

DÁIL ÉIREANN

Dé Céadaoin, 27 Eanáir 2010.
Wednesday, 27 January 2010.

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

Paidir.
Prayer.

Leaders' Questions.

Deputy Enda Kenny: The House should note the passing of Mr. Pádraig MacKernan, an outstanding public official who served his country well in the Department of Foreign Affairs. In the diplomatic service he dealt with issues that are very relevant to the discussions that are going on today. The House should note his contribution to Irish life and public service.

The Taoiseach is currently engaged in critical discussions with the British Prime Minister and parties in Northern Ireland in respect of the issues that are outstanding. In many ways these issues go back to the conclusion of the talks at St. Andrews more than three years ago, which were concluded between both governments. Not having had the full imprimatur of all the parties at that time, some outstanding issues remained which are now the subject of today's discussions in Northern Ireland. Human rights, Irish language legislation, the Parades Commission and the devolution of policing are all central to those discussions.

Will the Tánaiste convey to the Taoiseach that Fine Gael stands four-square behind the Government's efforts to have the Good Friday Agreement implemented in full. It is in the interests of every person on this island, irrespective of background, creed or politics, to have an island at peace with itself so that communities can get on with their lives. I say that as Leader of the Opposition and if the people so decide in due course that we should be in Government, that priority will still be the same. We stand four-square behind the efforts of the Taoiseach, the Minister for Foreign Affairs and their officials to see that the Good Friday Agreement is implemented in full.

I have received no briefing from any Government officials about the details of the ongoing discussions, but I can well imagine the nature of those talks. I again ask the Tánaiste to convey to the Taoiseach and all the parties in Northern Ireland, ahead of the plenary session at noon, that Fine Gael is serious about our island economy and people being able to compete as a small but central member of an enlarged European Union. This island faces serious economic and social challenges. It also faces challenges as regards our participation in Europe and that of others. In so far as she can, the Tánaiste may wish to provide an update on the discussions up to 5.30 a.m. this morning.

The Tánaiste: Sílim go bhfuil an Teach d'aonghuth chun comhbhrón a ghabháil do chlann Phádraig MacKernan. Ar dheis Dé go raibh a anam dílis.

I welcome the Leader of the Opposition's remarks. As he will appreciate, it has been difficult to get a briefing arising from the fact that meetings continued until early this morning.

[The Tánaiste.]

However, the Taoiseach and the British Prime Minister, Mr. Gordon Brown, are continuing meetings today to try to encourage the parties in Northern Ireland to complete the transfer of policing and justice powers. They are trying to finalise the blueprint that would resolve the parades issue as well. Contacts at official and political level have intensified in recent weeks with a view to assisting parties in Northern Ireland to resolve the remaining few issues and advance the full implementation of the Good Friday and St. Andrews agreements. As the Deputy said, these agreements remain the bedrock of peace and stability on these islands.

On 1 December 2009, the relevant legislation was passed to devolve the Department of Justice. The First Minister and Deputy First Minister have launched the process of identifying the future Minister for Justice. The significant financial package of £800 million, which was brokered by the Prime Minister, Mr. Gordon Brown, continues to offer a secure basis for completion of the outstanding work. Both Governments remain determined in their ongoing efforts to support the early devolution of policing and justice powers and the wider political process in Northern Ireland. I will have an opportunity to speak to the Taoiseach prior to continuing his talks, and I will brief him on the Deputy's remarks.

Deputy Enda Kenny: If the Taoiseach is short of supplies up there, the Tánaiste can tell him that we can come to his assistance.

Deputy John Cregan: Is the Deputy suggesting that he should go up there?

Deputy Enda Kenny: The question of the Parades Commission is obviously a sensitive one. There were discussions for years about having that matter taken out of the realm of the police and politics. For all its faults, the commission brought a degree of commonsense and pragmatism to the parades issue. I hope that whatever compromise is to be arrived at can be reached in that regard.

Given the economic challenges our country faces, we should be acutely aware and vigilant about the recruitment drive now going on for dissident republicans. The Tánaiste is well aware of the catastrophic implications of at least three 600-lb. bombs that were placed in various locations in the North. Those plans were disrupted by good contacts between the PSNI and the Garda Síochána. I am happy to agree with the comments that the level of co-operation and intelligence sharing between both police forces is at an all-time high. That is as it should be.

With regard to comments made this morning by the Garda Commissioner in respect of Garda facilities, these obviously could be improved. I suggest to the Tánaiste that this matter must be brought to the highest level, not just to Secretary of State level, but to Prime Minister level. This is not an issue with which one can fool around. At a time of economic depression here, where emigration is back on the agenda and hundreds of thousands of young people face unemployment, this country is ripe feeding ground for dissidents who have no other ambition or aim but to disrupt normal life on this island. I offer the Tánaiste and the Government the fullest support possible in dealing with intelligence and vigilance and a diversion from that kind of activity by recruitment into work and through the creation of employment. This is the answer to much of that. I would like the Tánaiste to take seriously the fact that we are acutely aware of just how disruptive this activity is for the reputation of this island, lives on this island and the economic prosperity of all our peoples. It is imperative that recruitment among dissident republicans, which is ongoing as we speak, is thwarted and dealt with in the way it should be by the forces of law and order and by common sense from Government. I would like the Tánaiste to convey this message to the Taoiseach.

The Tánaiste: In the context of parades, I do not want to make a public comment on matters that have not been brought to finality. However, the art of politics is to obtain compromise and the parties are certainly forthright enough to ensure we can bring matters to finality for the better interests of the people of this island, North and South. As a Border Deputy, I am aware of the issues that arise in the context of dissidents. The Government, the Minister for Justice, Equality and Law Reform and the Garda will continue their resolve, working with the PSNI, to ensure that people are apprehended. The sharing of intelligence has been superb and there is a very close working relationship between the Garda and the PSNI at all levels. We have a Garda Force of 14,500 which will continue to ensure the issue of dissidents is dealt with. At a political level, I welcome the resolve of all parties to ensure there is no political support for such people.

Deputy Eamon Gilmore: I join the Tánaiste and Deputy Kenny in paying tribute to the late Pádraig MacKernan for his outstanding work as Secretary General of the Department of Foreign Affairs and his work as an ambassador and diplomat for this country over many years. I sympathise with his family and friends.

Yesterday, we heard the stories of some of the low-paid public servants and about how they are trying to get by following the unfair pay cuts imposed on them by Fianna Fáil and the Green Party in the recent budget. We heard the story, for example, of Mary Duffy who is a clerical officer in the Department of Education and Science in Tullamore. Her husband has lost his job and his jobseeker's benefit has now run out. We heard how that family is now trying to get by on Mary's pay of €451 per week and how they had to hand back the key of their house. They are now living in rented accommodation and paying a rent of €625 per month. As a result of the pension levy which was imposed last year and the cut in pay which was imposed by the budget, Mary's pay has been cut by €77 per week. Meanwhile, the Government did a sweetheart deal for some of the more senior officers of Mary's Department and other Departments, people who are paid six or seven times what she is paid.

Mary Duffy and her colleagues have been subject for a year or more to a vulgar campaign of abuse demeaning the work they do and demoralising those who do it.

Deputy Michael D. Higgins: Hear, hear.

Deputy Eamon Gilmore: I have two questions for the Tánaiste on this. Does she think it is fair that Mary Duffy should take a cut of €77 in her pay while those in her Department who are paid six or seven times what she is paid should have a sweetheart arrangement made for them by the Government during the Christmas period? Also, will the Tánaiste answer the question she did not answer yesterday when I asked her about this matter? Will she give Mary Duffy a straight answer as to whether her pay will be cut a third time by the Government?

The Tánaiste: In the strongest terms possible, I refute any political accusation that the Government in any way has a vulgar campaign against the public servants of this country.

Deputy Emmet Stagg: Oh yes it has. The public service has been denigrated for the past two years.

The Tánaiste: Under no circumstances will I accept that. We, and all Members, have always had the highest regard for our public servants.

Deputy Emmet Stagg: The Government has a funny way of showing that.

The Tánaiste: We want to ensure that our public servants have sustainable employment and that our economy has the wherewithal to ensure that happens. That has not been the circum-

[The Tánaiste.]

stance in the context of the economic change that has taken place here. We have not had a sustainable situation with regard to our public finances. It was on that basis we had to make such difficult decisions.

Deputy Michael D. Higgins: That is not Mary Duffy's story.

The Tánaiste: It is on that basis we made the decisions, although we very much appreciate the difficulties this has for our public servants. We also appreciate the fact there are so many people unemployed. It is on that basis that the scarce resources we have are being targeted at those who need that type of support——

A Deputy: There is no fairness.

The Tánaiste: ——and at creating activation measures and new innovative ways through which we can ensure the skills needs of the country are met. It is important to point out that many people here have found work as a consequence of the supports they have been given.

