from this situation, and increased production gave rise to a super levy in respect of the 2007/2008 milk quota year.

Unfortunately the ensuing global increase in supply coincided with a collapse in demand caused by the financial crisis and the general economic downturn in 2008 and 2009, and the result was a significant reduction in prices. Production also fell in response. No super levy arose in Ireland in respect of the 2008/2009 milk quota year and current delivery trends suggest it is unlikely to arise in the current year. As I mentioned at the outset, butterfat adjusted deliveries in Ireland were just over ten per cent under quota at the end of October. When one considers

that quotas have effectively been increased by only five per cent in the last two years, it is clear that they are having no effect on the movement of milk prices.

Departmental Policy.

16. **Deputy Margaret Conlon** asked the Minister for Agriculture, Fisheries and Food when he expects to be in a position to publish position papers, prepared by his Department and the State agencies under his remit, as part of a public consultative process on relation to the medium term future of the Irish agri-food and fishing sector. [43446/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): As I announced some time ago, I intend to produce a strategy for the development of the agri-food, fisheries and forestry sectors to 2020. This will follow on the very successful Agri-Food 2010 and Agri-Vision 2015 strategies.

To help guide the public consultation on the 2020 strategy, I have asked my Department and the State Agencies to prepare a series of discussion papers on key issues. These are currently being finalised and I anticipate that they will be posted on my Department's website before the end of the year.

Milk Quota.

17. **Deputy Niall Blaney** asked the Minister for Agriculture, Fisheries and Food the measures that he has put in place to support young farmers, both in terms of on-farm investment and the allocation of milk quota to new entrants; and if he will make a statement on the matter. [43452/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I have made provision of €9.75 million in 2009 to meet existing commitments under the Young Farmers' Installation Scheme and the preceding equivalent schemes. In addition, I have recently announced my intention to introduce a new range of aid measures in relation to on-farm investments, some of which will be particularly targeted at young farmers. These measures will be introduced as soon as EU approval is received for the measures in question and following agreement on the specific cash-limits available for each measure.

The allocation of milk quota to new entrants to dairying has been a key component of milk policy for some time, and I am glad to say that the long-standing arrangements for making quota available to new entrants under the Milk Quota Trading Scheme have been significantly enhanced recently with the allocation of 200,000 litres of milk quota to 70 new entrants to dairying.

As the Deputy will be aware, the first of five annual one per cent increases in quota agreed under last November's Health Check of the CAP reform became available on 1 April of this year. In addition to using three-quarters of this increase to boost the quotas of active milk producers, I decided that, at a time when the dairy sector is facing many serious challenges, it was more important than ever to make every effort to encourage new thinking and new methods. All in the industry are agreed on the importance of attracting new blood, so I decided to introduce a new scheme, on a pilot basis, that would make a serious effort to identify people who have a future in dairying and can demonstrate not just their potential but also their commitment to the sector. While the amount of quota that was available was limited, I am satisfied that the 14 million litres that has been allocated under the scheme has gone to high quality applicants, and I look forward to learning of the positive impact they will have on the sector in the coming years. I have also stated my intention to consider, in the context of the

[Deputy Brendan Smith.]

availability of a further one per cent of additional quota in 2010, what further potential may be available to expand the eligibility for the scheme to new and recent entrants next year following a review of this scheme.

I should also take the opportunity to emphasise what I alluded to earlier, namely, that the allocation of milk quota to new entrants continues under the Milk Quota Trading Scheme, as it did previously under the Restructuring Scheme. Since the inception of the Trading Scheme in 2007 alone, more than 60 million litres of milk quota has made its way into the hands of young farmers, and they currently have an opportunity to further augment that figure under the latest phase of the Trading Scheme, which I intend to have completed shortly.

Animal Welfare.

18. **Deputy Shane McEntee** asked the Minister for Agriculture, Fisheries and Food when he will publish the proposed Animal Welfare Bill; and if he will make a statement on the matter. [43612/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Drafting of the Animal Health and Welfare Bill, which gives effect to commitments in the area of animal health and welfare contained in the Programme for Government and the renewed Programme for Government is ongoing in my Department. The legislation will amend and consolidate previous legislation in the area of animal health, particularly to reflect the changed disease status of our animals and will update existing legislation, to ensure that the welfare of all animals, including non-farm animals, is properly protected and penalties for offenders are increased significantly. The proposed legislation will also provide for the consolidation of responsibility for the welfare of all animals within my Department.

Following the public consultation process initiated on the draft Bill, almost 400 submissions/comments were received from organisations and individuals with an interest in animal health and welfare matters. Officials met with a large number of these organisations and individuals to provide an opportunity for elaboration on the respective submissions. Drafting of the bill is continuing taking account of the comments received during the consultation process together with the animal welfare commitments re-affirmed in the renewed Programme for Government.

Disadvantaged Areas Scheme.

19. **Deputy Jimmy Deenihan** asked the Minister for Agriculture, Fisheries and Food his plans regarding the disadvantaged areas scheme; if he has submitted a proposal to the EU as part of his Department's submission regarding the rural development programme as per his statement on 8 July 2009; and if he will make a statement on the matter. [43585/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Disadvantaged Areas Scheme forms part of Ireland's Rural Development Programme 2007 to 2013 (RDP) and it is intended that this scheme will run for the duration of the Programme.

A proposal to revise the RDP to include modulation funds and funds under the European Economic Recovery Package was submitted to the European Commission last July. The revised Programme includes proposed new investment measures and a new agri environment measure, together with proposals for financing the Programme. The exchequer funding element of this will be delivered in the annual estimates and budgetary process. Negotiations are ongoing with

the Commission as regards these changes and this process is due to be finalised by mid December.

Animal Welfare.

20. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food the recent discussions he has had with his Northern Ireland counterpart with regard to the establishment of an all-Ireland animal health regime; and if he will make a statement on the matter.

[43558/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I chaired the NSMC Agriculture sectoral meeting held on 19th November. Also in attendance were Michelle Gildernew, MP, MLA, Minister of Agriculture and Rural Development, Robin Newton, MLA, Junior Minister at the Office of the First Minister and Deputy First Minister.

We noted the on-going progress on the delivery of the draft All-Island Animal Health and Welfare Strategy and that work is in hand to finalise arrangements for a cross-border stakeholder consultation event in the early part of 2010. We also noted the revised Working Group arrangements and looked forward to receiving a further progress report at the next NSMC meeting in the Agriculture sector format.

Disadvantaged Areas Scheme.

21. **Deputy Eamon Gilmore** asked the Minister for Agriculture, Fisheries and Food if he will reverse the cut imposed on 34,000 farmers in disadvantaged areas in 2009 in view of the income position on farms. [43627/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Against the background of the deterioration in public finances, my approach in preparing the 2009 Estimates for my Department was to protect expenditure for major developmental measures in the agri-food sector. To achieve this objective, savings had to be found in other areas and I decided, reluctantly, to reduce expenditure under the Disadvantaged Areas Scheme for 2009 by reducing the maximum area limit to 34 hectares. While overall expenditure has fallen, almost 67,000 farmers have not suffered any reduction in their payments as a result of the introduction of the 34-hectare limit. The rates of payment, which were increased by 8% in 2007, remained unchanged for the 2009 Scheme.

Notwithstanding the reduction in funding, the total amount available under the Disadvantaged Areas Scheme in 2009 is €220 million. This represents a substantial injection of funds paid to farmers situated in the areas and the Scheme continues to be one of the best-funded Disadvantaged Areas Schemes in the European Union. Payments under the 2009 Scheme commenced on 22 September and, to date, payments worth in excess of €219 million have been made, with payments continuing to issue, as individual cases are resolved.

I also secured approval to use previously inaccessible unspent Single Payment System funds to address, among other things, specific disadvantages affecting certain sectors in economically vulnerable or environmentally sensitive areas, under the agreement reached in November 2008 on the Health Check of the CAP. Resulting from this agreement, in the region of €25 million will be available in additional funding for each of the next three years 2010, 2011 and 2012 for these targeted measures. Mindful of the particular difficulties in the sheep sector, I decided to allocate €18 of the available funds each year, for the next three years, on a Grassland Scheme to support incomes in the sheep sector. In addition to this agreement, I successfully negotiated for the use of the National Reserve element of these funds from 2009. In this regard, I have

[Deputy Brendan Smith.]

already announced that approximately €7 million will be paid to hill sheep farmers as a once off payment, in the form of the 2009 Uplands Sheep Payment, benefiting approximately 13,000 hill sheep farmers. I have recently confirmed that €5 million of this sum will be issued to qualifying farmers in the coming weeks, with the balances being paid early in the New Year.

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

Genetically Modified Organisms.

22. **Deputy George Lee** asked the Minister for Agriculture, Fisheries and Food his views on the EU Commissioner for Agricultural and Rural Development's statement that delays in approving new genetically modified crop varieties by European Union member states would cost farmers millions of euro in higher feed charges in winter 2009; and if he will make a statement on the matter. [43609/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I note Commissioner Fischer Boel's statement on the implementation by Member States of the process set out in EU legislation for the authorisation of GM ingredients, to be used in food and feed within the EU. The cultivation of genetically modified crops and their use in food and animal feed has been a source of serious debate throughout the EU for the past decade with significant divergence in opinions being expressed and this divergence is most notably reflected at the Council of Ministers.

Most of the recent problems being experienced by the animal feed industry have revolved around asynchronous authorisation of GM varieties between the feed exporting countries and the EU, and the detection of traces of two GM maize varieties, not yet authorised in the EU, in soya and maize feed imported shipments, resulting in their rejection. This has led to uncertainty in the trade of these products, which in turn were replaced by more expensive alternatives. I am pleased to note that the Commission has recently authorised one of these varieties and hopefully will authorise the other before year end.

I also wish to point out that I have informed Commissioner Vassiliou of DG Sanco that my officials will work closely with her officials to bring forward a proposal for the setting of a tolerance for the low level presence of, as yet, unauthorised GM events.

Dairy Sector.

23. **Deputy Johnny Brady** asked the Minister for Agriculture, Fisheries and Food if he is satisfied with the outcome of the EU Agriculture Council in relation to the dairy sector; and if he will make a statement on the matter. [43443/09]

51. **Deputy Johnny Brady** asked the Minister for Agriculture, Fisheries and Food if the recent package of measures, agreed at the EU Agriculture Council, will be sufficient to bring stability to the dairy sector; and if he will make a statement on the matter. [43444/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 23 and 51 together.

The dairy market situation has been discussed at Council of Ministers meetings every month since March this year. At those meetings I have, together with my Ministerial colleagues, con-

tinually pressed the Commission to take all appropriate measures to deal with the situation, and those actions have helped to stabilise the market. The measures taken this year include the restoration of export refunds for dairy products and they were subsequently increased during the year. Prices on dairy markets have risen in recent weeks and there are signs of recovery and for that reason the Commission decided to reduce export refunds in the past month. I disagree with that approach, as the market remains volatile and reducing refunds prematurely could delay a lasting recovery.

Other measures taken include the continuation of Intervention for butter and skimmed milk powder beyond the mandatory fixed limits. In July Council agreed to implement a special measure to extend Intervention beyond August, to February 2010, and to 2011 if necessary. That provision was formally adopted at the October Council. I also welcomed the commitment given by Commissioner Fischer Boel in October to manage the release of stocks from Intervention in a prudent manner. We are seeing some tentative signs of an improvement in dairy markets, though a solid recovery is still uncertain and it is crucial that the disposal of stocks from intervention is handled in a sensitive manner and in a way that does not undermine the market at this critical time. At the Council meeting in September the Commissioner presented the dairy market report, which set out some options for the sector. At that meeting, I joined with Ministers from most other Member States in seeking major improvements in support for hard pressed dairy farmers. We signed a statement calling for a comprehensive EU approach that would combine immediate short-term measures along with a medium term strategy to deal with volatility in the milk sector. Following on from that, I attended a special Council meeting to look at medium to long term measures for the dairy sector. At that meeting it was agreed to set up a High Level Group of Member States, chaired by the Commission's Agriculture Director General, to examine the type of arrangements to be put in place.

The Commission High level Group will examine medium term and long term ways of stabilising dairy farmer's incomes and improving market transparency. The Group is tasked with delivering a comprehensive report by June 2010. It will examine means through which contractual arrangements in the supply chain can contribute to the highest possible returns for producers. This would give them more bargaining power in the process and provide a buffer against extremes of market volatility such as those that are being experienced at present. The Group will also examine existing market instruments and consider what other means, including a dairy futures market, could contribute to the objective of price stability in the longer term.

At the November Council last week approval was given for some short term measures to be implemented to assist the dairy sector. The main change is the extension of the Commission's emergency powers to cover the dairy sector. Under this provision the Commission will make available an additional €300 million for the dairy sector in the 2010 budget. The other change provides Member States with a new option for implementing a quota buying-up scheme for the quota years 2009/10 and 2010/11. For my part I will continue to maintain close contact with the EU Commission and the Council to ensure that support measures are activated at levels that will make a real impact in the market.

Veterinary Inspection Service.

24. **Deputy Brian O'Shea** asked the Minister for Agriculture, Fisheries and Food the payment rates for veterinary surgeons carrying out TB and brucellosis testing on behalf of his Department. [43637/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The current rates payable by the Department to private veterinary practitioners who carry out TB testing and Brucellosis sampling are set out in the table.

[Deputy Brendan Smith.]

Animals tested or sampled	Rate per animal tested payable for tuberculosis skin test	Additional rate per Animal, for Combined tuberculosis skin test and Brucellosis sampling	Rate, per animal, Payable for brucellosis sampling only
	€	€	€
1st animal	47.307	0	26.272
2nd to the 7th animal	3.866	0	3.672
8th to the 9th animal	3.866	2.334	3.672
10th to the 29th animal	3.350	2.334	2.124
30th and each additional animal	2.813	2.334	1.863
Minimum fee	47.307	0	26.272
No stock visit fee	23.653	0	0
Blood handling fee	0	0	10.497

In addition to the above payment schedule, an annual top-up payment, in lieu of an increase in fees, is also made to testing veterinary practitioners who operate electronically with my Department through the Animal Health Computer System (AHCS). The fees paid to private veterinary practitioners have been reduced by 8% in context of the Financial Emergency Measures in the Public Interest Act 2009.

Rural Environment Protection Scheme.

25. **Deputy Joan Burton** asked the Minister for Agriculture, Fisheries and Food the number of farmers who were in REPS 3 that have moved to REPS 4 by 15 May 2009. [43624/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Of 12,145 farmers who applied successfully for REPS 4 up to the closing date of 15 May 2008, 908 were previously in REPS 3. Comparable figures for transfer in respect of application received by the closing date of 15 May 2009 are not yet available as all such application are still being processed.

Draught Horse Studbook.

26. **Deputy Frank Feighan** asked the Minister for Agriculture, Fisheries and Food his views on the recommendation of the Joint Committee on Agriculture, Fisheries and Food that his Department should indicate a willingness to reallocate the draught horse studbook to a single entity committed to breed preservation of the Irish draught horse; and if he will make a statement on the matter. [43595/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I understand that the Joint Committee on Agriculture, Fisheries and Food, has not, as yet, made any formal recommendations regarding this matter. Consequently, I am not in a position to comment any further at this time.

Fisheries Protection.

27. **Deputy Christy O'Sullivan** asked the Minister for Agriculture, Fisheries and Food if he is satisfied his concerns were taken into account during the discussions on fisheries control at the Luxembourg Fisheries Council meeting in October 2009; and if he will make a statement on the matter. [43442/09]

60. **Deputy Christy O’Sullivan** asked the Minister for Agriculture, Fisheries and Food his views on the fisheries control and inspection framework agreed at the EU Fisheries Council meeting in October 2009; and if he will make a statement on the matter. [43441/09]

69. **Deputy Jim O’Keeffe** asked the Minister for Agriculture, Fisheries and Food the position on the draft new regulations introduced by the European Commission to update and reform the EU fisheries control framework; his views on this proposal; and if he will make a statement on the matter. [43434/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 27, 60 and 69 together.

My colleague, Tony Killeen TD, Minister of State at the Department of Agriculture, Fisheries and Food agreed a comprehensive fisheries control and inspection framework at the Fisheries Council in Luxembourg in October of this year. Minister Killeen’s priority at Council was to secure measures that would give our fishermen confidence that there is real intent and the necessary tools in place that will address illegal fishing in the waters around our coast. Minister Killeen and I are confident that these measures will help to deliver the level playing field on control that is necessary to rebuild fish stocks and protect the livelihood of our coastal communities which are fully dependent for their future on healthy fish stocks fished sustainably by all operators in our waters.

The urgent need for a new control regime in European fisheries was clearly set down in a Court of Auditors report on data collection and control and enforcement under the Common Fisheries Policy (CFP). The Court concluded that weaknesses in fisheries controls jeopardised the proper functioning of a fisheries management policy based on catch limitations. The objective of the new control regime is to address in a comprehensive way the shortcomings identified and modernise the delivery.

Discussions on the new measures overhauling the existing regime for fisheries control continued late into the night and a package of measures was finally agreed following intensive negotiations by Minister of State Killeen to ensure that Ireland’s priorities and concerns were fully taken on board. These new measures are not in any way a threat to Irish fishermen who have already moved substantially to a culture of compliance. As fisheries are a common resource it is vital that all operators from all EU fleets respect the rules. We must rebuild our fish stocks by implementing conservation measures and tackling illegal fishing by fleets in our waters which is the major cause of the decline in our fish stocks and quotas. With this package, we have now a better opportunity to stop the cycle of decline and secure a sustainable profitable future for our industry.

The new Regulation introduces a new and common approach to control, from net to plate. It will cover every stage in the process that sees fish caught, landed, brought to market and sold. Harmonised standards for inspection activities and procedures will help deliver uniform implementation. This new approach will make use of modern technologies and risk analysis. It will introduce systematic and automated cross checking of data collected at the catch, landing and sale stages, to make it easier to spot attempts to break the rules. These measures will be backed up by a comprehensive traceability system, so that all fish and fisheries products, whether imported or produced in the EU, can be tracked throughout the market chain.

In addition, the EU has, for the first time, moved closer to harmonised sanctions with the introduction of a ‘penalty points system’ to address persistent offenders against the rules. Those offenders will have their fishing licence suspended and eventually permanently withdrawn. I

[Deputy Brendan Smith.]

am satisfied that the package of measures agreed at the October Fisheries Council by Minister Killeen will promote a level playing field across the EU and will foster a culture of compliance.

Grant Payments.

28. **Deputy David Stanton** asked the Minister for Agriculture, Fisheries and Food the supports available to persons who want to expand or develop agricultural enterprises that are not considered to be mainstream; and if he will make a statement on the matter. [43546/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Grant-aid for the completion of on-farm investments in relation to alternative enterprises was available from my Department under both the Alternative Enterprises Scheme and the Farm Improvement Scheme. Under the latter scheme, grant-aid was available for such enterprises as part of a package of general investment aid for the completion of on-farm investments. Both schemes are, however, now closed for new applications. To date in 2009, my Department has paid out €25.3 million to farmers who have completed investment works under the Schemes concerned. I have, however, no plans to reintroduce grant-aid for on-farm investments in relation to alternative enterprises at present.

29. **Deputy Michael D. Higgins** asked the Minister for Agriculture, Fisheries and Food the date of payment for the 2010 instalment of the farm waste management scheme. [43630/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The arrangements for payment of grants under the Farm Waste Management Scheme on a phased basis have been confirmed with 40 per cent being paid this year as claims are approved. In the case of the second instalment of 40 per cent, I have recently announced that, subject to Dail approval, I intend to commence payment in December 2009 with the remainder of farmers being paid in early 2010. The final instalment of 20 per cent will be paid in January 2011. I have also announced that a special ex-gratia payment not exceeding 3.5 per cent of the value of the deferred amount will be made to farmers whose Farm Waste Management grants have been partially deferred. This payment will be made in January 2011 along with the final instalment.

Food Industry.

30. **Deputy Mary Alexandra White** asked the Minister for Agriculture, Fisheries and Food the level of uptake there has been in view of the recent introduction of the voluntary code of practice scheme for farmers' markets; the potential contribution farmers' markets will make to improving the potential level of income for primary producers; and if he will make a statement on the matter. [43459/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Twenty six markets have to date been certified as meeting the Good Practice Standard for Farmers' Markets and each has been issued with a personalized banner which they can use to advertise this achievement. A list of the successful markets is also posted on the Bord Bia website. The Good Practice Standard encourages farmers' markets to provide market access to locally produced in-season produce. Producers can deal directly with consumers and people have an opportunity to taste products with a particular local identity as markets displaying the banner will aim to source 50% of their produce in their county or neighbouring counties. Farmers' Markets are in short, a good alternative route to market particularly for small producers. A new round of applications is underway at present and I expect that many more markets will have reached a standard that will enable them to apply in this second round.

Markets which have been awarded the Good Practice Standard are:

Mahon Point Farmers' Market
Midleton Farmers' Market,
Kinsale Farmers Market
Schull Country Market
Balbriggan Fish & Farmers' Market
Ballincollig Farmers' Market
Manorhamilton Farmers' Market (Bee Park Resource Centre)
Sligo Farmers' Market
Moycullen Country Market
Milltown Farmers' Market (Co. Kerry)
Nenagh Farmers' Market
Coppinger Row Market
Carrick-on-Shannon Farmers' Market
Ennis Farmers' Market
Listowel Farmers' Market
Dungarvan Farmers' Market
Kanturk Farmers' Market
Boyle Origin Farmers' Market
Dalkey Coco Market
Marlay Park Coco Market (Co. Dublin)
The Peoples Park Coco Market (Co. Dublin)
Ballyvaughan Farmers' Market
Abbeyfeale Market
Limerick Milk Market
Riverside Market (Limerick)
Naas Farmers market

Animal Welfare.

31. **Deputy Liz McManus** asked the Minister for Agriculture, Fisheries and Food the position regarding the EU Commission proposals for changes to animal transport legislation.
[43636/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The transport of animals is governed by Council Regulation (EC) 1 of 2005 on the protection of animals during transport and related operations. The Commission is undertaking a review of this legislation,

[Deputy Brendan Smith.]

and a draft proposal was circulated within the Commission services. The proposal received a number of negative opinions during the course of inter-service consultation, relating to scientific data and data protection. As a result of this the original draft proposal was withdrawn.

Commissioner Vassiliou is aware of my concerns regarding any proposals that would have an adverse affect on our live export trade.

I wish to assure the Deputy that I will continue to participate fully in the discussions on any proposals that may emerge to ensure that account is taken of Ireland's interests.

32. **Deputy Willie Penrose** asked the Minister for Agriculture, Fisheries and Food when a multi-agency group to address the issue of abandoned horses will be established; the timeframe within which the group will be established; the way the membership of this multi-agency group will be chosen; and if he will make a statement on the matter. [43641/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I met recently with representatives of the horse industry and welfare bodies during which I was briefed on the possible risk of horse welfare problems developing over the coming months including a risk of abandonment of horses. Arising from discussions, officials of my Department have met with representatives from the horse industry and through the auspices of the Farm Animal Welfare Advisory Council, have engaged with representatives from farming and animal welfare bodies to discuss the issue of horse welfare. In addition I have asked Veterinary Inspectors from my Department's District Veterinary Offices to carry out an assessment to identify any potential problems with horses on farms. Further meetings are being arranged with relevant stakeholders including welfare bodies involved with horses to ensure that the matter is kept under close review.

I am satisfied however that existing communication structures are more than adequate to respond to current issues relating to horse welfare. I have also written to my colleague Mr. John Gormley TD, Minister for Environment, Heritage and Local Government in the context of the Control of Horses Act 1996. The ongoing effective implementation of this Act by Local Authorities can assist with reducing potential horse welfare problems developing particularly with regard to those horses that are being abandoned.

Common Agricultural Policy.

33. **Deputy Ciarán Lynch** asked the Minister for Agriculture, Fisheries and Food his policy regarding the release of butter and SMP intervention stocks by the EU Commission. [43632/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The EU Common Agriculture Policy provides a range of measures that can be used to assist the dairy market, and these were modified in the CAP reforms of 1999 and 2003. In the Health Check negotiations last year there was pressure to remove or weaken the support measures significantly. At that time I fought hard to keep the key market instruments in place and these were used effectively to help support the market this year.

One of the key market measures is Intervention for butter and skimmed milk powder. Earlier this year, in response to the deteriorating markets, Intervention was continued beyond the mandatory fixed limits. In July Council agreed to implement a special measure to extend Intervention beyond August, to February 2010, and to 2011 if necessary. Both of those decisions helped to stabilise the market.

The issue of releasing stocks from Intervention is also very important and must be handled carefully. I welcomed the commitment given by Commissioner Fischer Boel in October to manage the release of stocks from Intervention in a prudent manner. We are seeing some tentative signs of an improvement in dairy markets, though a solid recovery is still uncertain, and it is crucial that the disposal of stocks from intervention is managed in a sensitive manner and in a way that does not undermine the market at this critical time.

Suckler Welfare Scheme.

34. **Deputy Bernard Allen** asked the Minister for Agriculture, Fisheries and Food his views on the reported decline in the suckler cow herd; his plans for the future of the suckler cow welfare scheme in this context; and if he will make a statement on the matter. [43551/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The suckler welfare scheme has been very successful in helping to underpin the beef sector in Ireland since its inception in January 2008. Over 50,000 farmers are now in the scheme. Animal events information and breeding data is now being collected on over 85% of the national beef herd. This is a significant achievement by any standard. Apart altogether from the benefits of the scheme in terms of animal welfare improvements, the huge volume of breeding data now being collected will have a major impact on the rate of genetic gain in the suckler herd in the years to come.

The suckler welfare scheme is 100% funded by the Exchequer. The continuation of the scheme and the level of funding to be provided is a budgetary matter and will be considered in the context of the forthcoming 2010 Budget and my Department's Estimates provision.

Grant Payments.

35. **Deputy Kathleen Lynch** asked the Minister for Agriculture, Fisheries and Food the number of farmers paid under the farm waste management scheme; the number yet to be paid; the number of penalties imposed; and the level of penalty imposed. [43633/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): To date in 2009, 17,305 payments totalling €243 million have been made to farmers under the Farm Waste Management Scheme. Approx. 90 payment claims remain to be finalized under the Scheme, mainly due to outstanding tax clearance documents or technical issues regarding the completed investments. 81 penalties totalling €46,683 have been applied, to date this year, in accordance with the terms and conditions of the Scheme.

Animal Feedstuffs.

36. **Deputy Richard Bruton** asked the Minister for Agriculture, Fisheries and Food if an investigation has been made into the quantity of fodder available to farmers for winter 2009; if he will address the difficulty facing farmers in this regard; and if he will make a statement on the matter. [43559/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Up to the start of the fine spell in September and October fodder supplies on farms were reduced because of the impact of high levels of rainfall during the late Spring and throughout the Summer period on grass growth and harvesting conditions.

A survey conducted by Teagasc showed that at least one-third of the farmers who responded said they had inadequate fodder to meet their requirements.

[Deputy Brendan Smith.]

Much of this deficit, however, was made good during the prolonged fine spell in September and October with the result that while supplies are still tight on some farms a serious shortage should not arise. Some farmers are also taking advantage of the good value that exists in the case of concentrate feedstuffs to stretch fodder supplies.

The European Commission's agreement to my request for payment in October of an advance of 70% of the monies due under the Single Payment Scheme, will have been helpful also in alleviating the situation.

Notwithstanding this general situation, it is acknowledged that the recent serious flooding may have caused damage to fodder supplies and may give rise to a resulting feed shortage problem on some livestock farms. In response, I am introducing a fodder aid scheme to provide some financial support towards the purchase of alternative feed material to replace the fodder damaged by the floods. The amount being provided for the scheme is €2 million.

Veterinary Inspection Service.

37. **Deputy Kathleen Lynch** asked the Minister for Agriculture, Fisheries and Food the steps he has taken to reduce the cost of the meat inspection service. [43634/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Slaughterhouses and meat processing plants operating under the approval of my Department are supervised by veterinary inspectors employed by the Department, assisted in their duties by temporary veterinary inspectors (TVIs) drawn from private practice on a rota basis and by Department agricultural officers.

Veterinary Inspectors are permanently located in all the larger meat and poultry slaughtering and processing plants and are responsible for the provision of the ante and post-mortem inspection service, inspections of structural and operational hygiene standards and controls on residues.

The cost of the meat inspection service in 2008 was €39.9m, including salaries, overtime, allowances, and travel and subsistence for veterinary inspectors and agricultural officers; and fees for TVIs.

My Department recently published a Value for Money (VFM) review relating to the use of the services of TVIs in slaughter plants which are under the supervision of the Department. Its recommendations will be considered carefully, as is the case for all such VFM reviews, and decisions will be taken as appropriate to ensure the most efficient and effective service delivery.

Recommendations arising from other reviews relating to the optimum deployment of the national veterinary public health inspectorate are also under active consideration, with a view to ensuring that the service provided is as efficient and effective as possible.

Rural Environment Protection Scheme.

38. **Deputy Joe Costello** asked the Minister for Agriculture, Fisheries and Food the amount of REP scheme payments that will be made in 2009. [43626/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My Department's Vote for 2009 includes a provision for REPS of €330 million. In addition, I am seeking the approval of the House to a Supplementary Estimate for my Department which will provide a further €39.129m which will bring planned expenditure for the year to €369.129m.

Pigmeat Sector.

39. **Deputy Damien English** asked the Minister for Agriculture, Fisheries and Food the progress made to date under the pork recall scheme; the estimated cost of this scheme for 2009; the expected outlay for 2010; and if he will make a statement on the matter. [43591/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): To date, a total of €69m has been paid to qualifying applicants under the Pigmeat Recall Scheme, €35m in 2008 and €34m to date in 2009. Of this, €30m has been paid to primary processors and €39m to secondary processors. A further €5m was paid during 2009 for the rendering of affected product.

A number of claims have yet to be lodged and therefore it is not possible to estimate precisely the further expenditure under the Scheme for the remainder of 2009 or 2010. However, it will not exceed the total facility of €180m made available by the Government for this purpose.

Rural Environment Protection Scheme.

40. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Fisheries and Food when he will award REP scheme four payments due in 2009. [43622/09]

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 is at an advanced stage. I hope to be in a position to release the 75% payment due on valid applications in mid December, and the remaining 25% once the last of the on-the-spot inspections for 2009 has taken place.

Budget Submissions.

41. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food if he has received a copy of pre-budgetary submissions from the various farming organisations outlining the state of the agriculture and food sector with particular reference to the need for a co-ordinated approach at national and EU level; the extent to which he will address issues in this context; and if he will make a statement on the matter. [43548/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My Department has received pre-budget submissions from a number of farm organisations.

These submissions will be considered by my department in the normal way in the context of the preparation of the budgetary framework for 2010, and with due regard to the Government's continuing commitment to developing a sustainable agri food sector, while recognising that the interests of operators in all sectors of the Irish economy, including those in the agri food sector, are best served by the speedy restoration of balance to the public finances.

Grant Payments.

42. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food if all farm support payments due have been paid to date; if administrative procedures are not being used as a means of slowing down or withholding payment; and if he will make a statement on the matter. [43547/09]

306. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food if all payments due to farmers under the various aid or headage payment schemes are up to date; and if he will make a statement on the matter. [43864/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 42 and 306 together.

Payments are made as claims are processed and there is no question of my Department slowing down or withdrawing payments due to farmers. In fact the contrary is the case. My Department operates one of the most efficient payment systems in the EU and in recognition of the income difficulties experienced by farmers, I have secured the agreement of the Minister for Finance, Brian Lenihan, to request the Dail to approve a Supplementary Estimate for my Department. This will allow me to bring forward some €85 million in payments under the Farm Waste Management Scheme and the Rural Environment Protection Scheme (REPS), which would otherwise have fallen to be paid in the New Year.

Since the commencement of 2009 and up to and including Wednesday, 25 November 2009, payments totalling €1.800 billion have issued direct to farmers under the following schemes:

	€ million
Single Farm Payment	885.111
Farm Waste Management Scheme	243.274
REPS	240.633
Disadvantaged areas	218.711
Afforestation grants & premia	112.470
Early Retirement	36.667
Suckler Cow	31.916
Farm Improvement Scheme	24.967
Installation Aid	7.288

The Deputy will be aware that the governing regulations on the Single Payment Scheme provide for payments to be made in one tranche, not before 1 December of the year of application. However, earlier this year, mindful of conditions faced by the farming community across the Union, the Commissioner agreed to allow a 70% advance payment be made, effective from 16 October. This payment began issuing on 16 October and the numbers paid to date represent 98% of the Scheme applicants, a significant increase over the 2008 position. The 30% balancing payments are scheduled to begin issuing on 1 December.

In relation to the Disadvantaged Areas Scheme, payments began issuing on 22 September and, to date, in excess of 97% of applicants have been paid. The majority of the farmers who are not clear for payment have yet to meet the minimum stocking density requirement.

REPS 3 payment applications are received throughout the year and are processed in accordance with the target set out in the Charter of Rights for Farmers.

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 is at an advanced stage. I hope to be in a position to release the 75% payment due on valid applications in mid December, and the remaining 25% once the last of the on-the-spot inspections for 2009 has taken place.

Organic Farming.

43. **Deputy Paul Gogarty** asked the Minister for Agriculture, Fisheries and Food if farmers wishing to apply for the 2010 organic farming scheme will be required to have completed an

approved training course; the action taken to provide approved courses; the potential demand for such courses; and if he will make a statement on the matter. [43455/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Following a review of the Organic Farming Scheme, under which support is paid to farmers in the sector, the Scheme conditions have been amended to require the completion of an approved training course as an essential prerequisite to joining the scheme. This requirement will apply when the scheme re-opens in January 2010 and will apply only to those applicants who have not previously participated in the Organic Farming supplementary measure of the Rural Environment Protection Scheme.

Teagasc organic specialist advisors are currently engaged in the provision of the required training courses. A total of twelve courses are being held at various venues around the country up until the end of the year and up to 150 prospective applicants for the Organic Farming Scheme will take part. Teagasc will offer a further ten courses in 2010 which, it is estimated will attract a further 300 participants wishing to apply for the Organic Farming Scheme by the deadline of 15 May 2010. I understand that an independent agricultural advisor will also provide an approved training course in Mallow in early January 2010.

Common Agricultural Policy.

44. **Deputy Noel Treacy** asked the Minister for Agriculture, Fisheries and Food his views in relation to the need for an adequately funded common agricultural policy post 2013; and if he will make a statement on the matter. [43448/09]

50. **Deputy Noel Treacy** asked the Minister for Agriculture, Fisheries and Food the issues which have emerged in initial discussions between EU member states in relation to the future of the common agriculture policy post 2013. [43449/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 44 and 50 together.

My overarching view is that we need a strong and adequately resourced CAP after 2013. This is a point I have pressed strongly in discussions to date and for which there is good support in the Agriculture Council.

I am very conscious of the importance of the EU ensuring security of food supply and recognising the need to maintain family farming in Europe. However, particularly as an exporting country, I am also conscious of the need for competitiveness and innovation. I would wish to see all of these objectives clearly reflected in the new CAP.

Policy analysis and debates have commenced in a number of Member States and at EU level on the broad outline and general principles of future EU agriculture policy and a number of common themes and key issues are emerging from these debates. The emerging issues and my views on them are as follows.

There are demands from some Member States for a lower budget share for agriculture and for eventual dismantling of CAP. I would reject such arguments.

There is a parallel debate as to the function of the CAP in the future, i.e. whether it should act as a guarantor of income supports and EU family farming thereby contributing to food security objectives or whether it should serve primarily as a supplier of environmental and other public goods. It is clear from this debate that there will be increased emphasis on the delivery of public goods, as well as an increased focus on measurable outcomes. Within this, there will be continued emphasis on “new challenges” identified in the Health Check. There

[Deputy Brendan Smith.]

are positives for Ireland in this, and we need to engage with and shape this agenda to our own requirements.

There are issues around the current differentiation of direct payment rates between and within Member States. The credibility of the current historic payment model — based on average payments received between 2000 and 2002 — is being questioned. The debate centres around whether to equalise payment rates between Member States or whether to differentiate according to historical uptake, land use, land quality, production costs and so on. I continue to see some advantages to the historic model, but will have to look at alternatives, particularly if other countries move from the “historic camp”. Some useful research has already been done on other payment systems but this work will need to be extended and intensified with greater stakeholder involvement.

Allied to this is the pressure for redistribution of funds by the new Member States, who claim that their share of direct payment funds is insufficient. We will need to be realistic about this. We will need to build alliances with the new Member States, many of whom are strong defenders of the CAP. We will be open-minded on this and look at all options, while also requiring our partners in Europe to be equally realistic in their expectations.

On rural development, one issue is whether this policy should be integrated into cohesion policy or remain as a pillar of the CAP. My own view is that the current association of rural development and agriculture policies has worked well and should continue.

A leaked draft of a Commission communication on the future budget has suggested the possibility of national co-financing of the CAP. Although this draft has been discredited by Commissioner Fischer Boel, the concept cannot be ruled out. I would be very concerned with any attempts to increase national co-financing of the CAP. In current circumstances, this would obviously be unaffordable for Ireland, and also for many other Member States. More fundamentally, it would arguably represent re-nationalisation of the only real common policy of the EU.

It is early days in the negotiations. In the upcoming discussions, we will robustly defend the principles of the CAP and seek to secure sufficient resources to preserve the principles of solidarity, support for primary production, food security, quality and food safety.

Rural Environment Protection Scheme.