Deputy Joan Burton: The employment rate is falling.

The Tánaiste: I have just come from making an announcement of 103 new jobs in the digital hub and we announced 125 jobs yesterday. We have a strong flow of inward investment in this country which is hugely important. Deputy Burton's constituency has benefited immensely and immeasurably from the investments made by the Government in attracting foreign direct investment.

Deputy Joan Burton: That is because of the hard work of people like me.

An Ceann Comhairle: The Tánaiste, without interruption please.

The Tánaiste: I look forward to visiting the Deputy's constituency in the near future for the further advancement of employment opportunities.

With regard to the pay and conditions of assistant secretaries, the review body on higher level pay indicated that the bonus was indicatively part of their salary.

Deputy Joan Burton: Indicatively, what does that mean? Is this reality we are discussing?

An Ceann Comhairle: The Tánaiste, without interruption please.

The Tánaiste: The Minister accepted that a further reduction that would equal a reduction of 20% would be disproportionate. However, that does not take from the view, and I reiterate what I said yesterday, that nobody on this side of the House, nor the other side, is in a position to say what adjustments are needed in the context of next year's budget. However, our clear view is that public sector reform is for the benefit of the citizens of the country. Arising from public sector reform, we can find savings which can be taken into consideration in the context of the adjustments we may need next year.

Deputy Eamon Gilmore: The Tánaiste has not answered either of the questions I put to her. The first question I asked was: Is it fair that a low-paid worker like Mary Duffy should take a cut of €77 a week while senior people in her Department and other Departments had a special arrangement made for them by the Government after the legislation was passed? My second question is not unreasonable. Low-paid workers like Mary Duffy have taken two pay cuts already in the past year. My simple question is, will the Government give an assurance they

will not have to take a third? It is instructive that the Tánaiste has not given me a straight answer on that. The answer she did give me was inaccurate. The Government encouraged a campaign of abuse and vilification of public servants.

Deputy Darragh O'Brien: Absolute rubbish.

Deputy Eamon Gilmore: Yes, it did. The first person sent out to do so was former Minister of State Deputy John McGuinness. I recommend to Members that they read again some of the very abusive terms he used to describe people who try to do a decent day's work every day and who are certainly not valued. The Government did this and did so at arm's length and by way of the various spinning mechanisms it has developed. It did it to soften public opinion and soften public servants and so it could get away with cutting their pay in the December budget.

There is a huge number of unemployed people and the Government is doing very little to get them back to work or to get the economy moving again. Instead of engaging in productive investment to get people back to work, it is pumping billions of taxpayers' money into the banks because of the guarantee it gave to them.

Deputy Noel Dempsey: Rubbish, rhetoric, nonsense.

Deputy Eamon Gilmore: One of the people who is unemployed and who has lost her job is Ms Mary Duffy's husband. People who work in the public sector and who have taken a cut in their pay do not live on a different planet from those who work in the private sector who are losing their jobs and whose businesses are going to the wall.

Deputy Dermot Ahern: The Labour Party would print the money.

Deputy Eamon Gilmore: Will the Tánaiste give a straight answer to the question of whether it is fair that Ms Mary Duffy must accept a pay cut of €77 per week while higher-paid civil servants get a sweetheart deal from the Government? What is the Tánaiste's answer for Ms Duffy? Is her pay to be cut again?

Deputy P. J. Sheehan: Cut out the sweetheart deals.

The Tánaiste: I am disappointed the Deputy was not in a position to hear and understand what I had to say. I indicated to him——

Deputy Joan Burton: The Tánaiste should speak up and answer the question.

(Interruptions).

An Ceann Comhairle: The Tánaiste has the floor. Will the Deputies please desist from interrupting?

The Tánaiste: I have said three times we are not in a position to give such undertakings. It would be completely wrong to give such an undertaking in January.

Deputy Eamon Gilmore: The Government gave it to the banks.

The Tánaiste: When we talk about the smart economy, we should realise it is not just for the private sector but for the public sector also. It is about innovative ways of implementing change in the delivery of services to citizens.

Deputy Pádraic McCormack: Change for the worse.

The Tánaiste: We must proceed in a different way. Technology and new work practices will be employed so we can have a modern economy.

Deputy Joan Burton: What was the Government doing for the past 12 years?

The Tánaiste: We will do this only in the context of further reforms.

Deputy Emmet Stagg: Why did the Government not do it over the past ten years?

An Ceann Comhairle: The Tánaiste without interruption.

The Tánaiste: Such reforms are absolutely necessary.

Deputy Michael D. Higgins: So the assistant secretaries are doing all that.

The Tánaiste: When we applied pay reductions arising from the budget, they were applied in a progressive way, as with all other adjustments to public service pay. Thus, lower-paid public servants suffered a lower net loss in proportion to that suffered by those in the higher-paid public service grades.

Deputy Emmet Stagg: They could not afford the loss.

Deputy Joan Burton: That is not true.

An Ceann Comhairle: Members should desist from interrupting.

The Tánaiste: That is not to say Members on every side of the House do not empathise with people facing serious difficulties. However, this side of the House is creating the wherewithal by which we will have stable public finances and a stable banking sector.

(Interruptions).

The Tánaiste: As a consequence, we will have a platform for economic growth. This contrasts with the position on the other side of the House, where Members have disparate views on how it should be achieved.

An Ceann Comhairle: That completes Leaders' Questions.

Business of Dáil: Motion.

Deputy Pat Carey: I move:

That notwithstanding anything in Standing Orders, oral questions to the Taoiseach shall not be taken today and we shall now proceed directly to the Order of Business.

Question put and agreed to.

Order of Business.

The Tánaiste: It is proposed to take No. 22, Civil Partnership Bill 2009 — Second Stage (resumed); No. 1, Industrial Relations (Amendment) Bill 2009 [*Seanad*] — Second Stage (resumed); and No. 23 — Planning and Development (Amendment) Bill 2009 [*Seanad*] — Second Stage (resumed). Private Members' business shall be No. 76, motion re the national response to the recent weather crisis, resumed, to conclude at 8.30 p.m. tonight, if not previously concluded.

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

Deputy Enda Kenny: Yesterday we discussed with the Tánaiste the commission of investigation, the secret inquiry into banking and what went wrong with regulation and policy. I have looked at this again. The law, as it stands, is such that the terms of reference for any commission must be drawn up by the Executive. This leads to talk of reports being laid before the Oireachtas and of the Oireachtas being briefed, with a consequent discussion in the House. There is no way for the Oireachtas to amend the terms of reference if it wishes; it can only talk and produce hot air. If the Tánaiste wants to back up and verify the truth of the words of the Taoiseach, who said he wanted the Oireachtas involved at every step of the way, she should note “every step of the way” means being involved in the drawing up of the terms of reference. As the law stands, the Oireachtas has no function in the drawing up of the terms of reference. To give effect to the Taoiseach’s wish, will the Tánaiste allow the Oireachtas to amend the terms of reference if it so wishes? This necessitates discussions with the Opposition parties and it would allow the House to propose amendments to the terms of reference drawn up by the Cabinet.

Former Supreme Court Judge Ms Catherine McGuinness said yesterday people cannot have trust or faith in secret meetings and deliberations behind closed doors. I agree, as do 91% of the population, and this is why I made my point on people giving their evidence on policy and regulatory matters in public at the investigation. There would be no constitutional or legal impediment to their doing so. What vehicle does the Government intend the Oireachtas to use in this regard? Is it intended to give chairmanship of the Oireachtas committee to a member of the Opposition in order to deal with the public perception of there being a closed circle? Under no circumstances would the Government, with a Fianna Fáil chairman, want to have witnesses giving evidence, on its behalf, that might be deemed to be somewhat——

11 o'clock

Deputy Pádraic McCormack: Embarrassing.

Deputy Enda Kenny: “Embarrassing” is the word. If the Government is serious about the matter, it will give chairmanship to a Member of the Opposition. What committee does the Government intend to use?

The Tánaiste: The answer to the straight question as to whether there is a proposal to introduce amending legislation is that there is none.

Deputy Enda Kenny: In that case, does the Tánaiste not agree that the Oireachtas should have a function regarding the terms of reference?

The Tánaiste: On the issue of committee chairmanship, which is well outside my remit on the Order of Business, I indicated yesterday to the House, including Deputy Kenny, that an Oireachtas committee will have the opportunity to meet and discuss the issue prior to the release of the scoping report. That is the first stage and it will include the international expert in addition to the Governor.

Deputy Joan Burton: It is not only Fianna Fáil and the Government that are falling apart.

The Tánaiste: Progress will then be made on the issue and the scoping report will be debated in the House. Members will have an opportunity to discuss this and any other issues they wish to raise when the further inquiry is set up. As I indicated previously, the Minister for Finance has been forthright in this regard, in listening to the views of Opposition Members. I am sure,

[The Tánaiste.]

as I spoke to him last night, he will be more than happy to have further conversations with Opposition Members.

Deputy Pádraic McCormack: What about the chairman?

The Tánaiste: What do we want to see? We want to see the facts established in the most cost-effective and time-efficient way. The Government believes this is the best proposal in ensuring that.

Deputy Pádraic McCormack: It is about the Government saving its face.

Deputy Richard Bruton: The hot air is beginning to escape.

Deputy Enda Kenny: The Minister for Finance has been very forthright unlike the Tánaiste. I hear the hiss of escaping hot air, so much so it could drive a large turbine.

The first point the Tánaiste made was that there was no intention of introducing amendments to the current Act.

Deputy Noel Dempsey: This is not in order. It has nothing to do with legislation.

Deputy Enda Kenny: Excuse me Deputy Dempsey, it is in order on the Order of Business.

An Ceann Comhairle: Will Members please desist from talking across the floor of the House?

Deputy Noel Dempsey: This is not in order.

An Ceann Comhairle: Deputy Kenny without interruption.

Deputy Noel Dempsey: Deputy Kenny should know that as he was a Whip himself.

An Ceann Comhairle: Will the Minister, Deputy Dempsey, desist from talking across the floor?

Deputy Terence Flanagan: Who is running the country?

Deputy Enda Kenny: When Deputy Dempsey was a Whip himself, I recall giving him such advice. He knows it is perfectly in order but he does not want further embarrassment for the Government.

The Taoiseach said the Government wanted the Oireachtas involved at every step of the way in this inquiry. One of those steps is the drawing up of the terms of reference. The current law does not provide for the Oireachtas to be part of that. The Taoiseach said he wants that change but the Tánaiste said no further amendments will be introduced. If the Tánaiste wants to agree with the Minister for Finance, who has been very forthright, an amendment is required to provide for the Oireachtas to change the terms of reference of an inquiry, if it so wishes.

Everyone is interested in seeing the law of the land applied and those who were blatantly out of line, if the law so finds them, or were involved in criminal activities ending up behind bars. Finding out the facts at the cheapest cost is also in everybody's interests. However, I am sure the Minister for Transport is fully intent on having a Fianna Fáil chairperson of some committee beaten around the head in an office upstairs before he goes to the meeting and being told to stand by the party with no embarrassing questions on matters of policy or regulation.

Deputy Noel Dempsey: I have not heard anything as ridiculous as me beating chairpersons around the head. Did Deputy Kenny get a hit on the head?

Deputy Enda Kenny: If the Government is serious about this inquiry, the Tánaiste, as deputy leader of the Government, should be able to inform me what committee will deal with it. Will a special committee be established with a short-term remit and an Opposition Member as chairperson?

Deputy Pádraic McCormack: It will be just a smokescreen.

The Tánaiste: That is a slur on all Fianna Fáil chairpersons.

(Interruptions).

The Tánaiste: Deputy Kenny has made an insinuation claiming they are incapable of doing their job, which is utterly untrue.

Deputy Enda Kenny: They are very sensitive on that side of the House.

Deputy Joan Burton: Has the Tánaiste met any of them recently?

Deputy Bernard J. Durkan: She is even laughing at it herself.

An Ceann Comhairle: Deputies, please allow the Tánaiste without interruption.

The Tánaiste: I would really like to see how Deputy Kenny beats the heads of his Deputies to ensure they tow the party line when they are asking questions on his behalf.

Deputy Noel Dempsey: He does not even talk to them outside of the House.

The Tánaiste: In my 23 years of experience in this House, each Member is an individual and has the capacity to ask the questions regardless of whether it is the party line.

Deputy Michael D. Higgins: They must lead very sheltered lives.

Deputy Pádraic McCormack: She is even smiling to herself.

The Tánaiste: Of all people, Deputy Kenny should know that himself.

No decision has been taken on the committee that will undertake this work. The Houses of the Oireachtas will be involved in all of the three stages of this inquiry. There are issues which the House has discussed for a considerable time. If there are important issues that need to be raised concerning the terms of reference, they will be listened to also.

Deputy Enda Kenny: We cannot do so as the legislation will not be amended. The Government simply does not want to amend the legislation.

An Ceann Comhairle: I call on Deputy Gilmore. Will Deputy Kenny allow him to speak?

Deputy Eamon Gilmore: I am greatly touched by the Tánaiste's vigorous defence of Fianna Fáil chairpersons, particularly after reading the newspaper reports of yesterday evening's Fianna Fáil parliamentary party meeting at which we had another phoney rebellion, this time on the issue of civil servants' pay.

The Tánaiste: Deputy Gilmore is more than welcome to attend one of our parliamentary party meetings if he so wishes.

Deputy Eamon Gilmore: It reminds me of the New Testament quote, “A house divided against itself falls.”

This morning there was a good report by the education editor of the *Irish Independent*, John Walshe, which draws attention to the unfairness of the student grant scheme. For example, a bar manager may not qualify for a student grant because his income is PAYE while the bar owner may qualify, if he organises his tax affairs in a particular way in the year when applying for the grant. The Student Support Bill 2008 was to reform the student grant scheme or the administration of it in any event. It has been on the Order Paper for some time and raised by Deputy Quinn many times. The Bill was referred to the Select Committee on Education and Science on 20 April 2008, two years ago, but we have not heard sight nor light of it since. In light of today’s report by John Walshe, when will this Bill be considered by the select committee?

The Tánaiste: It is proposed that Committee Stage will be taken during this session.

Deputy Caoimhghín Ó Caoláin: Last week when I asked after the publication date for the prescription charges Bill, I was advised it would be taken this session. This Bill has been contextualised by the Minister for Health and Children regarding the high costs of drugs and medications which I do not accept. However, the reference pricing for drugs Bill, which is directed at the high cost of drugs, is not listed for publication in this session. How can we fast-track legislation to introduce a new charge on those least able to afford access to medication, such as medical cardholders, while there is no similar haste to introduce legislation to address the high costs of drugs? Why have we a different set of arrangements in place for drug manufacturers and distributors? When will the Cabinet approve the heads of the reference pricing for drugs Bill? Will they be published once they are agreed?

The Tánaiste: It is anticipated the heads of the Bill will be before the Cabinet shortly with a view to having the legislation in the House this year.

Deputy Bernard J. Durkan: I wish to raise two issues, the first of which relates to that raised by Deputy Kenny regarding the sensitive negotiations taking place in Northern Ireland. Will the Tánaiste keep in mind the need to brief the leaders of the two main Opposition parties on the developments in these talks, even though they may be sensitive and having particular regard to the bipartisan approach adopted by the House in the past 25 years?

An Ceann Comhairle: Has the Deputy a question on promised legislation?

Deputy Bernard J. Durkan: That should also apply to Sinn Féin if it has not already been briefed.

An Ceann Comhairle: Deputy, we are on the Order of Business.

Deputy Bernard J. Durkan: Yes, and this is correctly raised.

A Cheann Comhairle, you encourage me on a regular basis to put down parliamentary questions. Yesterday, I acceded to your wishes and asked the Minister for Communications, Energy and Natural Resources, the number of occasions on which he met with representatives of management and staff of the public and private broadcasting sectors in each of the past three years to date, the subject matter of such discussions and the outcome.

An Ceann Comhairle: It is not appropriate to rehash parliamentary questions on the Order of Business.

Deputy Bernard J. Durkan: The Ceann Comhairle advised me on last week's Order of Business to do this.

An Ceann Comhairle: The Deputy being advised to put down parliamentary questions and then coming into the House to rehash them on the Order of Business is a different matter.

Deputy Bernard J. Durkan: The Ceann Comhairle encouraged me to raise this issue by way of parliamentary question and I have complied with his wishes.

An Ceann Comhairle: It is not appropriate.

Deputy Bernard J. Durkan: The Minister said in his reply that in the context of the development of broadcasting policy for the past three years he and his officials had cause—

An Ceann Comhairle: Deputy Durkan is abusing the Order of Business and the rights of individual Members.

Deputy Bernard J. Durkan: —on a regular basis to meet with the various interests that comprise the broadcasting sector, including but not limited to commercial broadcasting etc. He then stated that he was not in a position to inform [the Deputy] of the precise number of occasions on which he had met etc.

An Ceann Comhairle: We must move on. Does the Deputy have a query in regard to promised legislation?

Deputy Bernard J. Durkan: On the manner in which we do our business in this House, the Ceann Comhairle and I know that the Minister has an obligation to inform the House of the number and nature of—

An Ceann Comhairle: Deputy, this is entirely inappropriate to the Order of Business.

Deputy Bernard J. Durkan: —discussions he has had relating to his public business.