45. **Deputy Joe Costello** asked the Minister for Agriculture, Fisheries and Food when the new REP scheme will be introduced. [43625/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Discussions are taking place as a matter of priority between officials of my Department and European Commission officials on amendments to Ireland’s Rural Development Programme 2007–13, which include proposals for a new agri-environment scheme. The new scheme will be introduced at the earliest possible date following Commission approval of the amended Programme.

Beef Exports.

46. **Deputy Ciarán Lynch** asked the Minister for Agriculture, Fisheries and Food the steps he is taking to ensure that live cattle exported to England will be slaughtered in all processing plants in England. [43631/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The live export trade is an important component of our meat and livestock industry and provides a complement to

the beef trade. To date this year, this trade has been exceptionally strong with exports to the United Kingdom alone up by more than 250% on the same period in 2008:

Destination	1 January-15 November 2009	1 January-15 November 2008
Northern Ireland	72,249	30,146
Great Britain	9,311	1,808
United Kingdom	81,560	31,954

While the purchasing policy of UK meat plants is a commercial decision for those plants my Department and Bord Bia continue to work closely with the industry in monitoring and developing emerging opportunities for Irish livestock in the United Kingdom and elsewhere. This includes contact with processors and retailers in Britain to establish their interest in live Irish exports and cattle born in Ireland and finished in Britain.

Greenhouse Gas Emissions.

47. **Deputy Tom Hayes** asked the Minister for Agriculture, Fisheries and Food if he or An Bord Bia have strategies in place to market Irish agricultural produce as a low carbon product to export markets; and if he will make a statement on the matter. [43603/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Bord Bia is the state agency with statutory responsibility for the promotion and market development of food including seafood, drink and horticulture.

The marketing of Ireland as a Sustainable Food Island is a new strategic priority for Bord Bia. Critical to that strategy is the building of an evidence-based approach for marketing the environmental performance of farming and food production so that claims stand up to scrutiny in the marketplace. In this connection, Bord Bia is working closely with Teagasc on the development of a full Life Cycle Analysis for Irish beef. Ireland has a reputation as a natural food source for Europe and it is important to ensure that Ireland is in a position to maximise its natural advantages.

Common Fisheries Policy.

48. **Deputy Seán Connick** asked the Minister for Agriculture, Fisheries and Food when he expects to be in a position to submit, to the EU Commission, his position in relation to the reform of the common fisheries policy; and if he will make a statement on the matter. [43438/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Common Fisheries Policy (CFP) is the fisheries policy of the European Union which was first put in place in 1983 and has been subject to reviews every 10 years, the most recent was in 2002 and the next is formally scheduled for 2012.

On 21 April 2009 The European Commission published a Green Paper on the latest reform of the CFP in order to launch a consultation with Member States and stakeholders and to initiate a broad public debate on the future CFP reform. A summary of this consultation process will be published in 2010. It will be followed by a legislative proposal to the Council and the European Parliament to be adopted in 2011, with a view to its entering into force in 2012. It is clear that every aspect of the CFP is up for review and will require detailed attention.

An exchange of views on the Green Paper took place at the Agriculture and Fisheries Council on the 25 May 2009. Indeed a further informal discussion was engaged in at the Agri-

[Deputy Brendan Smith.]

culture and Fisheries Council last week so this is an ongoing process. I welcome the Commissions Green Paper on the reform of the CFP and acknowledge the importance of the process we are embarking on, as it will culminate in the shaping of the strategic blueprint for the European fishing industry for the next decade.

In the current economic climate, we need a policy that both simplifies and reduces the administrative burden while at the same time strengthens and supports the industry's capacity to maximise employment in coastal communities dependant on fishing. This will be a key objective for Ireland. In addition we will be pursuing initiatives that will deliver and sustain jobs in coastal communities rather than those that promote the concentration of wealth and delivery of excessive profits for a few big international businesses. I support a system which maintains strong economic links between national quotas and the traditional fishing communities which these quotas were allocated to assist. This will be a key area for Ireland in the forthcoming discussions on the CFP. It is critical that we in Ireland have a broad and in depth review of the policy taking account of the views of all interested stakeholders. The CFP review has been on the agenda at a number of formal and informal meetings with industry. It has always been my clear intention that the review process in Ireland would be an all inclusive one, facilitating the exchange of views from all interested parties.

Back in May, Minister Killeen appointed Dr. Noel Cawley to oversee consultations with Irish stakeholders on the reform of the CFP. Advertisements were placed in national and relevant fishing newspapers seeking submissions from interested parties for review by Dr. Cawley. Minister Killeen, Dr. Cawley and my Department have been involved in a series of consultations with various fishing organisations around the country over the last few months, in an effort to formulate Ireland's national position.

The Federation of Irish Fishermen (FIF) held a conference in Dublin on the CFP Review in Dublin on Friday the 9th of October. This seminar brought together a large gathering of fishermen from all around the country to listen to contributions from a broad range of experts on the field of fisheries. The FIF have pursued its own process to develop its position on the matter, and the result of their deliberations will also feed into Dr. Cawley's work programme and the formulation of Ireland's position.

All of the submissions received by Dr. Noel Cawley will now have to be evaluated in order to compile a detailed and informed submission to the EU Commission by the end of the year or by the latest very early in the New Year. Under the planned EU timetable for the review, a summary of the consultation process will be published in 2010. It will be followed by a legislative proposal to the Council and the European Parliament to be adopted in 2011, with a view to its entering into force in 2012.

Common Agricultural Policy.

49. **Deputy Niall Blaney** asked the Minister for Agriculture, Fisheries and Food his views on where there is further scope for the allocation of additional quota to young farmers as a result of the outcome of the common agricultural policy health check; and if he will make a statement on the matter. [43453/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Deputy will be aware that at the end of September I announced the allocation of milk quota to 70 new entrants to dairying. The opportunity to introduce this scheme arose from the availability of the first of five annual increases of one per cent in milk quotas agreed under the CAP Health Check. I was delighted to be able to avail of this opportunity and I was equally delighted with the success of the scheme. When I announced the results I stated my intention to consider what

further scope might be available to allocate quota to young farmers when the next one per cent falls due for allocation in 2010. This process will be informed by a full review of the operation of this year's scheme, which will be conducted shortly.

Question No. 50 answered with question No. 44.

Question No. 51 answered with question No. 23.

Rural Environment Protection Scheme.

52. **Deputy Jan O'Sullivan** asked the Minister for Agriculture, Fisheries and Food the date for the payment of the first 75% instalment of REP scheme 4 for 2009 and the remaining 25%. [43640/09]

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 is at an advanced stage. I hope to be in a position to release the 75% payment due on valid applications in mid December, and the remaining 25% once the last of the on-the-spot inspections for 2009 has taken place.

Departmental Offices.

53. **Deputy Brian O'Shea** asked the Minister for Agriculture, Fisheries and Food the measures he is taking to accommodate farmers in counties where his Department's offices are due to close. [43638/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): On 15th July, the Government approved my plan for a reorganisation of my Department's Local Office Network. The plan involves reducing, from 57 to 16, the number of offices from which the Department will operate District Veterinary, Forestry and Agricultural Environment and Structures support services in the future.

The decision to close some forty offices of the Department was made only after we had completed a detailed study of the Department's operations at local level. Decisions were made in relation to the overall strategy and against a background of major changes in the Department's operating environment in recent years brought about by the impact of the Single Farm Payment, benefits derived from substantial investment in Information Communications Technology and significant reductions in the incidence of disease.

Improvements in business processes, information technology and communications will allow the Department to provide to all of our clients, such services as those referred to earlier, from the 16 enhanced offices set out in the plan. In essence, the new structure was designed to improve and enhance service delivery by integrating into regional offices a range of services that were previously delivered from a much larger number of local offices, thus delivering better levels of customer services through new regional 'one stop shops'.

Climate Change Policy.

54. **Deputy Ciarán Cuffe** asked the Minister for Agriculture, Fisheries and Food the action taken to proof agriculture here against climate change in view of the upcoming Copenhagen summit; and if he will make a statement on the matter. [43456/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): In December 2008, the EU set itself the twin targets of increasing the share of renewables in energy use to 20% and reducing its overall greenhouse gas emissions to at least 20% below 1990 levels by 2020. At the Conference of the Parties being held in Copenhagen next month, the United Nations Framework Convention on Climate Change is hoping to finalise their ongoing efforts to secure an international agreement on global greenhouse gas emissions reductions. The EU is prepared to scale up its emissions reduction commitment, from 20%, to as much as 30%, as its contribution to securing a fair and ambitious agreement.

Ireland is committed to reducing non-trading sector emissions, which includes emissions from the agriculture sector, by 20%, relative to 2005 levels by 2020. To assist the Government in identifying the most appropriate means of achieving Ireland's non-trading sector target, the Cabinet Committee on Climate Change and Energy Security is examining the emissions reduction potential of the non-trading sector and will report to Government on the optimum alternatives to achieve this goal.

In tandem, my colleague, the Minister for Environment, Heritage and Local Government is in the process of developing a national climate change adaptation framework strategy and a new climate change bill, which will include specific provisions on climate change adaptation. This planned adaptation framework and proposed legislation will provide a mechanism for the integration of adaptation issues into decision making at both national and local level.

Dairy Sector.

55. **Deputy Simon Coveney** asked the Minister for Agriculture, Fisheries and Food the action he will take to assist the dairy industry in introducing efficiencies in the effective collection and processing of milk; and if he will make a statement on the matter. [43573/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Government is committed to ensuring that the Irish dairy sector reaches its full potential. One of the major challenges in the medium term will be to ensure that Irish farming and the agrifood sector is at the heart of an evolving high-value food market, which is focused on quality and innovation. This is at the core of Government strategy which sets out a series of actions to develop a competitive, innovative and consumer focused agri food sector. As part of this overall strategy, my Department provided funding of €114 million towards investment in dairy processing, which will generate an estimated capital spend of €286 million at full production. By stimulating necessary investment in the sector the Fund will help ensure the long-term competitiveness of the dairy industry in Ireland.

The Prospectus Report published six years ago called for significant investment to ensure the successful implementation of a dairy consolidation programme. In addition to increased investment in R&D and marketing, the report recommended significant up-front costs in capital investment requirements.

The dairy industry itself is ultimately responsible for introducing efficiencies at processor level and has already made substantial investment as part of the government supported Dairy Investment Fund. In the past year the industry has engaged in ongoing and wide ranging consultation with a view to restructuring milk processing in Ireland. I will continue to assist the dairy sector in any way possible. Our objective must be to improve competitiveness, scale and cost efficiency at processing level that allows Irish operators compete on international markets.

Climate Change Policy.

56. **Deputy Ciarán Cuffe** asked the Minister for Agriculture, Fisheries and Food the measures

taken to prepare agriculture for climate change and peak oil; the potential consequent effects on food security in this country; and if he will make a statement on the matter. [43457/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The purpose of the EU climate action and renewable energy package is to deliver the European Union's ambitious commitments to fight climate change and promote renewable energy up to 2020 and beyond. Ireland demonstrated its support for these proposals when, along with Denmark and Luxembourg, we agreed to accept the highest greenhouse gas emissions reduction target, to reduce, by 2020, our overall emissions by 20% compared to 2005 levels. Ireland also agreed to increase the share of renewables in energy use to 16% and remains fully committed achieving both targets.

The EU Emissions Trading Scheme will address emissions reductions from participating installations in Ireland's emissions trading sector, including emissions from many dairy, food and drinks processors. To assist the Government in identifying the most appropriate means of achieving emissions reductions in the remainder of the economy, Ireland's non-trading sector, which includes emissions from primary agriculture, the Cabinet Committee on Climate Change and Energy Security is examining the emissions reduction potential of the entire non-trading sector and will report to Government on the optimum alternatives to achieve this goal.

In tandem, my colleague, the Minister for Environment Heritage and Local Government, is in the process of developing a National Climate Change Adaptation Framework Strategy and a new Climate Change Bill, which will include specific provisions on climate change adaptation. This planned adaptation framework and proposed legislation will provide a mechanism for the integration of adaptation issues into decision making at both national and local level.

The world's population is expected to increase from 6.7 billion people today to 9.3 billion by 2050. However, the number of chronically undernourished people on the planet now stands at over 1 billion, or one person in every six. The UN estimates that, by 2050, an increase of 70% in current food output will be required to eliminate hunger and meet the food needs of the burgeoning world population. I am acutely aware that, as a substantial producer and exporter of high quality, sustainably produced food, Ireland must exploit our natural advantages and expertise in food production, in order to assist in meeting the long-term increased global demand for food. Accordingly, at Ireland's request, the European Council conclusions, which determine the EU's negotiation position for Copenhagen, reiterate the need to ensure food security and stress the need to adequately consider agriculture in a Copenhagen agreement, and in the long term.

Farm Improvement Scheme.

57. **Deputy Michael D. Higgins** asked the Minister for Agriculture, Fisheries and Food when farmers who are locked out of the farm improvement scheme will have their applications processed. [43629/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Farm Improvement Scheme was introduced by my Department in July 2007 with funding of €79 million as agreed under the 2006 Partnership Agreement, Towards 2016, and was suspended on 31 October 2007 as applications received had reached this level of funding. 12,675 applications were received from farmers prior to the closing date of the Scheme and these applications have been processed within my Department up to the level of funding available.

I have recently announced that, in the case of on-farm investment schemes, I intend to introduce support for a number of specific categories of farmers which shall be focused on supporting productive investment. Applications for grant-aid under these schemes, which are

[Deputy Brendan Smith.]

currently being considered by the EU Commission, will be subject to both eligibility and assessment criteria in order to determine those which will be approved for grant-aid. Applicants who did not receive approval under the Farm Improvement Scheme will be eligible to apply for the various schemes, when introduced, where they comply with the specific eligibility criteria laid down in the schemes concerned.

Departmental Programmes.

58. **Deputy Eamon Gilmore** asked the Minister for Agriculture, Fisheries and Food when new grant aid schemes will be introduced that were announced on 8 July 2009. [43628/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): A new scheme called the “Targeted Agricultural Modernisation Scheme” has been proposed under Ireland’s revised Rural Development Programme which was submitted to the EU Commission last July. The proposed scheme includes measures to assist dairy enterprises and sheep enterprises. A water management scheme is also proposed. Animal welfare issues relating to pigs and poultry will also be addressed with support provided to help producers to comply with welfare standards applicable in 2012 and 2013. It is also proposed to fund bio energy measures through establishment grants for willow and miscanthus.

The Commission has raised some queries relating to these proposals and negotiations are ongoing regarding the final format of the revised Programme. Commission approval for these Schemes is expected by mid December. Matching national funds must be provided to draw down the EU funds available for these schemes and the timing of their introduction will therefore depend on the outcome of the normal estimates process.

Rural Environment Protection Scheme.

59. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the steps he is taking to support REP scheme three; and if he will make a statement on the matter. [43544/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Payments to all REPS 3 participants will continue, subject to their compliance with the terms and conditions of the scheme, for the duration of the contract period and at the rates agreed in the contracts.

Question No. 60 answered with Question No. 27.

Agri-food Sector.

61. **Deputy Margaret Conlon** asked the Minister for Agriculture, Fisheries and Food his views on the need for a comprehensive medium term plan for the agri-food and fishing sector here; and if he will make a statement on the matter. [43445/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): As I have previously indicated on a number of occasions, a new development plan for the period to 2020 is required to maintain the impetus gained from the Agri-Vision 2015 and the Agri-Food 2010 strategies. Work on this plan is already well advanced and I expect the public consultation element to commence in December. At this stage, it is too early to anticipate its contents but I expect that it will have a strong emphasis on the critical issues of competitiveness, environmental sustainability and food security.

Dairy Sector.

62. **Deputy John Cregan** asked the Minister for Agriculture, Fisheries and Food when he expects the high level group, established by the EU Agriculture Commissioner, to report; and if he will make a statement on the matter. [43440/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): At the special Council of Ministers meeting on the 5th of October my colleagues and I had a thorough discussion on the need for measures to manage the dairy market in the period up to and beyond quota abolition in 2015. At that meeting it was agreed to set up a High Level Group of Member States, chaired by the EU Commission's Agriculture Director General, to examine the type of arrangements to be put in place.

The Commission High level Group will examine medium term and long term ways of stabilising dairy farmer's incomes and improving market transparency. The Group is tasked with delivering a comprehensive report by June 2010, and it is due to meet about eight further times before then, having already met twice. It will examine means through which contractual arrangements in the supply chain can contribute to the highest possible returns for producers. This would give them more bargaining power in the process and provide a buffer against extremes of market volatility such as those that are being experienced at present. The Group will also examine existing market instruments and consider what other means, including a dairy futures market, could contribute to the objective of price stability in the longer term.

I established a Consultative Group so that I could hear the views of the experts here on issues emerging at the High Level Group. In particular the ideas, knowledge and expert opinion of the Irish dairy sector will provide key perspectives on how the sector needs to be developed and supported into the future. The consultative group is representative of the broad dairy sector in Ireland and all the main stakeholder organisations are participating in it. The first meeting of the Consultative Group took place on the 2nd of November and was chaired by the Secretary General of my Department. I intend the group to meet regularly and it will follow the progress of the Commission High Level Group, and I look forward to receiving constructive input from them.

Common Fisheries Policy.

63. **Deputy Seán Connick** asked the Minister for Agriculture, Fisheries and Food his views on the outcome of the EU Fisheries Council meeting on 13 November 2009; and if he will make a statement on the matter. [43437/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I am assuming that the Deputy is referring to the Fisheries Council attended by my colleague Tony Killeen T.D., Minister of State in the Department of Agriculture, Fisheries and Food, last Thursday and Friday as there was no Fisheries Council meeting on the 13th of November.

Each year EU and Norway negotiate access to fish stocks, in each others waters and changing stock patterns mean that there is increasing pressure for Norway's access to mackerel to be increased. There is growing concern that the EU will agree to increase Norway's share of the stock which would reduce Ireland's quota for 2010 and future years. At last weeks Fisheries Council Minister Killeen set down a strong marker to make sure that the important mackerel fishery was protected and that Ireland's share of the fishery is maintained. The mackerel fishery is very important to Ireland and in 2009 we had a quota of 62,000 tonnes worth an estimated €65 million at the quayside. Norway has demanded an increased share of the overall EU TAC which Ireland is totally opposing and is also seeking to be allowed to fish that quota in EU waters.

[Deputy Brendan Smith.]

Minister Killeen made it clear to his fellow Ministers and to Commissioner Borg, the importance of the mackerel fishery for Ireland and that we needed to work together to prevent any reduction in the EU's share of the mackerel quota. Minister Killeen also informed the Council that Ireland was prepared to discuss mutually acceptable arrangements that would increase the access for Norwegian vessels in return for a long term agreement on the share out between EU and Norway that protected the interests of Irish fishermen.

The Fisheries Council also discussed new conservation measures on mesh sizes and closed areas. These measures are important to deliver on our overall objective of conserving fish stocks and promoting sustainable fishing practices. It was agreed to continue the existing measures for a further 18 months to allow for more detailed discussions with fishermen. Minister Killeen was strongly in favour of the need to strengthen the current conservation rules while ensuring that the new measures, which can be very technical and complex, would allow for economic fisheries that protect the livelihood of fishermen. Minister Killeen was disappointed that the Council's failure to reach an overall agreement has resulted in the continuation of measures applied last December for the waters off the North West coast. Some changes to the existing regime were achieved by Minister Killeen; however, Council was not prepared to make the substantive changes sought by him in this interim period.

Sheep Sector.

64. **Deputy David Stanton** asked the Minister for Agriculture, Fisheries and Food the new initiatives he plans to put in place to support the sheep sector; and if he will make a statement on the matter. [43545/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My Department already provides significant support to the sheep sector through the Single Farm Payment, the Disadvantaged Areas Scheme and REPS. In addition, this year Bord Bia will spend up to €1 million on the promotion of sheep and lamb at home and abroad, and Teagasc has allocated almost €1.5 million for sheep research.

Earlier this year, I made a decision to assign €7 million from this year's Single Farm Payment National Reserve to hill sheep farmers, in the form of an Uplands Sheep Payment Scheme. Last week I announced that payments under this scheme will commence in early December — payments in the region of €5 million will be made by the end of the year, with the remainder being paid in early 2010. This Scheme should benefit some 13,000 hill sheep farmers.

I also took the needs of the sheep sector into account in deciding how to use unspent CAP funds for the next three years. Of the €25 million or so available annually from next year, I have decided to allocate €18 million per year to sheep farmers, under a new Grassland Scheme. Also, under the proposed amendments to the Rural Development Programme Ireland 2007-2013, an indicative figure of €8 million has been allocated for sheep fencing and mobile handling facilities to assist sheep farmers in reducing labour input. A decision from the EU Commission on the amended programme is expected in mid December 2009.

All of these supports complement the work being undertaken by my Department, its state agencies and the industry, on foot of the recommendations of the Sheep Industry Development Strategy Group — “the Malone Report”. This report provides a clear blueprint for the development of a more profitable sheep sector in Ireland and covers production, processing and marketing. While most of the recommendations in the Malone Report fall to be implemented by the industry itself, my Department is playing its part by providing assistance for areas such as breeding and quality assurance. In addition, the support being provided for processing facilities

under the beef and sheepmeat capital investment fund underlines the Government's commitment to the sector.

I am confident that every effort is being made to support this sector and that it will benefit considerably from all of the initiatives just outlined.

Food Aid Programme.

65. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Fisheries and Food if he has drawn down Ireland's full allocated budget under the European food aid programme for the most deprived. [43621/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Ireland was allocated the sum of €376,977 in 2009 for the purchase on the open market of cheese for distribution as part of the European Food aid Programme for the most deprived. 68 tonnes of cheese were distributed to charities, which represented a full draw down of the allocated budget. Ireland has been allocated a budget of €818,816 for 2010 which will be used to exchange 350 tonnes of butter that are held in intervention stocks for other dairy products which will be distributed to charities for the benefit of the most deprived in the community. The first products will be available before Christmas with the remainder being distributed in the New Year.

Farm Investment Schemes.

66. **Deputy Máire Hctor** asked the Minister for Agriculture, Fisheries and Food the details of the new targeted scheme for on-farm investment announced as part of a revised rural development programme; and if he will make a statement on the matter. [43450/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): As part of proposals in relation to the use of unspent Single Payment Scheme and Modulation funds and the European Economic Recovery Programme, I have announced that, in the case of on-farm investment schemes, I intend to introduce support for a number of specific categories of farmers which shall be focused on supporting productive investment. The measures shall include: A scheme for dairy farmers to make the necessary investment to adjust to expanding dairy opportunities and promote the operation of cost-effective commercial operations by such farmers; Aid for sheep fencing and handling facilities to assist sheep farmers in reducing labour input in a vulnerable sector; Aid for farmers for water harvesting and conservation equipment, which will reduce water costs on farms; Animal welfare grants (a) for pig producers to assist in the conversion to loose housing for sows; and (b) for poultry producers to assist in the conversion to enriched cages, free range or barn systems.

The measures will be strictly cash-limited and are currently being considered by the EU Commission. The measures will be introduced as soon as relevant EU approval has been obtained and following agreement on the specific cash-limits available for each measure.

Direct Payment Schemes.

67. **Deputy Máire Hctor** asked the Minister for Agriculture, Fisheries and Food his spending proposals for the use of the unspent single payment scheme funds, announced in the context of a revised rural development programme; and if he will make a statement on the matter. [43451/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Under the agreement reached in November 2008 on the Health Check of the CAP, I together with support from several of my counterparts in other Member States, secured approval to use previously inac-

[Deputy Brendan Smith.]

cessible unspent Single Payment System funds to address, among other things, specific disadvantages affecting certain sectors in economically vulnerable or environmentally sensitive areas. Member States could also provide support to farmers for specific agricultural activities providing agri-environmental benefits.

Resulting from this agreement Ireland gained access to in the region of €25million in additional funding for each of the next three years 2010, 2011 and 2012 for these targeted measures. In considering how these monies might be best spent my objective was to achieve the most effective and efficient outcome for Irish agriculture. With this in mind and having consulted widely with all relevant stakeholders including the farming organisations and having regard to the provisions of the regulations, I decided to allocate the available funds as follows: €18m each year for the next three years on a Grassland Scheme to support incomes in the sheep sector, €6m each year for the next three years on a Grassland Dairy Efficiency Programme aimed at encouraging a significant improvement in efficiencies on dairy farms, and €1m for each of the three years 2010, 2011 and 2012 to support high environmental value farming, with tourism spin-off, in the Burren, Co. Clare, continuing and mainstreaming the pilot scheme operated by the Department of Environment, Heritage and Local Government.

In addition to this agreement I successfully negotiated for the use of the national reserve element of these funds from 2009. In this regard I have already announced that approximately €7 will be paid to hill sheep farmers as a once off payment in the form of an Uplands Sheep Payment, benefiting 13,000 hill sheep farmers. Payments worth in the region of €5m will be made before the end of the year with the remaining €2m being paid in early 2010.

Bovine Disease Controls.

68. **Deputy Jan O'Sullivan** asked the Minister for Agriculture, Fisheries and Food the progress being made in relation to new TB tests and the vaccination of badgers. [43639/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): In accordance with EU rules (Directive 64/432/EEC), the tuberculin skin test (Single Intradermal Comparative Tuberculin Test) must be used by Member States for the purpose of testing herds for bovine TB. Due of the level of herd incidence of TB in Ireland, EU rules provide that herds must have one such test per annum, with follow-up testing in herds that have their status suspended/withdrawn.

With regard to new tests, I assume that the Deputy is referring to a blood test, known as the Enferplex assay, which is currently being researched by Enfer Scientific in conjunction with my Department. It is hoped that, when developed, the Enferplex could be another diagnostic assay for TB. Indeed, if the sensitivity and specificity of the assay match or surpass that of the skin test it could possibly, in time, function as a screening test to replace the skin test. However there are a number of milestones to be passed before this desired outcome can be achieved. The current phase of the project during 2009 involves DVOs taking blood samples for analysis from herds undergoing high risk or consequential test type tests (i.e. not round tests) and which represent the whole of Ireland. The results from tests conducted by the company on these samples will be compared with that of the skin test. Enfer Scientific and my Department have agreed to continue to perform the assay at least until the end of this year in order to gather sufficient data to determine the merits of the multiplex assay. Accordingly, the data from this current project will not be available for analysis until 2010. In view of the possibility that the data may indicate that refinement of the multiplex assay will be necessary, samples collected to date are being held as a sample bank to facilitate further assay development.

I should point out that there is no possibility that the Enfer test can entirely substitute for the annual tuberculin skin testing until such time as it becomes accepted under Directive 64/432/EEC. In this regard, it is noteworthy that Ireland commenced research into the use of the Interferon-gamma assay for TB in 1991 but it was only approved by the EU for use as an adjunct to the skin test in 2002 with the objective of facilitating the early removal of additional infected animals in problem herds.

With regard to the vaccination of badgers, while the TB eradication programme includes a badger removal strategy aimed at reducing the incidence of TB in wildlife and the opportunities for contact between cattle and wildlife, the long-term objective of my Department is to develop a vaccine for badgers and considerable research has already been conducted in collaboration with UCD on the development of such a vaccine. Research to date has demonstrated that oral vaccination of badgers in a captive environment with the BCG vaccine generates high levels of protective immunity against challenge with bovine TB. The work programme has now reached a stage where it is necessary to test the vaccine under conditions of natural transmission of infection. A three year field trial in Kilkenny, where vaccine will be delivered orally, by hand, to badgers has recently commenced to test the efficacy of the vaccine in a large number of badgers over a wide geographic area. Success in the field trial will lead to the eventual implementation of a vaccination strategy as part of the national control programme. However, it will be some years before the benefits of a vaccine can be seen (2013 at the earliest) and therefore targeted badger removal will continue in the medium term.

Question No. 69 answered with Question No. 27.

Grant Payments.

70. **Deputy Jim O’Keeffe** asked the Minister for Agriculture, Fisheries and Food if he will confirm that those whose applications had been received for the early farm retirement scheme will be accommodated; and if he will make a statement on the matter. [43433/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): All applications received up to the closing date of 30 October 2009 are being examined in my Department at present. The number of valid applications that can be accepted will be determined by the funds available.

Live Exports.

71. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the steps he is taking to support a live cattle trade to Britain; the numbers exported to date in 2009; the corresponding figure for 2008; and if he will make a statement on the matter. [43432/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The live export trade is an important element of Ireland’s meat and livestock industry providing a complement to the beef trade.

The following table sets out the exports of live cattle in 2009 to the United Kingdom and the corresponding figures for 2008.

Destination	1 January-15 November 2009	1 January-15 November 2008
Northern Ireland	72,249	30,146
Great Britain	9,311	1,808
United Kingdom	81,560	31,954

[Deputy Brendan Smith.]

Bord Bia continues to work closely with the industry in monitoring and developing emerging opportunities and in resolving any outstanding difficulties for Irish livestock in the United Kingdom, the Continent and international markets. This includes contact with leading retailers in Britain to establish their interest in cattle born in Ireland and finished in Britain.

Animal Diseases.

72. **Deputy Edward O’Keeffe** asked the Minister for Agriculture, Fisheries and Food the progress made to date by Animal Health Ireland in achieving and maintaining the highest standards of animals health; and if he will make a statement on the matter. [43447/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My Department has no direct responsibility for the day to day activities of Animal Health Ireland (AHI). AHI operates independently of my Department. It is a company limited by guarantee with its own Board of Directors and a Chief Executive. AHI will be responsible for the wide dissemination of information to stakeholders in relation to its programme of activities. AHI aims to improve through a coordinated national approach to animal health, overall animal health standards. Higher animal health standards will secure improved profitability for farmers and international competitiveness of Irish livestock products through a coordinated national approach to animal health.

AHI came about as a result of a commitment by all interested parties to work together on an initiative to address a range of animal health and related issues. The most innovative aspect of this initiative is that it is industry-led and driven and it is part-financed by industry and my Department — up to a max of €0.5m per annum, for a period of 5 years, subject to a matching contribution being made by the industry. Consequently, the approach represents a substantial departure from the classic current Government-led model for animal health that has operated in this country to date.

Organic Farming.

73. **Deputy Mary Alexandra White** asked the Minister for Agriculture, Fisheries and Food the size of the domestic market for organic fruit and vegetables; the percentage of this produce produced domestically; and if he will make a statement on the matter. [43458/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The latest Bord Bia figures indicate that in 2009, the organic fresh produce market in the Ireland will be worth approximately €43 million. It is estimated that about 30% of this is produced domestically.

Common Agricultural Policy.

74. **Deputy Niall Collins** asked the Minister for Agriculture, Fisheries and Food his views on the terms of the Common Agricultural Policy health check, particularly in relation to quotas, if it should be revisited in the context of the pressure on dairy prices; and if he will make a statement on the matter. [43435/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): At the outset I would like to point out that I and my Government colleagues have been fully engaged in dealing with the current dairy market difficulties while at the same time trying to ensure that the industry is well-placed to take advantage of the upturn in dairy markets when it arrives. A revisiting of last November’s CAP Health Check agreement would do nothing to achieve either objective.

The Health Check agreement had two key elements, namely, supply control and market support. Taking the issue of supply control, or milk quotas, first, the agreement provided the framework for the EU milk quota regime leading up to its abolition in 2015. There was a wide divergence of views among Member States in the months preceding the final negotiations as to the best course of action in relation to milk quotas. Commissioner Fischer Boel had made it clear that she would not be proposing the continuation of the quota regime beyond 2015. The question was whether, and to what extent, milk quotas should be increased in order to prepare for their abolition.

Many of our colleagues argued in favour of annual quota increases of up to five per cent, while others were opposed to any increase. I adopted an ambitious approach that would facilitate the maximum possible fulfilment of the production potential in the Irish dairy herd. In that context I believe the decision to increase quotas by 1% each year from 2009 to 2014 was a good outcome. So also was the downward adjustment in the butterfat co-efficient that equates to a further potential 2% rise in quotas in 2009. When the 2% quota increase in 2008 is taken into account, the result is a cumulative increase of 9.3% in Ireland's milk quota by 2014 compared to 2007. This will help our dairy farmers to maximise their production potential, and to maximise the natural advantage they possess in the form of a grass-based production system. This in turn will lead to efficiency gains and help to achieve a competitive edge in an increasingly volatile world market.

If, on the other hand, EU production is constrained by quotas, it will prevent Ireland from benefiting from future upturns in dairy markets. In that scenario the only winners would be our global competitors, which is why I did not add my voice to recent calls for a reversal or freezing of the agreed quota increases. Indeed I actively counselled against such a course of action.

It has been suggested by some groups that the quota increases are the cause of the current low prices for milk. This is a flawed argument. In its report to the Council in June, the Commission said that milk production in the quota year 2008/09 had fallen by 0.6 per cent compared to the previous year and that, overall, production was 4.2 per cent below quota by 31st March 2009. Statistics for the 2009/2010 quota year thus far indicate a similar trend. Indeed, here in Ireland production was just over ten per cent below quota at the end of October. Therefore to attempt to attribute the current market weakness to the additional quota allocated as part of the Health Check is patently wrong. The problem lies in the mismatch of supply and demand that arose as a result of the increase in supply that followed the high prices of late 2007 and early 2008, and a contraction of demand arising from the combined effects of the global financial crisis and recession.

This brings me to the other key dairy element in the Health Check, which was, of course, market support. In the negotiations I strongly defended the view that quota increases must be matched with effective dairy market management measures during the transition to a post-quota EU dairy market. I therefore called for the continuation of such measures and, above all, those schemes that are especially important for Ireland. In the event, I managed to have these schemes maintained in the face of powerful opposition and they have been used to the maximum possible extent by the Commission in recent months to help support the market.

Job Losses.

75. **Deputy Jack Wall** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position regarding an application for statutory redundancy in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [43490/09]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): My Department administers the Social Insurance Fund (SIF) in relation to redundancy matters on behalf of the Department of Social and Family Affairs. There are two types of payment made from the SIF — rebates to those employers who have paid statutory redundancy to eligible employees, and statutory lump sums to employees whose employers are insolvent and/or in receivership/liquidation.

I can advise the Deputy that the Redundancy Payments Section of my Department received an application for a statutory lump sum claim for the person concerned on 15th May 2009. In this case, as in all cases where the employer claims inability to pay the employee's statutory redundancy, the Department requires the employer to provide sufficient proof to substantiate the claim.

I understand that following receipt of the required information in October, the lump sum claim in question is being processed and payment is expected to issue within the next two to three weeks.

Trade Union Sector.

76. **Deputy John McGuinness** asked the Tánaiste and Minister for Enterprise, Trade and Employment the protection in existing legislation for rank and file union members when there is evidence or a reasonable suspicion that corporate governance within a trade union is weak or inadequate; if her attention has been drawn to the fact that there is growing concern among the members of at least two unions regarding the financial affairs of their organisations; if she will investigate the matter; and if she will make a statement on the matter. [43519/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): My attention has been drawn to newspaper reports in relation to two trade unions where questions have arisen with regard to their financial affairs. In respect of one of these unions the Registrar of Friendly Societies was contacted directly about the situation.

The legislative position regarding corporate governance for trade unions can be split broadly into financial and non-financial governance. The non-financial aspects cover issues such as registration of rules and the titles and names of officers, investigation of complaints of discriminatory treatment against a non-contributor to a political fund, or concerning the operation of secret ballots or amalgamations of trade unions.

With regard to financial governance, provision is made for the making of annual returns by trade unions, specifying the receipts, funds, effects and expenditure of the trade union, which are lodged on the public file of the union concerned and are then available to inspection by the public. In addition, the rules of each trade union must contain a provision for the inspection of the books by every person having an interest in the funds of the union.

Neither the Registrar of Friendly Societies nor I have powers of investigation in respect of these financial governance issues. The Registrar has the statutory power to refer a matter to the court in relation to wilful or fraudulent withholding of money. This option is also available to any person acting on behalf of a trade union, which would include union members.

I think it is fair to say that the statutory provisions currently in force relating to financial governance matters in trade unions place considerable reliance on the active involvement of the members of trade unions. In this, these provisions reflect the historical period from which they originate. As the Deputy will be aware, my Department is currently carrying out reviews of the existing legislation relating to industrial and provident societies (co-operative societies) and friendly societies, which also date mainly from the late 19th century and are administered by the Registrar of Friendly Societies. I have now directed my Department to extend the scope

of these reviews to include the functions of the Registrar of Friendly Societies under the Trade Union Acts.

FÁS Training Programmes.

77. **Deputy Joanna Tuffy** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of private sector employers who have applied for and been approved for the FÁS work placement scheme to date in 2009; and if she will make a statement on the matter. [43649/09]

78. **Deputy Joanna Tuffy** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of public sector bodies which have applied for and been approved for the FÁS work placement scheme to date in 2009; and if she will make a statement on the matter. [43650/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I propose to take Questions Nos. 77 and 78 together.

As at 24th November 2009, 282 Private Sector bodies and 40 Public Sector bodies have applied for and been approved under the Work Placement Programme.

Employment Rights.

79. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment further to Parliamentary Questions Nos. 199 of 3 November 2009 and 135 of 18 November 2009, if she will provide a list of the persons who attended the meetings; and if she will make a statement on the matter. [43758/09]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): I understand that the following individuals have been in attendance at one or other of the informal meetings of the Review Group on Employee Representation held to date (on 14th September and 13th October, 2009): On behalf of the Department of the Taoiseach: Mr Dermot McCarthy (Chair); Mr Philip Kelly; and Mr Colin Menton; On behalf of my Department: Mr Dermot Curran; Mr Paul Cullen; and Mr Michael Greene; On behalf of the Department of Finance: Mr Peter Brazel; On behalf of the Irish Congress of Trade Unions: Mr David Begg; Ms Esther Lynch; Ms Patricia King (SIPTU); Mr Shay Cody (IMPACT); and Ms Louise O'Donnell (IMPACT); and On behalf of the Irish Business and Employers' Confederation: Mr Brendan McGinty; Mr Tim O'Connell; Mr Loughlin Deegan; and Ms Rhona Murphy. I also 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.