An Ceann Comhairle: I am sure there will be legislation on the matter at which time the Deputy will have ample opportunity, perhaps on Second Stage, to make these points. He may not do so now.

Deputy Bernard J. Durkan: Where?

An Ceann Comhairle: The Deputy can make his points on Second Stage of legislation relevant to the particular Department. Does the Deputy have a query in regard to legislation?

Deputy Bernard J. Durkan: Before I take up the Ceann Comhairle on that offer, I am as long a Member of this House as is he and I have yet to learn of an appropriate time to deal with such issues unless dealt with on the Order of Business. Once again, I remind the Ceann Comhairle that while the Opposition asks questions in this House it never gets answers.

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

Deputy Bernard J. Durkan: I have stated my query which relates to the quality of replies to parliamentary questions.

An Ceann Comhairle: That is not promised legislation.

Deputy Bernard J. Durkan: Legislation has been promised. The programme for Government—

An Ceann Comhairle: The Deputy will be well aware we have a sub-committee dealing with Dáil reform and that it is the appropriate forum for him to raise all of the points which he has now raised, all of which are valid in their own way.

Deputy Enda Kenny: It is making real progress.

Deputy Bernard J. Durkan: Since becoming a Member of this House almost 30 years ago—

An Ceann Comhairle: I have been more than tolerant with the Deputy.

Deputy Bernard J. Durkan: —I have been hearing about committees dealing with Dáil reform. Why can Ministers not simply answer our questions?

An Ceann Comhairle: The Deputy should refer the query via his party's Chief Whip to the sub-committee on Dáil reform.

Deputy Bernard J. Durkan: I have already done so—

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

Deputy Bernard J. Durkan: —about five years ago.

An Ceann Comhairle: Does the Deputy have a question on promised legislation? If not, we will move on.

Deputy Bernard J. Durkan: My question relates to the activities of Ministers and their need to inform the House about what they are doing.

An Ceann Comhairle: The Deputy should have the matter raised with the sub-committee on Dáil reform. I call Deputy Crawford.

Deputy Seymour Crawford: When will the mental capacity Bill be brought before the House? There are currently 500 people on hospital trolleys. Perhaps the Tánaiste will advise us of the reason the wildlife (amendment) Bill is being prioritised ahead of legislation on health? It is a serious matter when human beings are placed second.

An Ceann Comhairle: Perhaps the Tánaiste will state if legislation in this area has been promised.

The Tánaiste: The mental capacity Bill will be brought before the House this session. No date has yet been fixed in respect of the other legislation to which the Deputy referred.

Deputy Seymour Crawford: What about the wildlife (amendment) Bill?

The Tánaiste: It will be introduced this session.

Deputy Seymour Crawford: That is important.

Deputy Joan Burton: Has the Tánaiste had an opportunity to read and examine the Shipsey report in regard to DCC, Fyffes, shares, insider trading and so on? Does the Government intend to provide time to debate that report in this House? I ask this in the context of this report cutting to the heart of matters relating to business in this State, a small country where

all of the insiders appear to know each other and in the context of the difficulties that we face with the bank inquiry——

An Ceann Comhairle: Has a debate been promised on this issue?

Deputy Joan Burton: ——which inquiry centres on six to ten institutions all of which know each other.

An Ceann Comhairle: The Deputy will have to find another way of dealing with this matter.

Deputy Joan Burton: The Ceann Comhairle allowed my esteemed colleague to speak for a long time.

An Ceann Comhairle: I know. I was unduly tolerant with him. That does not mean other Deputies should follow his example.

Deputy Joan Burton: The Ceann Comhairle should accord the same quality of esteem to female Members of the Labour Party——

An Ceann Comhairle: I am doing so and I am doing my best.

Deputy Joan Burton: ——who indicate early in the proceedings their desire to speak. We want equality of esteem.

An Ceann Comhairle: Yes. At the same time, the matters raised must be relevant to the Order of Business.

Deputy Joan Burton: I wish to raise a serious issue with the Tánaiste, namely, whether she has had time to read the Shipsey report or be briefed in full on it, whether the Government intends to provide for a debate on the matter in this House and what lessons will be learned from the Shipsey report that are pertinent to the most important inquiry held in this country——

An Ceann Comhairle: This is not appropriate to the Order of Business.

Deputy Joan Burton: ——namely, the series of inquiries into the banking crisis.

An Ceann Comhairle: There are other ways through which the Deputy can raise that matter.

Deputy Joan Burton: This is a perfectly appropriate time to raise the matter. I am totally in order in raising it.

An Ceann Comhairle: The Deputy should speak to her party whip about——

Deputy Joan Burton: It is an inquiry which is a matter which comes——

An Ceann Comhairle: ——initiating a debate on the matter.

Deputy Joan Burton: It is a commission of inquiry ordered by Government. I am asking if the Tánaiste has yet had time to read or be briefed on the Shipsey report and if the Government is proposing to provide time for a debate on the issue in this House. I am perfectly in order in asking that.

An Ceann Comhairle: It is not promised business.

The Tánaiste: It can be considered in the context of discussions with the Whips. I have been briefed on the matter.

Deputy Joan Burton: I am perfectly in order in asking that question.

Deputy Noel Dempsey: It should not take the Deputy so long.

Deputy Michael D. Higgins: I asked some time ago the reason Ireland had not signed the optional protocol to the United Nations Convention on Economic, Social and Cultural Rights and received in this regard a helpful reply from the Minister for Foreign Affairs who stated that Ireland would be attending the signing ceremony but was not then in a position to sign. What is the current position? Does the Government intend to sign and ratify the convention, when does it propose to do so and has it considered the international reputational damage of not doing either?

The Tánaiste: I will revert to the Deputy on the matter.

Deputy Thomas P. Broughan: The Minister of State with responsibility for horticulture, Deputy Sargent, made a fleeting visit to the House earlier. Members will be aware that he has proposed the closure of a Teagasc research station in a new part of my constituency. I have tried to raise this matter in different forums, including with the Ceann Comhairle——

An Ceann Comhairle: Yes.

Deputy Thomas P. Broughan: ——who refused to allow a debate——

An Ceann Comhairle: I can only advise the Deputy to persist with the matter.

Deputy Eamon Gilmore: That is what he is doing.

Deputy Mary Upton: The Deputy is following the Ceann Comhairle's advice.

An Ceann Comhairle: There are so many other ways the Deputy can raise the matter, including by way of parliamentary question or on the Adjournment.

Deputy Thomas P. Broughan: The matter relates to the same incredible secret sub-committee of CPP which has been meeting for 30 or 40 years——

An Ceann Comhairle: Yes.

Deputy Thomas P. Broughan: ——and involves this nonsense whereby we cannot discuss State agencies on the floor of the House. We must rid ourselves of this rule which is completely undemocratic.

An Ceann Comhairle: The sub-committee on Dáil reform might——

Deputy Thomas P. Broughan: As the distinguished journalist, Mr. Vincent Browne, said last week this House has been completely eviscerated of any kind of meaningful power leaving us with a type of parliamentary dictatorship, which is evident from the banking inquiry. The Ceann Comhairle has a responsibility to pursue this matter and to give me an opportunity to raise it.

An Ceann Comhairle: Has a debate or legislation on the matter been promised?

The Tánaiste: No.

An Ceann Comhairle: Perhaps then the Deputy will find another way of raising the matter.

Deputy Thomas P. Broughan: Perhaps the Ceann Comhairle might find an avenue through which I can do so and will reform the relevant procedure, which is a nonsense.

Deputy Enda Kenny: The Deputy should call to the Ceann Comhairle's office.

An Ceann Comhairle: The Deputy can table a parliamentary question on the matter.

Deputy Jan O'Sullivan: There is no regulation in this country of assisted human reproduction. The Government is standing aside, as is the case in respect of so many of these issues, and leaving it to the courts to make decisions with regard to this sensitive area, in particular for the families directly involved. Has the Government any plans to introduce legislation on this important issue?

The Tánaiste: The Deputy will be aware that this is a complex issue. The Department of Health and Children intends to submit policy proposals to its Minister and the Government in terms of the direction and scoping of the legislation. For this reason, the matter has not been included in the spring-summer legislative programme.

Deputy Jan O'Sullivan: Does the Tánaiste expect legislation to be introduced some time this year?

The Tánaiste: It will be a Government direction.

Deputy Tom Hayes: I draw the Tánaiste's attention to an interview I heard last week on a Tipperary radio station during which the Taoiseach gave a firm commitment to the people of south Tipperary that he would make extra funding available for the repair of roads which are in a serious state. The Taoiseach stated he would speak to the Minister for Transport about the matter and would transfer funding——

An Ceann Comhairle: Has legislation on the matter been promised?

Deputy Tom Hayes: Perhaps the Tánaiste will update the House on that matter in view of the fact that many councils have made special application to his Department and are awaiting a response to same.

An Ceann Comhairle: The Deputy will have to find another way of raising the matter.

Deputy Tom Hayes: I need an answer because the weather is now forecasted——

An Ceann Comhairle: We had an avalanche of Adjournment offerings on this matter not so long ago, and they were allowed as well.

Deputy Tom Hayes: The Taoiseach last week gave an indication that funding would be made available and I understand that the Minister for Transport has some idea. Would the Tánaiste be able to respond to that?

Deputy Noel Dempsey: There is no legislation promised.

The Tánaiste: There is no legislation promised. I am sure, if the Taoiseach gave a commitment, it will be dealt with.

Death of Former Member: Expressions of Sympathy.

The Tánaiste: Tá áthas orm an deis seo a bheith agam labhairt ar Billy Kenneally, go ndéana Dia trócaire air. Ar dtús báire, ba mhaith liom comhbhrón a dhéanamh lena theaghlach. Fear dúshlánach d'áil a bhí i Billy. Bhásaigh sé i mí Lúnasa agus bhí an Teach ar athló ag an am. Tá an-áthas orm go bhfuil a chlann anseo in éineacht linn go gcloisfidh siad ón Teach agus chun deis a thabhairt dúinn ómós a leiriú d'fhear a son an mhaitheasa a rinne sé san Oireachtas.

We were saddened to learn of the death in August of former Deputy and Senator William Kenneally. Billy had a long life packed full of achievement and public service. He was one of Waterford's favourite sons and as a businessman, a politician and in everyday community life, he made an important and lasting contribution to the development of the south east region. He was a life-long member of Fianna Fáil and on behalf of all of our parliamentary party, may I say that we are grateful for his sterling efforts in promoting and working for Fianna Fáil over many years. His dedication played a massive part in the success of Fianna Fáil and the progress of his local community.

Billy grew up in a political family. He had a profound respect for the membership of Fianna Fáil having grown up in the party tradition. His father, William Kenneally Snr, was a prominent figure in the party in Waterford and he served the people of Waterford from 1952 to 1961 in Dáil Éireann. This was the proud political legacy on which in the course of an exemplary career Billy would build, bringing further distinction to himself and a great Waterford political family.

Billy Kenneally took his first steps as a public representative in the Lemass era, and Billy was very much a politician of that time. Like Lemass, he had a strong sense of patriotism and he shared Lemass's impatience for progress. He had a deep-seated belief in business and enterprise as an engine to drive national development. Indeed, Billy's background was in business and he was a partner in the successful Kenneally City Bus Company which for many years was a great Waterford institution and provided an important transport service to the people of Waterford city and county.

Billy contested his first election in the general election of 1961. He was unlucky not to take a seat on that occasion and was only denied by the fact that the constituency had lost a seat from the previous election in a revision of constituencies. However, he persevered and subsequently, he was co-opted onto the council. He understood well Tip O'Neill's famous maxim that "all politics are local". For Billy Kenneally, the whole purpose of politics was serving his local community, taking on board their concerns, making them his own and doing everything in his power to improve the quality of life for his native community.

The respect that his neighbours, friends and fellow citizens in Waterford had for Billy is evident from the fact that he was given the great distinction of serving the community as mayor of Waterford. It is also manifest in the fact that on five consecutive occasions the people of Waterford elected him as their representative in Dáil Éireann. In the general election of 1965, Billy topped the poll and he repeated this feat in the 1969 and 1977 general elections.

Billy's time in Leinster House was one of service, hard work and achievement. He was an immensely popular politician and he was held in great affection by colleagues on all sides of the House. He did valuable work on the Council of Europe from 1971 to 1973 during a period when Ireland's relationship with Europe was a dominant theme of public debate. He served as the Fianna Fáil Frontbench spokesperson on fisheries in Opposition between 1973 and 1975, and had a close and friendly relationship with George Colley and Jack Lynch.

When Fianna Fáil returned to power in 1977, Jack Lynch asked him to fill the difficult role of chairman of the parliamentary party. His tenure coincided with one of the most volatile periods in Fianna Fáil's history and it is testament to his character and his ability that he is still

remembered as an excellent chairman of the party. He was utterly fair and someone who had no time for internal rifts. His focus was always on the betterment of his party and his community, never on personalities or in-fighting.

My time in Leinster House missed overlapping with Billy's by a number of years, but I know he was a great voice of experience in the party as he had lived through some of the most remarkable times in 20th century Irish politics. The Taoiseach has asked me say that he regrets not being able to be here this morning due to the talks in Northern Ireland and to pass on his good wishes to the Kenneally family. The Taoiseach wishes to be associated with the words this morning paying tribute to Billy as he remembers him as an inspiration to all those who value public service.

To the end, Billy maintained a keen interest in politics and public life. He was, of course, rightly proud of the political achievements of his son Brendan, our friend and colleague here in Dáil Éireann. I am sure that Brendan will draw on Billy's fine legacy and his high example in public service as he continues to serve the people of Waterford in the same dedicated and distinguished fashion as his father.

May I extend my sympathies and those of the Fianna Fáil Party and the Government to Billy's family, to his wife Maureen, to his sons, our colleague, Brendan, and Donal, Kevin, Patrick and Martin, and to all his other family members and many, many friends.

Ar dheis Dé go raibh a anam dílis.

Deputy Enda Kenny: On behalf of the Fine Gael Party, I extend our deepest sympathy and condolences to the Kenneally family, to Maureen, Billy's wife, to Brendan, Donal, Kevin, Patrick and Martin, to his brother Jackie and his sister Kathleen, and to the extended family for his passing some time ago.

These occasions arise for the families of Members of the Oireachtas. They are always occasions where people have lost a husband or wife, father, son or daughter as the case may be, and the constituents of the constituency and the place they represented have lost somebody who they returned on possibly numerous occasions. When one looks through the Dáil records, the Dáil books as they used be, and sees names of Deputies who stood up in these seats and said their piece on behalf of their constituents, in many cases one never knew them, one does not know their names or did not know much about them. Those who came into the House, except for representatives from the south east, may not have known Billy Kenneally.

I was here for 11 of his 16 years of service and as the Tánaiste pointed out, they were some of the most tumultuous occasions within the Fianna Fáil Party. Sometimes one would question whether they were all for the good of the country or for personal advancement or whatever. Often these corridors, the Ceann Comhairle will recall, were filled with determined people about issues that were being discussed and often I had words with the chairman of the Fianna Fáil Parliamentary Party at the time in those corridors and he used say, "How am I ever going to keep them all quiet when this starts again?", with the cameras were outside on the street until 1 o'clock or 2 o'clock in the morning.

Leaving aside his chairmanship of a party that was going through some robust times, Billy Kenneally was first and foremost a Waterford representative and represented the people of his city and county with commitment and diligence. He was never afraid to speak out in the way he did on the issues that were important to him, and that was reflected in his mayoralty of his native city. He had a deep sense of personal family pride that his father and himself, and his son Brendan, were all returned by the people of Waterford to represent them in this House and that is why this was one case where the family seat was always at issue. No doubt when election time would come, would be in sight or was sprung on people suddenly, as happened

[Deputy Enda Kenny.]

in 1973 or whatever, in the wider family group it was a case of everyone being on deck to do the business and letting the people make their judgment.

I recall Billy Kenneally speaking in the House on many occasions both from the Opposition and Government sides. He was a very fair minded man and he spoke out especially with regard to local issues in Waterford and issues he believed were important. I realise for Maureen and the family there is a sense of loss and it is the end of that era but, as a wife and mother, I am sure it is important for her and her family to know that her son is here to carry on the good work of her husband in so far as the people of Waterford allow it to happen. Ar dheis Dé go raibh a anam dílis. During my earlier years here I was pleased to have made the acquaintance of Billy Kenneally to discuss the mechanics of politics and how they worked both on his side and mine.

Deputy Eamon Gilmore: On behalf of the Labour Party I wish to pay tribute to the late former Deputy, Billy Kenneally, to sympathise with his family on his passing, to sympathise with the Fianna Fáil Party on the loss of one of its great servants and especially to sympathise with our colleague, Deputy Brendan Kenneally. I did not have the privilege of knowing Billy Kenneally as he was here before my time, but from what I have heard from my colleague, Deputy Brian O'Shea, from what I have read of his political career and from what I was aware of at the time when I followed politics in the newspapers and so on, I have gathered that Billy Kenneally made a remarkable contribution to the House and to his constituency. He was a Member for 17 years, elected to the House on five successive occasions, a Member of Seanad Éireann and the mayor of Waterford on two occasions. He was a man who gave great service to the people of his constituency and who made a significant contribution to his political party, as Deputy Kenny and the Tánaiste have noted. He chaired that party at a time of great difficulty and turbulence and at a time of great change in the country. I am aware from my conversations with Deputy Brian O'Shea that Billy Kenneally was also a man of strong views and strongly held values, something to which we should give more attention to in political life in these modern times. Thar ceann an Lucht Oibre ba mhaith liom mo chomhbhrón a ghabháil le clann Kenneally, go háirithe lenár gcomhleacaí an Teachta Brendan Kenneally, agus lena pháirtí, Fianna Fáil. Is léir ón méid atá léite agam gur thug an Teachta Billy Kenneally seirbhís dílis do mhuintir na nDéise agus dá pháirtí. Ar dheis Dé go raibh a anam.