Employment Rights.

80. **Deputy Seán Fleming** asked the Tánaiste and Minister for Enterprise, Trade and Employment when an appeal in respect of a person (details supplied) in County Laois will be held with the employment appeal tribunal in view of the delays; and if she will make a statement on the matter. [43762/09]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Brian Calleary): The Employment Appeals Tribunal is an independent, quasi-judicial body under the aegis of my Department. As an independent body, I have no role in the day to day operation of the Employment Appeals Tribunal. The person may wish to make direct contact with the Employment Appeals Tribunal Secretariat by email to eat@entemp.ie or by telephone to 01 631 3006.

Tax Collection.

81. **Deputy Michael Creed** asked the Minister for Finance the moneys paid to farmers in VAT refunds each year for the past five years; the number of farmers who claimed refunds; and if he will make a statement on the matter. [43742/09]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that the following table sets out the number of claims and the monies paid to farmers in VAT refunds each year for the past five years. These figures relate to farmers who are not registered for VAT. Farmers who are registered for VAT account for their VAT transactions, including any refunds due to them through the normal VAT system.

Year	Number of Claims	Amounts Paid
		€
2005	13,430	31,885,636
2006	14,207	38,468,507
2007	15,430	59,941,194
2008	23,259	154,747,299
2009 (Year to date)	25,184	165,685,666

Vehicle Registration Numbers.

82. **Deputy Fergus O'Dowd** asked the Minister for Finance his views on correspondence from a person (details supplied); and if he will make a statement on the matter. [43810/09]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that under the Finance Act 1992 they have responsibility for the legislation governing vehicle identification marks (registration plates) in the State. Section 131(6)(a) of that Act provides that the identifying mark (registration number) assigned to a vehicle, that has been registered in the State, must be displayed in the format prescribed by the Revenue Commissioners.

The format, dimensions and technical specifications of identification marks to be displayed on vehicles in the State are set out in Statutory Instrument (S.I.) 318/92 as amended by S.I. 432/99. These regulations and the requirements therein have been widely publicised by Revenue. The owner of a vehicle is responsible for ensuring that the vehicle registration plate conforms with the requirements specified in the regulations, and it is an offence under Section 139(1)(b) of the Finance Act 1992 to be in possession of a vehicle displaying a registration plate in a format other than as prescribed by law. The penalty for such an offence is €5,000 on summary conviction.

The Deputy may wish to note that Revenue mobile units and An Garda Síochána are actively engaged in the detection of vehicles displaying non-conforming registration plates. Furthermore, a vehicle displaying non-conforming registration plates will fail the National Car Test, which is regulated by the Road Safety Authority. There are no plans to impose further regulatory control in this area at this time.

Banking Sector Regulation.

83. **Deputy Kieran O'Donnell** asked the Minister for Finance if the established guideline of €500,000 in salary for bank chief executive officers includes stock options, relocation expenses, other expenses, pension payments and performance related payments; the forms of remuneration.

ation that are explicitly included in the composition of the guideline; and if he will make a statement on the matter. [43465/09]

Minister for Finance (Deputy Brian Lenihan): As the Deputy is aware, the report of the Covered Institutions Remuneration Committee (CIROC) was placed before the House on 13 March 2009. The Government considers the CIROC recommendations regarding remuneration of chief executives including bonuses, pensions, long term incentive plans, which includes stock options, are appropriate but that basic salary level should be capped at €500,000 or the salary amount recommended by CIROC which ever is the lower. Any deviation from this should be in very exceptional circumstances and with my agreement.

84. **Deputy Kieran O'Donnell** asked the Minister for Finance if his attention has been drawn to the employment contract between a bank (details supplied) and its managing director; if he will request same in view of the State's shareholding in the bank; and if he will make a statement on the matter. [43466/09]

Minister for Finance (Deputy Brian Lenihan): The Deputy will be aware that I have intervened in the matter of the level of salary for the incoming managing director to ensure that it is in line with the CIROC recommendations and the Government's cap on basic salary of €500,000.

85. **Deputy Martin Ferris** asked the Minister for Finance if persons recently appointed to the boards of banks covered by the National Asset Management Agency are paid from the Exchequer; if he will provide details of same. [43484/09]

Minister for Finance (Deputy Brian Lenihan): The Exchequer is not paying the relevant director's fees to any person in respect of their service as a board director, even where the persons concerned are nominated by me.

Tax Collection.

86. **Deputy Jack Wall** asked the Minister for Finance if a person (details supplied) in County Kildare is entitled to a tax rebate or other payments; and if he will make a statement on the matter. [43538/09]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that they are not in a position to provide a detailed reply on this matter within the timeframe for answering Parliamentary Questions. Accordingly, they will contact the Deputy directly on this issue at an early date.

Tax Code.

87. **Deputy Leo Varadkar** asked the Minister for Finance the estimate yield from lowering the threshold for the application of the minimum effective income tax of 20% to all incomes above €250,000, all incomes above €200,000, all incomes above €150,000 and all incomes above €100,000; and if he will make a statement on the matter. [43674/09]

Minister for Finance (Deputy Brian Lenihan): It is assumed that the Deputy is referring to the restriction of reliefs measure relating to higher income earners announced in Budget 2006, which came into operation from 1 January 2007. It is estimated by the Revenue Commissioners that reducing the existing threshold of €500,000, at which the full restriction applies, to the stated amounts, would result in the following full year yields to the Exchequer. These estimates

[Deputy Brian Lenihan.]

are based on personal income tax data for 2007, the latest year for which the relevant information is available.

New thresholds & marginal relief limits	Full year yield
€	€m
125,000 – 250,000	8.7
100,000 – 200,000	11.2
75,000 – 150,000	13.8
50,000 – 100,000	15.5

Public Works Projects.

88. **Deputy Leo Varadkar** asked the Minister for Finance if he will report on the involvement to date of the Office of Public Works in implementing the Towards a Liffey Valley Park report; the proposals to establish an OPW co-ordinated steering group as recommended in the report; and if he will make a statement on the matter. [43675/09]

Minister of State at the Department of Finance (Deputy Martin Mansergh): This report arose from a study undertaken on behalf of a Steering Group comprising representatives of the County Councils of Fingal, Kildare, South Dublin, Dublin City Council and the Office of Public Works (OPW). It is a matter for each public body to consider making progress from within its own resources. For its part OPW, contributes to the objectives of the study through on-going management of historic properties, in State ownership along the Valley. For example, a major improvement scheme is being carried-out at Castletown House and Park and programmes of improvement and maintenance are in progress at the Phoenix Park and War Memorial Park, Islandbridge.

Further progress on implementing aspects of the report at a National level is dependent on the provision of resources, particularly through the Department of the Environment, Heritage and Local Government. Consideration of the establishment of an overarching implementation group must await developments in this respect.

89. **Deputy Leo Varadkar** asked the Minister for Finance further to Parliamentary Question No. 135 of 12 November 2009, the reason the Castleknock Gate of the Phoenix Park is being removed; and if he will make a statement on the matter. [43723/09]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The Castleknock Gate was damaged in a collision with a commercial vehicle some time ago. The works at Mountjoy provided an opportunity to repair, realign and repaint the gate, which has now been re-hung.

90. **Deputy Leo Varadkar** asked the Minister for Finance the reason the works in the Phoenix Park do not include the resurfacing of the road; and if he will make a statement on the matter. [43725/09]

Minister of State at the Department of Finance (Deputy Martin Mansergh): It is considered that carrying out the necessary works, in tandem with the works on Mountjoy roundabout and the associated traffic diversions, would be unduly disruptive of traffic. However, these works are regarded as a priority and will be carried out as soon as possible after the end of Operation Freeflow in early 2010, subject to the availability of funding.

Pension Provisions.

91. **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. [43739/09]

Minister for Finance (Deputy Brian Lenihan): The position of women who resigned from the civil service on marriage as regards civil service pension entitlements is as follows. A woman appointed to the civil service from a competition advertised prior to 1 February 1974 who had at least 5 years' actual reckonable service prior to marriage, and who resigned from the civil service on or shortly before marriage, or within 2 years after the date of marriage, was paid a marriage gratuity which, if applied for and awarded, was in lieu of any other civil service superannuation benefit. The amount of the gratuity was 1 month's pay for each year of actual reckonable service (pro-rata for part of a year) up to the date of marriage, subject to a maximum of 12 months' pay.

A woman who received a marriage gratuity who was subsequently reappointed to the civil service in an established capacity could refund the gratuity, in which case all prior service would be aggregated with subsequent service for superannuation purposes. Any social welfare pension entitlements of the women concerned are a matter for my colleague, the Minister for Social and Family Affairs.

Financial Services Staff.

92. **Deputy Leo Varadkar** asked the Minister for Finance if the position of chief executive officer or managing director of a bank (details supplied) was advertised in the international press; and if he will make a statement on the matter. [43741/09]

Minister for Finance (Deputy Brian Lenihan): This is a matter for the bank in the first instance. I am aware that a search was carried out using professional recruitment consultancy services, and that this search was extensive and international in nature.

Tax Collection.

93. **Deputy Jack Wall** asked the Minister for Finance if a person (details supplied) in County Kildare has been granted tax rebates for the years 2005, 2006, 2007 and 2008; and if he will make a statement on the matter. [43753/09]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that they are not in a position to provide a detailed reply on this matter within the timeframe for answering Parliamentary Questions. Accordingly, they will contact the Deputy directly on this issue at an early date.

Flood Relief.

94. **Deputy Tom Hayes** asked the Minister for Finance the status of the Clonmel flood relief scheme; the amount of funding spent on this scheme to date; the amount of funding allocated to the scheme; if the next phase in the flood relief scheme will be fast tracked to prevent further flood damage during the process of building these works; and if he will make a statement on the matter. [43778/09]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The Clonmel Flood Relief Scheme was divided into three phases — Clonmel West, North and East. The Clonmel West scheme was confirmed by the Minister for Finance in 2007 and the Civil Works on this phase are now nearing completion with substantial completion due early in 2010. The

[Deputy Martin Mansergh.]

estimated cost for the Clonmel West Scheme is €21.2 million and OPW is committed to this funding. The decision has been taken to implement the North and East phases simultaneously and the estimated cost for these phases is €29 million. Contract documents are currently being prepared to invite submissions from Civil Engineering Contractors to carry out the next phases of the flood relief works in Clonmel and it is proposed to submit these schemes to the Minister for Finance for Confirmation early in 2010. To date, €16.2 million has been expended on the construction of the Clonmel West scheme and in the preparation of all the schemes.

Tax Code.

95. **Deputy Michael Ring** asked the Minister for Finance if a charge (details supplied) will be made allowable as a business expense for properties. [43792/09]

Minister for Finance (Deputy Brian Lenihan): Under the provisions of the tax Acts, a person in receipt of rental income is assessed to income tax on the net amount of the rents received (i.e. the gross rents less allowable expenses incurred in earning those rents). In computing the net amount of the rents received, only those deductions that are specified in section 97(2) of the Taxes Consolidation Act 1997 are allowable. The main deductible expenses are:

- Any rent payable by the landlord in the case of a sub-lease;
- The cost to the landlord of any goods provided or services rendered to a tenant;
- The cost of maintenance, repairs, insurance and management of the property;
- Interest on borrowed money used to purchase, improve or repair the property; and
- Payment of local authority rates in the case of rateable properties used for commercial purposes.

As payment of the new local authority charge for residential properties is not included on the list of allowable deductions, it is not an allowable expense in computing taxable rental income. As the Deputy will appreciate, in line with normal practice, I cannot make any further comment in relation to particular tax measures in advance of the Budget.

Tax Collection.

96. **Deputy Willie Penrose** asked the Minister for Finance when a VAT refund will be awarded to a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [43832/09]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that in the particular circumstances concerned the individual is required to register for Income Tax. The individual concerned has been advised of this on three separate occasions by the Revenue Commissioners together with details on how to register. I am advised by the Revenue Commissioners that until he complies with this obligation it will not be possible to process the claim any further.

Flood Relief.

97. **Deputy Joanna Tuffy** asked the Minister for Finance the amount that was spent by him on flood relief works in 2004, 2005, 2006, 2007, 2008 and to date in 2009; and if he will make a statement on the matter. [43854/09]

Minister of State at the Department of Finance (Deputy Martin Mansergh): Since the Office of Public Works became the Lead Agency in relation to Flood Management in Ireland in 2004, following the publication of the Flood Policy Review Group Report, the following expenditure for flood relief activities has been incurred.

2004	2005	2006	2007	2008
€15.4M	€16.2M	€14.2M	€23.1M	€24.9M

Expenditure for 2009 is currently at €24.5M with an anticipated outturn in the region of €38 M.

The figures include construction works, preparation of studies, and contributions to Local Authorities for major works being undertaken directly by them. Since January of this year, OPW has also assumed Lead Agency responsibility for Coastal Protection, so there will be extensive expenditure in this area in coming years in addition to the normal expenditure. Recently, a Minor Works Programme has been introduced which will involve OPW providing funding to Local Authorities who are implementing such minor works for flood prevention measures.

OPW will continue to implement the Government's flood policy and future expenditure will depend on the available financial resources. OPW has profiled in excess of €200 Million on its current projects up to 2014.

98. **Deputy Joanna Tuffy** asked the Minister for Finance the steps that have been taken by him on the development of better flood management systems since the adoption of the report of the flood review group 2004. [43855/09]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The report of the review group, which was adopted by the Government in late 2004, recommended that flood risk management policy should address both existing and future risk and that there should be increased focus on non-structural measures to complement traditional reliance on works. Substantial progress has been made by the Office of Public Works, as lead agency for implementing the recommendations of the report, on improving flood management systems.

The OPW has commenced the Catchment Flood Risk Assessment and Management Studies programme. The Lee CFRAMS is the primary pilot project for the National CFRAM programme, and amongst the stated objectives for it are to:

- Identify viable structural and non-structural measures and options for managing the flood risks for localised high-risk areas and within the catchment as a whole; and
- Prepare a strategic Catchment Flood Risk Management Plan (CFRMP) and associated Strategic Environmental Assessment (SEA) that sets out the measures and policies that should be pursued by the Local Authorities and the OPW to achieve the most cost effective and sustainable management of flood risk within the Lee catchment.

OPW has also begun pilot studies for the Rivers Dodder and Suir and the Fingal East Meath area. OPW will be commissioning Flood Risk Assessments and Management studies (CFRAMS) for all of the River Catchments. The end result of these studies will be a Catchment Flood Risk Assessment and Management Plan. The programme, which will be completed over the next 6 years, will develop for each catchment maps indicating the predicted extents of areas that would be affected by flood events of varying severity and will produce plans for dealing with the risk where it is feasible.

[Deputy Martin Mansergh.]

The OPW, in conjunction with the Department of the Environment, Heritage and Local Government, developed a Protocol on Flood Emergencies that supports the Framework for Major Emergency Management that has been put in place to facilitate co-ordination between front line agencies in responding to major flood events.

The OPW, again with the Department of the Environment, Heritage and Local Government, has produced draft Guidelines on the Planning System and Flood Risk Management that will assist planning authorities to take cognisance of flood risk with a view to preventing unsustainable development through appropriate planning decisions. The Guidelines will be published shortly. To facilitate planning authorities in implementing the Guidelines, and to as an aid to the emergency services and the public, the OPW developed a dedicated website, www.flood-maps.ie, which provides data on areas that are prone to flooding. Another website developed by the OPW, <http://www.flooding.ie/www.floodmaps.ie>, provides practical advice to the public in relation to preparing for and coping with floods.

In order to provide engineers with the best methodologies and tools for assessing flows when designing developments, the OPW commissioned an important research programme, which will be completed shortly. As part of the implementation of major flood relief projects for Mallow, Fermoy and Clonmel, where demountable structures are an integral part of the scheme, the OPW has developed early warning systems to enable the Local Authorities to take the appropriate action to erect the defences. The OPW is also commissioning a project to establish the feasibility of implementing a national flood warning system and the resources that such a system would require.

Tax Code.

99. **Deputy Bernard J. Durkan** asked the Minister for Finance if and when an income tax refund under MED1 or MED2 will be awarded in the case of a person (details supplied) in County Kildare; if allowance will be made in respect of equipment for home physiotherapy; and if he will make a statement on the matter. [43896/09]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that they are not in a position to provide a detailed reply on this matter within the timeframe for answering Parliamentary Questions. Accordingly, they will contact the Deputy directly on this issue at an early date.

Health Service Staff.

100. **Deputy Joe McHugh** asked the Minister for Health and Children the amount she has spent on the education of student nurses from 2004 to date in 2009; the amount spent on the education of student nurses at a college (details supplied) in County Donegal from 2004 to date in 2009; and if she will make a statement on the matter. [43511/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Child Care Services.

101. **Deputy Ciarán Lynch** asked the Minister for Health and Children her views on whether allowances should be made for the variation in cost between urban and rural areas to the early childhood care education scheme; the reason the scheme provides for 38 weeks rather than the 43 weeks of the primary school year; the reason there is a requirement that children at a young

age should attend for the full five days; and if she will make a statement on the matter. [43757/09]

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 standard capitation fee which will be paid to participating services is €2,450 per annum. A higher capitation fee of €2,850 per annum is available to sessional playschool services with more highly qualified staff. A wide of range of factors contribute to the individual operational costs of services in any sector, including pre-school service providers. It is not possible to take full account of individual circumstances when establishing a national scheme. Some 4,200 services will participate in the ECCE scheme, a fact which bears out that the capitation rates provided for are reasonable and will accommodate 90% of the pre-school services operating in the State. The pre-school year can be provided under a number of options. Services participating in the scheme as sessional playschool services will generally be required to be open for three hours a day, five days a week. They will be expected to operate for 183 days, which is the equivalent of 36.6 working weeks and is the same number as that required for national primary schools. If for a good reason a sessional service is unable to operate over five days, however, it will be allowed to provide the free pre-school year for three and a half hours a day, for four days, over 41 weeks. Further flexibility is provided for in that a full or part-time service may choose to provide a sessional service over 38 weeks of a year, or two sessional services each day, while a sessional service may choose to provide two hours 15 minutes per day over 50 weeks.

The objective of new scheme is to provide all qualifying children with a full year of pre-school early education in the year before they commence primary school. Services participating in the scheme will generally be required to provide the free pre-school provision on five days each week and will be required to give priority to parents using the service on this basis. This is considered the most appropriate framework to ensure that children receive an appropriate level of learning involving appropriate programme based activities. A regular pattern of pre-school attendance, for periods up to 15 hours each week, is in line with international practice in this area, and is currently the norm for the majority of sessional playschools operating in the State and availed of by parents who can afford to pay. As the scheme is being offered free of charge it is expected that the majority of parents will choose to avail of the maximum number of hours of the pre-school provision. To allow services to adjust to the requirements of the new scheme, transitional arrangements will apply during the initial period, from January to August 2010. During this period services which are already accommodating children on a pro rata basis, may continue to do so and the capitation grant will be set by reference to the number of children attending per day rather than the total number of children per week. However, for reasons already stated, these transitional arrangements will not extend beyond September 2010 when the first full year of the scheme comes into effect.

Under Age Drinking.

102. **Deputy Mary Upton** asked the Minister for Health and Children her plans to address the problem of under age drinking; the resources she plans to dedicate to this issue; if she is satisfied with the progress of the implementation of the various recommendations that have been made to date to deal with this problem; and if she will make a statement on the matter. [43771/09]

103. **Deputy Mary Upton** asked the Minister for Health and Children her views on the sponsorship of sporting events by the drinks industry; her further views that promotion of alcohol in association with sport might have a negative influence on under age persons in relation to their decision to drink; and if she will make a statement on the matter. [43807/09]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): I propose to take Questions Nos. 102 and 103 together.

The problem of under age drinking cannot be addressed in isolation from the need to tackle alcohol-related problems across the adult population. The Government is continuing to identify and implement new measures through legislation and through various codes (advertising, sponsorship, sales and display of alcohol in supermarkets, etc.) to seek to protect children and young people from the harms caused by alcohol misuse. The Government continues to support initiatives such as the Young People's Facilities and Services Funding to assist in the development of preventative strategies/initiatives in a targeted manner through the development of youth facilities, (including sport and recreational facilities) and services in disadvantaged areas where a significant substance misuse problem exists or has the potential to develop. In order to provide significantly greater protection for children and young people, strengthened codes on advertising and sponsorship, came into effect on 1 July last year. Under these codes, the Irish alcohol industry may not sponsor any sporting competitions, leagues, events or competitors where such events are designated specifically for participants under 18 years of age. Earlier this year the Government agreed to the establishment of a Working Group to deliver on the commitment in the programme for Government to "discuss the question of the sponsorship of sporting events by the alcohol industry with a view to phasing it out". The report of this Working Group is being finalised at present. In the area of legislation, the 2008 Intoxicating Liquor Act increased the penalties for selling alcohol to an under age person. The Act also permits the Garda Síochána to seize alcohol which is in possession of a person who appears to be under the age of 18 which is being consumed, or intended to be consumed, in a place other than a private residence. In addition, the Act permits the Garda to engage in the test purchasing of alcohol. Guidelines on the practical operation of test purchasing of alcohol have been prepared by a Working Group chaired by the Department of Justice, Equality and Law Reform.

Hospital Waiting Lists.

104. **Deputy Paul Kehoe** asked the Minister for Health and Children when a person (details supplied) will be called for surgery; and if she will make a statement on the matter. [43429/09]

Minister for Health and Children (Deputy Mary Harney): The management of waiting lists generally is a matter for the HSE and the individual hospitals concerned. I have, therefore, referred the Deputy's question to the Executive for direct reply. The National Treatment Purchase Fund arranges treatment for patients who have been on a surgical waiting list for more than three months. It is open to the person in question or anyone acting on their behalf to contact the Fund directly in relation to their case.

Domiciliary Care Allowance.

105. **Deputy Beverley Flynn** asked the Minister for Health and Children if any applicants for domiciliary care allowance have had their applications backdated; and if she will supply a breakdown on a county basis showing the number of applicants whose payments were backdated year by year. [43431/09]

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 to the Deputy.

Hospital Accommodation.

106. **Deputy Finian McGrath** asked the Minister for Health and Children if he will support a matter (details supplied). [43468/09]

Minister for Health and Children (Deputy Mary Harney): The new ward block to replace existing accommodation is being developed at St. Vincent's University Hospital, the national tertiary centre for the treatment of adult patients with cystic fibrosis. This facility will provide single room en-suite in-patient accommodation (100 rooms) and a dedicated day unit for people with CF, including 10 single day treatment rooms with en-suite sanitary facilities. Site clearance work has already commenced. It is intended that the building will be operational as early as possible in 2011

Medical Cards.

107. **Deputy Edward O'Keeffe** asked the Minister for Health and Children the position regarding an application for an over 70 years medical card in respect of a person (details supplied) in County Cork. [43470/09]

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.

108. **Deputy Edward O'Keeffe** asked the Minister for Health and Children the position regarding an application for a medical card in respect of a person (details supplied) in County Cork. [43472/09]

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 Accommodation.

109. **Deputy Seymour Crawford** asked the Minister for Health and Children the number of beds in use in a hospital (details supplied) in County Monaghan for 2006, 2007 and 2008; the changes which have taken place over the past number of weeks in November 2009; the number of bed spaces in place on 1 January 2010; her views on when patients pass on they are not being replaced and the beds are being removed; her further views on whether this is unacceptable in a nationally recognised nursing home; and if she will make a statement on the matter. [43477/09]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Adoption Services.

110. **Deputy Richard Bruton** asked the Minister for Health and Children the transitional measures she intends to introduce in the Adoption Bill 2009 to ensure that couples who are in an advanced stage (details supplied) of adopting a child from a non-Hague signatory country, will be able to complete their adoption; her views on introducing a clause that would allow a

[Deputy Richard Bruton.]

couple who has adopted from a non-Hague signatory country, to be allowed to adopt a second child from that country; and if she will make a statement on the matter. [43478/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): The Adoption Bill, 2009, is designed to give force of law to the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption. The new legislation, which incorporates the provisions of the Hague Convention, is designed to provide a framework to ensure that appropriate procedures have been followed and that all adoptions are effected in the best interests of the child. Future intercountry adoption arrangements will be governed by the terms of the Adoption Bill 2009, when enacted. The current policy position, as set out in the Adoption Bill 2009, is that for an adoption to be registered under the Bill it must be effected in a contracting State to the Hague Convention or in a country with which Ireland has a bilateral agreement. For non-Hague countries only those adoptions effected prior to the commencement of the new law can be registered on the Register of Inter-Country Adoptions to be established under the Bill. The issue of 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. The issue of a “grandfather” clause was previously given careful and detailed consideration in the preparation of the legislation and it was decided against including such a provision in the Bill as it would represent a considerable dilution of the intent of the legislation in terms of setting improved standards for inter-country adoption.

Health Services.

111. **Deputy John Cregan** asked the Minister for Health and Children if she will confirm that sleep apnoea sufferers who rent CPAP machines are entitled to have this rental refunded under the drugs subsidy scheme; if there are specific guidelines regarding payment of this refund in each Health Service Executive Region; and if these payments are awarded without delay. [43480/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Health Insurance.

112. **Deputy James Reilly** asked the Minister for Health and Children the percentage increase in VHI premiums sanctioned by her per annum from 1997 to 2008 in tabular form; and if she will make a statement on the matter. [43482/09]

Minister for Health and Children (Deputy Mary Harney): Increases in prices of health insurance plans are a matter for the VHI Board, as provided for by the Voluntary Health Insurance (Amendment) Act 1996. The Act provided that any such increases were notified to the Minister and, if circumstances necessitated it, a justified veto could be applied. This provision was subsequently repealed by the Voluntary Health Insurance (Amendment) Act 2008 and I now have no role in the pricing of health insurance plans by VHI. It is a matter for the VHI Board to determine the levels of the increases which they introduce having regard to business considerations, the increasing cost pressures it faces and the need to accrue reserves. There are several underlying cost pressures in private health insurance, such as medical

inflation, the aging of the insured population, increased volume in activity, and increases in the prices of public hospital beds. The data requested in tabular form is set out below. It should be noted that VHI had no price increase in 2008.

VHI Price increases 1997-2008

Date	Total Increase
	%
Sep-97	9.00
Sep-98	9.00
Sep-99	9.40
Feb-01	6.50
Sep-01	9.00
Sep-02	18.00
Sep-03	8.00

Date	Total Increase	Base Plans					
		PLAN A	PLAN B	B XS	PLAN C	PLAN D	PLAN E
	%	%	%	%	%	%	%
Sep-04	3.80	3.80	3.80	3.80	3.80	3.80	3.80
Sep-05	12.61	12.50	12.50	10.50	12.50	16.00	16.00
Sep-06	12.50	10.65	12.36	12.35	12.44	14.73	14.74
Sep-07	8.50	9.50	8.50	9.40	10.30	13.60	11.90

Date	Option Plans		
	PLAN A	PLAN B	PLAN C
	%	%	%
Sep-04	2.50	2.50	2.50
Sep-05	12.00	12.00	9.00
Sep-06	10.49	12.29	11.93
Sep-07	7.50	8.50	8.30

VHI also have a number of plans which are only available since 2005, these are outlined below.

Date	Lifestage Plans									
	First Plan	First Plan 2	First Plan +	First Plan + 2	Family Plan	Family Plan 2	Family Plan +	Family Plan + 2	Forward Plan	Forward Plan 2
	%	%	%	%	%	%	%	%	%	%
Sep-05	11.29		11.52		11.32		11.54		11.87	
Sep-06	12.33		12.35		12.83		12.70		12.41	
Sep-07	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	8.00	7.80

Vaccine Damage Steering Group.

113. **Deputy James Reilly** asked the Minister for Health and Children if the recommendations of the vaccine damage steering group report, published on 17 November 2009, have been accepted by her; and if she will make a statement on the matter. [43497/09]

116. **Deputy James Reilly** asked the Minister for Health and Children the steps she will take on foot of the recommendations in the vaccine damage report released recently; if she plans to implement the recommendations; the recommendations she intends to implement; and if she will make a statement on the matter. [43505/09]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 113 and 116 together.

My Department is currently considering the recommendations of the Vaccine Damage Steering Group in detail.

Medical Cards.

114. **Deputy Finian McGrath** asked the Minister for Health and Children if a person (details supplied) in County Galway will be entitled to receive a medical card under EU regulations; and if she will make a statement on the matter. [43500/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

115. **Deputy Joe Costello** asked the Minister for Health and Children the position regarding the renewal of a medical card application in respect of a person (details supplied) in Dublin 1; the provisions in place for extending cover to applicants awaiting a decision; if cover will be extended for them; and if she will make a statement on the matter. [43502/09]

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.

Question No. 116 answered with Question No. 113.

Hospital Services.

117. **Deputy Joe McHugh** asked the Minister for Health and Children if she will supplement Letterkenny General Hospital's annual budget in order to keep Letterkenny Hospital's day services open; if her attention has been drawn to the fact that an unanticipated extra number of patients attended Letterkenny Hospital in 2009; her views on if this merits the requested financial supplement; if she will acknowledge that closing day services is difficult for patients; and if she will make a statement on the matter. [43529/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Health Service Recruitment.

118. **Deputy Joe McHugh** asked the Minister for Health and Children the number of full-time and part-time positions that remain vacant in the health sector due to the public sector recruitment embargo; if he will categorise these positions into internal health sectors in tabular form; and if she will make a statement on the matter. [43655/09]

Minister for Health and Children (Deputy Mary Harney): The Government decision on the moratorium on recruitment, promotion, or payment of an allowance for the performance of duties at a higher grade is being implemented in the health sector in such a way as to ensure that key services are maintained insofar as possible in the health services, particularly in respect of children at risk, older people and persons with a disability. The employment control framework specifically exempts staff in the following front line grades in the health sector from the moratorium: Medical Consultants, Speech and Language Therapists, Occupational Therapists, Physiotherapists, Clinical Psychologists, Behaviour Therapists, Counsellors, Social Workers, and Emergency Medical Technicians. The framework actually allows for a growth in the number of those posts within the overall approved employment ceiling (111,800 whole time equivalents) for the health sector. The framework also includes provision for the creation of 225 new development posts this year for cancer, mental health and disability services. Following a submission from the Health Service Executive earlier this year, it was agreed that special provisions would also apply in relation to Clinical Engineering Technicians, Dosimetrists, Physicists, and Radiation Therapists, which are specialist grades under the National Cancer Control Programme.

The focus on these key grades is in line with existing Government policy on the prioritisation of certain development areas, for which significant funding has already been provided. The overall result will be to assist in the reorientation of health employment to services delivered in primary and community care. The HSE will focus on the scope that exists within the health services for reorganising and restructuring of work to minimise the impact on essential service delivery. The redeployment and reassignment of existing staff will also support the reorientation of care from hospitals to the community and to facilitate the development of integrated care. It is seeking a high level of flexibility from staff and unions to achieve this. The operation of the framework, including the moratorium on recruitment, is kept under review by my Department, in consultation with the Department of Finance and the Health Service Executive. As the number of vacant positions is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

119. **Deputy Joe McHugh** asked the Minister for Health and Children the number of full-time and part-time positions that remain vacant in County Donegal health services due to the public sector recruitment embargo; if he will categorise these vacancies; and if she will make a statement on the matter. [43657/09]

Minister for Health and Children (Deputy Mary Harney): The Government decision on the moratorium on recruitment, promotion, or payment of an allowance for the performance of duties at a higher grade is being implemented in the health sector in such a way as to ensure that key services are maintained insofar as possible in the health services, particularly in respect of children at risk, older people and persons with a disability. The employment control framework specifically exempts staff in the following front line grades in the health sector from the moratorium: Medical Consultants, Speech and Language Therapists, Occupational Therapists, Physiotherapists, Clinical Psychologists, Behaviour Therapists, Counsellors, Social Workers, and Emergency Medical Technicians. The framework actually allows for a growth in the number of those posts within the overall approved employment ceiling (111,800 whole time equivalents) for the health sector. The framework also includes provision for the creation of 225 new development posts this year for cancer, mental health and disability services. Following a submission from the Health Service Executive earlier this year, it was agreed that special provisions would also apply in relation to Clinical Engineering Technicians, Dosimetrists, Physicists, and Radiation Therapists, which are specialist grades under the National Cancer Control Programme. The focus on these key grades is in line with existing Government policy on the

[Deputy Mary Harney.]

prioritisation of certain development areas, for which significant funding has already been provided. The overall result will be to assist in the reorientation of health employment to services delivered in primary and community care. The HSE will be focussing on the scope that exists within the health services for reorganising and restructuring of work in order to minimise the impact on essential service delivery. The redeployment and reassignment of existing staff will also support the reorientation of care from hospitals to the community and to facilitate the development of integrated care. It is seeking a high level of flexibility from staff and unions to achieve this. The operation of the framework, including the moratorium on recruitment, is kept under review by my Department, in consultation with the Department of Finance and the Health Service Executive. As the number of vacant positions in Donegal is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

Medical Cards.

120. **Deputy John McGuinness** asked the Minister for Health and Children the funding that is available to medical card holders who cannot obtain the drug macushield on the medical card and cannot afford to purchase it; and if she will make a statement on the matter. [43663/09]

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.

Hospital Procedures.

121. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the number of patients who have had to access or be transferred to facilities outside here over the past five years to secure specialised surgical address of their condition due to the fact that the specialty is not available in this jurisdiction or north of the Border; the specific surgical specialties that have been accessed overseas over the same period due to the fact that they are not provided here; the explorative efforts employed to assess the potential of having some of these specialist services located here based on the potential throughput or take up by patients presenting across the whole country rather than the measurement based on two back to back populations inhabiting the same landmass; and if she will make a statement on the matter. [43667/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Medical Cards.

122. **Deputy Paul Connaughton** asked the Minister for Health and Children the position regarding an over 70 years medical card application in respect of a person (details supplied) in County Galway; and if she will make a statement on the matter. [43671/09]

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.

123. **Deputy Jack Wall** asked the Minister for Health and Children the position regarding a medical card renewal application in respect of a person (details supplied) in County Kildare; when a decision will be made; and if she will make a statement on the matter. [43672/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the Health Service Executive for direct reply to the Deputy.

Health Services.

124. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if full assessment will be undertaken regarding the ongoing treatment for a person (details supplied) in County Kildare; and if he will make a statement on the matter. [43698/09]

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.

125. **Deputy Finian McGrath** asked the Minister for Health and Children the reason for the lack of care and services for a person (details supplied) in Dublin 13. [43702/09]

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.

Child Care Services.

126. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children further to Question No. 250 of 20 October 2009, when a reply will issue from the Health Service Executive. [43703/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): My office is advised by the HSE that it is actively pursuing the issues raised by the Deputy and that a reply will issue as soon as possible.

Hospital Accommodation.

127. **Deputy Olwyn Enright** asked the Minister for Health and Children the reason beds are closing in hospitals serving an area (details supplied); and if she will make a statement on the matter. [43726/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Vaccination Programme.

128. **Deputy Pat Breen** asked the Minister for Health and Children if she will arrange, in conjunction with the Health Service Executive, for a second clinic to open in County Clare in view of the increased demand for vaccination against swine flu; and if she will make a statement on the matter. [43740/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

129. **Deputy Pat Breen** asked the Minister for Health and Children the number of General Practitioners in County Clare who are providing the vaccine against swine flu; the number of GPs who have not signed up to provide the vaccine; and if she will make a statement on the matter. [43743/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Adoption Services.

130. **Deputy Dan Neville** asked the Minister for Health and Children if, in the matter of

[Deputy Dan Neville.]

inter country adoptions of children from Vietnam, she foresees a bilateral agreement with Vietnam and Ireland in place before the Adoption Bill is passed; if there will be a shorter waiting time for assessments; if, in agreeing to introduce agencies to assess applicants, this will result in applicants having to apply to the Health Service Executive in the first instance but as the Bill provides that such independent agencies must refer all completed assessments back to the HSE for final approvals this will result in another waiting list in the HSE; if the HSE will be asked to manage applications in a manner which will reduce waiting times; if she will introduce a grandfather clause which would allow adoptive applicants to conduct a subsequent adoption from a country they have already adopted from; if a sole applicant wishing to adopt will have the same statutory right to an assessment as married applicants in view of the fact that there is a change in the nature of family structures here ; if it will be possible to adopt children from non-Hague or non-bilateral countries in view of the fact that the Hague Convention requires member states to operate to the Hague Convention standards but does not preclude adoption from non-Hague Convention countries. [43761/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): The Adoption Bill 2009 is designed to give force of law to the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption. The new legislation, which incorporates the provisions of the Hague Convention, is designed to provide a framework to ensure that appropriate procedures have been followed and that all adoptions are effected in the best interests of the child. Future intercountry adoption arrangements will be governed by the terms of the Adoption Bill 2009 when enacted. The issue of 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 received the UNICEF report, *Adoption from Vietnam: Problems and Challenges*, which was carried out by the International Social Service on 23 November. This report will be considered by Government and it will inform decisions with regard to future adoptions from Vietnam.