Deputy John Gormley: On behalf of the Green Party I extend our deepest sympathies to the family of the late Billy Kenneally. As with Deputy Gilmore, I did not know Billy Kenneally personally but several years ago I when I was in opposition I was on holidays in France, of all places, and I woke up one morning to discover that my next door neighbour was Deputy Brendan Kenneally. We were there for two weeks beside each other. During that period we swapped many stories and I believe I became familiar with the politics of Waterford city during that time. It was a great privilege to find out about how political families work. I do not come from a political family but I am aware these dynasties exist on both sides of the House, whether in the case of Fine Gael, Fianna Fáil and in some cases, the Labour Party.

Since 1942 the Kenneally family has served Waterford city with great distinction. Billy Kenneally continued the proud tradition of service of his father, William senior, established in Waterford City Council, by following in his footsteps in 1960. Billy went on to become the mayor of his city twice during his time on the council, a position whose duties he carried out with great pride. As has been outlined already, Billy represented Waterford in these Houses, entering for the first time in 1965. His electoral success would be the envy of many currently sitting in the House because he was returned for four consecutive terms over the course of 17 years. He completed his time in Leinster House with a term in the Seanad after his last election

in 1982. From speaking to Deputy Kenneally, I am aware of Billy's great pride and that of his family when he followed Brendan's success in the 1989 election and regained the seat that he held for so long. I imagine Billy was a source of inspiration and wisdom for Brendan in those early years and, in turn, Billy must have taken great pride in his son's success at that election. I extend my sympathies and those of my party to his wife, Maureen, and sons Brendan, Donal, Kevin, Patrick and Martin and the rest of the extended family. Ar dheis Dé go raibh a anam dílis.

Deputy Caoimhghín Ó Caoláin: Ar son Teachtaí Dála Shinn Féin, ba mhaith liom ar gcomhbhrón a ghabháil le clann Kenneally ar bhás an iar-Theachta Billy Kenneally. On behalf of the Sinn Féin Deputies I extend our sympathy and condolences to the Kenneally family, to the wife and children of the late former Deputy, Billy Kenneally, and especially to our Dáil colleague, Deputy Brendan Kenneally, on their family's great loss. As in the case of some previous speakers, I am here a good deal shorter time than others who have spoken and I did not have the honour of serving with the former Deputy Billy Kenneally in this House. However, I wish to reflect on the excellent, cordial and courtesy-based relationship I have with his son and to indicate that we share with each of the Deputies who have spoken already a sincere wish to convey our sympathy not only to the family but also to the Fianna Fáil Party, to which Billy Kenneally gave great service over a long period of his life. Ar dheis Dé go raibh a anam dílis.

Deputy John Deasy: I am very pleased to be associated with this tribute. I welcome the Kenneally family here for the tribute to Billy. Some speakers have mentioned that they did not know Billy personally and my party leader, Deputy Kenny, noted that sometimes it happens that people stand up to pay tribute to people they have never met. My mother reminded me that I knew him and that I had met him several times. I informed Brendan of this last week and that Billy used to buy me lemonade when I was a kid visiting the Dáil. My mother asked me if I remembered this and I did. He was always there with a few pence to buy me a bottle of lemonade when my father brought me up to the Dáil.

To put aside the Fianna Fáil — Fine Gael rivalry, the word most people in Waterford would use to describe Billy is "generous". I spoke to my father and it is a word he used to describe Billy. He remarked that Billy was a very fair and respectful person, very likable and someone with whom it was very easy to work. Since I have been here I cannot say as much for everyone but certainly I can say it of Brendan. The experience of my father was the same. Also, I had the experience of being a member of Waterford County Council with Patsy Kenneally. I can say the same of Patsy and that there was always an honest opinion, given quickly, something rare in politics and very refreshing.

The Kenneally family has probably one of the longest lineages in Irish politics. It stretches back to the 1930s. Last week, Deputy Brendan Kenneally told me that his grandfather served in this House for nine or ten years. Deputy Gormley made a telling remark, which I will turn around a little. He said he got to know Brendan over the course of two weeks and that this is when he learned how political families in this country work. The operative word is "work". The reason people such as the Kenneallys continue to be re-elected in Waterford is that they work for people. They have that reputation and it is important to point that out. That stood to them, particularly to Billy, who sat in this House for 17 years.

Again, I welcome the Kenneally family to the House and welcome being associated with this tribute. My father asked me to say that he wishes to be associated with the tribute as well.

Deputy Brian O'Shea: Gabhaim buíochas leis an Cheann Comhairle as ucht an seans a thabhairt dom páirt a ghlacadh sna ráitis chomhbhrón seo. Thar ceann Páirtí an Lucht Oibre i

[Deputy Brian O'Shea.]

gContae Phort Láirge agus thar mo cheann féin, ba mhaith liom ár gcomhbhrón a chur in iúl do chlann Uí Chionnfhaolaidh.

I did not have the privilege of serving in either Dáil Éireann or Seanad Éireann with Billy Kenneally. He had left the national scene by the time I was first elected. With regard to Waterford County Council and Waterford City Council, I was elected in 1985, the year Billy retired from local government. However, I knew Billy all my life. When I became involved in politics the description usually given of Billy Kenneally was that he was a gentleman. He was respected on all sides of politics. As I got to know him better, I realised how proud he was to take part in the profession of politics and how committed he was to the democratic system.

He brought a set of personal values to both politics and the democratic system. He was shrewd and humorous. When one met him one always had a laugh and one always left his company feeling better. He was compassionate and close to people, which was one of his great strengths. He understood people's needs. People understood that and called on him for assistance on many occasions. Many people in Waterford fondly remember Billy Kenneally for the assistance he gave them when they sought it in their time of need.

He was twice mayor of Waterford. While I did not have first-hand experience of his chairing the Fianna Fáil Parliamentary Party, he had the ability to assess people and situations. There was an over-riding sense of fair play where Billy Kenneally was concerned. There has already been reference to the fraught times in Fianna Fáil while he was chairman. He was not a flashy man; that was never his way. He was dedicated and thorough. From everything I have heard, he did a great job at a time when there were enormous difficulties within the Fianna Fáil Party. On a slightly frivolous note, I always felt the Kenneally family had an unfair advantage in Waterford because the family name was flashing all day throughout the city and county on the buses. Deputy Brendan Kenneally still has that advantage, and good luck to him.

What struck one about Billy was that he was a family man. His pride in his children and in Brendan has already been mentioned. He was essentially a decent man who was liked and respected. He had a large impact on Waterford politics and achieved that without making enemies and by respecting those who stood for public office. That part of Billy Kenneally was hugely important in Waterford. It is something we should examine and seek to emulate. We can all get into crossfire and so forth but, ultimately, when we represent a constituency we are all in our own way trying to serve the people who elect us to the best of our ability.

He will be missed. I offer Maureen, our colleague, Brendan, Donal, Kevin, Patrick and Martin, Billy's brother, Jackie, and his sister, Kathleen, our greatest sympathy. Ar dheis Dé go raibh a anam dílis.

An Ceann Comhairle: I offer Mrs. Maureen Kenneally and our colleague, Deputy Brendan Kenneally, our sincerest sympathy on the death of Billy Kenneally. Ar dheis lámh Dé go raibh a anam dílis.

Members rose.

Civil Partnership Bill 2009: Second Stage (Resumed).

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

An Ceann Comhairle: Deputy Ruairí Quinn was in possession and I understand it was his intention to share time with Deputy Joanna Tuffy. Deputy Tuffy has 11 minutes.

Deputy Joanna Tuffy: I and the Labour Party welcome this Bill. It represents progress on the rights of same sex couples and unmarried couples. There has been progress on this issue

over the last number of years. That progress has been incremental, as progress should be, rather than happening all at once. The Bill is not perfect but it is progress on which we can build for the future, just as we built on legislation that was passed regarding same sex couples and unmarried couples in the 1990s.

I will speak later about some of the people who have played a part in the progress on this issue. The Gay and Lesbian Equality Network, GLEN, has welcomed the legislation and Dr. Fergus Ryan, who prepared a paper for GLEN on the legislation, commented that the Bill represents a robust and comprehensive step in the right direction and that both practically and symbolically these measures will, if implemented, represent real and substantial progress in the recognition and protection of non-traditional families.

The paper prepared by Dr. Fergus Ryan, who is head of the law department in the Dublin Institute of Technology, is a substantial study of the legal provisions in the Bill. I read it last night. It is a very comprehensive analysis of the Bill and I hope some of the comments made on it will be taken on board by the Minister, the Minister of State and the Department. Some important points are made regarding silences in the Bill and improvements which could be made to it, some of which I hope could take place on Committee Stage and Report Stage and as it progresses through the Seanad. Dr. Ryan also says that the Bill represents the most far-reaching reform of family law in a generation and affects 130 pieces of legislation, many of which are very complex and historic, such as the Succession Act and various pieces of family law legislation which give rise to decisions regarding the family home and so on.

A number of points needs to made on what issues need to be addressed as the Bill progresses through the House or in separate pieces of legislation. We should not lose sight of the fact that this is called the Civil Partnership Bill, but it also deals with the rights of cohabitees. There is not a lot of awareness of that fact. Many people who are cohabitees, because of the way the Bill has been publicised, are not aware that it also affects them. The Government needs to have a campaign of public awareness because when it comes to cohabitees the rights are applied to them without their having to register their relationship. It is important that cohabitees are made aware of the provisions in this Bill.

I am very thankful for Dr. Fergus Ryan's paper because it is a very informative analysis. He makes the point that the effect of this Bill is more significant in terms of the rights and obligations conferred on cohabitees because of the number of families involved. He refers to the 2006 census which estimated that there are more than 120,000 cohabiting couples in the State, some one third of whom have dependent children residing with them. There are 120,000 couples but there are also some 40,000 children who will be affected by this Bill. There is speculation that after the Bill is passed changes will then be made to the legislation on tax and social welfare.

I am interested to know if those changes will also apply to cohabitees because, in terms of how they are currently treated by the law, they are in a catch-22 situation. The social welfare legislation applies to them and treats them as if they are a unit. At the same time the tax legislation, from which they could benefit, does not. Very often cohabitees are negatively impacted upon by social welfare legislation. For example, one member of the couple cannot qualify for jobseeker's allowance because he or she is means tested on the basis of the income of his or her partner, but the couple does not receive the tax advantages of a married couple. I hope the tax benefits married couples receive would also apply to civil partners and cohabitees. The Minister of State might let us know what Government's plans are in that regard.

Dr. Fergus Ryan makes the point that the Bill is largely silent on the children of the couples affected by the Bill. There is a need to do something about unmarried fathers and their rights. We are well behind other countries in that regard. We are making progress, but one area in

[Deputy Joanna Tuffy.]

which we are not making progress is the issue of unmarried fathers. If there are 40,000 children and 120,000 couples, and all the other couples who do not live together, some of whom are in same-sex relationships, something needs to be done about the rights of unmarried fathers. They need to be given automatic guardianship or something similar to the arrangements in Scotland and other countries in Britain where, if one's name is on the birth certificate, one automatically gets guardianship rights. At the very least, we should introduce such a measure here.

Dr. Ryan's paper for GLEN refers to omissions or silences in the Bill. He speculates on whether the Bill will apply in the same way as it does to married couples, but the Bill is silent so there is no clarity in that regard. Those issues need to be explored on Committee Stage and Report Stage because if important areas are left silent, they could become loopholes and people could not be protected in areas in which they need to be.

He also makes some points regarding children, namely, that the relationship between the children of a civil partner and the other civil partner is one which is not generally acknowledged for the purposes of the Bill. He discusses how, despite that, the Bill will contain protections for children, such as the section which asks the courts to have regard to the rights of any other person. He says this may include the child of either civil partner. I take the position GLEN, many others and public opinion would take, that is, we need to make sure our laws protect children. If we do not deal with that in this Bill, we will have to deal with it ultimately, the sooner the better. I hope the Minister will accept amendments to the Bill which will improve the rights of the children of civil partners and cohabittees.

If that is not done, when the Bill is passed we will have to grapple with the issue because if we do not there will be problems down the line. We have to reflect the reality of same-sex partners and cohabittees who have children and recognise it is a large part of the picture on the ground in terms of family formation. It always has been, but it is so now more than ever. Public opinion is well ahead of the Government in that regard.

I wish to refer briefly to those who have contributed to this Bill. Groups such as GLEN and individuals have campaigned for this over the years. People have taken brave decisions, including the former Minister, Máire Geoghegan-Quinn, in 1993. I remember being here for that debate. It was a significant step at the time and yet, when we look back now, the opinions then were out of date compared to now. It was a very brave move on the part of all those who supported it at the time. It was a very important and significant step which has, in effect, paved the way for this Bill.

I was in the Seanad in 2004 when Senator David Norris had a Bill on this issue. He has played a huge role, as a Senator and an individual, in campaigning for the rights of homosexuals and same-sex partners, something on which he needs to be commended. The Seanad has produced fine Senators, has been very progressive and has been an important part of our Legislature. Other individuals were also involved. This Bill is another step and we will need to make further progress when it, it is to be hoped, is passed very soon.

Deputy Mary O'Rourke: I wish to share time with Deputy Beverley Flynn.

I am pleased to have an opportunity to speak to the Bill. From what I have picked up from the contributions of previous speakers, it is receiving a relatively approving passage in the House. Nevertheless, as with the Criminal Law (Sexual Offences) Act 1993, this is landmark legislation. I was a Member of the House when the then Minister, Ms Máire Geoghegan-Quinn, introduced the Bill decriminalising homosexuality in 1993. She took a major step at that time but did so with calmness and a clear sense of direction. I recall that the debate on the Bill was also relatively tempered and was conducted with moderation. I was glad that was the case.

When the Civil Partnership Bill was first mooted I, like many Deputies, was approached by constituents to discuss the issue. I have no doubt the individuals in question were well meaning and did not have ulterior motives. They expressed fear and foreboding about whether, for example, a registrar would refuse to perform his or her civil duties when a same sex couple gave notice that they proposed to be registered. They asked what would happen if the registrar decided he or she would not preside over a civil partnership ceremony. We also heard about the possibility of photographers refusing requests to photograph same sex couples and bakers refusing to bake cakes for same sex registrations. In that case, one could do without the cake. These were facile arguments which had no bearing on the issue for which we proposed to legislate. My response, therefore, was that I did not anticipate any difficulties. As the Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern, stated at the time, one leaves one's religion outside this Chamber. That was a fair comment.

Shortly after Christmas, someone asked me whether I was aware that break-ups were much more common among same sex couples. I responded that I was not aware that was the case but all types of families break, regardless of the nature of the sexual relationship. People enter relationships with high hopes and with their hearts full of love, commitment and fidelity. They hope to preserve these attributes but regrettably fidelity does not always last. If a relationship does not work out or there is infidelity in it, the couple will break up. To imply, however, that same sex relationships are more likely to break up than male-female relationships is, in my view, to engage in the spreading of unfounded rumour.

In introducing the Bill, the Minister stated:

This Bill takes nothing from anyone but what it gives is profound and is positive.

It creates for the first time in Irish law a scheme under which a same sex couple can formally declare their allegiance to each other, register their partnership under new provisions in the Civil Registration Act 2004, commit themselves to a range of duties and responsibilities and at the same time be subject under new law to a series of protections in the course of their partnership in the event of a failure of either party to maintain the other and in the event of disputes between them as to ownership of property.

This is practical legislation and I commend the Minister on the alacrity with which he set about bringing it before the House.

In 2007, the Fianna Fáil Party election manifesto made a clear commitment to introduce legislation on same sex relationships. This commitment was renewed in the programme for Government agreed with the Green Party and is now being implemented in legislation.

As a republican party, Fianna Fáil is committed to equality, which is a fundamental tenet of republicanism. It is noteworthy that, in addition to this Bill and the 1993 Act, Fianna Fáil Ministers introduced the Prohibition of Incitement to Hatred Act 1989, Employment Equality Act 1998 and Equal Status Act 2004. Those who, in their wilder moments, seek to label Fianna Fáil Party members as backwoods men and women should reflect on the fact that Fianna Fáil Ministers have shown a determination to wipe out, in as far as possible, inequality in society. I do not make this point for political purposes. It is amazing, however, that people seek to attribute a characteristic to my party which is not borne out by the actions of its members.

I cannot see how anyone could object to enabling love, commitment and fidelity to flower in a relationship, as this Bill will do. It will also provide certainty that various duties and responsibilities attach to such relationships and if a relationship does not work, due deference will be paid to the party who has been damaged. In a world fraught with difficulties and which is daily witness to hatred in places such as Iraq and Afghanistan and even in the talks under

[Deputy Mary O'Rourke.]

way nearer home, surely we should support simple legislation giving certainty to couples of the same sex who wish to express their devotion and fidelity and give shape to their relationship. This Bill will allow such couples to gain a sense that they truly belong to one another, as has been evidently the case in their relationships heretofore.