In relation to the issue of assessments, I acknowledge that persons applying for inter-country adoption are currently experiencing unacceptably long delays as regards waiting times for assessment. Requests for assessment for inter-country adoption are continuously increasing and Ireland has one of the highest rates for inter-country adoption in Europe. The Health Service Executive has responsibility for the assessments of applicants for adoption through its social work service. I have asked the Health Service Executive to do everything possible to reduce waiting times and assessment times for prospective adopters which currently are excessively long. Assessment involves a number of stages and would generally include an initial assessment, a considerable level of education/preparation work, including an exploration with prospective adoptive parents of the challenges and issues that are likely to arise when undertaking adoption) and a home study assessment. The length of the assessment process can vary between applicants depending on the particular circumstances of each case, bearing in mind at all times the best interests of the child. Applicants found to be suitable to be adoptive parents are granted a Declaration of Eligibility and Suitability by the Adoption Board and may then pursue the adoption of a child abroad with the selected sending country. Steps are being taken to improve the process. Monthly information meetings are assisting prospective applicants in self-selecting if they are suitable adoptive parents and have resulted in reduced waiting lists. More significantly, they are ensuring that those applicants who are eligible and suitable are being given a more expedient service.

The Health Service Executive has also introduced a nationwide system of application to reduce the waiting lists by over 35% in the coming 12 months. Under this new system, which was introduced in Dublin, Kildare and Wicklow in September 2008, prospective applicants are invited to provide their complete pack of documentation at the point of application and these are then screened by the administration and social work teams with a view to highlighting any areas of concern as quickly as possible. This affords suitably motivated prospective applicants the opportunity to progress their application while others who are considered less suitable are fully informed before proceeding. My office is continuing to work to create the appropriate legislative, policy and administrative frameworks to ensure a well regulated regime of adoption. The aim is to support children for whom adoption services are devised and provided and, also, to protect prospective adoptive parents. As regards the issue of introducing a ‘grandfather’ clause in the new legislation, this issue was previously given careful and detailed consideration in the preparation of the legislation and it was decided against including such a provision in the Bill as it would represent a considerable dilution of the intent of the legislation in terms of setting improved standards for inter-country adoption. Section 10 of the Adoption Act 1991 allows for a sole applicant to adopt a child. This provision has been carried forward in the Adoption Bill 2009.

Psychological Service.

131. **Deputy Róisín Shortall** asked the Minister for Health and Children when a child (details supplied) in Dublin 11 will obtain a psychological assessment; and if she will make a statement on the matter. [43767/09]

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.

Health Services.

132. **Deputy Billy Timmins** asked the Minister for Health and Children the position regarding the case of a person (details supplied) in County Wicklow; and if she will make a statement on the matter. [43769/09]

Minister for Health and Children (Deputy Mary Harney): I understand that the Health Service Executive has responded to the Deputy following his parliamentary question of 6 October 2009 which related to the same person. The HSE has outlined the current position regarding the waiting time criteria set by the National Treatment Purchase Fund for patients on the AMNCH waiting list. If the person’s condition has deteriorated significantly, he should contact his general practitioner who may decide to request the consultant to reassess the case to determine if more immediate attention is warranted.

National Treatment Purchase Fund.

133. **Deputy Michael Ring** asked the Minister for Health and Children the amount of money paid by her to the National Treatment Purchase Fund in 2007 and 2008; the number of procedures carried out on foot of those payments in tabular format; and if she will make a statement on the matter. [43773/09]

137. **Deputy Michael Ring** asked the Minister for Health and Children the payments made by her to the National Treatment Purchase Fund to date in 2009; the projected final amount for 2009; the expected number of procedures to be carried out on foot of those payments; and if she will make a statement on the matter. [43786/09]

138. **Deputy Michael Ring** asked the Minister for Health and Children if she will confirm that moneys are owed to hospitals by the National Treatment Purchase Fund for procedures carried out at those hospitals under the scheme; the amount in question; when they are expected to be paid; and if she will make a statement on the matter. [43787/09]

139. **Deputy Michael Ring** asked the Minister for Health and Children the number of procedures and the expenditure per year of procedures carried out outside the State under the National Treatment Purchase Fund in 2007, 2008 and to date in 2009; and if she will make a statement on the matter. [43788/09]

140. **Deputy Michael Ring** asked the Minister for Health and Children if moneys are owed to hospitals outside the State from the National Treatment Purchase Fund for procedures carried out under that scheme; and if she will make a statement on the matter. [43789/09]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 133 and 137 to 140, inclusive, together.

To date, the National Treatment Purchase Fund has provided over 150,000 public patients with in-patient procedures and out-patient appointments. The median waiting time for medical and surgical patients is now 2.4 months, down from 2.5 years in 2002 and the shortest median waiting time recorded by the NTPF. The Fund envisages achieving targets for 2009 of 18,875 inpatients treated, 2,500 MRIs provided and 5,600 first time outpatient appointments arranged. At my request, the NTPF is working actively with the HSE to focus on people waiting more than 12 months for treatment. I am pleased to say that the number of such cases fell from 4,637 in December 2007 to under 971 in October 2009. The two organisations continue to work on this issue, with a view to ensuring that no person is on a waiting list for surgery for longer than 12 months. With regard to the Deputy's query concerning payment of hospitals for NTPF procedures, the NTPF agrees payment terms contractually with each hospital. Prices are negotiated in advance of treatment and include costs for the entire episode of care, including routine visits before and after surgery, medical professional fees and hospital accommodation. The NTPF is invoiced on completion of treatment and it then processes payments without undue delay. Where an institution has an issue over payments, it should contact the NTPF directly. The figures requested by the Deputy are set out in the following table:

NTPF Activity 2007-2009

Year	Allocation	Total number of patients treated	Numbers treated abroad (UK and Northern Ireland)	Cost of treatment abroad
	€m			€m
2007	91.75	32,638	848 (inc. 82 UK)	3.397
2008	104.64	36,269	710 (inc. 2 UK)	2.289
2009	90.30 (€89.50 to date)	26,975 (estimated)	1,024 (Nil UK)	2.036

Medical Cards.

134. **Deputy Paul Connaughton** asked the Minister for Health and Children the position regarding an over 70 years medical card review in respect of a person (details supplied) in County Galway; and if she will make a statement on the matter. [43776/09]

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 Accommodation.

135. **Deputy Olwyn Enright** asked the Minister for Health and Children the reason patients are being transferred out of wards at a hospital (details supplied) in County Laois; and if she will make a statement on the matter. [43780/09]

136. **Deputy Olwyn Enright** asked the Minister for Health and Children the reason wards at a hospital (details supplied) in County Laois are closing; the future plans for this hospital; if her attention has been drawn to the concerns amongst patients and staff at this hospital; and if she will make a statement on the matter. [43781/09]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Questions Nos. 137 to 140, inclusive, answered with Question No. 133.

Care of the Elderly.

141. **Deputy Richard Bruton** asked the Minister for Health and Children if her attention has been drawn to the problem created by the death of final caregivers resulting in an admission to residential care without funding; the impact which this has on respite care; if she has conducted an assessment of the way the Health Service Executive handles this problem; and if she will make a statement on the matter. [43795/09]

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.

142. **Deputy Richard Bruton** asked the Minister for Health and Children if she has calculated the unit costs of care across different providers of residential services; if she has instructed the Health Service Executive to ensure that in imposing savings they do not equally penalise service providers who are already cost effective; and if she will seek a report from the HSE on the cost effectiveness of the proposed budgetary savings for an organisation (details supplied) in County Kildare. [43797/09]

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.

Community Care.

143. **Deputy Tom Hayes** asked the Minister for Health and Children the way in which she intended homecare packages to be used for persons in the community; the services they were meant to cater for; if recommendations for allocating homecare packages and relevant criteria for individual assessment, as well as for assessing the groups providing these packages was provided to the Health Service Executive; if she is satisfied with the differences in using this funding here; if she has plans to change the way this funding is managed; her views on the fact that homecare packages are unavailable, recycled among persons, or simply subsumed into home help funding in some areas. [43815/09]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): Government policy in relation to older people is to support people to live in dignity and

[Deputy Áine Brady.]

independence in their own homes and communities for as long as possible and where this is not feasible for whatever reason, to support access to quality, long-term affordable residential care.

The Home Care Package Initiative was introduced in 2006 and rolled out by the Health Service Executive (HSE) over 2006-8. This year, the HSE will invest in the region of €120m to provide packages to some 8,700 people at any one time or around 11,500 people during the course of the year. The purpose of such packages is to provide supports over and above existing mainstream community services to help maintain older people at home and in their communities. They are targeted particularly at older people at-risk of inappropriate admission to acute hospital or long-term residential care, or those requiring discharge home from acute hospital. They were designed to be as flexible as possible to best meet the needs of each individual. These criteria were indicated to the HSE when packages were introduced and have been the basis for administering the programme since.

A recent report by the National Economic and Social Forum, entitled “*Implementation of the Home Care Package Scheme*” indicated that while the HSE was successful in implementing HCPs from a policy point of view, and such packages made a difference to individual recipients, further improvements could be undertaken on a more standardised approach to the planning and delivery of packages.

In accordance with both a recommendation of the Long Term Care Working Group, and a commitment under “*T 2016*”, the Department earlier this year commissioned an independent Evaluation of Home Care Packages. This report, by PA Consulting, was received recently in the Department and will be published in the coming days. The report will help inform future policy and service direction for services for older people generally, including improvements to be introduced in 2010 to the Home Care Package Initiative provided by the HSE.

The Department is satisfied that the funding for HCPs has been used as intended by the HSE but accepts the need for a more standardised approach to various aspects of the programme. Home Care Packages are a limited resource involving by their nature a significant Home-Help component, and the need to recycle packages to new recipients as resources allow.

The Department, and the HSE, are at present finalising the implementation of the recommendations of the PA report on Home Care Packages in 2010 including: agreeing national standardised access and operational guidelines for delivery of Home Care Packages; and the adoption and dissemination by the HSE of a voluntary code of *Quality Guidelines for Home Care Support Services for Older People*, which will apply to public and private providers.

Children in Care.

144. **Deputy Róisín Shortall** asked the Minister for Health and Children the number and location of all high support beds for troubled young persons; and her plans for this sector in the future. [43821/09]

Minister of State at the Department of Education and Science (Deputy Barry Andrews): As this is a service matter it has been referred to the HSE for direct reply.

Social Welfare Benefits.

145. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the locations in County Kildare at which community welfare officials are available to meet persons requiring supplementary welfare payments; and if she will make a statement on the matter. [43898/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

Health Services.

146. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when orthodontic treatment will be offered to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [43899/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Nursing Home Subventions.

147. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the way a person who has made a will to bequeath their home to a non-relative five years before the enactment of the Nursing Home Bill 2009 is expected to be affected by the act; if the beneficiary is affected; and if she will make a statement on the matter. [43901/09]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): A will is a legal instrument which enables a person to make decisions on how their estate will be managed and distributed after their death. However, the presence of a will does not preclude a person from disposing of their estate prior to their death.

As such, a person such as that described by the Deputy can still apply for the Nursing Homes Support Scheme if they wish. If they avail of the Nursing Home Loan, this debt would be discharged from their estate prior to it being distributed to the beneficiaries of the will.

Medical Cards.

148. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a medical card will be updated in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [43902/09]

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.

149. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a medical card will issue in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [43903/09]

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.

Departmental Properties.

150. **Deputy Michael Ring** asked the Minister for Transport his views on a facility (details supplied) in County Mayo. [43721/09]

154. **Deputy Michael Ring** asked the Minister for Transport the reason a group (details supplied) in County Mayo cannot avail of a new purpose built facility; the reason they are not allowed into the facility; the further reason for the delay; the way this matter will be resolved. [43720/09]

Minister for Transport (Deputy Noel Dempsey): I propose to answer Questions Nos. 150 and 154 together.

Legal and contractual matters are in the course of being resolved in order to allow the group in question to move into the facility referred to. The party concerned has assured my Department that the outstanding issues will be dealt with in the appropriate manner as quickly as possible.

Light Rail Project.

151. **Deputy Joe McHugh** asked the Minister for Transport if he will report on the progress of the DART underground project; the stage the project is at; the associated works that have been completed; when the project will be fully finished; the moneys that have been spent to date; the amount of money which will be needed on top of the €20 million to complete the project; the exact location of the DART underground project, that is the location at which it starts and it finishes in terms of trans-European transport network funding allocation; and if he will make a statement on the matter. [43666/09]

Minister for Transport (Deputy Noel Dempsey): I refer the Deputy to my answer to Dáil question no. 284 on 24 November 2009. The table, containing the start and end location points, was contained in the application for Ten-T funding for the DART Underground project.

	Start Point	Intem. Point 1	Intem. Point 2	Intem. Point 3	Intem. Point 4	Intem. Point 5	. . .	Intem. Point N	End Point
Long (X)	6 18 West								6 14 West
Lat (Y)	53 20 North								53 21 North

Issues relating to the commencement and completion dates of Transport 21 projects in planning, including matters relating to the start and end location points of the DART Underground, will in be determined by the outcome of public consultation, the statutory planning approval process, the public procurement process and the availability of financial resources determined by the funding allocation available during the current difficult economic climate.

Taxi Regulations.

152. **Deputy David Stanton** asked the Minister for Transport his plans for the provision of subsidies to assist accessible taxi licence holders in upgrading their vehicles to comply with new standards which will apply from 2010; and if he will make a statement on the matter. [43696/09]

153. **Deputy David Stanton** asked the Minister for Transport if the figure of 6% is correct for the number of taxis in the taxi fleet which are accessible for people with disabilities; the action he will take in order that 100% of taxis in cities will be wheelchair accessible by 2012 as per the commitment in the Programme for Government in 2007; and if he will make a statement on the matter. [43697/09]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 152 and 153 together.

The regulation of the taxi industry, including measures to improve taxi services for people with disabilities, is, in accordance with the Taxi Regulation Act 2003, a matter for the Commission on Taxi Regulation. I understand from the Commission that the total number of wheelchair accessible cabs has increased from 840 in 2000 to 1,600 at the end of 2008 (or 6% of the total fleet). In the context of the package of reform measures for the taxi industry which it

recently announced, the Commission, as part of the measures to improve taxi services for people with disabilities, submitted proposals to my Department to incentivise the upgrading of the wheelchair accessible fleet. These are currently under consideration.

Question No. 154 answered with Question No. 150.

Appointments to State Boards.

155. **Deputy Phil Hogan** asked the Minister for Transport when a Chairman to Dublin Port Company will be appointed; his views on whether it is inconsistent to be insisting on certain appointments to the boards of financial institutions in the interests of proper corporate governance, when a company within his remit has been without a chairman for almost twelve months; the reasons for the delay in filling this role; and if he will make a statement on the matter. [43745/09]

Minister for Transport (Deputy Noel Dempsey): Dublin Port Company currently has a board with seven directors and one vacancy. There is no Ministerially appointed chairman at present. However, in the absence of such a chairman, the Articles of Association provide for the board to select a chairman from among the directors. The board continues to follow all the usual corporate governance procedures. I hope to be in a position to fill the vacancy soon.

Departmental Correspondence.

156. **Deputy Fergus O'Dowd** asked the Minister for Transport his view on a matter (details supplied); and if he will make a statement on the matter. [43755/09]

Minister for Transport (Deputy Noel Dempsey): The individual referred to in the correspondence submitted by the Deputy wrote directly to me and I received the correspondence on the 20th November. I will respond to the correspondence in the normal manner and I will copy my reply to the Deputy for his information.

Departmental Funding.

157. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the funding available to groups working with migrant youth; and if he will make a statement on the matter. [43785/09]

Minister of State at the Department of Justice, Equality and Law Reform (Deputy John Curran): The funding provided by my Office is focused on bodies such as local authorities, major national sporting bodies and other groups implementing measures on a significant scale to promote integration of immigrants.

To date this year, I have approved funding of €397,000 for sporting bodies. In addition, I have approved a grant of €35,000 for HSE Community Games. I am considering other applications from sporting bodies. Obviously all of this expenditure will be for the benefit of young people and, as part of this, will also help to promote the participation of their parents in sporting and other community organisations.

The funding provided by my Office to the other organisations referred to in the first paragraph above is also available for work with migrant youth.

Tomorrow, 27 November, Pobal will, on behalf of my Office, launch calls for applications for grants from the European Fund for the Integration of Third-Country Nationals and the European Refugee Fund. Under both Funds, projects that address the specific needs of youth qualify for up to 75% financing.

Citizenship Applications.

158. **Deputy John O'Mahony** asked the Minister for Justice, Equality and Law Reform when a decision will be made on the application for citizenship in respect of a person (details supplied) in County Mayo. [43428/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): A valid application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in November 2006.

All valid applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. The average processing time from application to decision is now at 24 months. More complicated cases can at times take more than the current average, while an element of straight forward cases can be dealt with in less than that timescale. Officials in the Citizenship Division inform me that processing of the application is at an advanced stage and the file will be submitted to me for a decision in due course.

The length of time taken to process each application should not be classified as a delay, as the length of time taken for any application to be decided is purely a function of the time taken to carry out necessary checks. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

Crime Prevention.

159. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will support a matter (details supplied). [43469/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Government has introduced an extensive package of criminal justice legislation this year targeted at those engaged in serious crime, including the Criminal Justice (Amendment) Act 2009 by which all organised crime offences will be tried in the Special Criminal Court unless the DPP directs otherwise; the Criminal Justice (Surveillance) Act 2009, which provides a statutory framework for evidence obtained by means of covert surveillance to be used in criminal trials; and the Criminal Justice (Miscellaneous Provisions) Act 2009 which further tightens the legislative provisions relating to the use of weapons.

All of these provisions are very new pieces of legislation aimed at tackling serious crimes but I can assure the Deputy that An Garda Síochána are already actively making use of these new legislative measures.

I am sure the Deputy will understand that given the seriousness of the offences being dealt with through this range of legislation that a full and thorough investigation of individuals and their activities must be conducted before charges can be brought against them. Therefore it is too early at this stage to provide details as sought by the Deputy.

Services for People with Disabilities.

160. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will support a matter (details supplied). [43475/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my reply to his Question No. 726 of 3 November 2009. I have nothing further to add to the details of that reply.

Garda Transport.

161. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform if it is the case that a garda, with the permission of the chief superintendent, may drive a Garda vehicle or a private vehicle without attending a requisite training course; and if he will make a statement on the matter. [43492/09]

162. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform if it is the case that members of the Garda Síochána are permitted to drive either garda or private vehicles on duty while not holding a current driving licence; and if he will make a statement on the matter. [43493/09]

163. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform his views on the use of bus lanes by gardaí in non emergency situations; and if he will make a statement on the matter. [43494/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 161 to 163, inclusive, together.

I am informed by the Garda authorities that members of the Garda Síochána are allowed to drive official vehicles on the authorisation of a Chief Superintendent (a) where they hold at least a class B Driving licence or, (b) where they have completed an official driving course and have been issued with a Certificate of Competency.

Section 38 of the Road Traffic Act 1961 provides for the prohibition of driving a mechanically propelled vehicle without a driving licence. Subsection (6) provides that this requirement does not apply in relation to a member of the Garda Síochána driving a mechanically propelled vehicle in the course of his or her duty.

Section 27 of the Road Traffic Act 2004 and regulations made under that Act, relating to vehicles and requirements, restrictions and prohibitions relating to the driving and use of vehicles, provide certain exemptions from the requirements of road traffic legislation for the use by a member of the Garda Síochána of a vehicle in the performance of his or her duties.

The Road Traffic (Traffic and Parking Regulations) 1997-2005 provide for the use by Gardaí of bus lanes in the course of their duty.

The report of the Garda Síochána Inspectorate on roads policing made a number of recommendations relating to Garda driving and these are being considered by the Commissioner.

International Agreements.

164. **Deputy Joe McHugh** asked the Minister for Justice, Equality and Law Reform his views on whether the Schengen Agreement should apply here; and if he will make a statement on the matter. [43532/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Schengen Convention is an agreement among European states which allows for the abolition of systematic border controls between participating countries. It also includes provisions on common policy on the temporary entry of persons, the harmonisation of external border controls, and cross-border police and judicial co-operation.

Ireland has successfully applied to take part in the police and judicial co-operation aspects of the agreement. These provisions will come into effect only after a range of technical and legislative measures have been put in place. The measures which will enable Ireland to meet its Schengen requirements are currently being progressed.

[Deputy Dermot Ahern.]

Ireland has not, however, applied to participate in the Schengen arrangements to the extent that they deal with the abolition of border checks. This decision has been taken to maintain the common travel area (CTA) with the United Kingdom which remains a priority for Ireland. The common travel area could not continue to operate if Ireland were to remove border checks with Schengen States generally while the United Kingdom did not do so. To do so would result in a situation where the land border with Northern Ireland would become the border between the Schengen area and the United Kingdom.

Legislative Programme.

165. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform his plans to review the current legislation covering maintenance orders in view of the financial impact which it is having on persons who are unemployed and unable to meet such commitments; his further plans to introduce a mechanism to allow for a re-evaluation of the rates of payment based on the ability to pay; and if he will make a statement on the matter. [43533/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I assume the Deputy is referring to provisions in the law to permit variation of an order of the court to pay maintenance to a dependent spouse or children. There are already provisions in existing law under the Family Law (Maintenance of Spouses and Children) Act 1976, the Family Law Act 1995 and the Family Law (Divorce) Act 1996 to allow a maintenance creditor or a maintenance debtor to seek variation or discharge of an order when the financial circumstances change.

Separation and maintenance agreements made between parties also normally contain provision for variation of maintenance to allow for changes in financial circumstances.

International Agreements.

166. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform when he expects to ratify the Council of Europe Convention on Human Trafficking; and if he will make a statement on the matter. [43534/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I expect that the Council of Europe Convention on Action against Trafficking in Human Beings will be ratified early in 2010.

My Department is currently in the process of finalising arrangements to prepare for ratifying the Convention. Following completion of that process it will then be necessary to seek the approval of both the Government and the Dáil to ratification.

Illegal Immigrants.

167. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform the position regarding an application for permission to remain in the State in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [43535/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I wish to inform the Deputy that the person concerned has been residing in the State without permission since 1 September, 2009 and his case will now be dealt with under section 3 of the Immigration Act, 1999. I have arranged for officials within my Department to write to the person concerned in this regard.

Garda Strength.

168. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform the number of gardaí who have applied and been approved for the incentivised early retirement scheme; and if he will make a statement on the matter. [43653/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The incentivised scheme for early retirement (I.S.E.R.) announced by the Department of Finance on the 30 April 2009 does not apply where the relevant pension scheme provides for faster accrual rates of service which allow staff to retire with full pension after less than 40 years' actual service. Members of An Garda Síochána already enjoy enhanced superannuation terms where service in excess 20 years is doubled, so that 30 years actual pensionable service equates to 40 years for the calculation of superannuation benefits.

169. **Deputy Joe McHugh** asked the Minister for Justice, Equality and Law Reform his views on whether garda numbers in areas close to the border should reflect local population sizes across the border in view of the fact that there is free movement of persons across the border; if he will take this matter into consideration when next assigning garda officers; his views on whether rural parts of counties Louth, Monaghan, Cavan, and Donegal are close to densely populated parts of the northern jurisdiction; and if he will make a statement on the matter. [43669/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Garda Commissioner, with his senior managers and Divisional Officers, arranges for the allocation of Garda personnel throughout the State. Garda management is aided in this by a distribution model known as the Garda Establishment Redistribution Model (GERM).

I am advised by the Commissioner that this model indicates the most effective means to distribute Garda personnel and acts as a guide to Garda management decision making. It takes into account many different policing variables, including crime trends, socio-economic factors, census information and the minimum establishment required for each District. The allocation of Garda personnel is determined by these factors and also takes account of the policing requirements of each individual Division.

Citizenship Applications.

170. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if applications for citizenship will be fully checked when submitted rather than waiting for up to two years after which if everything is not in order, the process must start again; and if he will make a statement on the matter. [43694/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): An initial examination of each application for a certificate of naturalisation is carried out upon receipt to determine that the application form is completed fully and correctly and that all requested supporting documentation has been submitted. A significant number of applications are initially found to be invalid for a variety of reasons and these are now being dealt with and returned to the applicant within a week. The process as operated ensures that invalid and ineligible applications are identified as early as possible in the process.

Residency Permits.

171. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform

[Deputy Bernard J. Durkan.]

the position regarding an application for residency in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [43695/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned claimed asylum in the State on 3/1/2007 and had his claim examined by the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal, following which it was recommended that he should be recognised as a refugee.

Based on this recommendation, the person concerned was advised of my decision to issue him with a formal declaration of refugee status by letter dated 24/7/2008. This communication also advised the person concerned of the rights and entitlements accompanying refugee status in the State. The person concerned continues to hold the status of refugee in the State.

Garda Stations.

172. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform his plans to refurbish and upgrade a premises (details supplied) in County Westmeath; his plans regarding the provision of additional accommodation; and if he will make a statement on the matter. [43710/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The programme of replacement and refurbishment of Garda accommodation is based on agreed priorities established by An Garda Síochána and progressed by the Office of Public Works, which has responsibility for the provision and maintenance of Garda accommodation.

I have been advised by the Garda authorities that there are no plans to carry out refurbishment works at the existing Garda station referred to by the Deputy. However, local Garda management have identified a potential site for a new area headquarters station. The progression of the project is dependent on available resources and overall priorities determined by the Garda authorities.

Legislative Programme.

173. **Deputy Michael Ring** asked the Minister for Justice, Equality and Law Reform his plans to introduce legislation regarding the enforcement of maintenance orders following recent legal decisions in this regard; and if he will make a statement on the matter. [43718/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Following a judgment of the High Court earlier this year the Enforcement of Court Orders Act 2009 already amends the law contained in the Enforcement of Court Orders Act 1940 as it applies to money orders, including orders to pay maintenance. Operation of the new legislation is being monitored in my Department.

Garda Investigations.

174. **Deputy George Lee** asked the Minister for Justice, Equality and Law Reform if the gardaí have investigated an incident that occurred after a licensed premises closed (details supplied) in Dublin 14; the progress of the Garda investigation; the details of the condition of the victim; and if he will make a statement on the matter. [43751/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that the area referred to is in the Rathfarnham Garda Sub-District. I am further informed that local Garda management is not aware of an incident which corresponds

with the details provided by the Deputy. Any such incident reported to Gardaí would be subject to investigation.

Garda Stations.

175. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform his plans in respect of Santry Garda station, Dublin 9; if the station is to be retained on Shanowen Road; and if he will make a statement on the matter. [43770/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The formulation of proposals in relation to the opening and closing of Garda stations is a matter, in the first instance, for the Garda Commissioner in the context of his annual policing plans, as provided for in section 22 of the Garda Síochána Act 2005.

I have been advised by the Garda authorities that, with the opening of the new Garda station in Ballymun in September 2008, the Divisional Headquarters has been located there. Since then Santry Garda Station continues to operate as a station in the DMR North Division and there are no plans to change the position at this time.

Garda Deployment.

176. **Deputy Charlie O'Connor** asked the Minister for Justice, Equality and Law Reform if additional resources will be provided to the Garda Síochána in Tallaght to ensure an effective response to a problem in an estate (details supplied) in Dublin 24; and if he will make a statement on the matter. [43814/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The area referred to by the Deputy comes within the Tallaght Garda District and local Garda Management is aware of difficulties being experienced by residents with anti-social behaviour, including drunkenness and criminal damage and is working very closely with the Local Authority, the Health Service Executive, statutory and non-Governmental Organisations and with the local community to resolve these issues.

These difficulties have been identified by local Garda Management and personnel are briefed on a daily basis with targeted patrols being conducted in the area by uniform and plain-clothes personnel, including the District Detective and Drugs Units, the Community Policing and Mountain Bike Units, the Divisional Crime Task Force and Traffic Corps personnel. Two (2) members of the local Community Policing Unit are allocated to this specific area and continue to work closely with the community.

Citizenship Applications.

177. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform the position regarding an application for naturalisation by a person (details supplied) in County Kildare; and if he will make a statement on the matter. [43817/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): An application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in August 2006.

Officials in the Citizenship Division inform me that documentation was requested from the person concerned on 7 November, 2008 and again on 14 May, 2009. To date, no reply has been received. Further processing of the application will commence once the requested documentation is received.

Juvenile Offenders.

178. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform the number and location on all places for remand, detention and assessment in relation to the youth justice system; the proposals for change; the location at which it is planned to provide such places in the future; the precise number concerned in respect of each of those categories. [43818/09]

179. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform the number of the existing remand, detention and assessment beds which will transfer to Oberstown in view of his plans to move the Finglas child and adolescent centre; the reason no discussions on these proposals have taken place in the Labour Relations Commission; if unions representing staff in Finglas have been informed of the proposals; and the manner in which staff in Finglas will have an input into plans for the transfer of existing services. [43819/09]

180. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform the plans for the use of the existing buildings in Finglas following the proposed transfer of services from the Finglas child and adolescent centre in 2010. [43820/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 178-180 inclusive together.

I refer the Deputy again to my response to Parliamentary Question No. 262 on 10 November, 2009.

I would just add that the four Schools have a total certified accommodation capacity of 77 beds of which 61 are currently operational. All four Schools provide both remand and committal beds and each can provide an assessment service, if requested by the courts, while a young person is on remand. There are a total of 16 remand and committal beds in the Finglas Child & Adolescent Centre with 11 of those beds occupied on Monday 23 November, 2009. I am informed by the Irish Youth Justice Service that there are sufficient surplus beds, both remand and committal, in Oberstown to accommodate children as the phased transfer from Finglas takes place.

I am also informed that discussions, facilitated by the Labour Relations Commission, commenced last Friday. Those discussions are focused on the closure of the Centre by the end of March, 2010, the transition to Oberstown, and the arrangements that need to be made. The site will then be returned to the Office of Public Works to determine its appropriate future use (as recommended by the Working Group).

Citizenship Applications.

181. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform the position regarding an application for naturalisation by a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [43834/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): A valid application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in July 2007.

All valid applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. The average processing time from application to decision is now at 24 months. More complicated cases can at times take more than the current average, while an element of straight forward cases can be dealt with in less than that timescale. Officials in the Citizenship Division of my Department inform me that processing of application is in the final stages and the file will be submitted to me for a decision in due course.

The length of time taken to process each application should not be classified as a delay, as the length of time taken for any application to be decided is purely a function of the time taken to carry out necessary checks. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

Garda Strength.

182. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform the number of full-time gardaí in the force at the end of 2007, 2008 and to date in 2009; and if he will make a statement on the matter. [43846/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that the personnel strength of An Garda Síochána as at 31 December 2007, 2008 and 31 October 2009 was 13,755, 14,412 and 14,634 respectively.

Citizenship Applications.

183. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding citizenship in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [43872/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Section 6A of the Act, as inserted by section 4 of the Irish Nationality and Citizenship Act 2004 provides that a person born in the island of Ireland shall not be entitled to be an Irish citizen unless a parent of that person has, during the period of 4 years immediately preceding the person's birth, been resident in the island of Ireland for a period of not less than 3 years or periods the aggregate of which is not less than 3 years. The section does not apply to certain persons including those born to parents one of whom is at the time of the persons birth an Irish citizen, British citizen or a person entitled to reside without restriction. For the purpose of calculating reckonable residence under section 6A certain residence is excluded from consideration including unlawful residence, residence covered by a permission granted under Section 4 of the Immigration Act, 2004 for the purpose of study and residence covered by a provisional permission granted pending determination of an asylum application.

In determining if a child who has applied for a passport to the Passport Office of the Department of Foreign Affairs on the basis that they have an entitlement to Irish citizenship is entitled to a passport, the Passport Office makes an assessment of the parent's reckonable residency through an examination of their permission stamps. If the parents do not have sufficient residency and the child does not have an entitlement to citizenship, then it will be open to the parent of the child to make an application for a certificate of naturalisation on their behalf under section 15 of the 1956 Act, when the child has 5 years reckonable residency in the State.

Residency Permits.

184. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the residency status in the case of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [43873/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I wish to inform the Deputy that the person concerned was granted permission to remain in the State in 2001

[Deputy Dermot Ahern.]

under the arrangements then in place for the parents of Irish citizen children. The permission granted is currently valid until April of 2010.

Deportation Orders.

185. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the reason a deportation order has issued in the case of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [43874/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned made an application for a declaration of refugee status on 27 January 2003, including her two eldest children as dependants in her application. This application was ultimately unsuccessful, and on 30 December 2003, the person concerned was informed that the Minister was proposing to make deportation orders in respect of her, and her dependants.

The third child of the person concerned was born in the State on 11 August 2007. However, by virtue of the Irish Nationality and Citizenship Act 2004, this child is not an Irish Citizen. An application for a declaration of refugee status was made on behalf of this child on 5 September 2007. This application was ultimately unsuccessful, and on 15 March 2008, the Minister notified the applicant that he was proposing to make a deportation order in his respect.

The fourth child of the person concerned was born in the State on 25 June 2008. However, by virtue of the Irish Nationality and Citizenship Act 2004, this child is not an Irish Citizen. An application for a declaration of refugee status was made on behalf of this child on 28 July 2008. This application was ultimately unsuccessful, and on 13 November 2008, the Minister notified the applicant that he was proposing to make a deportation order in his respect.

The Minister made deportation orders in respect of the person concerned and her four children on 23 September 2009.

The person concerned, and her four children, instituted Judicial Review proceedings on 20 October 2009, challenging the deportation orders made in their respect. Accordingly, as this matter is *sub judice*, I do not propose to comment further.

Citizenship Applications.

186. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the progress of an application for citizenship in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [43875/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): A valid application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in April 2008.

All valid applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. The average processing time from application to decision is now at 24 months. More complicated cases can at times take more than the current average, while an element of straight forward cases can be dealt with in less than that timescale. However, I understand that the person concerned is a refugee. In accordance with the Government's obligations under the United Nations Convention relating to the Status of Refugees, every effort is made to ensure that applications from persons with refugee status are dealt with as quickly as possible. Officials in the Citizenship Division inform me that further processing of the application has commenced and the file will be submitted to me for a decision in due course.

The length of time taken to process each application should not be classified as a delay, as the length of time taken for any application to be decided is purely a function of the time taken to carry out necessary checks. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

Refugee Status.

187. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform how a person (details supplied) in Dublin 3 will receive a passport from their home country in view of the fact that they have not got a travel document to travel to the UK for passport renewal; if such travel will militate against their application for citizenship; and if he will make a statement on the matter. [43876/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Irish Naturalisation and Immigration Service (INIS) informs me that the person in question was refused Refugee Status and is therefore not entitled to be issued with an Irish Travel Document. The person concerned was granted temporary permission on 05 June 2009 to remain in the State for one year until 05 June 2010.

In exceptional cases an application for an Irish temporary travel document may be considered. In all such cases INIS must be satisfied that there is no alternative open to the applicant before an Irish temporary travel document will issue.

An application for an Irish temporary travel document will only be considered by the Immigration Services Section in INIS on receipt of a fully completed application form. Supporting documentation accompanying any such application should include original correspondence from the relevant consular authority outlining the steps necessary to be followed by the person to facilitate the procurement of a national passport if their presence is required outside the State.

I am informed by the Immigration Services Section of INIS that the person concerned was refused an Irish temporary travel document on 17 September 2009 as the application was not accompanied with the requisite supporting documentation. The person concerned was advised to contact his own consular authority to establish the procedures for renewal of an Angolan passport for persons resident in Ireland. He was further advised to ascertain if the Angolan authorities would issue him with an emergency travel document should his presence outside of the State be necessary.

It remains open to the person in question to submit a new application accompanied with the relevant supporting documentation to the Travel Document Unit of INIS which is located at 13-14 Burgh Quay, Dublin 2.

I am advised by the Citizenship Division of my Department that they have no record of having received an application for citizenship from the person concerned. Information detailing the requirements for citizenship can be found on the INIS website *www.inis.gov.ie*.

Residency Permits.

188. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [43877/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have been informed by the Irish Naturalisation and Immigration Service (INIS) that the person referred to by the Deputy was contacted by them on 10th February 2009 and was given permission to remain in the country for a four month period to facilitate them in obtaining a work permit. This person currently has permission to remain in the State until 29 June 2010 in accordance with their stated activities in the State. To date no further application for residency has been received by that Division.

189. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency or citizenship in the case of a person (details supplied) in County Meath. [43878/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Immigration Division of my Department that the person concerned made an application for residence in the State based on his marriage to a French national on 17 June 2009. The legal representative for the person concerned was informed of the decision to refuse this application on 20 August 2009. The decision to refuse this application is currently under review.

Officials in the Citizenship Division of my Department inform me that there is no record of an application for a certificate of naturalisation from the person referred to in the Deputy's Question.

Citizenship Applications.

190. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if a person (details supplied) in Dublin 9 will be considered for citizenship; and if he will make a statement on the matter. [43879/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Irish Nationality and Citizenship Act 1956, as amended provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. One such condition is that the Minister must be satisfied that the applicant is of good character. In pursuance of this condition, the Citizenship Division of my Department routinely receive reports from an Garda Síochána on each applicant.

An application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division in January 2006 and the Minister decided to refuse the application. The person concerned was informed of this in a letter issued to him on 15 June, 2009.

There is no appeals process under the Irish Nationality and Citizenship Act 1956, as amended.

It is open to the person concerned to lodge a new application for a certificate of naturalisation if and when he is in a position to meet the statutory requirements. However, in doing so he should bear in mind the reasons for refusal of his previous application.

Residency Permits.

191. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if long-term residency will be extended to meet an employer's request in the case of a person (details supplied) in Dublin 9; and if he will make a statement on the matter. [43880/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Officials in the long term residency section of my Department inform me that there is no record of an application from the person in question.

The Deputy should note that reference number provided refers to a different person.

Deportation Orders.

192. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency in the case of a person (details supplied) in Dublin 22; and if he will make a statement on the matter. [43881/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 27 November 2007. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

The person concerned was informed, by letter dated 6 March 2009, that the Minister proposed to make a Deportation Order in respect of her. She was given three options in accordance with Section 3(3)(b)(ii) of the Immigration Act, 1999 (as amended), to be exercised within 15 working days. Namely, to leave the State voluntarily, to consent to the making of a Deportation Order or to make representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State i.e. why she should not be deported.

By correspondence dated 6 April 2009, an application for Subsidiary Protection was made on behalf of the person concerned by her legal representative. Following consideration of the information submitted, the application was refused. The person concerned and her legal representative were notified of this decision by letter dated 20 May 2009.

Her case was then examined under Section 3(6) of the Immigration Act, 1999, (as amended), and Section 5 of the Refugee Act, 1996 (as amended), on the Prohibition of Refoulement. Consideration was given to representations submitted on her behalf by her legal representative for permission to remain in the State. On 27 May 2009, I refused permission to remain temporarily in the State and instead signed a Deportation Order in respect of her.

Notice of this Order was served by registered post requiring her to 'present' to the Garda National Immigration Bureau (GNIB), 13-14 Burgh Quay, Dublin 2. The person concerned continues to meet the presentation requirements of the Garda National Immigration Bureau (G.N.I.B.) in accordance with Section 8(1)(b) of the Immigration Act 1999, as amended. She last presented on 19th November 2009 and she is due to present again on 30th November 2009.

I am satisfied that the applications made by the person concerned for asylum and for temporary leave to remain in the State, together with all refoulement issues, were fairly and comprehensively examined and, as such, the decision to deport her is justified.

The effect of the Deportation Order is that the person concerned must leave the State and remain thereafter out of the State. The enforcement of the Deportation Order is, and remains, an operational matter for the GNIB.

Immigration Act 1999.

193. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the reason a request for two passport-size photographs and a copy of current passport was issued to a person (details supplied) in County Kildare in connection with consideration of their case under section 3 of the Immigration Act 1999 as amended; and if he will make a statement on the matter. [43882/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): It is my Department's practice to seek to obtain the documentation referred to by the Deputy from persons whose cases are falling due for consideration under Section 3 of the Immigration Act 1999 (as amended). Such documentation is sought so that documentary evidence as to an individual's identity and nationality is to hand in advance of a decision being made. Where such documentation is submitted and a favourable decision is made, this can assist the subsequent registration process. The Deputy might wish to note that a favourable decision was made in the case of the person concerned.

The registration process applicable to non-national persons is founded on the provisions of Section 9(2) of the Immigration Act 2004.

Citizenship Applications.

194. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform when eligibility for application for citizenship will be achieved in the case of persons (details supplied) in Dublin 24 in view of the fact that they have lived here since 1995 and 1996 respectively; and if he will make a statement on the matter. [43883/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Valid applications for certificates of naturalisation from the persons referred to in the Deputy's Question were received in the Citizenship Division of my Department in November 2006 and May 2006.

All valid applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. The average processing time from application to decision is now at 24 months. More complicated cases can at times take more than the current average, while an element of straight forward cases can be dealt with in less than that timescale. Officials in the Citizenship Division inform me that processing of both applications is at an advanced stage and the files will be submitted to me for a decision in due course.

The length of time taken to process each application should not be classified as a delay, as the length of time taken for any application to be decided is purely a function of the time taken to carry out necessary checks. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

Passport Applications.

195. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if a travel document renewal will issue in the case of a person (details supplied) in Dublin 7; and if he will make a statement on the matter. [43884/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Irish Naturalisation and Immigration Service (INIS) informs me that the person in question was refused Refugee Status and is therefore not entitled to be issued with an Irish Travel Document. The person concerned was granted temporary permission on 10 January 2008 to remain in the State for three years until 10 January 2011.

In exceptional cases an application for an Irish temporary travel document may be considered. In all such cases INIS must be satisfied that there is no alternative open to the applicant before an Irish temporary travel document will issue.

An application for an Irish temporary travel document will only be considered by the Immigration Services Section in INIS on receipt of a fully completed application form. Supporting

documentation accompanying any such application should include original correspondence from the relevant consular authority outlining the steps necessary to be followed by the person to facilitate the procurement of a national passport if their presence is required outside the State.

I am informed by the Immigration Services Section of INIS that the person concerned was previously facilitated on two occasions, once in May 2008 and again in February 2009, with an Irish temporary travel document primarily to allow the holder to travel for the purpose of obtaining their national passport.

The person concerned has failed to use the temporary travel document to procure their national passport despite it containing immigration stamps evidencing international travel during its period of validity.

The person concerned should be advised to contact his own consular authority to establish the procedures for procuring an Angolan passport for persons resident in Ireland. The person concerned should be further advised to ascertain if the Angolan authorities will issue him with an emergency travel document should his presence outside of the State be necessary.

It remains open to the person in question to submit a new application accompanied with the relevant supporting documentation to the Travel Document Unit of INIS which is located at 13-14 Burgh Quay, Dublin 2.

Residency Permits.

196. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform when it will be possible to regularise the residency position in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [43885/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my reply to Parliamentary Question No. 705 of 16 September 2009.

Further to the position as set out in that reply, I am informed that the person concerned registered with the Garda National Immigration Bureau in May of 2008 and currently has permission to remain in the State under Stamp 4 conditions until 24 January, 2010. I wish to inform the Deputy that a person resident in the State under Stamp 4 conditions is entitled to work without the need for a work permit and to set up a business without seeking the permission of the Minister.

The issues raised in respect of higher education grants and social welfare payments do not fall within the remit of this Department.

Asylum Applications.

197. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the residency status in the case of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [43886/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned and her infant child applied for asylum on 29 March 2007. The infant child was included in his mother's asylum application. The person concerned gave birth to another child in the State in early 2007 and this child was also included in his mother's asylum application. In accordance with Section 9 of the Refugee Act 1996 (as amended), the person concerned, and her children, were entitled to remain in the State until her application for asylum was decided. Her asylum application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

[Deputy Dermot Ahern.]

Arising from the refusal of her asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 6 March 2008, that the Minister proposed to make Deportation Orders in respect of her and her children. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of Deportation Orders or of making representations to the Minister setting out the reasons why Deportation Orders should not be made in respect of her and her children. In addition, she was notified of her entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006).

The person concerned initiated Judicial Review Proceedings in the High Court challenging the decision of the Refugee Appeals Tribunal in her case. On 22 October 2009, the High Court refused the Judicial Review Leave Application with the consequence that the earlier decisions of the Refugee Appeals Tribunal and the Minister stood.

Subsequently, the legal representative of the person concerned was informed, by letter dated 4 November 2009, that the person concerned could submit, within 15 working days, an application for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006) and/or make representations to the Minister setting out the reasons why Deportation Orders should not be made in respect of her and her children.

The 15 day period referred to in my Department's letter of 4 November 2009 expires on 26 November 2009. It is open to the person concerned to make representations and/or apply for Subsidiary Protection within that period. In any event, the case of the person concerned will not be further processed until the 15 day period referred to has elapsed.

198. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform, further to Question No. 278 of 17 November 2009, if he will review the case of a person (details supplied) in County Kildare as reference was made to application for permission to remain in the State dated 20 June 2008 which should have read 20 June 2006; and if he will make a statement on the matter. [43887/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I would like to assure the Deputy that the date given in my previous reply was correct i.e. the person concerned submitted what can only be termed as an application for permission to remain in the State on the basis of his parentage of an Irish-born child on 20 June 2008. This application was essentially a copy of a similar application submitted in October 2006, some 18 months after the closing date for receipt of completed applications under the IBC/05 Scheme i.e. 31 March 2005.

In light of the fact that the information given in my earlier Reply was correct, there is no basis for any review of the case of the person concerned. Instead, the case of the person concerned will be determined as set out in the concluding paragraph of my earlier reply.

Residency Permits.

199. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for citizenship or residency in respect of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [43888/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned has been granted temporary Leave to Remain in the State for a three year period to

17 November 2012. This decision was conveyed to the person concerned by letter dated 18 November 2009.

Officials in the Citizenship Division of my Department inform me that there is no record of an application for a certificate of naturalisation having been received from the person concerned.

Deportation Orders.

200. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will review the decision to deport in the case of a person (details supplied) in County Louth; and if he will make a statement on the matter. [43889/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 15 August 2005. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 17 January 2007, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. Representations were received from the person concerned.

On 8 May 2007 the person concerned submitted an application for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006). Following consideration of the information submitted, the application was refused. The person concerned and his legal representative were notified of this decision by letter dated 23 July 2009.

His case was then examined under Section 3(6) of the Immigration Act, 1999, (as amended), and Section 5 of the Refugee Act, 1996 (as amended), on the Prohibition of Refoulement. Consideration was given to representations submitted on his behalf by his legal representative for permission to remain in the State. On 5 November 2009, I refused permission to remain temporarily in the State and instead signed a Deportation Order in respect of him. Notice of this order was served by registered post requiring the person concerned to leave the State by 29 November 2009.

I am satisfied that the applications made by the person concerned for asylum, for temporary leave to remain in the State and for Subsidiary Protection, together with all refoulement issues, were fairly and comprehensively examined and, as such, the decision to deport him is justified.

The effect of the Deportation Order is that the person concerned must leave the State and remain thereafter out of the State. The enforcement of the Deportation Order is an operational matter for the GNIB.

Citizenship Applications.

201. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in the matter of an appeal against a decision in respect of citizenship or residency in the case of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [43890/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned has been granted temporary Leave to Remain in the State for a three year period to 24 September 2010. This decision was conveyed to the person concerned by letter dated 24 September 2007 sent to the last notified address of the person concerned.

Asylum Applications.

202. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the status in the application for residency in the case of a person (details supplied) in Dublin 2; and if he will make a statement on the matter. [43891/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 17 October 2007. In accordance with Section 9 of the Refugee Act 1996 (as amended), the person concerned was entitled to remain in the State until his application for asylum was decided. His asylum application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 27 March 2009, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006).

The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

203. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the status in the application for residency in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [43892/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 2 May 2007. In accordance with Section 9 of the Refugee Act 1996 (as amended), the person concerned was entitled to remain in the State until her application for asylum was decided. Her asylum application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Arising from the refusal of her asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 18 September 2009, that the Minister proposed to make a Deportation Order in

respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against her. In addition, she was notified of her entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006).

The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

204. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the status of the application for residency in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [43893/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 2 March 2009. In accordance with Section 9 of the Refugee Act 1996 (as amended), the person concerned was entitled to remain in the State until his application for asylum was decided. His asylum application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 19 October 2009, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006).

The position in the State of the person concerned now falls to be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. Any representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

Citizenship Applications.

205. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in the matter or residency status and citizenship in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [43894/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person to whom the Deputy refers was granted permission to remain in the State in 2001 under the arrangements then in place for the non-EEA parents of Irish citizen children. I am informed that the permission granted is currently valid until 3 May, 2010.

A valid application for a certificate of naturalisation from the person referred to was received in the Citizenship Division of my Department in May of 2007. Officials there inform me that processing of the application is in the final stages and the file will be submitted to me for decision in due course.

206. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if a copy of grant citizenship in the case of a person (details supplied) in Dublin 15 exists in the immigration section of his Department; if a copy will issue in view of the fact that the original was mislaid; and if he will make a statement on the matter. [43895/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): A certificate of naturalisation was issued to the person referred to in the Deputy's Question in June 2003. Officials in the Citizenship Division of my Department inform me that they received a request from the person concerned to have a copy of his certificate re-issued on 28 August, 2009. The appropriate questionnaire in relation to lost certificates of naturalisation was issued to the person in question on 28 August, 2009, along with a request for further documentation. This request was re-issued on 2 October, 2009. To date, no reply has been received. On receipt of the documentation requested a statement confirming when the person concerned acquired their certificate of naturalisation will issue.

Foreign Conflicts.

207. **Deputy Charlie O'Connor** asked the Minister for Foreign Affairs if he will report on his efforts to assist in finding a solution to the division of Cyprus; and if he will make a statement on the matter. [43523/09]

Minister for Foreign Affairs (Deputy Micheál Martin): Ireland takes an active interest in the successful resolution of the Cyprus problem. The United Nations has the lead role in the search for a comprehensive settlement. The Government fully supports the leadership of the UN Secretary General in this important work.

We welcomed the resumption of talks in September 2008, under the auspices of the United Nations Secretary General's Special Envoy, Mr. Alexander Downer, aimed at reaching a comprehensive settlement. So far, fifty meetings have been held between President Christofias and Mr. Mehmet Ali Talat, representing the Turkish Cypriot community in Northern Cyprus, in the current negotiating process.

We maintain close contact with the Cypriot and Turkish governments through our Embassies in Nicosia and Ankara and their Embassies in Dublin and at meetings of international organisations. I have regular contact with my Cypriot colleague, Mr Markos Kyprianou, at Council meetings in Brussels.

We will continue to encourage progress towards the achievement of the objective of a bizonal, bicomunal federal State through an honourable, balanced and durable settlement protecting and guaranteeing the basic rights of all Cypriots.

208. **Deputy Charlie O'Connor** asked the Minister for Foreign Affairs his plans to visit the Middle East to pursue his interest in peace in that region; and if he will make a statement on the matter. [43524/09]

Minister for Foreign Affairs (Deputy Micheál Martin): The pursuit of peace in the Middle East has been a key concern of successive Irish Governments, and an issue to which I have attached a high priority. I have made two extended visits to the region as Minister for Foreign Affairs. In July 2008 I visited Egypt, Israel and the Occupied Palestinian Territories, and in February of this year I visited Syria, Lebanon and, in the Gulf, the United Arab Emirates. I also attended the Gaza reconstruction conference in Egypt in March 2009.

These visits have given me a valuable opportunity to see the problems on the ground, to discuss the situation with a wide range of actors, to hear from local leaders how they see their difficulties and opportunities, and to impress upon them our views here in Ireland and in the EU.

I intend to visit the region again to continue these discussions, but no dates for a visit have yet been established. The pace of local developments, and the availability of key interlocutors, are of course important factors.

Sports Capital Programme.

209. **Deputy Finian McGrath** asked the Minister for Arts, Sport and Tourism if he will support a matter (details supplied). [43476/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): It would appear that the substance of the submission in question relates to matters that are not within the remit of my Department but are more relevant to the appropriate local authority. However, the Deputy will be aware that under the sports capital programme, which is administered by my Department, funding is allocated to sporting and community organisations at local, regional and national level throughout the country. The club in question received an allocation of €130,000 under the Programme in 2004 for floodlighting. Of the total allocation, €42,385 remains to be drawn down subject to compliance with the terms and conditions of the Programme. No application was made by the club under the Sports Capital Programme in subsequent years and no decision has been taken about the timing of future rounds of the Programme.

Community Development.

210. **Deputy Maureen O'Sullivan** asked the Minister for Community, Rural and Gaeltacht Affairs if he will circulate the new programme as presented by the centre for effective services on community development projects; the plans if partnerships are unwilling to align with CDPs; and when the performance review of CDPs will be completed and published. [43481/09]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran): I refer the Deputy to Question No. 104 of 17 November 2009.

The outline of the new Programme has been circulated to stakeholders and a copy is attached to this reply. This may be subject to some minor changes.

I am committed to the new programme and to implementing it in the best possible way. My Department will engage positively and constructively with all stakeholders in this process.

<i>AIM</i>				
The Local and Community Development Programme aims to tackle poverty and social exclusion through partnership and constructive engagement between Government and people in disadvantaged communities.				
Goal 1	Objectives	Outcomes	Example indicators	Example activities
Promote awareness, knowledge and uptake of a wide range of statutory, voluntary and community services	1. Raise awareness and knowledge of services in the local community	1. Increased awareness, knowledge and willingness to use services	1. Increase in awareness of services in local area Q	Joint strategy to tackle identified local issue, e.g. joy-riding Older people's health initiative One stop information shops Statutory voluntary and community services network
	2. Develop and sustain strategies and mechanisms for improved access to local services	2. Increased uptake of a wide range of services within local communities	2. Increase in understanding of what local services do or provide Q and q	
	3. Develop and sustain strategies and mechanisms to better co-ordinate local services	3. Increased and improved joint planning and delivery between local service providers	3. Improvement in quality of joint planning q	
			4. Increased incidence of joint delivery Q	
			5. Increase in use of local services Q	

Q = quantitative; q = qualitative.

AIM

The Local and Community Development Programme aims to tackle poverty and social exclusion through partnership and constructive engagement between Government and people in disadvantaged communities.

Goal 2	Objectives	Outcomes	Example indicators	Example activities
Increase access to formal and informal educational, recreational and cultural activities and resources	1. Work with providers to improve access to a wide range of opportunities	1. Increased accessibility of educational, recreational and cultural activities	1. Increase in number of accessible educational, recreational and cultural activities available to local people Q	Breakfast clubs and after school projects Intercultural groups Community arts and recreational activities Education fairs
	2. Increase awareness and support access to opportunities for learning and development	2. Increased uptake of a wide range of educational, recreational and cultural activities	2. Increase in number of residents participating in local educational, recreational and cultural activities Q & q	
			3. Increase in number of new participants in local educational, recreational and cultural activities Q & q	

Q = quantitative; q = qualitative.

AIM

The Local and Community Development Programme aims to tackle poverty and social exclusion through partnership and constructive engagement between Government and people in disadvantaged communities.

Goal 3	Objectives	Outcomes	Example indicators	Example activities
Increase in people's work readiness and employment prospects	1. Develop and sustain a range of services to support, prepare and assist people to enter the labour market	1. People are better prepared for the labour market	1. Increase in number of local residents attending and participating in local activities designed to improve preparation for work Q & q	One to one support
				Job clubs and enterprise centres
				Work experience and placements
				Upskilling, training and mentoring
				Local jobs fair
2. Develop and sustain strategies with local enterprises to increase local employment prospects	2. Local strategy in place to develop local employment prospects	2. Local strategy in place to develop local employment prospects	2. Increase in numbers of new participants in activities designed to improve preparation for work Q	
3. Improved employer perceptions of the employability of local people q	3. Improved employer perceptions of the employability of local people q	3. Improved employer perceptions of the employability of local people q	3. Improved employer perceptions of the employability of local people q	
4. Increase in numbers of local residents feeling prepared for work Q & q	4. Increase in numbers of local residents feeling prepared for work Q & q	4. Increase in numbers of local residents feeling prepared for work Q & q	4. Increase in numbers of local residents feeling prepared for work Q & q	
5. Increase in strategies and initiatives by local employers to enhance employment prospects Q	5. Increase in strategies and initiatives by local employers to enhance employment prospects Q	5. Increase in strategies and initiatives by local employers to enhance employment prospects Q	5. Increase in strategies and initiatives by local employers to enhance employment prospects Q	

Q = quantitative; q = qualitative.

AIM
 The Local and Community Development Programme aims to tackle poverty and social exclusion through partnership and constructive engagement between Government and people in disadvantaged communities.

Goal 4	Objectives	Outcomes	Example indicators	Example activities
Promote engagement with policy, practice and decision making processes on matters affecting local communities	1. Promote dialogue between funders, providers and local communities	1. Effective structures and processes in place for dialogue between policy makers, providers and local communities	1. Increase in mechanisms promoting information sharing and dialogue effectively Q	Support for community forums Establishing new groups around issues Community leadership programme Youth participation project Debates, visiting speakers, political literacy programmes Volunteer training

Q = quantitative; q = qualitative.

AIM
The Local and Community Development Programme aims to tackle poverty and social exclusion through partnership and constructive engagement between Government and people in disadvantaged communities.

Goal 4	Objectives	Outcomes	Example indicators	Example activities
	2. Develop and sustain opportunities for communities of place and interest to identify issues and voice concerns	2. Greater engagement in policy and decision making processes by the community	2. Increase in number and diversity of local people participating effectively in local committees and other decision-making forums Q	
		3. Improved understanding of local community concerns and priorities by policy makers and service providers	3. Increase in perceptions of local groups and residents of greater engagement Q	
			4. Increase in number and range of local service providers participating in local community fora Q	
			5. Increase in understanding of local issues by policy makers and service providers Q	
			6. Increase in local people's understanding of policy, practice and decisions making-processes q	

Q = quantitative; q = qualitative.

Departmental Funding.

211. **Deputy Joe McHugh** asked the Minister for Community, Rural and Gaeltacht Affairs if grants or financial supports are available to a group (details supplied); and if he will make a statement on the matter. [43495/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The group in question received funding under the previous LEADER programme 2000-2006 for ECDL / OCR Accreditation training. They have not applied for funding under the Rural Development Programme 2007-2013.

Rural dwellers can apply for Rural Development Programme 2007-2013 funding under the following measures:

- Diversification into non-agricultural activities for farm families;
- Support for business creation and development;
- Encouragement of tourism activities;
- Basic services for the economy and rural population;
- Village renewal and development;
- Conservation and upgrading of the rural heritage;
- Training and information on adapted and new skills.

I would advise the group in question to contact their local Action Group — Inishowen Development Partnership at Pound St., Carndonagh, Inishowen, Co Donegal who will be able to advise them.

212. **Deputy Joe McHugh** asked the Minister for Community, Rural and Gaeltacht Affairs the funding options available to a group (details supplied) in County Donegal who want to establish a language and cultural tourism project; and if he will make a statement on the matter. [43509/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): As conveyed by my Department to the Deputy's office, further details will be required regarding the group referred to before I am able to provide the information requested by the Deputy.

Cruthú Fostaíochta.

213. **D'fhiafraigh Deputy Dinny McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad é mar a sheasann cás tionscail (sonraí tugtha); an uimhir daoine atá fostaíthe sa tionscal faoi láthair; agus an ndéanfaidh sé ráiteas ina thaobh. [43520/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Tá sé curtha in iúl dom ag Údarás na Gaeltachta gur comhlacht neamhspleách príobháideach é an comhlacht atá i gceist ag an Teachta, a fuair cúnaimh deontais ón Údarás idir 1988 agus 2009. Tuigtear dom go bhfuair an tÚdarás scéal ón gcomhlacht le déanaí go bhfuil seisear as an naonúr fostaí le ligean chun siúil ag deireadh na míosa seo mar gheall ar dheacrachtaí a bhaineann le margáí. Is trua liom an cailteanas fostaíochta seo ach tuigim ón Údarás go bhfuil iarrachtaí á ndéanamh ag an gcomhlacht gnóthaí eile dá chuid a fhorbairt d'fhonn na poist eile a choinneáil agus fostaíocht nua a chruthú thar thréimhse. Tuigtear dom freisin go bhfuil pá iomarcaíochta de

[Deputy Éamon Ó Cuív.]

bhreis ar phá reachtúil le híoc leis na fostaithe atá le ligean chun siúil. Beidh an tÚdarás ag coinneáil siúil ar dhul chun cinn an chomhlachta seo sa tréimhse amach romhainn.

Íocaíochtaí Iomarcaíochta.

214. **D'fhiafraigh Deputy Dinny McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil foirmeacha iarratais iomarcaíochta ó chomhlacht (sonraí tugtha) curtha ar aghaidh chuig an Roinn chuí, an méid iar-oibrí atá i dteideal íocaíochta iomarcaíochta cé go bhfuil an tionscal dúnta le beagnach dhá bhliain; agus an ndéanfaidh sé ráiteas ina thaobh. [43521/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Tá sé curtha in iúl dom ag Údarás na Gaeltachta gur ceapadh glacadóir ar an gcomhlacht atá i gceist ag an Teachta i 2008. Is faoin nglacadóir atá sé déileáil le ceisteanna iomarcaíochta. Tuigim ón Údarás gur chomhlíon an glacadóir na riachtanais i gcás beirt de na hiarfostaithe ach go bhfuil riachtanais bheirt iarfhostaí eile nach bhfuil socraithe go fóill. Tá an tÚdarás le leanúint lena iarrachtaí socruithe cuí a bheith déanta i leith na beirte seo.

Public Procurement.

215. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs his views on whether a monopoly has been created in respect of a service (details supplied) in County Galway; and if he will make a statement on the matter. [43540/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The procurement of the services in question, including the specific service referred to by the Deputy, is carried out by my Department in accordance with relevant EU and national directives and guidelines, having regard in particular to the following specific obligations:

- equal treatment of tenderers;
- transparency in the tender procedure;
- proportionality in decision;
- mutual recognition of bidders from different Member States, and
- non-discrimination.

As the selection process for each competition is by way of public tenders open to all competitors, the question of creating a monopoly does not arise.

Departmental Funding.

216. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs the costs incurred in completing a feasibility study (details supplied); when will the findings of this study be implemented; and if he will make a statement on the matter. [43542/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The study referred to by the Deputy was compiled at a cost of €72,552 (excluding VAT).

While steps to address the findings of the study are in hand on a number of fronts, the Deputy will appreciate the constraints imposed by a Question put down in 'details supplied' format in terms of providing specific information in the matter. Accordingly, I am arranging that the relevant information be supplied directly to the Deputy.

Departmental Programmes.

217. **Deputy Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs if there is a future for the RAPID programmes; if their funding will be protected in budget 2010; the changes he is planning to make to RAPID in 2010; and if he will make a statement on the matter. [43705/09]

218. **Deputy Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the concerns among RAPID co-ordinators in Dublin (the projects funded through the RAPID programme in the south west inner city, south inner city, Ballyfermot and Lower Crumlin) regarding their funding in view of the fact that this is having a detrimental effect on their planning for 2010 and undermining their confidence to deliver on their mandate; and if he will make a statement on the matter. [43706/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 217 and 218 together.

The Government is committed to the RAPID Programme. This was confirmed by a Government decision taken in May 2009 and by the revised Programme for Government 2009.

As has been indicated to the House on a number of occasions, it is a matter for individual Departments to report on the provision of funding and progress on delivery with respect to projects under their responsibility in the RAPID areas. In support, Pobal collects data from each RAPID area in respect of funding allocations received by projects from Government Departments and local state agencies. The latest data in respect of the programme is available on Pobal's website under the RAPID section — <http://www.pobal.ie/Funding%20Programmes/Rapid/Pages/Funding.aspx> — and the Deputy may find it useful to access this information.

The 2010 budget for RAPID within my Department will be determined as part of the estimates process, which is currently underway.

I am not aware of the specific concerns to which the Deputy refers; however, I hold formal meetings with all the RAPID Coordinators as well as the Chairpersons of the RAPID Area Implementation Teams several times a year. The next such meeting is scheduled to take place in January next, and I anticipate that progress in relation to individual RAPID areas will be discussed at that meeting.

Community Projects.

219. **Deputy Mary Upton** asked the Minister for Community, Rural and Gaeltacht Affairs the projects funded by him to prevent under-age drinking; and if he will make a statement on the matter. [43808/09]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran): The Deputy will appreciate that responsibility for alcohol policy lies with my colleague Deputy Mary Harney, Minister for Health and Children.

In this context, funding for alcohol prevention measures is being provided through the Dormant Accounts Fund. A list of the projects relevant to tackling underage drinking is being compiled by the Department of Health and Children and will be provided separately to the Deputy.

In the case of my own Department, the work of the Local and Regional Drugs Task Forces focuses on a range of measures that target drug misuse in their areas. These include drugs awareness and prevention projects which, in some cases, can also include underage drinking.

Money Advice and Budgeting Service.

220. **Deputy Tom Hayes** asked the Minister for Social and Family Affairs the length of time people are spending on the waiting list for the Money Advice and Budgeting Service in every office; the number of cases that have been dealt with by every office since the beginning of 2009; how this compares with the past three years; if there are vacancies in the service; and if she will make a statement on the matter. [43715/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Money Advice and Budgeting Service (MABS) is the main Government funded service which provides assistance to people who are over-indebted and need help and advice in coping with debt problems. The role of money advisors is to help clients to assess their financial situation, make a budget plan and deal with creditors. The MABS is now dealing with increasingly complex debt situations in respect of clients who are presenting with multiple creditors/debts. It is important that people coping with debt difficulties take early action and approach MABS for help and guidance. This can be the first positive step for people in addressing debt difficulties.

There are 52 independent MABS companies operating the local MABS services from 65 locations throughout the country, with national support provided by the MABS NDL. In addition, the MABS National Telephone Helpline is available from 9am to 8pm Monday to Friday and the MABS website can be accessed 24 hours a day at www.mabs.ie.

In 2009, to the end of October, some 16,320 new clients approached MABS for assistance with debt difficulties. This compares with 16,600 new clients in 2008; 12,734 new clients in 2007 and 11,460 in 2006. The MABS telephone helpline commenced operation in September 2007 and in 2008 dealt with almost 11,000 callers. In the period to the end of October 2009 the helpline has dealt with some 20,800 calls.

Funding of €18 million has been provided to MABS to deliver its services in 2009. An additional 19 staff are currently being recruited which will bring the number of MABS staff to 271. Eleven new staff are already in place and the remainder will be appointed shortly.

The capacity of the LoCall telephone helpline has also been strengthened and MABS NDL, the national support company, has introduced a number of community education initiatives. For example, one initiative involves a money management education programme for people facing redundancy to inform them about managing on a reduced income and how to avoid getting into debt.

All MABS companies operate an appointment system for clients. Clients with urgent difficulties are prioritised for attention and are dealt with promptly. Less urgent cases are referred to the MABS Helpline and to the MABS website in the first instance. Over 90% of callers to the Helpline find that their money management and budgeting issues can be resolved with the assistance of the helpline advisor. Some 10% of callers are referred to the local MABS for assistance.

From first point of contact to first appointment with a money advisor the average waiting time is currently 4.5 weeks. This is the average nationally and there are fluctuations between offices. During the waiting period clients are assessed and those in need of immediate assistance are given a priority appointment, others are provided with assisted self-help to ensure that they have taken steps to assess their situation and if appropriate they are supported to take holding action with their creditors.

I am satisfied that MABS provides a high quality personal money advice and budgeting service to members of the public who may have difficulty in coping with the burden of indebtedness. The additional resources, which have been provided to the offices with the longest waiting

lists, will all be in place in early December and this will assist them meet the demand for their services.

Social Welfare Benefits.

221. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when rent support will issue in the case of a person (details supplied) in Dublin 8; and if she will make a statement on the matter. [43904/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Rent Supplement is administered on behalf of the Department by the Community Welfare Service of the Health Service Executive as part of the Supplementary Welfare Allowance scheme.

It is a requirement of the rent supplement scheme that a person makes an application, on being so required by the Executive, to a housing authority to be assessed for a housing need.

The Health Service Executive has advised that the person concerned is in receipt of rent supplement for accommodation which provides for his personal needs. The Executive has further advised that the person concerned requested an increase for the purpose of seeking alternative accommodation to include accommodation in respect of his son who he has guardianship of.

The Executive has requested the person concerned to apply to his local housing authority for an assessment of his housing needs. A decision on any increase in his entitlement to rent supplement will be made on completion of the housing needs assessment.

Question No. 222 withdrawn.

223. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will receive a child dependant allowance increase in their jobseeker's benefit payment. [43474/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The person concerned does not qualify for a qualified child increase as his ex-spouse who is in receipt of a social welfare payment receives an increase for that child. If the position with regard to the residency of the child has changed it is open to him to contact his Local Social Welfare Office to have his case reviewed.

PRSI Refunds.

224. **Deputy Noel J. Coonan** asked the Minister for Social and Family Affairs when an application for a refund of PRSI contributions by a person (details supplied) in County Tipperary will issue; and if she will make a statement on the matter. [43489/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The application for a refund of PRSI was received from the person concerned on 16 November 2009 as she paid PRSI on her full salary while in receipt of Illness Benefit payments for the years 2006, 2007 and 2008.

The Department endeavours to process applications for refunds of PRSI as soon as possible. However, as the volume of applications for refunds of PRSI has increased dramatically in recent years this has inevitably given rise to a backlog in processing refund applications. The application will be dealt with as soon as possible.

Social Welfare Appeals.

225. **Deputy Brian O'Shea** asked the Minister for Social and Family Affairs when an illness

[Deputy Brian O'Shea.]

benefit and invalidity pension appeal hearing will be heard in respect of a person (details supplied) in County Waterford; and if she will make a statement on the matter. [43512/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The claim for illness benefit by the person concerned was disallowed by a Deciding Officer of the Department following an examination by a Medical Assessor who expressed the opinion that she was capable of work. Her application for invalidity pension was similarly disallowed.

She appealed this decision and was examined by a second Medical Assessor who also expressed the opinion that she was capable of work.

I am advised by the Social Welfare Appeals Office that, in accordance with the statutory requirements, the Department was asked for the documentation in each case and the Deciding Officers' comments on the grounds of the appeals. 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.

Question No. 226 withdrawn.

227. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the position regarding a review of jobseeker's payment in the case of a person (details supplied) in County Kildare. [43692/09]

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.

Social Welfare Benefits.

228. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Mayo has not received jobseeker's benefit; and the reason for the delay. [43748/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The person concerned applied for jobseeker's benefit on 19 October 2009. His claim was forwarded to a Social Welfare Inspector for enquiries regarding his employment record and jobseeker's benefit entitlement as a self-employed person. When enquiries are completed a decision will be made as soon as possible and he will be notified of the outcome. He is currently in receipt of a disablement pension at the weekly rate of €70.60.

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.

229. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the number of persons who commenced drawing unemployment or jobseeker's benefit in each of the months from January 2007 to date in 2009; if she will compare those numbers to the numbers drawing

unemployment or jobseeker's allowance in those months in tabular format; and if she will make a statement on the matter. [43774/09]

230. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the number of persons who ceased drawing unemployment or jobseeker's benefit in each of the months from January 2007 to date in 2009 in tabular format; and if she will make a statement on the matter. [43775/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 229 and 230 together.

The statistics requested by the Deputy are not readily available. However, I will revert to him by letter as soon as possible.

Social Welfare Appeals.

231. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the date an appeal for carer's allowance was received by the social welfare appeals office for a person (details supplied) in County Mayo; the reason it has taken over ten months without an oral hearing being scheduled to finalise the case; and if she will make a statement on the matter. [43790/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): A carer's allowance appeal from the person concerned was opened on 07 January 2009 and I am advised by the Social Welfare Appeals Office that this case has been considered by an Appeals Officer who proposes to hold an oral hearing. The logistics in arranging an oral hearing can add at least 8 weeks to normal processing times.

There has been a 44% increase in the number of appeals received by the Social Welfare Appeals Office to 25 November 2009 when compared to the same period in 2008, which in itself was 27% greater than the numbers received in 2007. This has caused delays in the processing of appeals and, in order to be fair to all appellants, oral hearings are arranged in strict chronological order. The person concerned will be informed when arrangements have been made.

The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

Departmental Funding.

232. **Deputy Richard Bruton** asked the Minister for Social and Family Affairs if she will provide details of the grant aid provided in each of the past three years to an organisation (details supplied) in Dublin 17; the activities for citizens in the area that have been made possible by the funding; the scale of the possible cuts in budget that have been communicated to the organisation and her assessment of the impact on service they will have; and if she will make a statement on the matter. [43796/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Department has supported the organisation in question over a period of many years. Funding of €410,000 was provided in 2007, €431,000 was provided in 2008, and €386,250 was provided in 2009. This funding is provided under the "Grants for the Development and Promotion of Information and Welfare Rights".

The organisation deals with requests for information, advice and assistance in a number of areas such as family law, consumer issues, wills and probate, employment, housing and Social

[Deputy Mary Hanafin.]

Welfare. The total number of requests dealt with in 2007 was 2,260. In 2008 a total of 2,300 requests were handled.

In considering the allocation of funding under this scheme for 2010, the Department recently advised the Centre that an efficiency saving would be required on their current budget allocation.

Question No. 233 withdrawn.

Social Welfare Benefits.

234. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the reason the back to education allowance does not cover participants in the labour market activation programme; if her attention has been drawn to the fact that participants who start the course in receipt of jobseeker's benefit but who subsequently move to jobseeker's allowance at a reduced rate are faced with financial hardship, particularly where they have dependants; and if she will review the terms of the scheme. [43809/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Department's back to education programme includes the back to education allowance (BTEA) and the part-time education option (PTEO). The back to education allowance 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.

In a joint initiative announced earlier this year between the Department of Enterprise Trade and Employment, the Department of Education and Science and the Higher Education Authority, 1,500 part-time undergraduate places and 1,000 part-time postgraduate places are being provided to people who are unemployed and on the live register for at least 6 months or have an entitlement to statutory redundancy.

A jobseeker who wishes to participate in a part-time course may do so under the Department's part-time education option (PTEO). Participants may continue to receive their existing social welfare entitlements provided they continue to satisfy all the existing terms and conditions of their jobseeker scheme including availability for work. Approval to undertake a course must be obtained in advance from the local social welfare office.

Participation in a part-time course does not attract any increase in the rate of payment or any extension of the payment period. A participant whose entitlement to jobseeker's benefit ceases during the period on the course is eligible to apply for jobseeker's allowance. Someone who qualifies for that allowance at reduced rate would have assessable means. In such a case, the combination of the assessable means and the reduced rate of jobseeker's allowance would normally exceed the rate payable to a participant who qualifies for maximum rate.

Social Welfare Appeals.

235. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when an oral hearing will be heard regarding a disability allowance appeal for a person (details supplied) in County Mayo. [43813/09]

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.

Social Welfare Benefits.

236. **Deputy John Deasy** asked the Minister for Social and Family Affairs the medical criteria required for automatic entitlement to domiciliary care allowance; if this includes autistic spectrum disorder; if not, her views on the fact that this diagnosis should be included; and if she will make a statement on the matter. [43848/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): In order to qualify for Domiciliary Care Allowance a child must have a disability so severe that 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 the 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. Applications — including those for autistic spectrum disorder — are assessed on an individual basis taking account of the evidence submitted. As such it is not possible to say if a child with autism or any other intellectual disability will qualify for a payment under the scheme.

Social Welfare Appeals.

237. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when jobseeker's allowance appeal will be determined in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [43905/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The person concerned applied for jobseeker's allowance on 10 June 2009. The application was disallowed as his total weekly means were greater than the weekly rate of payment for the scheme. A notice of appeal was accepted by the Social Welfare Appeals Office in respect of the person concerned on 10 October 2009.

As part of the appeals process the local office requested an inspector to review the means assessment. The inspector has completed the review and has submitted a report to the local office. A deciding officer will prepare a submission for the appeals office as soon as possible.

238. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the reason one parent family allowance payment has not been awarded in the case of a person (details supplied) in County Kildare; if she will review this case with a view to an early resolution; and if she will make a statement on the matter. [43909/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The person concerned claimed one parent family payment from 21 May 2009. His claim was disallowed on 11 September 2009 as he failed to disclose his means.

He lodged an appeal on 30 September 2009 and his file was sent to an inspector for a review of his case. The inspector contacted the person concerned on 9 October 2009 and requested a P45 or a letter from his employer and bank statements. He stated that he would send the documents directly to the inspector within a matter of days. The inspector contacted him by

[Deputy Mary Hanafin.]

phone again on 9 November 2009. He stated he would send in the required documents by registered post. A number of the documents required are still outstanding.

The Inspector has provided him with her mobile phone number to contact her if he has any difficulty in furnishing the details.

Social Welfare Benefits.

239. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the position regarding an entitlement to social welfare payment in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [43910/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The person concerned claimed jobseeker's allowance from 17 July 2009. One of the qualifying conditions for receipt of jobseeker's allowance is that a person must be habitually resident in the state. A deciding officer decided that he is not habitually resident in the state.

The person concerned was notified of the decision on 20 November and of his right to appeal against the decision within 21 days of the notification.

240. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if and when one parent family allowance will be awarded in the case of a person (details supplied) in County Meath; and if she will make a statement on the matter. [43911/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): There is no record in the Department of a claim for One Parent Family Payment or any other Social Welfare payment from the person concerned.

The person concerned should contact the Social Welfare Local Office, Kennedy House, Kennedy Street, Navan, Co. Meath (Tel: 046 9077010) as soon as possible.

Departmental Expenditure.

241. **Deputy Phil Hogan** asked the Minister for Defence the amount that has been spent on establishing the office of emergency planning; and if he will make a statement on the matter. [43731/09]

Minister for Defence (Deputy Willie O'Dea): The Office of Emergency Planning was established, following a Government decision in October 2001, as a joint civil and military Office within my Department. The Office supports the work of the Government Task Force on Emergency Planning, which I chair, and continues to work with Government departments and agencies to ensure effective coordination, the sharing of information and the best possible use of resources. There is no specific budgetary allocation for the Office of Emergency Planning as the funding for the Office is included in the Defence Vote.

Departmental Offices.

242. **Deputy Phil Hogan** asked the Minister for Defence the number of times the emergency centre of the office of emergency planning has been used since its establishment; and if he will make a statement on the matter. [43732/09]

Minister for Defence (Deputy Willie O'Dea): The National Emergency Coordination Centre has been used on an ongoing basis since it was established in mid 2007. The Centre is available to all government departments and agencies for use in emergency planning and response. It is

the venue for meetings of the Governmental Task Force on Emergency Planning, the Inter-departmental Working Group on Emergency Planning and the National Steering Group for the implementation of the Framework for Major Emergency Management. During the pork crisis in December 2008, the Centre was used by the Department of Agriculture Fisheries and Food as a Call Centre. The Centre was activated at the request of the Department of the Environment Heritage and Local Government as the current flooding crisis developed and it has been in daily use over the past week as the venue for meetings of the National Response Coordination Committee on Flooding. It has also been used by a wide range of departments and agencies to hold training courses and exercises.

Flood Relief.

243. **Deputy Phil Hogan** asked the Minister for Defence if the Office of Emergency Planning had a role in the response to the widespread flooding here which caused damage and disruption across cities and rural areas; if so, the nature of their response and role; and if he will make a statement on the matter. [43733/09]

Minister for Defence (Deputy Willie O’Dea): The Office of Emergency Planning was established as a joint civil and military office within the Department of Defence. The Office supports the work of the Government Task Force on Emergency Planning, which is chaired by the Minister for Defence and it works with other departments and agencies to ensure effective coordination and the best possible use of resources. A key area of activity for the Office is the oversight of emergency planning across government departments in order to refine and develop the arrangements that exist. As part of that process the Office developed a ‘Roles and Responsibilities’ document, which was submitted to Government in December, 2008. This document sets out the lead department, and the departments and agencies that will be required to provide support, in more than forty emergency scenarios.

As outlined in the ‘Roles and Responsibilities’ document, the Department of the Environment Heritage and Local Government has the lead role in coordinating the national level response to the widespread flooding that has occurred. That Department has chaired meetings of the National Response Coordination Committee on Flooding, which is comprised of those departments and agencies that have a supporting role in the response. The Office of Emergency Planning is a member of that Committee.

The Office of Emergency Planning is responsible for the management of the National Emergency Coordination Centre. The Centre was activated, at the request of the lead department, as the flooding crisis developed. It has been in daily use since 20 November as the venue for meetings of the National Response Coordination Committee on Flooding. Also, the Office manages the website emergencyplanning.ie which contains advice and guidance on flooding issues.

244. **Deputy Phil Hogan** asked the Minister for Defence how the Defence Force were involved in flood relief operations in November 2009; the person who officially requested assistance from the Defence Force in each area; if the Defence Force have adequate supplies and resources to prepare for widespread flooding and to deal with flooded areas; and if he will make a statement on the matter. [43734/09]

Minister for Defence (Deputy Willie O’Dea): Emergency planning in this country is developed on the ‘lead department’ principle. This means that each department is responsible for planning for emergencies that fall within its area of responsibility. The Framework for Major Emergency Management is the document that sets out a structure enabling the Principal

[Deputy Willie O’Dea.]

Response Agencies (An Garda Síochána, the Health Service Executive and Local Authorities) to prepare for, and make a coordinated response to, major emergencies resulting from events such as severe weather. In an effort to alleviate the problems caused by the recent flooding around the country, the Defence Forces have assisted an Garda Síochána, in their role of Aid to the Civil Power and have assisted local authorities and the HSE in their role of Aid to the Civil Authority.

Requests for aid to the civil power are normally made by a member of an Garda Síochána not below the rank of Inspector. Requests for assistance to local authorities were received from county engineers and directors of services. Requests for assistance from the HSE were received from Chief Emergency Management Officers. Approximately 150 Defence Forces personnel have been deployed in the field 24/7 with approximately 600 personnel involved in rotations and additional stand-by personnel. Stand-by personnel are at one and two hours notice to move. All Brigades, DFTC, the Naval Service and the Air Corps are contributing to the relief effort.

A very wide range of assets have been deployed including boats, troop carrying vehicles, high clearance vehicles, 4X4s, and Heavy Drops (Dropping container loads of water at various locations). They are also providing pumping facilities and have two water purification plants on stand-by. The LE Orla is deployed in Cork providing communications and back-up support and also Rigid Boats. The Naval Service is also providing back-up to Army Engineers and providing pumping capacity. The Air Corps has provided aerial reconnaissance support to local authorities and air transport. They remain on stand-by, for reconnaissance, transport, rescue and recovery tasks. The Office of Emergency Planning is providing support to the inter-departmental group and the National Emergency Coordination Centre has been active throughout the crisis.

Civil Defence, which comes under the aegis of my Department, has also been fully engaged in supporting the emergency services in accordance with their roles and capabilities under the Emergency Management Framework. Major activities include evacuation, transport, rescue, pumping, sandbagging, transport, welfare and manning of control centres. The major Defence Forces commitments were as follows:

The main locations where the Defence Forces have provided assistance include Cork City, Limerick (Shannon Banks), Ennis, Ballinasloe, Athlone and now Athy. Assistance has also been provided in Bantry, Carlow, Clonakilty, Clonmel, Kilkenny and Longford. The main effort was in Cork City where there is in excess of 200 Defence Forces personnel deployed giving assistance to the local authority with engineer support (Lee Fields pumping station), support to the local population with distribution of drinking and sanitation water to approx 22 locations on the North side of the City, assistance to the HSE (Mercy Hospital) and sandbagging duty. They also deployed portable lighting.

The Naval Service provided engineer support in the form of engineer teams with water pumps. The LE Orla is providing back up assistance incl communications and catering. RIBs are being provided to support river search. The Defence Forces responded to requests for assistance from Roscommon County Council to evacuate civilian personnel due to flooding from the Shannon in the Athlone area (Clonbunny, Clanowen and Carrick O’Brien). The Defence Forces has the following resources committed (either deployed or on stand-by for deployment) to providing assistance: 600 personnel, 77 trucks and specialist vehicles, 4 water pumps, 6 RIBs or boats, 1 Naval Ship, 1 helicopter, 50,000 sandbags. The Air Corps provided assistance to the civilian authorities in the form of inspection by air of badly affected areas.

While support was concentrated in the South and the West, being the areas worst affected by the floods, the Defence Forces also provided assistance to the civil authorities in parts of

Leinster. The Defence Forces have met all demands placed on them in response to the current flooding crisis. As in all cases of services that the Defence Forces can provide in emergency support, the services are demand-led and provided on an “as available basis”, having regard to both current and contingent Defence Forces operational commitments. The capacity of the Defence Forces to assist the authorities in dealing with major emergencies is kept under constant review.

The work of the Taskforce on Emergency planning in providing support for improved emergency planning and response across the whole of Government has been a key enabler in ensuring that we have appropriate arrangements in place to respond to major disasters like we are witnessing today. As Chair of the Taskforce on Emergency Planning, I would like to take this opportunity to thank and congratulate the Defence Forces, Civil Defence, all the emergency services, Departments, agencies and volunteers who responded magnificently and who have contributed so extensively to tackling this major emergency which has wreaked devastation on so many communities in the South and West of the Country.

245. **Deputy Phil Hogan** asked the Minister for Defence if the Defence Force have an action plan in place to deal with various functions as a result of front line public service industrial action; if the Defence Force will manage multiple emergencies across the front line services if such a situation develops; and if he will make a statement on the matter. [43735/09]

Minister for Defence (Deputy Willie O’Dea): The Government’s White Paper on Defence (February 2000) sets out the roles the Defence Forces might play in the provision of support and services in Aid to the Civil Power (meaning in practice to assist, when requested, an Garda Síochána), and the provision of assistance to the Civil Authorities for a range of emergency situations. Many of the services that the Defence Forces can provide in emergency support services are demand-led and provided on an “as available basis”, having regard to both current and contingent Defence Forces operational commitments. The capacity of the Defence Forces to assist these authorities in dealing with major emergencies is kept under constant review. The Defence Forces strive to ensure the responsiveness and effectiveness of the services through close cooperation and coordination on an ongoing basis. Plans and procedures are updated as necessary. Training and preparation for such events is also provided for in the Defence Forces Annual Training Plan.

Departmental Bodies.

246. **Deputy Jimmy Deenihan** asked the Minister for Defence the number of times the inter-departmental working group on emergency planning task force met to date in 2009; the contingencies regarding cover for essential services in the event of public service strikes; if additional planning had been put in place to cover essential services on 24 November 2009; the additional training that has taken place in preparation for threatened further public service strikes; and if he will make a statement on the matter. [43822/09]

248. **Deputy Jimmy Deenihan** asked the Minister for Defence the number of meetings attended by him in his role as chairman of the Government task force on emergency planning to date in 2009; the number of meetings chaired by him as head of the Government task force on emergency planning in September, October and November 2009; if other members of the Government attended these meetings for the period September to November 2009; the members of the Government that attended these meetings; the frequency of their attendance in 2009; and if he will make a statement on the matter. [43824/09]

Minister for Defence (Deputy Willie O’Dea): I propose to take Questions Nod. 246 and 248 together.

The Inter-Departmental Working Group on Emergency Planning (IDWG) has met on two occasions to date in 2009. The role of the Group is to support the work of the Government Task Force on Emergency Planning. It is chaired by the Office of Emergency Planning and is a forum for developing strategic guidance for all those involved in emergency planning. Business Continuity Planning is an issue that has been raised at the IDWG on a number of occasions during the year and it has been discussed with each department during the annual emergency planning oversight process. Business Continuity Planning is a process that identifies potential threats to an organization and provides for prevention and mitigation measures to minimize disruption to essential services. All government departments have assured the Office of Emergency Planning that they have Business Continuity Plans in place or are at an advanced stage in their development.

Also, in May of this year, the Office of Emergency Planning hosted a workshop on business continuity planning. The workshop was attended by a wide range of departments and agencies and was facilitated by the Dublin City Council’s Risk Management Unit. Three meetings of the Government Task Force on Emergency Planning have been held in 2009 to date. The meetings were in January, April, and the most recent meeting was held on 30 September. I chaired the January and April meetings of the Government Task Force on Emergency Planning. The September meeting coincided with a Government meeting. The meeting included comprehensive presentations on the pandemic influenza situation from the Health Service Executive and from an international public health expert. I was briefed on these after the Government meeting.

Defence Forces Property.

247. **Deputy Jimmy Deenihan** asked the Minister for Defence the number of military installations owned by the State or the Defence Force; the number of military installations operable; the number of closed military installations in State ownership; the annual maintenance costs associated with closed military installations in State ownership for the years 2004 to date in 2009; the security costs associated with closed military installations in State ownership for the years 2004 to date in 2009; the amount of lands in State ownership for defence or Defence Force use; if an assessment has been carried out as to the need for all the lands in State ownership for defence or Defence Force uses; and if he will make a statement on the matter. [43823/09]

Minister for Defence (Deputy Willie O’Dea): The Defence property portfolio consists of a diverse range of facilities from conventional military barracks to forts, camps, dwelling houses and training lands. The principal assets are 23 permanently occupied barracks. The Department also owns 26 premises that are used by the Reserve Defence Forces. A further 51 properties are rented for use by the Reserve. The property portfolio also includes a total of 150 married quarters that are mainly located within the Curragh Camp. The policy is that these should be phased out in a managed and orderly way.

The land included in the property portfolio amounts to approximately 20,000 acres, predominantly located at the Curragh, the Glen of Imaal and Kilworth Camp, and is used for military training. Details of all properties owned or rented by the Department are contained in the attached tabular statement. The modernisation process in Defence identified that the dispersal of personnel over an extended number of locations is a major impediment to essential collective training and imposes increased and unnecessary overheads on the Defence Forces in terms of barrack management, administration, maintenance and security. The consolidation of the

Defence Forces formations into a smaller number of locations is a key objective of the White Paper on Defence.

The Department and the Defence Forces continually review Defence Forces requirements in relation to barracks, infrastructure and other military installations. A total of ten barracks have been closed over the past 10 years. The security costs associated with closed military installations is as follows:

Nil

€123

€43,625

€183,248

€183,839

€12,874

In respect of maintenance costs my Department does not differentiate between the costs of closed military installations and lands occupied by the Military. As a result it is not possible to give figures for the cost of maintaining closed military installations from 2004 to 2009.

A comprehensive VFM review of military training lands and firing ranges is due to be concluded shortly. I understand that the consultants report will identify opportunities for further consolidation and rationalisation of training land requirements, while pointing to additional requirements in some areas. The report of the consultants will inform the future development of defence training lands and range infrastructure. As is the case in other areas of the defence portfolio, those lands that are surplus to requirements will be disposed of for the benefit of the Defence Forces.

DEPARTMENT OF DEFENCE — Property Portfolio

Permanently Occupied Posts

	County	Location	Name	Acreage	Brigade
1	Cavan	Cavan Town	Dun Ui Neill	16.25	Western
2	Cork	Cork City	Collins	59.80	Southern
3	Cork	Haulbowline	Naval Base	84.00	Southern
4	Donegal	Ballyshannon	Finner Camp	840.00	Western
5	Dublin	Arbour Hill	St Bricins	3.00	Eastern
6	Dublin	Baldonnel	Casement Aerodrome	685.00	Eastern
7	Dublin	Blackhorse Ave	McKee Barracks	45.00	Eastern
8	Dublin	Rathmines	Cathal Brugha	46.00	Eastern
9	Galway	Renmore	Dun Ui Mhaoiliosa	74.00	Western
10	Kilkenny	Kilkenny City	Stephen's Barracks	14.00	Southern
11	Kildare	Curragh	Ceannt Barracks		Curragh
12	Kildare	Curragh	Clarke Barracks		Curragh
13	Kildare	Curragh	Connolly Barracks		Curragh
14	Kildare	Curragh	McDermott Barracks		Curragh
15	Kildare	Curragh	McDonagh Barracks		Curragh
16	Kildare	Curragh	Pearse Barracks		Curragh
17	Kildare	Curragh	Plunkett Barracks		Curragh
18	Limerick	Limerick City	Sarsfield Barracks	14.80	Southern

[Deputy Willie O’Dea.]

	County	Location	Name	Acreage	Brigade
19	Louth	Dundalk	Aiken Barracks	18.00	Eastern
20	Meath	Gormanston	Gormanston Camp	261.00	Eastern
21	Tipperary	Clonmel	Kickham Barracks	11.00	Southern
22	Westmeath	Athlone	Custume Barracks	13.00	Western
23	Westmeath	Mullingar	Columb Barracks	23.75	Western

Reserve Defence Force Premises — Owned

	County	Location	Acreage	Brigade
1	Carlow	Mhuine Beag	0.44	Southern
2	Cork	Fermoy	13.50	Southern
3		Mallow	0.07	Southern
4		Skibbereen	0.50	Southern
5		Youghal	0.11	Southern
6	Donegal	Milford	0.50	Western
		Mullins Donegal Town		Western
7	Galway	Ballinasloe	0.50	Western
8		Clifden	0.04	Western
9		Gort	0.20	Western
10		Loughrea	0.23	Western
11	Kerry	Killorglin	0.25	Southern
12		Listowel	0.22	Southern
13	Laois	Portlaoise	0.07	Southern
14	Leitrim	Manorhamilton	0.25	Western
15	Longford	Longford Town		Western
16	Louth	Drogheda	0.40	Eastern
17	Mayo	Westport	0.50	Western
18	Meath	Kells	0.25	Eastern
19		Navan	0.50	Eastern
20	Roscommon	Roscommon town	0.80	Western
21	Tipperary	Thurles	0.19	Southern
22	Tipperary	Templemore McCann Barracks (part)	0.39	Southern
23	Waterford	Dungarvan	0.10	Southern
24	Waterford City	Military Barracks	0.80	Southern
25	Wexford Town	Military Barracks	1.00	Southern
26	Wicklow	Murrough	0.23	Eastern

Reserve Defence Forces — Rented Property

	County	Name	Location	F/T or P/T	Brigade
1	Carlow	Community Hall	Borris	P/T	Eastern
2		St. John’s community Centre	Hacketstown	P/T	Eastern
3		St. Patrick’s GAA	Tullow	P/T	Eastern
4	Clare	Community Centre	Doonaha	P/T	Southern
5		Community Centre	Milltown Malbay	P/T	Southern

	County	Name	Location	F/T or P/T	Brigade
6	Cork	Town Hall	Bandon	P/T	Southern
7		Parochial Hall	Bantry	P/T	Southern
8		Beara Sports Hall	Castletownbere	P/T	Southern
9		Community Hall	Charleville	P/T	Southern
10		Industrial Hall	Clonakilty	P/T	
11		St. Patrick's Hall	Dunmanway	P/T	Southern
12		Parish Hall	Kilworth	P/T	Southern
13		Millstreet GAA	Millstreet	P/T	Southern
14	Donegal	St. Finian's Hall, Station Rd	Falcarragh	P/T	Western
15		Moville Road	Carndonagh	F/T	Western
16		Community Hall, Massinass	Creeslough	P/T	Western
17	Galway	Community Centre	Glenamaddy	P/T	Western
18		Headford College	Headford	P/T	Western
19		Parochial House	Carraroe	P/T	Western
20		Community Centre	Oughterard	P/T	Western
21	Kilkenny		Dunamaggin	P/T	Southern
22	Leitrim	Mayflower Ballroom	Glenfarne	P/T	Western
23		Community Hall	Carrwallen	P/T	
24			Drumsna	F/T	
25	Limerick	Community Hall	Abbeyfeale	P/T	Southern
26		Community Centre	Boher	P/T	Southern
27		Town Hall	Hospital	P/T	Southern
28		Community Centre	Pallaskenry	P/T	Southern
29		Community Centre	Rathkeale	P/T	Southern
30		Community Centre	Pallas Green	P/T	Southern
31		Parochial Hall	Kilmallock	P/T	Southern
32	Mayo	Community Centre	Roundfort Hollymount	P/T	Western
33		Town Hall	Claremorris	P/T	Western
34		Community Centre	Swinford	P/T	
35		Bohernasup	Ballina	P/T	Western
36	Meath	Community Centre	Oldcastle	P/T	Eastern
37		Scoil Mhuire	Trim	P/T	Eastern
38	Monaghan	7 Main street	Carrickmacross	F/T	Eastern
39		Monaghan GAA	Monaghan Town	P/T	
40	Offaly	St. Mary's Hall	Ferbane	P/T	Eastern
41		Kilcruttin Business Park	Tullamore	F/T	Eastern
42	Sligo	Unit 12 B, Business Park	Cleveragh	F/T	Western
43		Community Centre	Tobercurry	P/T	Western
44	Tipperary	St. Patrick's Hall	Ballymacarbry	P/T	Southern
45	Waterford	Community Hall	Villierstown	P/T	Southern
46	Wexford	St. Aidan's Hall	Bunclody	P/T	Eastern
47		Community Hall	Cortnacuddy	P/T	Eastern
48		Community Hall	Cushinstown	P/T	Eastern
49		Scout Hall	Gorey	P/T	Eastern
50	Wicklow	Parochial Hall	Tinahely	P/T	Eastern
51		Community College	Arklow	P/T	Eastern

[Deputy Willie O’Dea.]

Training Facilities — Owned

	County	Location	Name	Acreage	Brigade
1	Clare	Lahinch	Lahinch Camp	5.19	Southern
2	Cork	Bere Island	Bere Island	176.5	Southern
3		Kilworth	Kilworth	3352	Southern
4		Whitegate	Fort Davis	74	Southern
	Kildare	Curragh	Curragh lands	4780	Curragh
5	Kerry	Tralee	Ballymullen	15	Southern
6	Wicklow	Glen of Imaal	Coolmooney Camp	241	Curragh
7		Glen of Imaal	Artillery Range	6617	Curragh
8		Kilbride	Camp and Range	1574	Eastern

Firing Ranges — Owned

	County	Location	Name	Acreage	Brigade
1	Galway	Oranmore		534	Western
2	Louth	Dundalk	Red Barns	13.5	Eastern
3	Roscommon	Carna		283	Western
4		Cushla		139	Western
5	Tipperary	Kilcoran		13.5	Southern
6		Templemore	Barnane	10	Southern
7	Wicklow	Bray	Kilpeddar	98	Eastern

Other Property — Owned

	County	Location	Name	Acreage	Brigade
1	Cork	Beal na Blath	Collins Memorial Plot	0.01	Southern
2		Whitegate	Curtain’s Well	0.25	Southern
3	Dublin	Collins Barracks	Esplanade	0.5	Eastern
4		Islandbridge	Army Boat Club	1	Eastern
5	Kildare	Blackrath	Leased Out	35.5	Curragh
7	Roscommon	Boyle	Military Barracks	0.5	Western
8	Westmeath	Athlone	Garynafeala Lands	14.75	Western
9	Wicklow	Seskin	Range Warden’s Post	1	Curragh

Question No. 248 answered with Question No. 246.

Flood Relief.

249. **Deputy Pat Breen** asked the Minister for the Environment, Heritage and Local Government if, in view of the recent flooding in County Clare he will provide emergency funding to the town councils in Ennis and Kilrush and to Clare County Council to facilitate remedial works and to compensate families whose homes were flooded; and if he will make a statement on the matter. [43467/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): My Department will shortly ask the local authorities for reports on the consequences of the flooding and an assessment of the remedial works required. The reports, when received, will form part of the consideration of funding allocations for 2010. I will circulate these reports to other Government Departments and Agencies for consideration and any action which may be needed to address the matters raised for which they have responsibility.

I am conscious that in addition to the trauma caused by the flooding, people also suffer financial loss arising from the damage caused to their property. The supplementary welfare allowance scheme, which is administered by the Community Welfare Division of the Health Service Executive on behalf of the Department of Social and Family Affairs, is designed to provide immediate and flexible assistance for those in need who do not qualify for payment under other State schemes. The Government has announced the provision of €10 million for emergency flood relief to be administered by the Department of Social and Family Affairs and €2 million for the agricultural sector.

Housing Developments.

250. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government if he will publish periodical lists of unfinished private housing developments; his views on the fact that many estates here have been left unfinished by developers; and if he will make a statement on the matter. [43526/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The recently published Fifth Annual Report on Service Indicators in Local Authorities 2008 includes a new indicator in relation to the taking in charge of estates. The indicator includes information on the number of residential estates for which the planning permission has expired, in respect of which formal written requests for taking in charge were on hands at the beginning of the year in question; the number of estates that were taken in charge in the year in question; and the number of estates in respect of which enforcement action was taken.

The 2008 Report, published by the Local Government Management Services Board and available to download at www.lgmsb.ie identifies that there were 1,062 requests on hand for taking in charge of estates at the start of 2008. Of this number, 364 estates were not completed to the satisfaction of the planning authority in line with the planning permission. In the case of 73 estates, the bond was called in and in the case of 21 estates, works were undertaken by the authority to bring the estate to taking in charge standard. In total, 316 estates were taken in charge in 2008.

The developer of a residential estate is statutorily required to complete this development in accordance with the terms of the planning permission. A development which has not been completed in accordance with the planning permission is unauthorised development. Enforcement of planning control is a matter for the planning authority, which has substantial enforcement powers under the Planning Act.

Section 180 of the Planning Act provides that where estates have not been completed to the satisfaction of the planning authority and enforcement proceedings have not been commenced within the relevant period, the planning authority must, if requested to do so by the majority of the residents of the estate, initiate the procedures for taking the estate in charge. The decision as to whether to take the estate in charge is ultimately one for the discretion of the elected members.

Local Authority Funding.

251. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government the outstanding development charges owed to each Irish local authority including city councils, county councils, town councils, and urban district councils in tabular format; and if he will make a statement on the matter. [43527/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply to Question No. 378 of 10 November 2009. The position is unchanged.

Staffing Levels.

252. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government the number of full time and part time positions in his Department and in County Donegal County Council that are temporarily and permanently vacant due to the public sector recruitment embargo; and if he will make a statement on the matter. [43659/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): By the end of 2009 my Department will have approximately 150 fewer staff than in January 2009. This is arising from the moratorium on recruitment and the uptake of the Incentivised Career Break and Incentivised Early Retirement Schemes. In the context of the current Government policy on public sector staffing numbers, my Department is engaging with the Department of Finance in order to agree a revised staffing complement for this Department.

In regard to the Local Authorities, my Department has a delegated sanction from the Department of Finance for implementation of the general moratorium on the filling of public sector posts in the Local Authority Sector, on the condition that the overall staffing levels in the local authority sector are to be reduced significantly by the end of 2010 in adherence with the Government's Policy on Staffing and Numbers in the Public Sector. Under the new arrangements which issued to the local authority sector on 20 August 2009, Local Authorities are expected, where vacancies arise, to consider options for reorganisation and reallocation of work to meet requirements. Any exceptions to this principle, which will arise in very limited circumstances, require sanction from my Department. The number of local authority positions that have become temporarily and permanently vacant in the local authority sector is not held by my Department.

Departmental Advertising.

253. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government the number of media campaigns which involved broadcast, print and any other media, undertaken by his Department in 2009; the allocated cost of each campaign; and if he will make a statement on the matter. [43660/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): My Department carries out a number of media campaigns relevant to its remit, in order to promote awareness and behaviour change or to provide information. Details of media campaigns undertaken in 2009 along with the associated costs are set out in the following table. In addition to such campaigns, my Department routinely advertises in newspapers and on radio for various statutory purposes and for public information, for example, notification in regard to Special Protection Areas and the Register of Electors.

Advertising Campaign	Cost (including VAT)
	€
National Climate Change Awareness Campaign	2,362,000
Non-Principal Private Residences Charge	44,400
National Biodiversity Week 2009	4,800
Fire Safety Promotion Media Campaign	637,000

254. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government the reason for a broadcast media campaign for the raising of awareness of special designation areas along coastal areas in view of the fact that all affected landowners were contacted directly; the person who drafted and approved the text of the broadcast advert; the cost of the campaign; and if he will make a statement on the matter. [43661/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Radio and newspaper advertisements were recently placed to notify the public of the proposed designation of seven Special Protection Areas in coastal areas of County Dublin. In addition, affected landowners that were readily identifiable were notified directly. This approach is the standard procedure when any candidate Special Area of Conservation, Special Protection Area or Natural Heritage Area is proposed for designation, and is a statutory requirement under the European Communities (Natural Habitats) Regulations, 1997, and the Wildlife (Amendment) Act, 2000. It serves to ensure that as many landowners as possible, along with other potentially affected parties, are fully informed of the Minister's intentions and the implications of the proposed designation.

The format of the advertisement is standardised but adapted to the specifics of the sites in question. Content is drafted by my Department and agreed by me as part of my approval of the proposed designations. Every effort is made to minimise the costs involved, and this is achieved by grouping designations for the purposes of advertising. In this case, the cost of the broadcast advertising was just under €23,000 for these seven sites.

Building Regulations.

255. **Deputy Terence Flanagan** asked the Minister for the Environment, Heritage and Local Government if he will respond to a matter (details supplied); and if he will make a statement on the matter. [43665/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Since 1 June 1992, all new, extended or materially altered buildings, including those which have timber frame structures, must be built in compliance with the requirements of the national Building Regulations. Primary responsibility for compliance with the requirements of the Building Regulations rests with the designers, builders and owners of buildings. Implementation and enforcement of the building control system is a matter for the local building control authority. My Department has no function in assessing, checking or testing compliance, or otherwise, of specific works or developments.

An Irish standard for Timber Frame Dwellings, I.S 440, was published in June 2009 by the National Standards Authority of Ireland (NSAI) which specifies the requirements for timber frame construction for dwelling houses and apartment blocks. It specifies all the requirements which must be adhered to for materials, design, manufacture, construction details, site work and quality control. The Technical Guidance Document to Part A of the Building Regulations will be revised to refer to IS 440, as part of an overall review of Part A in 2010. Where works

[Deputy John Gormley.]

are carried out in accordance with this guidance, this will, prima facie, indicate compliance with the Regulations.

Housing Grants.

256. **Deputy Seán Connick** asked the Minister for the Environment, Heritage and Local Government the position regarding an application for funding under the capital assistance scheme for voluntary housing associations from an organisation (details supplied) in County Wexford; when a decision on this application will be made; and if he will make a statement on the matter. [43707/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): An application for funding under my Department's Capital Assistance Scheme for voluntary and co-operative housing was received from the organisation in question on the 20th November 2009. The application will be considered in the light of, inter alia, the estimates provision for new projects in 2010 and the relative priority afforded to the project by Wexford County Council.

257. **Deputy Tom Hayes** asked the Minister for the Environment, Heritage and Local Government if funding has been released to local authorities to pay for disabled persons grants in 2010; the amount of funding; if this will be sufficient to cover the backlog of these approved cases. [43716/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Allocations totalling €79.562 million for 2009 were notified to local authorities under the Housing Adaptation Grant Scheme for Older People and People with a Disability, the Mobility Aids Grant Scheme and the older Disabled Persons and Essential Repairs Grant Schemes on 7 May 2009. Having regard to the continued priority which the Government attaches to these schemes and following an evaluation of the ongoing level of demand for grants, the level of expenditure to date and the capacity of local authorities to process and approve additional applications in the current year, I approved a supplementary allocation of approximately €12.5 million to some 26 local authorities on 12 October, 2009. Next year's allocations to local authorities will be determined in the context of, inter alia, the overall level of demand under the suite of Grants for Older People and People with a Disability and estimates provision for these grants in 2010.

Water and Sewerage Schemes.

258. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government if he will report on a sewerage treatment plant (details supplied) in County Donegal; the towns and villages that dispose of waste at this sewerage treatment plant; and if he will make a statement on the matter. [43724/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The management of the Letterkenny waste water treatment plant is a matter for Donegal County Council under the direction and supervision of the Environmental Protection Agency. I have no direct function in the matter.

Environmental Policy.

259. **Deputy Deirdre Clune** asked the Minister for the Environment, Heritage and Local Government his plans to address the problem of poster ties being left on poles when posters

have been removed after elections and referenda; his views on the problem; and if he will make a statement on the matter. [43752/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I am aware of the problem caused by the non-removal of cable ties following elections and referenda. My Department held a public consultation in autumn 2008 regarding the control of postering for elections and referenda. There were 117 submissions made, containing a variety of recommendations, including measures to tackle the cable tie issue. On foot of this consultation, a number of local authorities pilot — tested several of the recommendations during the local and European elections this year, in order to assess the practical issues involved with their implementation.

Following on from this, a number of measures which could address the non-removal of cable ties are now being actively considered by my Department, including the colour coding of cable ties, the use of biodegradable cable ties and a requirement to have the names of candidates printed on the cable ties. The outcome of this assessment will inform any future policy development in this area.

Departmental Expenditure.

260. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 373 of 17 November 2009, if he will provide a breakdown of the administration costs; and if he will make a statement on the matter. [43759/09]

261. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 373 of 17 November 2009, if he will provide the same figures for the years 2004, 2005, 2006 and 2007; the estimated revenue and expenditure for 2009; and if he will make a statement on the matter. [43760/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 260 and 261 together.

The revenue from the sale of dog licences and the cost of providing the local authority dog control services for the years 2004 to 2007 are as follows:

Year	Revenue	Cost of Delivery of Service
	€m	€m
2004	2.5	4.0
2005	2.5	4.2
2006	2.6	4.7
2007	2.9	5.4

The dog control services operated by local authorities include, dog wardens, dog pounds/shelters, inspections, dealing with stray dogs including collection, return, rehousing or disposal together with enforcement and related activities. The estimated revenue and expenditure for 2009 are not yet available. The breakdown of costs associated with dog control services is a matter for individual local authorities.

Natural Heritage Areas.

262. **Deputy Frank Feighan** asked the Minister for the Environment, Heritage and Local

[Deputy Frank Feighan.]

Government if a prosecution will be taken by him regarding a report (details supplied).
[43842/09]

263. **Deputy Frank Feighan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that a major landslide may occur in a designated national heritage area (details supplied). [43843/09]

264. **Deputy Frank Feighan** asked the Minister for the Environment, Heritage and Local Government the person responsible for the enforcement of National Heritage Area SI No. 473/2005. [43844/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 262 to 264, inclusive, together.

I understand that the wind-farm development referred to in the question was granted planning permission before the site was designated as a Natural Heritage Area (NHA). Subsequent to the designation of the site, the developers have approached my Department's National Parks and Wildlife Service to discuss how best to progress this development. My Department continues to consult with the developers to minimise and mitigate any impacts on the Natural Heritage Area.

I have no plans to instigate any prosecutions or exercise any other power open to me in regard to this case at this stage. However, I will be keeping the matter under review.

Building Control Act.

265. **Deputy Paul Kehoe** asked the Minister for the Environment, Heritage and Local Government his views in view of the recent launch of the register of Royal Institute of Architects in Ireland on whether it is fair and equitable that a RIBA qualified architect practising here will be refused membership of the new register unless they complete a one-year course at a cost of €11,500 and then apply for membership with another association at a cost of €4,500 for a technical assessment; his further views on the fact that these are highly prohibitive costs for members of an industry which is suffering under the pressures of the current economic climate to find the resources to cover these costs when they are already the holders of an internationally recognised qualification; and if he will make a statement on the matter.
[43847/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Section 14 of the Building Control Act 2007 sets out the eligibility criteria for registration of the title of "Architect". Sections 15 and 16 set out specific criteria in respect of nationals from certain other states.

It would be a matter for the Admissions Board, established by the Registration Body provided for in Section 13 of the 2007 Act, to make a decision on whether an application submitted is within the remit of Sections 15 or 16.

Housing Grants.

266. **Deputy Joanna Tuffy** asked the Minister for Communications, Energy and Natural Resources the amount of money allocated for home insulation grants and the greener home schemes in the years 2006, 2007, 2008 and to date in 2009 in tabular form; the amount allocated in grants under each heading; the number of applicants who applied for and availed of these

grants in each year; the amount of funding remaining unused in each of the years to date in 2009; and if he will make a statement on the matter. [43643/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The following table sets out the relevant figures for the Greener Homes Scheme (GHS) from its inception in 2006 to the present date, and also sets out the figures for the Home Energy Savings Scheme (HESS) for 2008 and 2009. The 2008 figures for HESS are for the pilot 'Insulation Scheme', which was used to establish some of the principles and processes required to deliver the larger HESS programme. The figures for 2009 are the latest available for the year to date.

Allocations and Expenditure Associated with the Greener Homes and Home Energy Savings Schemes

	2006	2007	2008	2009 (to date)
<i>Greener Homes</i>				
Total Allocation (€)	€5m	€28.221	€22.5m	€15.345m
Total Spend (€)	€5m	€27.8m	€22.5m	€10.017
Underspend (€)	0	€0.421m	0	*
Number of Grants Paid	1,341	8,385	9,643	6,151
<i>Home Energy Savings Scheme</i>				
Total Allocation (€)	—	—	€5m	€47.000m
Total Spend(€)	—	—	€1.4m	€13.057m
Underspend (€)	—	—	€3.6m	*
Number of Grants Paid	—	—	711	11,320

*Full year position will not be known until end year.

Communications Masts.

267. **Deputy Joe McHugh** asked the Minister for Communications, Energy and Natural Resources if he will request a company (details supplied) to meet with a local group in County Donegal that has identified an alternative site for a radio mast; and if he will make a statement on the matter. [43662/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I have no statutory function in regard to issues relating to the siting of telecommunication masts; these are matters for the relevant local authorities under the aegis of my colleague, the Minister for the Environment, Heritage and Local Government. Therefore it would not be appropriate for me to request a commercial company to meet with any group regarding such matters.

Postal Services.

268. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources if he plans to encourage the broadening of services available through An Post throughout the entire country, urban and rural within the context of economic requirements, EU directives and public service obligations; and if he will make a statement on the matter. [43676/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Government's core policy goal for the postal sector is to ensure that Irish customers, both business and residential, enjoy competitively priced, high quality postal services.

An Post has a statutory obligation to provide a universal postal service, including the provision of a delivery to the home or premises of every natural or legal person not less than five

[Deputy Eamon Ryan.]

days per week. This is set out in the European Communities (Postal Services) Regulations 2002 (SI 616 of 2002).

Furthermore, An Post, is obliged to ensure that the universal service evolves in response to technical, economic and social environment and to the needs of users.

Decisions regarding new products and services offered by An Post are a matter for the Board & management of An Post and not one in which I have a direct role.

Telecommunications Services.

269. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources when he expects broadband quality, speed and availability here to be comparable to the best in Europe; and if he will make a statement on the matter. [43677/09]

273. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the steps he has taken or intends to take, directly or in association with the regulator, to address areas of infrastructural deficiency in the communications sector here; the degree to which wire, cable and wireless systems will be incorporated in such a programme with a view to ensuring state of the art quality and availability prevails; and if he will make a statement on the matter. [43681/09]

274. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent to which he has given consideration to directly or in consultation with the regulator bringing about a dramatic improvement in the standard and quality of the telecommunications sector as a means of improving competitiveness, attracting foreign investment and encouraging economic recovery; and if he will make a statement on the matter. [43682/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 269, 273 and 274 together.

Government policy pertaining to the electronic communications market in Ireland including the provision of broadband services and the underlying telecommunications infrastructure is set out in “Next Generation Broadband — Gateway to a Knowledge Ireland”, which I published in June 2009.

The policy paper was developed in accordance with various key principles, which are crucial to the development of the market including (i) competition, at platform and service levels, which drives innovation and investment (ii) investment certainty for service providers considering investing in network infrastructure, (iii) investment intervention by Government only to bridge any digital divide (e.g. the Metropolitan Area Networks Programme, the Schools Broadband Programme, and most recently, the National Broadband Scheme) and (iv) appropriate regulation. The policy paper sets out the Government’s position that investment in telecommunications services including alternative and emerging infrastructure is a matter for participating service providers, facilitated where appropriate and possible, by Government, in order to deliver universal broadband access by the end of 2010 and at speeds equal to or in excess of comparable EU regions by 2012.

The existing policy has facilitated significant progress in recent years in broadband roll out and broadband speeds over existing and emerging telecommunications infrastructure and my focus will be on continuing the implementation of this policy. The relevant service providers operate in a fully liberalised market, regulated, where appropriate, by the independent Commission for Communications Regulation, ComReg.

The role of the Government is to formulate regulatory and infrastructure policies to facilitate the provision of high quality telecommunications infrastructure and services, by the competing telecommunications service providers. The statutory responsibility for the regulation of the electronic communications sector is the responsibility of ComReg in accordance with the requirements of the Communications Regulation Act 2002 and the Regulations, which transpose the EU Regulatory Framework for Electronic Communications.

Offshore Exploration.

270. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the number of oil, gas or drilling or exploration onshore and offshore that is currently in hand or proposed. [43678/09]

272. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the number of oil, gas or other mineral exploration licences that have been issued in each of the past five years to date in 2009; the number activated; the number of sites under exploration, pending or abandoned; and if he will make a statement on the matter. [43680/09]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan): I propose to take Questions Nos. 270 and 272 together.

There are a total of 27 active Petroleum Exploration Licences and 3 Licensing Options at present. Exploration activity related to the agreed work programmes for each licence is ongoing. The majority of exploration activity takes place outside of the winter months and as a result there are no applications with the Department to undertake any drilling or to conduct exploration surveys at this time.

Details of the number of Mineral Prospecting Licences and Petroleum Exploration Licences granted in the period 2004 to 2009 are contained in the following table:

Licences Granted Years 2004-2009

Year	Prospecting Licences (Minerals) Petroleum Exploration Licences (Oil and Gas)
2004	263
2005	517
2006	1,654
2007	1,435
2008	915
2009 to date (January to October)	581

Twenty-two of the Petroleum Exploration Licences issued between 2004 to date are still active and there is a total of four hundred and eighty-three active Prospecting Licences.

Details of Mineral Prospecting Licences can be found in the six-monthly report to the Oireachtas, which the Minister is obliged to lay before the House under the Minerals Development Acts, 1940 to 1999. The last such report was in respect of the six-month period ended 30 June 2009. This report is also available on the Department's website. Information on petroleum licences can be obtained from the Department's Internet IPAS website at <http://gis.dcenr.gov.ie/internetIPAS>.

Mineral Exploration.

271. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural

[Deputy Bernard J. Durkan.]

Resources the extent of discovery in each of the past five years to date in 2009 of commercially viable ores; and if he will make a statement on the matter. [43679/09]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan): Minerals exploration and development is undertaken by private enterprise and regulated under the Minerals Development Acts, 1940 to 1999. New exploration is continually undertaken as part of my requirements to holders of Prospecting Licences, of which there are currently 483. Details of these Licences can be found in the six-monthly report to the Oireachtas, which I am obliged to lay before the House under the Minerals Development Acts, 1940 to 1999. The last such report was in respect of the six-month period ended 30 June 2009.

While there have been no new commercially viable mineral discoveries in the past five years there have, however, been some encouraging results.

Question No. 272 answered with Question No. 270.

Questions Nos. 273 and 274 answered with Question No. 269.

Energy Costs.

275. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the degree to which he has had discussions with the energy regulator with a view to the reducing of energy prices as a means of stimulating the economy; and if he will make a statement on the matter. [43683/09]

278. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources his views on encouraging a further reduction in gas and electricity prices in view of the need to make the economy more competitive by way of reducing energy costs; and if he will make a statement on the matter. [43686/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 275 and 278 together.

Ireland's high energy costs, by comparison with much of Europe, are primarily due to significant dependence on imported fossil fuels, particularly gas, as well a requirement for very significant investment in energy infrastructure, following two decades of under-investment in the networks. The under-investment in networks and power generation posed real risks to security of supply, which had become a major concern for enterprise. Ireland also faces structural challenges, including geographic isolation, a small and widely dispersed population and lack of economies of scale in power generation, which lead to a higher cost base in Ireland than in competitor countries.

In the current economic downturn, indigenous business and the inward investment community have become even more concerned about energy costs.

The regulation of ESB customer supply electricity tariffs and BGÉ gas tariffs is the statutory responsibility of the Commission for Energy Regulation (CER) under the Electricity Regulation Act 1999 and the Gas (Interim) Regulation Act 2002.

The CER has exited from the regulation of tariffs for large energy users. In the electricity sector more than 90% of business has switched to the independent electricity suppliers. In the gas sector around 88%, in volume terms, of business has switched to the independent gas suppliers. Approximately half of these large commercial customers are on variable tariffs. As

a result the substantial reductions in wholesale electricity and gas prices are already being reflected in their tariffs.

All electricity users benefitted in 2009 from direct subsidies totalling €567m. These were made up of an ESB rebate to consumers of €315m, a repayment of certain Public Service Obligation (PSO) levies of €87m and the deferral of some network revenues until after October 2009.

In July, the Government agreed that these subsidies will continue for large energy users at their current level until October 2010 and will then be phased out over the following two year period. In some cases this will see businesses paying up to 40% less for electricity compared with what they were paying in 2008.

I welcome the fact that the CER lowered electricity prices for all customers by 10% and gas tariffs by an average of 12% for domestic and SME gas customers from May 1st 2009.

I also welcome the CER's most recent pricing decision, which approved an average decrease in gas tariffs of 9.8% with effect from 1 October 2009, with no change in electricity tariffs for domestic consumers. The decrease was made possible by the downward shift in recent months in wholesale gas prices.

It should be noted that major savings, in excess of these sums, are also available to domestic electricity consumers who decide to switch electricity suppliers and some 20% of customers have availed of these opportunities so far. In addition, there are a number of concrete actions that any customer can take to reduce their electricity consumption and hence their electricity bill as advised by Sustainable Energy Ireland (SEI) and reinforced by the "Power of One" campaign.

Small to Medium businesses are also seeing further reductions in their bills of 5.5% as the new CER tariff decisions come into effect and deliver further benefits to business.

The CER has also recently announced that the PSO Levy will be zero for 2009/2010. The PSO is the mechanism through which we support the security of our energy supplies, including peat, and the development of wind power in Ireland.

The level of capacity payments that compensate electricity generators for their long run costs will also be 15% lower in 2010 compared to 2009. This represents a direct saving to all electricity consumers in 2010.

Taken together, these actions will benefit all consumers of energy, including large energy users, SMEs and domestic consumers, by significantly reducing the level of energy costs they would otherwise face in 2009/10.

Working with the CER, my Department is also investigating the scope for further permanent structural changes to our electricity tariffs that will benefit business. These changes include some rebalancing of network tariffs from 2010, as well as recovering carbon windfall gains from electricity generators.

The CER is also about to commence work on a 5-year review of network expenditure. These reviews are designed to ensure that ESB, EirGrid and BGÉ make even greater efficiencies in operational and capital expenditure, thus driving down costs to all consumers. The CER will ensure that this review is rigorous in the interests notably of mitigating energy costs for business.

The Government remains firmly committed to increasing competition as the best means of exerting downward pressure on electricity prices, and also towards ensuring diversity of energy supply to reduce our exposure to high and volatile external energy prices. Significant progress has been made to date, most notably with the all-island Single Electricity Market now in place,

[Deputy Eamon Ryan.]

the sale of ESB generation capacity, entry of new players and new generation capacity coming on-stream in the Irish market.

Alternative Energy Projects.

276. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent to which he has compared the various forms of home heating solid fuels in terms of efficiency, calorific value and carbon emissions; and if he will make a statement on the matter. [43684/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Government is committed to significant development of renewable fuels in the heating sector with consequent benefits in terms of emissions and environmental improvement. The carbon and calorific characteristics of traditional fuels are such that renewable alternatives are the way forward.

The Government has set a target for Renewable Heating of 12% by 2020. There are a number of schemes in place to support this challenging target including the Greener Homes Scheme, which supports domestic renewable heating, the Renewable Heat Deployment Programme, which is aimed at institutional, industrial and retail users of heat, and the Combined Heat and Power Programme (CHP).

These Programmes have already leveraged significant amounts of investment into the market for renewable heat, which is also underpinning job creation in both the supply and services sector.

277. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent of the research undertaken into the use of bio-fuels for home heating purposes; and if he will make a statement on the matter. [43685/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I am not aware of any research in Ireland on the use of bio-fuel for home heating purposes. Liquid bio-fuels are being developed in the Irish Market as contributor to renewable transport fuel targets. The Government is committed to the sustainable development of the national bio-energy resource, which will in particular, be crucial to meeting the considerable challenge of delivering on the national targets for renewable heat. Funding is provided to support renewable heating in both domestic and industrial buildings, under the Greener Homes and Reheat Programmes.

Question No. 278 answered with Question No. 275.

Tax Yield.

279. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent to which the ESB and Bord Gáis contribute directly or indirectly to the Exchequer; and if he will make a statement on the matter. [43687/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The annual dividends payable by State companies are the only contribution (other than general taxation receipts), which the Exchequer receives directly from ESB and BGÉ. The dividends payable by the State companies are a function of the after-tax profits of each company.

The amount of dividends paid in respects of the previous year's profits by ESB and BGÉ for each of the past three years is:

	2007	2008	2009
	€m	€m	€m
ESB	63.400	123.00	77.90
Bord Gáis Éireann	8.361	27.94	38.19

The ESB Board has also agreed a special interim dividend of €176m in 2009 in order to mitigate energy costs for large energy users.

Alternative Energy Projects.

280. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources his plans to encourage the production of biodiesel or ethanol; and if he will make a statement on the matter. [43688/09]

281. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources if it is logical to import bio-fuels while capacity for production is readily available within this jurisdiction; and if he will make a statement on the matter. [43689/09]

282. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources if all bio-fuel producers here are in receipt of production incentives; and if he will make a statement on the matter. [43690/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Question Nos. 280 to 282, inclusive, together.

The Government is committed to the sustainable development of an Irish bio-fuels market in line with overall EU bio-fuel requirements and policy developments.

To date, the production of bio-fuel in Ireland has been incentivised under the Mineral Oil Tax Relief Schemes, which have resulted in 18 projects being awarded excise relief on specified volumes of bio-fuel they produce. The schemes were designed as an interim measure to increase the level of bio-fuels in the fuel mix and to encourage the development of an indigenous bio-fuels industry in advance of the introduction of the National Bio-fuel Obligation.

The introduction of the National Bio-fuel Obligation next year will underpin the development of the Irish bio-fuels market. The Obligation will also integrate the EU Commission's guidelines on Sustainability Criteria as soon as these are finalised. Under the Obligation fuel suppliers will be compelled to include 4% bio-fuels in their overall annual fuel sales. The Obligation will, through the creation of a guaranteed market demand, provide the Irish bio-fuels sector with the certainty it needs to underpin investment and sustainable growth. The National Obligation will incentivise and enable the sustainable growth of the Irish bio-fuels market and support indigenous bio-fuel producers. The EU sustainability criteria will also provide some competitive advantage by ensuring that non-EU imports meet strict environmental guidelines.

Increased indigenous bio-fuels production will have a positive impact on the Irish economy and security of energy supply and sustainability by displacing both imported fossil fuels and imported bio-fuels. However, as the Deputy will be aware, increased production in Ireland will not happen overnight and a certain degree of imports will be required to meet the obligation, but the National Obligation will ensure that Irish producers are given every opportunity to ramp up indigenous production.

Inland Fisheries.

283. **Deputy Frank Feighan** asked the Minister for Communications, Energy and Natural Resources the tonnage of eels captured in the Shannon system in 2008. [43837/09]

284. **Deputy Frank Feighan** asked the Minister for Communications, Energy and Natural Resources the number of glass eels released upriver in the hydroelectric plants on the Shannon and Erne systems in 2009; if there is a conservation plan in place. [43838/09]

285. **Deputy Frank Feighan** asked the Minister for Communications, Energy and Natural Resources if he will provide a list of eel dealers licences issued by his Department in 2009. [43839/09]

286. **Deputy Frank Feighan** asked the Minister for Communications, Energy and Natural Resources if the current trap and truck operation is achieving the targets set down by his Department; the number of trap and truck licences granted; if it is possible that the conditions of the licences are open to abuse by moving captured fish to another jurisdiction; and the procedures in place to prevent this. [43840/09]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan): I propose to take Questions Nos. 283 to 286, inclusive, together.

The Deputy will be aware that there is an Eel Management Plan in place for each river basin district, prepared in compliance with EC Regulation 1100/2007 establishing measures for the recovery of the stock of European eel.

These plans were approved by the EU Commission, on the advice of the International Council for Exploration of the Sea, as part of the national Eel Management Plan. The plan provides for the management measures necessary to assist the recovery of European eel stocks and attainment of the targets specified in the Regulation.

The management actions relied upon in the Irish Eel Management Plan include the closure of the commercial and recreational fishery; ensuring upstream migration of juvenile eel at barriers; and the mitigation of the impact of hydropower, including the introduction by the ESB of a comprehensive silver eel trap and transport operation on the Shannon, Lee and Erne rivers.

I am advised by the ESB that the quantity of eels captured in the Shannon system in 2008 was 29,527 kg of brown eels and 27,158 kg of silver eel (the latter amount included 10,460 kg trapped by ESB at Killaloe and released at sea).

The ESB and the Regional Fisheries Boards have advised that elvers amounting to 148 kg at Parteen Weir and 7 kg at Ardnacrusha on the River Shannon and 88 kg at Cathaleen's Falls on the River Erne were taken at the ESB elver traps for release upriver in 2009 in accordance with the National Eel Management Plan. This represents a considerable decline in the quantities recorded in previous years and demonstrates the crisis in eel recruitment and its impact on the prospects for the recovery of eel stocks.

The Regional Fisheries Boards have also advised that a total of 80 kg of silver eels has been caught in the River Lee (target 500 kg), 6,325 kg on the River Erne (target 22,500 kg) and 19,000 kg in the River Shannon (target 22,000 kg). In accordance with the Eel Management Plan these fish have been successfully transported to the estuary and released to the sea to continue their journey to the spawning grounds of the Saragossa Sea.

I am advised that under Section 14 of the 1959 Fisheries Act a permit issued by the Department to ESB late in August 2009 to authorise the undertaking of trap and transport operations.

ESB have entered into contracts with eight parties to carry out trap and transport on the Rivers Shannon, Lee and Erne on their behalf.

The trap and transport operations authorised by the ESB are being closely monitored by both staff from the ESB and the Regional Fisheries Boards in accordance with the contract conditions, statutory permissions and agreed protocols.

A database of the numbers of eels caught is maintained which is verified with the ESB and the contracted fishermen. Enforcement patrols by the staff of the fisheries boards have been put in place to detect whether others, not contracted by the ESB to carry out trap and transport operations, are fishing illegally. To date, no evidence of this has been detected.

Eel dealer licences are issued in accordance with Part X of the Fisheries (Consolidation) Act 1959, as amended, by the relevant Regional Fisheries Board. I have been advised that 2 eel dealers' licences were issued by the Shannon Regional Fisheries Board, 7 by the Eastern Regional Fisheries Board and 2 by the North Western Regional Fisheries Board in 2009. The licences are required to permit dealers to sell imported eels from other Member States, which comply with the EC Regulation including its traceability requirements.

Regional Fisheries Boards.

287. **Deputy Frank Feighan** asked the Minister for Communications, Energy and Natural Resources if a prosecution will be taken by the Shannon Fisheries Board regarding a report (details supplied). [43841/09]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan): I have been advised by the Shannon Regional Fisheries Board that court proceedings have been initiated in this case. The case has been adjourned and is scheduled to be heard in early 2010.

Grant Payments.

288. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food the reason no beef and sheepmeats grants will be awarded until 30 June 2010 at the earliest; if those awaiting the grants will be given a guaranteed timeframe for the receipt of payments; and if he will make a statement on the matter. [43794/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Beef and Sheepmeat Investment Fund supports investment in increased scale and efficiency in primary processing, and added value in further processing for retail, food service and manufacturing outlets. This is part of a strategy to ensure the long-term competitiveness of the industry and 15 projects have been approved for grant assistance of over €69 million, contributing to total investment in the region of €168 million.

This Fund is financed by my Department and managed by Enterprise Ireland. The selection of projects followed careful assessment and evaluation by an expert committee comprising members from Enterprise Ireland, my Department, Bord Bia, the Department of Enterprise, Trade and Employment, private industry and academia. The meat processors who were successful in this process are aware that investment is being provided over a multi-annual period running until 2012. This is in line with the normal timeframe for capital investment of this scale.

In the case of eligible capital investments carried out up to 31 December 2008, my Department has agreed that grant aid will be paid out at the latest by 30 June 2010. Grant aid in respect of eligible capital investments carried out after 31 December 2008 will be paid out over the period up to and including 2012. However, in a number of cases, payment for this invest-

[Deputy Brendan Smith.]

ment will proceed before the end of this year and Enterprise Ireland will be in contact with the relevant companies in due course.

289. **Deputy Noel J. Coonan** asked the Minister for Agriculture, Fisheries and Food the reason for the delay in payments in respect of the rural environment protection scheme to a person (details supplied) in County Tipperary; when payment will be awarded; and if he will make a statement on the matter. [43487/09]

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 is at an advanced stage. I hope to be in a position to release the 75% payment due on valid applications in mid-December, and the remaining 25% once the last of the on-the-spot inspections for 2009 has taken place.

National Herd.

290. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the size of the suckler cow herd for 2005, 2006, 2007, 2008 and to date in 2009; and if he will make a statement on the matter. [43508/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The following data are taken from the CSO's Crops and Livestock Survey for various years. It shows the number of non-dairy cows in the country for 2005-2009.

Number of non-dairy cows ('000)

2005	2006	2007	2008	2009
1,227.8	1,215.4	1,180.9	1,179.9	1,154.4

Source: CSO, Crops and Livestock Survey (June data).

Food Labelling.

291. **Deputy Joe McHugh** asked the Minister for Agriculture, Fisheries and Food if he will consider the regional branding of Irish beef as a means of expanding our share of the continental beef market; if he will acknowledge that various factory prices prove that there is specific demand for beef from Irish regions in some instances; if he will engage with An Bord Bia regarding same; and if he will make a statement on the matter. [43531/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Under EU State Aid rules, Member States are generally precluded from marketing their products on the basis of origin. The Bord Bia marketing strategy for Irish beef is concentrated on building the European market at the higher-value end and is based on Quality Assurance, Full Traceability and Grass-Based Production. This, in Bord Bia's view, places Irish beef in the strongest possible position to withstand the current economic challenges and to capitalise on future opportunities arising from the forecast drop in beef production across Europe and a recovery in consumer demand. Industry initiatives may, of course, build on these values in order to promote niche brands.

Departmental Properties.

292. **Deputy Phil Hogan** asked the Minister for Agriculture, Fisheries and Food if he will

consider the retention of a docking station at the offices of his Department at Hebron Road, Kilkenny in order that matters relating to farming and other queries relating to entitlements and inspections will be dealt with by field officers rather than incurring unnecessary expense in travel subsistence arising from the decision to transfer the functions of this office to Waterford. [43536/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Government approved my plan for a reorganisation of my Department's Local Office Network last July. The plan involves reducing, from 57 to 16, the number of offices from which the Department will operate District Veterinary, Forestry and Agricultural Environment and Structures support services in the future.

The decision to close some forty offices of the Department was made only after we had completed a detailed study of the Department's operations at local level. Decisions were made in relation to the overall strategy and against a background of major changes in the Department's operating environment in recent years brought about by the impact of the Single Farm Payment, benefits derived from substantial investment in Information Communications Technology and significant reductions in the incidence of disease.

Improvements in business processes, information technology and communications will allow the Department to provide to all of our clients, the full range of services from the 16 enhanced offices set out in the plan.

Department staff will be relocated to the enhanced offices where appropriate or redeployed to other areas of the Department or to other Departments and Agencies. Where particular arrangements are identified which would benefit service delivery and operational needs, these will be considered on the basis of an agreed business case.

Grant Payments.

293. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will receive their disadvantaged area schemes and single payment scheme payments for 2009. [43652/09]

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 29th April 2009.

This application was selected for and was the subject of a ground eligibility inspection.

During the course of the ground inspection discrepancies were found with parcel numbers P2371006, P23917001 and P23917003. As a result the area claimed of 18.14 ha was reduced to 17.89 ha. If the total area established 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 is 18.14. As the difference between the area claimed and the area established is less than 3% and less than 2 ha, payment will be made on the basis of the area established.

The inspection is completed and the application has now been fully processed. Payment under the Disadvantaged Areas Scheme will issue this week with payment under Single Payment Scheme due to issue on the 1st December 2009.

Work Permits.

294. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the number of new work permits issued to meat processors which have been approved funding

[Deputy Denis Naughten.]

under the meat investment fund in the past 12 months; and if he will make a statement on the matter. [40887/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The issuing of work permits is a matter for my colleague the Tánaiste and Minister for Enterprise, Trade and Employment.

I have forwarded the list of meat processors approved for grant aid under the Beef and Sheepmeat Fund to the Tánaiste to compile the number of new work permits issued in the past 12 months for transmission to the Deputy in due course.

EU Directives.

295. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the position regarding farmers who buy livestock and who may then represent them at a livestock mart within a period of 30 days; the rules governing such transactions; and if he will make a statement on the matter. [43722/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): In general a person may buy and resell up to 100 bovine animals or up to 100 swine within 30 days (or up to 100 sheep within 29 days) subject to compliance with disease test requirements.

A person may buy and resell more than 100 bovine animals or swine within 30 days and or more than 100 sheep within 29 days provided that the person is registered and approved as a dealer. It is not permitted for a person to buy/acquire/source or sell/supply/dispose of cattle, sheep or pigs in these numbers unless in possession of a valid approval dealer number granted in accordance with the Regulations.

The national legislation is contained in the European Communities (Approval and Registration of Dealers of Bovine Animals and Swine) Regulations 2007 (S.I. No. 151 of 2007) and European Communities (Approval and Registration of Dealers of Ovine Animals) Regulations 2008 (S.I. 100 of 2008). In addition any premises used by a dealer must be individually approved for that purpose.

Fallen Animal Disposal.

296. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if he has conducted an investigation into the level of competition in the disposal of fallen animals; if his attention has been drawn to the difficulty being experienced by farmers in updating their animal identification and movement scheme profile arising from the disposal of fallen animals; his views on the wide differential in prices being quoted for the disposal of fallen animals; and if he will make a statement on the matter. [43784/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The disposal of fallen animals is subject to EU Regulations, notably Regulation (EC) No 1774 of 2002. These regulations require that animals which die on-farm must generally be disposed of through approved knackeries and rendering plants.

My Department's contribution to the Fallen Animals Scheme ceased with effect from 14th April 2009. This was as a result of budgetary constraints and also reflects the greatly reduced incidence of BSE in this country. However I have continued to provide financial support for the collection of certain fallen animals, in particular bovines over 48 months of age, for sampling, as required under the ongoing national BSE surveillance programme.

My Department is also continuing, within the boundaries of legal requirements, to make every effort to facilitate measures to maximise flexibility and enable reduction of costs in the rendering/collection system. This includes allowing cross border trade, permitting direct delivery by farmers to authorised plants, considering removal of some costs currently built into the rendering process and encouraging indigenous use of meat and bone meal (MBM) for energy purposes.

Approval conditions have recently been drawn up to facilitate the collection of fallen animals direct from farms by approved rendering plants, including arrangements to provide for TSE testing of these animals where required.

Discussions are also ongoing between my Department and farmer and hunt representatives, to consider the feasibility of extending the network of plants authorised to act as knackeries.

These measures are designed to help sustain competition in this sector and encourage fair pricing. However with the ending of the Fallen Animals Scheme the cost of collection and rendering for animals not covered by the new scheme became a matter ultimately for negotiation between the individual collectors/rendering plants and their customers.

With regard to the animal identification issue, farmers are obliged to notify the Department of the deaths of bovine animals within 7 days of death. The normal method of doing this is through the approved animal collector, who forwards the necessary details to the firm which collates the data on an outsourced basis for the Department. If any farmers are experiencing difficulties in this regard they should contact their local District Veterinary Office for assistance.

Livestock Identification Scheme.

297. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the steps he is taking to secure a voluntary option on the implementation of electronic identification of sheep here; and if he will make a statement on the matter. [43804/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The introduction of electronic identification (EID) for sheep was agreed at EU level in late 2003. At that time, it was agreed to defer the implementation date until January 2008. The Council revisited this issue in December 2007 when it was agreed that the deadline for the compulsory introduction of EID should be set for 31 December 2009, 6 years after the original decision was taken. I have no discretion as regards the date of implementation.

I have always opposed the mandatory introduction of EID and have used every opportunity at a personal level to express both to the relevant European Commissioners, and my colleagues in the Council of Ministers, my clear view that EID should only be introduced on a mandatory basis across Europe when it has been clearly demonstrated that the benefits deriving from EID clearly outweigh any costs or inconveniences associated with its introduction.

For that reason, I have always advocated that EID should only apply on a voluntary basis. This position was again stated at the Council last week. In this forum, I also raised the question of facilitating traditional cross border trade in slaughter lambs. Unfortunately, most other Member States do not share this problem of cross border trade and were therefore unwilling to agree to further concessions in this respect.

In parallel to this opposition, I have placed a large emphasis on acquiring concessions that will minimise any inconvenience in its introduction and will take due account of Irish conditions. In particular, provision has been made to exempt from EID, lambs under 12 months of age and that are intended for slaughter. This means that the vast majority of Irish sheep will not be affected by the EID requirement. Primarily, only those animals retained for breeding

[Deputy Brendan Smith.]

over the coming years would have to be electronically tagged and so the additional costs to farmers in any given year are being kept to a minimum. Given that 70% of Irish flocks have less than 100 sheep, the vast majority of farmers will have a maximum additional cost of €30.

Veterinary Inspection Service.

298. **Deputy John Deasy** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the number of businesses that will be lost if a border inspection post is not provided here for the importation of category O animals; the steps he has taken to provide such a facility; and if he will make a statement on the matter. [43849/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): EU legislation governing trade into the EU stipulates that all animals and animal products entering the EU from a country outside the EU (a Third Country) must undergo veterinary and documentary checks at the point of entry before release into transit, to final destination or into free circulation within the Community. These rules are aimed at the overall protection of animal and public health within the EU territory and the prevention of the introduction of diseases or pests into the Community.

During the course of an audit carried out by the EU Food and Veterinary Office in April 2008, various shortcomings were identified in relation to the facilities provided for “Category O — live animals” at both Border Inspection Posts (BIPs) in Ireland located at Dublin and Shannon Airports approved for the inspection of this category.

My Department immediately requested an assessment to be carried out by the Office of Public Works (OPW) with regard to the remedial action required at these locations and an initial estimate of expenditure was provided. The costs were such that in view of the current economic climate and the existing level of trade, neither my Department nor the relevant Airport Authority were in a position to make the financial investment required to fund the required upgrades to these facilities in order to maintain the ongoing approval of category “O” at the BIPs in Dublin and Shannon airports.

Since August, imports of live animal consignments from Third Countries have taken place smoothly and trade has continued unabated, with Irish businesses making alternative arrangements to have their consignments checked at a BIP in another Member State authorized for the checking of live animals. The consignments then enter into free circulation within the EU and continue their journey to their final destination in Ireland.

State Laboratory.

299. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which the full scale of laboratory services envisaged have been put in place at the national laboratory at Backweston, Celbridge, County Kildare; if it is now possible to have all samples tested there and referrals overseas are no longer a requirement; and if he will make a statement on the matter. [43857/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Irish State Laboratory in the Department of Finance and the Department of Agriculture, Fisheries and Food Laboratories are both located at the Backweston Laboratory Complex. There are seven divisions within DAFF laboratories — Bacteriology, Central Meat Control, Dairy Science, Pathology, Pesticides, Seed testing and Plant Pathology and Virology. While these laboratories are significant contributors to the national laboratory resource they work in association with, at EU level, the Community Reference Laboratories; and within Ireland, the three Public

Analyst Laboratories, the Marine Institute, Teagasc Laboratories and a number of other smaller official laboratories to meet DAFF's EU commitments and Ireland's multi annual national control plan (MANCP) obligations, under EU and Irish legislation.

The range of tests required by EU and Irish legislation are extensive, diverse and highly specialised to the effect that some official Irish analytical needs continue to be met by referrals to overseas laboratories.

Notwithstanding this DAFF Laboratories at Backweston continue to introduce new analytical methods and technologies with the objective of meeting a higher proportion of our needs in this area and with a view to minimising our dependency on external laboratories.

Dairy Sector.

300. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the steps he will take to address the issues raised by dairy farmers; and if he will make a statement on the matter. [43858/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The dairy market has been discussed at Council of Ministers meetings every month since March this year. At these meetings I have, together with my Ministerial colleagues, continually pressed the Commission to take all appropriate measures to deal with the situation, and those supports have helped to stabilise the market. The measures taken this year include the restoration of export refunds for dairy products. Intervention for butter and skimmed milk powder has continued beyond the mandatory fixed limits. In July it was agreed to implement a special measure to extend Intervention beyond August, to February 2010, and to 2011 if necessary. Other short-term measures include streamlining procedures for responding to dairy crises and allowing Member States use milk quota buy up schemes to aid restructuring. The Commission has also proposed to add €300 million to the EU budget for the milk sector for 2010.

At a special Council meeting on the 5th of October Commissioner Fischer Boel proposed the establishment of a High Level Group (HLG) of representatives to consider a range of options for the future, now that it is accepted by Member States that quotas will be phased out by 2015. In specific terms, the HLG will examine medium term and long term ways of stabilising dairy farmer's incomes and improving market transparency and will deliver a comprehensive report by June 2010. I have established a Consultative Group representative of all of the stakeholders to advise me on the issues emerging at the High Level Group. The ideas, knowledge and expert opinion of the Irish dairy sector will provide key perspectives on how the sector needs to be developed and supported into the future.

In July I announced proposals for the spending of more than €200 million on new investment measures in Irish agriculture as part of a revised Rural Development programme. These included the allocation, from unspent Single Payment Scheme funds, of €6 million per annum for the next three years to a scheme to encourage a significant improvement in efficiency on dairy farms. In addition, €45 million has been earmarked for an investment support scheme aimed at helping young dairy farmers to adjust to expanding dairy opportunities and make their commercial operations more cost-effective. Details of both of these schemes are currently being drawn up by my Department.

World Trade Negotiations.

301. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food his plans regarding specific initiatives to favour Irish and European agriculture in the context of the World Trade Organisation; and if he will make a statement on the matter. [43859/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The current position in regard to the WTO negotiations is that a Ministerial Conference of the WTO will take place in Geneva from 30 November to 2 December. The agenda will focus discussions on the current functioning of the WTO and its future. The themes of the working sessions are a review of WTO activities including the Doha Development Agenda (DDA) and the contribution of the WTO to recovery, growth and development. Although political statements will be made at the plenary session on the prospects for conclusion of the DDA and while one of the working sessions includes the DDA in the list of WTO activities to be reviewed, the intention is not to engage in substantive negotiations on the trade round. There is in effect no real expectation amongst commentators that a deal can be concluded in 2010.

Several initiatives are underway to anticipate and prepare for the more competitive environment facing the agri-food sector in expectation of a WTO deal at some point in the future and to address other challenges facing the sector.

Strategies for the development of a consumer focused, competitive and sustainable agri-food sector capable of meeting the challenges of more liberalised markets and broader societal demands both at home and abroad are set out in the Agri-vision 2015 report and the Cawley Report. These strategies identify the delivery of safe, high quality, nutritious food, produced in a sustainable manner for high value markets as the optimum road for the future of the Irish food industry in the light of the changes which have already taken place or are anticipated over the next number of years. They span the entire food chain from primary production through processing to market access, which is key to developing export potential.

An inter-Departmental Market Access Group chaired by my Department and comprising representatives from the Departments of Foreign Affairs and Enterprise, Trade and Employment, An Bord Bia, Enterprise Ireland and Bord Iascaigh Mhara is currently engaged in a co-ordinated effort to identify potential market opportunities for the full range of Irish food and beverages, prioritisation of market initiatives and broader access issues.

Bord Bia published a Strategy to boost food exports for the period 2009-2011. The strategy comprises six key priorities to be addressed including enhancing the industry's position on its home market to capitalise on the potential for growth and expansion of exports with a particular emphasis on the Eurozone markets. During 2009 Bord Bia has implemented a comprehensive set of promotional programmes and services, which have been developed in consultation with industry bearing in mind the impact of the sterling differential on competitiveness.

Food Industry.

302. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the total acreage of potatoes grown here in the years 2007, 2008 and to date in 2009, if the trend is on the increase; and if he will make a statement on the matter. [43860/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): According to official CSO figures the total area of potatoes grown in the country is as follows:

Year	Area (hectares)
2007	11,700
2008	12,000
2009	12,900

The area of potatoes grown has shown a gradual increase over the past three years.

Animal Feedstuffs.

303. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the total volume of pet foods imported; if he is satisfied that European traceability and husbandry requirements have been applied; and if he will make a statement on the matter. [43861/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Data supplied by the Central Statistics Office indicates that the total quantity of pet food imported into this country from January to December 2008 was 65,370 tonnes and that in the period January to July 2009 imports of 37,000 tonnes are estimated. Under EU harmonised rules pet foods must be produced from animal by-products obtained from animals that are fit for human consumption in accordance with EU legislation. Processed pet food must be produced at an approved pet food plant, be subjected to specified heat treatments, undergo random testing, be appropriately packaged and labelled and accompanied to its destination with a commercial document in accordance with EU rules.

Importers of pet foods from 3rd countries are required to register with my Department and, in the case of 3rd country imports, give at least 24 hours notice of intention to import to an approved Border Inspection Post where a veterinary examination of consignments is undertaken. Such pet foods must also have been produced from animal by-products derived from animals that fit for human consumption, come from third countries approved by the EU for trade in such products, have been produced in establishments approved by the competent authorities of the third country and be accompanied by a health certificate in accordance the provisions of EU harmonized rules. Imports that do not satisfy these requirements will be seized and will be required to be returned to the country of origin or destroyed.

Poultry Industry.

304. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food if all poultry imports are compliant with national and European Union legislation in terms of husbandry, production, hygiene and traceability requirements; and if he will make a statement on the matter. [43862/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): EU and national legislation governing the animal health conditions for intra Community trade and imports from third countries of live poultry and hatching eggs stipulate that the poultry in question must satisfy certain animal health requirements, so as to avoid the spread of infectious diseases. Poultry imports sourced from another Member State are subject to common EU laws and are mandatory across the EU. In the case of Third Countries, equivalent measures relating to the state of health of the national poultry flock and other livestock, the organization of the veterinary services and the health regulations in force, must be in place in order for that country to trade with the EU.

Each consignment of poultry or hatching eggs is also accompanied by a designated standard Veterinary Certificate which constitutes an effective means of verifying that the Community rules are being applied. Each Member State reserves the right to place an immediate prohibition on imports from a third country when such imports may be dangerous for human and animal health. Following import, it is left to the competent authorities in each Member State to approve establishments which satisfy the appropriate conditions and to ensure that these are applied. In Ireland, such poultry are subject to the national welfare Regulations setting out the standards for the Protection of Animals on Farms.

Food Labelling.

305. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the steps he has taken to ensure properly authenticated food labelling to ensure that food imports reflect their origin, production history and nutritional value; and if he will make a statement on the matter. [43863/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Minister for Health & Children has overall responsibility for the general food labelling legislation. Responsibility for the enforcement of this legislation rests with the Food Safety Authority of Ireland (F.S.A.I.). This is done through service contracts with other relevant agencies, including the Health Service Executive, the Local Authority Veterinary Service and my Department. My Department had taken steps to try to introduce origin labelling for meats other than beef, which is already subject to specific legislation since September 2000. In conjunction with the Department of Health and Children my Department drafted regulations that would require the country of origin to be indicated on pigmeat, poultry and sheepmeat. This was notified to the EU Commission in December 2007 as required by legislation. The Commission was not prepared to adopt the draft regulations in their present format on the grounds that the proposed legislation is not in compliance with EU food labelling regulations. The Commission's main contention is that only harmonised rules with EU-wide applicability may be applied to food labelling other than in exceptional circumstances.

Under the general labelling Directive (2000/13/EC), the place of origin of the foodstuff must be given only if its absence might mislead the consumer to a material degree. The European Commission is currently undertaking a major review of all food labelling legislation. In this context the Commission has prepared draft revised labelling regulations and these are being discussed at Council Working Party level in Brussels. Ireland is represented at these meetings by the Department of Health and Children and I understand that the next meeting is scheduled for 8 December 2009.

Question No. 306 answered with Question No. 42

Cereal Sector.

307. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food his views on the future of cereal growing here; his plans to develop and expand this area; and if he will make a statement on the matter. [43865/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The maintenance of an efficient and viable cereals sector in Ireland is clearly of the utmost importance. In addition to generating an income for our tillage farmers, it is a key source of feedingstuffs for the livestock sector. Annual cereals production in Ireland has fluctuated around 2 million tonnes in recent years. It is desirable to try to sustain this level of production in order to avoid over-dependence on imported cereals.

This year's harvest was very difficult for Irish grain growers due to adverse weather conditions throughout the summer, particularly at harvest time. Latest estimates put total grain production for the 2009 harvest in the region of 1.8 million tonnes, which would be somewhat below the long-term average production of 2 million tonnes. Current indications for the 2010 harvest are that the area sown to winter wheat, which is our main winter crop, is down by 30% on last year. Conversely winter barley sowings are reportedly up by 20%, as farmers consider their options in the current climate.

EU policy regarding the cereals market is determined within the framework of the CAP. Irish cereal farmers, following the decoupling of the direct payments from production, are now in a position to respond to market signals. With the cushion of the single payment, they can focus on supplying market requirements, minimising production costs and maximising their incomes. Under the CAP Health Check agreement of December 2008, compulsory set-aside of tillage land was abolished, further allowing growers to maximise their production potential.

The State supports the development of the cereals sector in a number of ways. My Department operates a range of services aimed at improving the efficiency, quality and viability of cereal production. These services include seed certification, seed testing, recommended lists of varieties etc. In addition, Teagasc provides comprehensive research, training and advisory services for cereal producers. The value of all these support services is reflected in the fact that Irish cereal producers have consistently achieved some of the highest yields in the world. I believe the outlook for cereal growing in Ireland is quite positive and that Irish cereal producers are well positioned to meet the competitive challenges ahead.

Farming Statistics.

308. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the number of full-time farmers in 1999; the number at present engaged in full-time farming; and if he will make a statement on the matter. [43866/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The table shows the number of farmers who were sole occupation farmers in 1999 and in 2007 (the latter is the latest year for which information is available). The data shows that during this period, there was an 11% decline in the number of family farms. The number of farmers who identified farming as their sole occupation declined by 24% and the number who identified farming as either the main or subsidiary occupation of the holder increased by 7%.

Year	Farming is sole occupation of the holder	Farming is either the main or subsidiary occupation of the holder	Number of family farms
	(‘000)	(‘000)	(‘000)
1999	87.5	56.2	143.7
2007	66.6	60.4	128.1

Source: CSO.

Meat Exports.

309. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the countries to which Irish beef, lamb, pig and pig meat has been exported in the past five years; the countries where markets have been lost or new markets established; the prospects for the future; and if he will make a statement on the matter. [43867/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Based on the records of the Central Statistics Office and my own Department, Irish beef, lamb, and pigmeat has been exported to the following countries in the period from 2004 to 2008.

[Deputy Brendan Smith.]

Beef

EU/EEA Countries:

Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Spain, Sweden, Switzerland and United Kingdom.

Third Countries:

Albania, Algeria, Angola, Antigua & Barbuda, Aruba, Azerbaijan, Bahamas, Benin, Comoros, Congo, Ecuador, Egypt, Faroe Islands, Gabon, Georgia, Ghana, Gibraltar, Hong Kong, Iceland, Ivory Coast, Jamaica, Kazakhstan, Lebanon, Mayotte, Russian Federation, Saudi Arabia, Seychelles, South Africa, Suriname, Thailand, Trinidad & Tobago, Vatican City, Vietnam and Zambia.

It should be noted that not all the countries listed above featured as export destinations in a particular year.

Over 90% of Irish beef production is exported. The distribution of Irish beef exports has undergone significant change since 2000. Only 50% of beef exports went to other European countries in 2000 compared to some 98% in 2008. The principal factors behind this change in market distribution have been the emergence of a significant supply deficit in the European beef market combined with an improved market position for Irish beef in key markets.

This development represents significant progress for the Irish beef sector as the EU market continues to offer the best returns to Irish exporters on a consistent basis. At the same time, efforts continue to improve access to third country markets. Within the past year, the markets in Indonesia and the UAE have been re-opened to Irish beef, subject to agreement on veterinary health certification.

Regarding the future prospects for Irish beef exports, current indications are positive. Overall availability of beef in the EU has fallen because of declining production and reduced imports from South America. While consumer research indicates that meat purchases are being affected by the recession, these will likely improve with any economic recovery.

Sheepmeat

Irish sheepmeat has been exported to the following countries in the period from 2004 to 2008.

EU/EEA Countries:

Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Italy, Latvia, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Spain, Sweden Switzerland & United Kingdom.

Third Countries:

Algeria, Ghana, Gibraltar, Tunisia, Vatican City & Vietnam.

In 2008, Ireland exported 47,828 tonnes of sheepmeat, of which 99.9% was destined for the high-value EU marketplace. The absence of export refunds together with a production deficit within the EU means that the market focus is on Europe and there is little penetration outside the EU. Exports to non-EU countries declined from 2.3% in 2004 to 0.2% in 2008.

Traditionally, the major export market for Irish lamb within the EU has been France, which in 2008 accounted for just over 48% of exports. Seven countries accounted for 96% of sheep-

meat exports in 2004 and the same seven countries also accounted for 97% of sheepmeat exports in 2007, namely: France, Belgium, Germany, Italy, Portugal, Sweden and the UK.

The number of new potential markets for Irish lamb is limited due to the relatively high cost of the meat and also due to cultural factors, as lamb is not widely eaten in many countries of Eastern Europe. As a result, promotional efforts are targeted at maintaining and developing existing markets, including the home market.

Pigmeat

Over the course of the last five years Ireland has traded pigmeat with over 60 countries worldwide.

EU/EEA Countries:

Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Spain, Sweden, Switzerland and the United Kingdom.

Third Countries:

Angola, Antigua, Bahamas, Benin, Bermuda, Brunei Darussalam, Canada, China, Dominican Republic, Eritrea, Gabon, Ghana, Gibraltar, Haiti, Hong Kong, India, Jamaica, Japan, Kuwait, Liberia, Mexico, Moldova, Mozambique, Papua New Guinea, Philippines, Russian Federation, Singapore, South Africa, South Korea, Thailand, Trinidad & Tobago, United Arab Emirates, Ukraine, USA and Vietnam.

It should be noted that not all the countries listed above featured as export destinations in a particular year.

During the period in question the UK has remained the largest single destination for Irish pigmeat exports, accounting for approximately 55% of the total. Continental Europe's share has grown to almost 30% in 2008 with third countries accounting for approximately one-fifth on average since 2004. Following the dioxin crisis of December 2008, a number of countries placed trade suspensions on Irish pigmeat. In the course of the year, my Department, the Department of Foreign Affairs and Bord Bia secured the re-opening of some of these markets. Trade suspensions remain in relation to trade with two significant importing markets — Russia and China — and my Department is actively seeking to re-open those markets.

In general, Irish pigmeat is exported for further manufacturing market across the EU and international markets. Bord Bia's objective for pigmeat exports is to target final processors, especially in continental Europe, and to increase market access for Irish exports in international markets thereby deriving a better return for Irish processors.

Farm Retirement Scheme.

310. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the position regarding farm retirement grants; the number on hand; the number in respect of which a decision has been made in the past 12 months; and if he will make a statement on the matter. [43868/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): A total of 179 cases were approved for payment in the period 1 November 2008 to 31 October 2009 under the 2007–2013 Early Retirement Scheme. A further 10 applications are currently being processed by my Department and are awaiting additional material requested from the applicants.

[Deputy Brendan Smith.]

The Early Retirement Scheme 2007 was suspended for new applications with effect from 15 October 2008. However it became apparent that there were a certain number of farmers who had their preparations to apply for the Scheme completed or close to completion at that point. Consequently, I took the decision to re-open the Scheme temporarily on 23 September 2009 with limited additional funding with a view to accepting as many as possible of the applications that fell into this category. My Department received a further 175 applications up to the closing date of 30 October 2009. These applications are currently being examined.

Alternative Energy Projects.

311. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the total acreage devoted to bio-fuel crop production in the years 2006, 2007 and 2008; and if he will make a statement on the matter. [43869/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The total area applied for under the Energy Aid and Non Food Set-aside Schemes, which relates to bio-fuel are as outlined hereunder

4,456.70 hectares

9,057.03 hectares

4,749.58 hectares.

Food Industry.

312. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food if he can confirm that food and food products imported are compliant with traceability, hygiene and processing requirements of Ireland and the EU; and if he will make a statement on the matter. [43870/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My Department is responsible for the operation of EU controls on imports of products of animal origin under a service contract with the FSAI and in compliance with Community rules for the hygiene of food and feed. These rules stipulate that food products of animal origin imported from an EU source must be from approved food business establishments and be accompanied to destination by a commercial document or a health certificate signed by an official veterinarian of the competent authority of the Member State of origin.

In the case of importation from third countries products of animal origin for human consumption must have originated in a country approved by the EU for trade in such products, have been produced in an approved establishment (with the exception of honey), be appropriately labelled and transported and must be accompanied by a veterinary health certificate in accordance with the models laid down by Community legislation. My Department undertakes import controls in co-operation with Customs services. Consignments from third countries must be landed at an EU approved Border Inspection Post (BIP) approved by the Food and Veterinary Office of the EU (FVO) for veterinary checks.

The scope of products of animal origin coming under these requirements are set out under Commission Decision No. 2007/275/EC11 Official Journal of the European Communities No. L116 of 4.5.2007 which also provides for an exemption from border inspection in the case of certain composite and specified food products comprising processed low risk animal products and plant products that nevertheless must comply with public health requirements for placing on the market. Consignments of animal products must remain under Customs control until the BIP has authorised entry into the EU.

Any imports failing to comply with these veterinary control checks may be detained for further examination. Where non-compliance is established they are returned to the exporting country or destroyed.

Where there are risks to animal and public health, and in cases of animal disease outbreaks, the Community introduces safeguard measures banning or restricting imports until the risks have been removed. The FVO monitors and inspects each Member State controls on Food Safety including the operation of BIPs to ensure the conditions for import and placing of animal products on to the market, as provided under the harmonized legislation, are being correctly applied.

Farm Household Incomes.

313. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food his plans to address the issues arising from the reduction in farm income, inclement weather conditions and the consequent loss to the farming community; and if he will make a statement on the matter. [43871/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): A substantial amount of public funds are spent each year in support of the farming community. In 2009, it is estimated that over €2 billion will be paid in direct payments to farmers. This includes €1.3 billion under the Single Payment Scheme, €220 million under the area based compensatory allowance scheme and €369 million under REPS, with the remainder paid out under smaller schemes. In the year to date €1.802 billion has been paid to farm families. It is acknowledged that the recent serious flooding may have caused damage to fodder supplies and may give rise to a resulting feed shortage problem on some livestock farms. In response, I am introducing a fodder aid scheme to provide some financial support towards the purchase of alternative feed material to replace the fodder damaged by the floods. The amount being provided for the scheme is €2 million.

In addition, I am seeking the approval of Dáil Éireann for a Supplementary Estimate for my Department this year. If approved, I propose to bring forward to this year almost €85m. in payments under REPS on the Farm Waste Management Scheme, which would otherwise not have been paid until early next year.

Pupil-Teacher Ratio.

314. **Deputy Jack Wall** asked the Minister for Education and Science his views regarding correspondences (details supplied); the action he will take to overcome concerns expressed regarding the pupil-teacher ratio, discrimination and ethos; and if he will make a statement on the matter. [43427/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The October Budget set out the changes in how all fee-charging schools are treated in relation to the number of publicly funded teaching posts they are allocated. With effect from 1 September 2009, teachers in all fee-charging schools are allocated at a pupil teacher ratio of 20:1, which is a point higher than allocations in non fee-charging post-primary schools. In view of the challenging economic circumstances that we are facing, I am not in a position to reverse this decision.

This decision is justified on the basis that schools which have access to fees as an income source are in a better position to maintain services at a time when the public finances are under such severe pressure. Fee-charging schools can continue to employ additional teachers that they fund from their fee income.

[Deputy Batt O’Keeffe.]

I wish to advise the Deputy that I and my officials have met representatives from the Protestant education sector to discuss future funding arrangements for Protestant schools. In this context, I have expressed my willingness to consider any proposals that might be made to my Department that would enable the available funding to be focused and adjusted to more effectively meet the twin objectives of access for individuals and sustaining the schools that they wish to attend, particularly those in rural areas. I will continue to work with representatives of the Protestant educational sector to ensure that State funding made available to the Protestant community is targeted in the fairest way possible to meet the needs of their children and their schools.

Computerisation Programme.

315. **Deputy Frank Feighan** asked the Minister for Education and Science if a decision on recent computer commitments will affect a school (details supplied); if he will give a guarantee that a project will remain on track; the position regarding this school. [43473/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The new post primary school project for Ballinamore, Co Leitrim, 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 (NDFFA) for procurement.

I recently announced a commitment to making funding available for ICT in schools over the next three years. As a first step, €22 million in grants will issue to primary schools before the end of this year. Funding for post-primary schools will be made available early in the New Year. The €22m is composed of €9 million in the capital allocation for ICT with an added €13 million from the building programme allocation this year. This €13 million represents about 2% of the overall allocation for school buildings this year.

The allocation of this grant will have no impact on the progression of the provision of a new school building for the community school in Ballinamore. The indicative timeframe for the delivery of a PPP school currently stands at approximately 4 years from the date the Bundle is announced.

Third Level Institutions.

316. **Deputy Richard Bruton** asked the Minister for Education and Science his proposals to tackle debt which has been incurred by third level institutions; his views on the cutbacks to student services at a third level institution (details supplied); and if he will make a statement on the matter. [43479/09]

Minister for Education and Science (Deputy Batt O’Keeffe): My Department has invested significantly in higher education in recent years with funding of some €2 billion being allocated this year to the sector which includes recurrent and capital funding. I acknowledge however that in the current difficult budgetary and economic climate that there will be challenges for our third level institutions in prioritising and managing budgets to maximum effectiveness. In that regard the Higher Education Authority (HEA) is working closely with the institutions to effect economies across all levels of activity.

I understand that as part of the budgetary discussions held with each institution, the HEA agreed balanced budgets with each institution for 2009 and also agreed on the action that must be taken by institutions to eliminate accumulated deficits, where they arise. The HEA continues to monitor the budgetary situation of each institution and in that regard, each institution was recently requested to provide an update on their budgetary position.

The Deputy also referred to cutbacks to student services in a particular institution. It is a matter for the individual higher education institutions, including the institution referred to by the Deputy, to manage their operational affairs, including student services, in the context of implementing the employment control framework. To provide for the application of the moratorium arrangements in higher education institutions, the Government agreed that such a framework be developed subject to the continued oversight and review by the HEA and both my Department and the Department of Finance. This framework allows flexibility around recruitment into posts that are considered essential to maintaining core teaching and research activities, subject to an overall ceiling on numbers employed. The Government is anxious to work with the publicly funded higher education institutions in achieving necessary reductions in public expenditure within the sector as an essential part of overall budgetary strategy. I understand that, within the terms of the framework, the HEA are currently in discussions with the particular institute in relation to options for addressing some specific operational issues that have arisen there.

School Management.

317. **Deputy Niall Collins** asked the Minister for Education and Science if his attention has been drawn to the notification received by parents of pupils attending a school (details supplied) in County Limerick from the trustees stating that it is their intention to cease acting in this capacity; the communication and discussion he has had with the trustees and the board of management in relation to same; his plans to facilitate the appointment of alternative trustees; if potential alternative trustees have been consulted or approached; and if he will make a statement on the matter. [43483/09]

Minister for Education and Science (Deputy Batt O’Keeffe): Officials in my Department recently met with the Trustees of the school referred to by the Deputy. They expressed some concern about the future of the school and it is my understanding that they are considering a number of options in this regard.

The Department were advised that the Trustees were proposing to meet with the Board of Management, staff and parent body from the school to inform them of their concerns on its viability. The Department has not been further advised of the outcome of this meeting or the proposals for the future of the school.

School Enrolments.

318. **Deputy Finian McGrath** asked the Minister for Education and Science if he will support the case of a person (details supplied) in Dublin 9. [43504/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The question of enrolment in individual schools is the responsibility of the managerial authority of those schools. My Department’s main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking places. This may result, however, in some pupils not obtaining a place in the school of their first choice.

It is the responsibility of the managerial authorities of schools to implement an enrolment policy in accordance with the Education Act, 1998. In this regard a Board of Management may

[Deputy Batt O’Keeffe.]

find it necessary to restrict enrolment to children from a particular area or a particular age group or, occasionally, on the basis of some other criterion. This selection process and the enrolment policy on which it is based must be non-discriminatory and must be applied fairly in respect of all applicants.

Under section 15(2)(d) of the Education Act 1998, each school is legally obliged to disclose its enrolment policy and to ensure that as regards that policy that principles of equality and the right of parents to send their children to a school of the parents choice are respected.

Section 29 of the Education Act 1998, provides parents with an appeal process where a Board of Management of a school or a person acting on behalf of the Board refuses enrolment to a student. Where a school refuses to enrol a pupil, the school is obliged to inform parents of their right under Section 29 of the Education Act 1998 to appeal that decision to either the relevant Vocational Educational Committee or to the Secretary General of my Department.

The National Educational Welfare Board (NEWB) is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child. The NEWB advises parents to apply to more than one school in order to assist in securing a school placement. The Board can be contacted at National Educational Welfare Board, National Headquarters, 16-22 Green Street, Dublin 7 or by telephone at 01-8738700.

Special Educational Needs.

319. **Deputy Ruairí Quinn** asked the Minister for Education and Science if he recognises conductive education as a form of education provision which the State is prepared to support; and if he will make a statement on the matter. [43514/09]

320. **Deputy Ruairí Quinn** asked the Minister for Education and Science if he is satisfied that the physical developmental needs of children with cerebral palsy are being met within the State education system; and if he will make a statement on the matter. [43515/09]

321. **Deputy Ruairí Quinn** asked the Minister for Education and Science if he is prepared to work in conjunction with the Health Service Executive in order to ensure the availability of conductive education to children who require this approach; and if he will make a statement on the matter. [43516/09]

322. **Deputy Ruairí Quinn** asked the Minister for Education and Science his views on the efficacy of the inclusion policy operated by his Department for children with cerebral palsy and who have learning, physical and sensory needs; and if he will make a statement on the matter. [43517/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 319 to 322, inclusive, together.

As the Deputy will be aware, the Education for Persons with Special Educational Needs (EPSEN) Act 2004 provides that a child (defined as a person who is not more than 18 years) with special educational needs shall be educated in an inclusive environment unless such an arrangement is inconsistent with the best interests of the child as determined by an assessment carried out under the EPSEN Act or with the effective provision of education for those children with whom the child is to be educated. The policy of my Department is to secure the maximum possible level of inclusion of students with special educational needs in mainstream primary and post-primary schools in their locality.

In supporting and promoting an inclusive education policy, supports are provided to schools through the National Council for Special Education so that children with special educational needs may attend their local mainstream school where possible. These supports may be in the form of resource teaching, special needs assistants and technological support.

In addition, my Department funds over 100 special schools, including a number which cater for children with a physical disability. It is the policy of my Department that these special schools draw on a range of teaching and other interventions. My Department has no plans to develop initiatives based exclusively on the principles of conductive education.

Schools Building Projects.

323. **Deputy Joe McHugh** asked the Minister for Education and Science his plans to provide a new building for a secondary school (details supplied) in County Donegal; his views on the case for a new science laboratory at this school; and if he will make a statement on the matter. [43528/09]

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 early stage of architectural planning. The brief is to provide a complete new school which will include appropriate science facilities. 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.

Special Educational Needs.

324. **Deputy Ruairí Quinn** asked the Minister for Education and Science the supports that are available for part time students with a disability attending third level institutions; and if he will make a statement on the matter. [43642/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The Fund for Students with Disabilities, which provides supports to students with disabilities attending full-time courses at third level, currently operates in line with regulations concerning the Maintenance Grant. Therefore the provision of support does not extend to those attending part-time courses.

The Higher Education Authority also provides institutions with recurrent funding to develop the necessary infrastructure and programmes of action which support wider access for people with a disability, mature students and young people from socio-economically disadvantaged backgrounds.

Tax relief is available on third level tuition fees in respect of approved part-time courses in approved colleges. Further information in this regard is available from the local Tax Offices.

The National Plan for Equity of Access to Higher Education 2008-2013, acknowledging the issue of supports for part-time students with a disability, states that the Higher Education Authority will work with my Department “to ensure that learners with disabilities who return to or continue with education through the part-time course route have access to supports”.

Schools Building Projects.

325. **Deputy Joanna Tuffy** asked the Minister for Education and Science the position regard-

[Deputy Joanna Tuffy.]

ing the plans for a school (details supplied) in County Dublin; and if he will make a statement on the matter. [43651/09]

Minister for Education and Science (Deputy Batt O’Keeffe): Based on current demographic trends my Department anticipates that there will be a need for a further post-primary school in the Lucan area in the medium term. Officials from the Department have carried out a technical inspection of the various site options identified by South Dublin County Council. On foot of the technical report my officials wrote to the council to advise them of the preferred site option and have recently met with the Local Authority with a view to commencing negotiations. Due to the commercial sensitivities pertaining to site acquisitions it is not possible for me to comment further at this time.

School Staffing.

326. **Deputy Joe McHugh** asked the Minister for Education and Science the number of full-time and part-time positions that remain vacant in education due to the public sector recruitment embargo; if he will categorise these into the various sectors within education; and if he will make a statement on the matter. [43656/09]

327. **Deputy Joe McHugh** asked the Minister for Education and Science the number of full-time and part-time education positions that remain vacant in County Donegal due to the public sector recruitment embargo; if he will categorise these along the internal education sectors to which they apply; and if he will make a statement on the matter. [43658/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 326 and 327 together.

The recruitment, selection and appointment of teachers to all schools is a matter for each individual school authority as employer. While my Department operates a payroll service for teachers employed in schools it does not maintain records of vacancies within the schools. The purpose of the Government decision to implement a recruitment and promotion moratorium in the public sector is to facilitate a permanent, structural reduction in the numbers of staff serving and is intended to contribute significant and ongoing savings to the Exchequer. When the Government was introducing the moratorium in the public sector earlier this year I secured a special arrangement for education which ensured we could fill teacher and SNA posts. The concession also provides for the filling of Principal and Deputy Principal posts in all schools and the first allocation of posts of responsibility in new schools.

The Revised Programme for Government commits the Government to no further increase in the pupil teacher ratio in primary and second level schools for the lifetime of this Government. Under the revised programme we will provide 500 teaching posts between primary and second levels over the next three years. These posts will be allocated to the schools that are most seriously affected by the recent increase in the PTR, using objective criteria. A consultation process in relation to the allocation of these additional posts is currently underway between my officials and the education partners.

Schools Building Projects.

328. **Deputy Brian Hayes** asked the Minister for Education and Science when work at a school (details supplied) in Dublin 12 will proceed; and if he will make a statement on the matter. [43668/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I can confirm that the school to which the Deputy refers has made an application to my Department for large scale capital

funding. The application 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 referred to by the Deputy, are now available on my Department's website at 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.

Departmental Staff.

329. **Deputy Joanna Tuffy** asked the Minister for Education and Science the number of teachers that have applied for incentivised early retirement; and if he will make a statement on the matter. [43673/09]

Minister for Education and Science (Deputy Batt O'Keeffe): The Incentivised Scheme of Early Retirement (ISER) for public servants over 50 years of age, announced in the Budget in April this year, does not apply to teachers for 2 reasons.

Firstly, primary and post-primary teachers are not subject to the moratorium on recruitment which applies to most other parts of the public service and so retiring teachers are, in most cases, replaced. Secondly, the ISER is aimed at civil and public servants who retire before the age of 60 and whose superannuation options are limited to receiving their entitlements at preserved pension age or, for people aged over 50, immediate payment of pension benefits subject to an actuarial reduction. It is not being applied to sectors who have fast accrual of service (eg An Garda Síochána, Prison Officers and the Army) or for those who have other preferential pension benefits such as the 55/35 year rule for teachers. Under the 55/35 year rule a teacher, other than a new entrant appointed after 1 April 2004, who has reached the age of 55 years and has at least 35 years of actual pensionable service, may retire voluntarily. There is no actuarial reduction in benefits and credit for certain pre-service training is given in order to assist teachers to reach the 35-year threshold for retirement.

Computerisation Programme.

330. **Deputy Brian Hayes** asked the Minister for Education and Science if the €252 million earmarked in the national development plan for the development of information and communication technology in schools will be delivered in tandem with the recently announced €150 million; and if he will make a statement on the matter. [43700/09]

331. **Deputy Brian Hayes** asked the Minister for Education and Science if he has committed an annual budget of €30 million as outlined in the Smart Schools Smart Economy document for the support, rolling replacement and enhancement of the information and communication technology in schools service; when this €30 million will first be delivered; and if he will make a statement on the matter. [43701/09]

Minister of State at the Department of Education and Science (Deputy John Moloney): I propose to take Questions Nos. 330 and 331 together. The Deputy will be aware that the investment (of the order of €252 million) mentioned in the National Development Plan for ICT in schools was to cover investment over the period of the Plan 2007 — 2013. The Plan also outlined that a detailed ICT strategy would be published by my Department which will deal with developing an e-Learning culture in schools that will ensure that ICT usage is embedded in teaching and learning across the curriculum; teacher professional development; the maintenance of a national broadband network for schools; the upgrading and renewal of hardware; and the provision of software and digital content for learning. That ICT Strategy Report “Investing Effectively in ICT in Schools 2008-2013” was published by my Department in July 2008 and earlier this year I set up the Advisory Group to explore possible approaches to implementing the recommendations set out in the Strategy Group Report. The recommendations of the Advisory Group were published in the “Smart Schools = Smart Economy” Report which the Taoiseach launched on 17 November last.

The Advisory Group Report recommends an initial investment package of €150m over the next 3 years and that this should then be followed with an annual budget in the region of €30m for support, rolling replacement and enhancement of the service. At the launch of the “Smart Schools = Smart Economy” Report the Taoiseach re-affirmed the Government’s commitment to providing funding to support the integration of information communications technology (ICT) in teaching and learning in our schools. As I outlined at the launch I am committed to making funding available for ICT in schools over the next three years. As a first step, €22 million in grants will issue to primary schools before the end of this year with the priority on ensuring that there is a teaching laptop and digital projector in every classroom. Funding for post-primary schools will be made available early in the New Year.

The total amount of funding to be made available for ICT equipment next year is being considered as part of the overall Capital allocation that is to be agreed by Government.

Schools Building Projects.

332. **Deputy Finian McGrath** asked the Minister for Education and Science if he will support a matter (details supplied) in County Leitrim. [43713/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The new post primary school project for Ballinamore, Co Leitrim, 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.

Psychological Service.

333. **Deputy Tom Hayes** asked the Minister for Education and Science the number of primary and post primary schools in South Tipperary that are being provided with psychological assessments by National Educational Psychological Service or by the scheme for the commissioning of individuals psychological assessments; the way he plans to manage the schools currently not covered; and if he will make a statement on the matter. [43717/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The Deputy will be aware that all primary and post primary schools have access to psychological assessments either directly through the National Educational Psychological Service (NEPS), or through the Scheme for Commissioning Psychological Assessments (SCPA), full details of which are on the Department’s website. Where there is no psychologist available through NEPS, a school may access psychological assessments through the Scheme for Commissioning Psychological Assessments (SCPA). Under the SCPA, such schools can have an assessment carried out by a member of the panel of private psychologists approved by NEPS, and NEPS will pay the psychologist the fees for this assessment directly.

I can inform the Deputy that four psychologists have recently been employed within NEPS and that my Department and the Public Appointments Service (PAS) are currently actively engaging with some nine additional recruits to the service for assignment in the immediate future. New staff undergo a period of work shadowing, induction and assignment to a complement of schools. It is envisaged that this additional recruitment will directly impinge on school coverage in Tipperary Sth.

It is intended that NEPS will assess the effect of the assignment of these new staff, in the context of national coverage, at the end of the first term of 2009/10, at which time an up-to-date breakdown for Tipperary Sth. will be forwarded to the Deputy. For the Deputies information during the 2008/09 academic year some 58% of Primary and 81% of Post Primary schools received direct service from a NEPS psychologist.

Schools Building Projects.

334. **Deputy Ciarán Lynch** asked the Minister for Education and Science the plans in place to facilitate the growing needs of a college (details supplied) in County Cork which has experienced an increase of more than 100% in its enrolment since 2006; and if he will make a statement on the matter. [43727/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The school to which the Deputy refers has applied to my Department for capital funding for a large scale extension project. The application has been assessed in accordance with published prioritisation criteria for large scale projects and assigned a band 1 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 the Department’s website at 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 the Department’s website. Officials from my Department met with representatives of the school authority on Monday of this week, 23 November 2009 and updated them on progress of their project. As the Deputy will be aware, the project was included in the list of projects to enter architectural planning that I announced in February and my Department will continue to work with the school authority in this regard.

With regard to teaching resources the total teaching staff allocation to the school in question for the 2009/10 school year is 33.71 whole-time equivalent teacher posts. This includes an allocation of 3 whole-time equivalent posts in respect of the increased enrolment in the current year.

Grant Payments.

335. **Deputy Ciarán Lynch** asked the Minister for Education and Science the change of circumstance which prompted him to review the provision of certain grants to Protestant schools; and if he will make a statement on the matter. [43728/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I wish to reassure the Deputy 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.

The Deputy will be aware that, against a backdrop of a difficult economic and fiscal situation, I had to take decisions that impacted on the staffing and the range of funding grants to schools generally.

Protestant fee-charging schools were paid a number of ancillary grants which Catholic fee-charging schools did not receive. I made a decision to discontinue these grants, which were not used to defray fees. If funding is provided to schools solely on the basis of denominational criteria, there is a constitutional difficulty.

However, I wish to emphasise that the Government decided to continue to provide the Block Grant, which was increased this year. 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.

Psychological Service.

336. **Deputy Róisín Shortall** asked the Minister for Education and Science when a child (details supplied) in Dublin 11 will obtain a psychological assessment; and if he will make a statement on the matter. [43768/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The Deputy will be aware that all primary and post primary schools have access to psychological assessments either directly through the National Educational Psychological Service (NEPS), or through the Scheme for Commissioning Psychological Assessments (SCPA), full details of which are on the Department’s website. Where there is no psychologist available through NEPS, a school may access psychological assessments through the Scheme for Commissioning Psychological Assessments (SCPA). Under the SCPA, such schools can have an assessment carried out by a member of the panel of private psychologists approved by NEPS, and NEPS will pay the psychologist the fees for this assessment directly.

It should also be noted that in common with many other psychological services, NEPS encourages a staged assessment process, whereby each school takes responsibility for initial assessment, educational planning and remedial intervention, in consultation with their assigned

NEPS psychologist. Only if there is a failure to make reasonable progress in spite of the school's best efforts, will a child be referred for individual psychological assessment.

Your question does not state which school the child, concerned in this question, currently attends so I am unable to advise on whether the school is covered directly by NEPS. However it is the responsibility of the school Principal in the first instance to identify and prioritise pupils for assessment under the process described above. I would suggest that the parents of the child in question should discuss the matter with the school Principal who will advise them as to the appropriateness of a referral in this instance and the process for accessing same.

Research Funding.

337. **Deputy Michael Creed** asked the Minister for Education and Science the level of investment by his Department in the development of biotechnology research facility at third level institutions here over the past ten years, the amount of money invested in this by the Exchequer and the private sector; and if he will make a statement on the matter. [43783/09]

Minister for Education and Science (Deputy Batt O'Keeffe): As the Deputy may be aware, the Programme for Research in Third Level Institutions, which is funded by my Department, provides funding for the development of research facilities and collaborative programmes across all disciplines, including biotechnology.

Of the €865 million committed to date under the Programme, some €412 million has been committed to the biosciences and biomedical disciplines. This investment provides for underpinning infrastructure and capacity building across these broad disciplines and supports biotechnology research as well as fundamental research in the life sciences, medicine and agriculture. It is not possible to attribute what proportion of this funding supported biotechnology research specifically. A table outlining the details of these projects and the funding provided from the Exchequer and private sources is being compiled and will be forwarded to the Deputy.

In addition, PRTLTI has awarded funds to projects in Environmental and Marine Sciences, and Material Science and Engineering. Some of these projects would also involve an element of biotechnology research.

School Management.

338. **Deputy Paul Kehoe** asked the Minister for Education and Science the guidelines for the length of time a pupil spends in primary school; if the parents of a pupil wish their child to repeat a year, at whose discretion is this decision; and if he will make a statement on the matter. [43802/09]

Minister for Education and Science (Deputy Batt O'Keeffe): The Primary School curriculum is designed as an eight year course, including a two year infant cycle followed by six years in standards from first to sixth, with children progressing to the next grade at the end of each school year.

The curriculum is flexible and child-centred, and can be adapted to meet children's needs. A range of additional supports are also available to schools to enable pupils to make progress in keeping with their needs and abilities and to move consecutively through the different class levels in the school along with their peers.

My Department's policy in relation to the retention of pupils in primary schools is set out in Primary Circular 32/03 which issued to all primary schools in December, 2003 and is available on my Department's website.

In accordance with this circular, pupils should only repeat a year for educational reasons and in exceptional circumstances. The terms of the circular also provide that an additional grade

[Deputy Batt O’Keeffe.]

level should not operate through the retention of all or a substantial number of pupils and that pupils must not transfer to another primary school to repeat sixth class.

However, the circular recognises that in exceptional cases a Principal teacher, following consultation with the learning support teacher/resource teacher and class teacher and parent(s) of the pupil may conclude that a pupil would benefit educationally by repeating a grade level. In such cases, the pupil may be allowed to repeat the year provided there is an educational basis for it, and there is a clear programme for the pupil to follow.

In all cases where the proposed retention of pupils has staffing implications, my Department should be notified.

Vocational Education Committees.

339. **Deputy Denis Naughten** asked the Minister for Education and Science if he has received a submission (details supplied); his views on the contents of the submission. [43803/09]

Minister for Education and Science (Deputy Batt O’Keeffe): In September when I spoke at the annual conference of the Irish Vocational Education Association (IVEA) I indicated publicly my general intentions in relation to the future organisation of the VEC system. I invited the IVEA and other interested parties to make written submissions if they wished that I would consider in finalising proposals.

Furthermore the Programme for Government includes a specific commitment to develop proposals for the reorganisation of the number of Vocational Education Committees.

I can confirm for the Deputy that I have received submissions from a number of VECs, including County Roscommon VEC.

The Deputy will appreciate that in advance of bringing the matter before Government, which I expect to do in the coming period, it would not be appropriate for me to comment on any particular element of the reorganisation.

School Management.

340. **Deputy Joe Costello** asked the Minister for Education and Science if approval will be given to Educate Together to become a patron of second level schools; and if he will make a statement on the matter. [43816/09]

Minister for Education and Science (Deputy Batt O’Keeffe): My Department is currently considering a number of broad policy issues relating to the recognition process for second level schools and the application from Educate Together to be recognised as a patron body at second level is being fully examined within the context of legal, financial and other factors that I must consider. The question of the governance structure is also being considered as part of that assessment.

Officials from my Department recently met with representatives from Educate Together and there was a wide-ranging discussion about the issues surrounding Educate Together’s application to become a patron at second level.

In view of the range of issues involved, it has not been possible to bring this matter to a conclusion as quickly as I would have liked. However, it is my intention to convey a decision to Educate Together at the earliest date possible.