I applaud the motives and determination behind this simple yet complex legislation. Amendments will be made to many Acts to take account of the changing nature of relationships, particularly by changing the terminology used in much legislation. I hope there will be scope for making amendments to the Bill on Committee Stage. I am sure the Minister will see fit to ponder proposed amendments tabled and accept those which he deems suitable.

I am pleased this fine Bill is being introduced and hope it will put an end to the inequality experienced by same sex couples as they go forward into their future together.

Deputy Beverley Flynn: I welcome the opportunity to speak on this important Bill, which reflects the new reality in this country. Figures for 2006 show that 120,000 or 12% of couples are cohabiting and that, combined, they have 74,500 children. Statistics show that 1.71% of those couples are same-sex couples but I believe the actual number is higher because that census did not pose the appropriate question to produce the correct figure. I am certain it is more than the 2,000 plus reflected in the statistics.

This is the new reality in Ireland today. Many of these couples are living together without any financial certainty or any provisions in respect of succession or property rights. It is extremely important that the Minister has brought the Bill before the House at this time in order to provide certainty for couples in the future. I welcome that so much public debate has taken place on this issue. There was the Law Reform Commission report, the considerations of the all-party Joint Committee on the Constitution and submissions from various interested groups including the Irish Council for Civil Liberties and the Gay and Lesbian Equality Network, GLEN. In addition, public opinion on the issue was sought through market research.

Some sections of our society have raised concerns but I believe those concerns are unfounded. Marriage has constitutional protection in Ireland today. It is the only legal intimate relationship recognised under our law and is legally binding and dissolvable only in a court of law. However, just because marriage is the only relationship with legal standing in the Constitution, this does not preclude our offering that protection to other cohabiting couples, whether of the same or opposite sex, or to people who wish to enter into a civil partnership.

I welcome this Bill and what it is trying to achieve. I welcome the fact that a new legal status will be provided for same-sex couples that will be legally recognised by the State and dissolvable only by a court or by death. I welcome this and other provisions in the Bill. There are some shortcomings but the Bill is an enormous step in the right direction and that has been recognised as evidenced in the public reaction to its publication. It has been recognised by many people and interested parties as a giant step in the right direction for many couples, which I welcome.

I also welcome the provisions in respect of cohabitants. This applies to same-sex persons and cohabitants of opposite sexes, excluding siblings and people in a non-intimate relationship that does not come under the definition provided within the Bill. This provides great security to many cohabiting couples in regard to the regulation of their financial affairs and in the provision of a redress scheme. This is very important. However, although the civil partnership and the registration of such a partnership applies only to same sex couples there are many cohabiting couples in the State. The Minister's view is that a cohabiting couple who are of opposite sex have the option of availing of marriage, with all the security and legal rights it provides. Many cohabiting couples in the State are trapped, however, and are not in a position to be able to

avail of marriage because of the nature of our divorce legislation. Persons must be living apart for four of the previous five years; the resulting delay in obtaining a divorce means there are many couples in cohabiting relationships. Those couples are without any financial security and do not have the option to marry because of legal constraints. The sections of the Bill that deal with cohabitants and provision for the economic security of a dependent cohabitant are very welcome and I am delighted to see them.

Part 2 of the Bill provides for the recognition of foreign relationships which is important for people who have entered into legally binding contracts in other jurisdictions. Where these are similar to a civil partnership they will be recognised in this country as that. The registration formalities covered under Part 3 of the Bill are very similar to the registration process one must go through when one marries in this country, namely, the provision of three months' notice, the requirement to be over 18 years of age and the requirement for the marriage to take place in the office of a registrar or in an approved venue. I welcome all of that.

However, more important is Part 10 of the Bill which confers legal consequences as a result of registration. In particular it confers the protection of legislation on domestic violence, in addition to civil liability and pensions. This is a very large issue, particularly for many couples at this time when many pension schemes make provision for a spouse but do not allow such provision to be made for a civil partner. This is a massive step forward and is of huge concern. Many civil partners to whom I have spoken in recent times desperately need this type of security. I am delighted to see it covered in the Bill. It is important.

Although I recognise the Bill does not deal with social welfare or tax issues, which will be dealt with in future social welfare and tax legislation, it is important that it clarifies the issue of pensions and provides the provision that civil partners must be provided for in the future.

Part 8 of the Bill deals with succession and provides that the surviving civil partner will have the same succession rights under the Succession Act of 1965 as are provided for a surviving spouse. That is very welcome.

Part 11 of the Bill deals with nullity, which, again, is similar to the situation that pertains when a marriage is nullified in the courts. It effectively means that the civil partnership did not exist and that both parties are free to marry or enter into another civil partnership. The provisions under Part 12 with regard to protection and maintenance are of critical importance.

There has been reference to the issue of children and this is something that concerns me. When a marriage breaks up there is specific mention of children and how they will be dealt with. Even in regard to the situation of cohabitants to whom financial provision is made, section 171 of the Bill makes specific reference to children. However, in the case of civil partnerships it is almost as if the entire issue of children has been avoided at all costs. This seems to be the precise case within the legislation and I am concerned about it. We have a responsibility to protect every child in this country and to see that economic support and provision is made for them. Although there is an indirect reference to this in the Bill, it is my view that the legislation does not go far enough. It is something we must look at in the future. This is not in any way to take from the Bill, which is a huge leap forward. Clearly, however, there is a feeling on the part of the Minister that children must be looked after and provided for because this indirect reference is included. It could be safeguarded and made more specific. The reality is that many same-sex couples have children and are responsible for them and we cannot avoid this reality. We must deal with it appropriately and I ask the Minister to consider this issue again. It is certain that we must give it consideration in the future.

It is important that under this Bill civil partners will get protection similar to that provided to spouses under the Family Home Protection Act and that a non-owning civil partner may prevent the sale of a house if he or she does not consent to the sale. This is a very important

[Deputy Beverley Flynn.]

measure and again is something that will provide a great deal of security to many couples. In addition, a civil partner can apply to the courts for maintenance and that on the dissolution of a civil partnership there can be maintenance orders, lump sum payments, pension payments and division of properties as is the case in divorce. Just as in a divorce case, when a dissolution takes place a person will be precluded from making further claims against a former civil partner especially if he or she goes on to enter into another marriage or relationship.

The measures in the Bill are a huge leap forward. The idea that we are giving legal status to civil partnerships is hugely welcome. The measures have been broadly welcomed in this House and it is clear from the market research available that public opinion is very much on the side of dealing with the new reality in Ireland today. That is in no way to minimise the constitutional protection afforded to marriage or the equality of individuals in the State which is upheld within the Constitution. We are not trying to weaken those provisions in any way by giving legal status to civil partnerships. There are differences between that legal relationship and the protection given under marriage and the benefits and rights also conferred by marriage in this country.

I do not believe this is an area in which people should feel threatened in any way and it is important that we recognise people have rights in society. Whether couples are same-sex or cohabitants, they also have responsibilities, concerns and financial considerations that must be addressed. It is important that we be open-minded enough to be able to deal with all of these issues in society and that at least we be fair and confer equality to people across the board. From that point of view, I welcome this legislation wholeheartedly.

I welcome comments made in the course of the debate and welcome the thinking of the Minister concerning the issue of parental rights and dealing with the matter of children. Whether they are brought into a marriage, a civil partnership or to a cohabiting couple, children are innocents who need to be protected. It is vital that this fact be recognised and that the position of children be of paramount importance. I would be interested in hearing the Minister's views on that particular aspect.

Deputy Brian Hayes: I welcome the opportunity to contribute to the debate on this Bill. Deputy Flynn articulated the position of the great majority of people in respect of this issue and indicated that they want the Bill to be enacted in order that all citizens — irrespective of their sexual orientation or whether theirs is a traditional or non-traditional family — will have the same rights. It is for this that the legislation must provide.

It is amazing that the Bill has been in gestation for the past nine years. The first joint seminar in respect of this matter — hosted by the Law Reform Commission and the Gay and Lesbian Network, GLEN — took place in 2000. After much toing and froing in the interim, we have reached the point where a Bill dealing with this issue has been placed before the Oireachtas.

The State's ultimate responsibility is to support people as they are and not to cast value judgments on their relationships. Society must be informed that it is in the interests of the State to have people in loving and protective long-term relationships, irrespective of the nature of such relationships. The State has an absolute interest in ensuring that provision be made for those who wish to live in loving, long-term relationships. It must be in everyone's interests for people to live together, to share things, provide for each other in times of illness and in times of good health, protect each other and provide for their retirement. These are natural instincts among all members of society. The State has a vested interest in ensuring that laws should be put in place to facilitate that which I have outlined.

I am currently reading Andrew Marr's book on the history of modern Britain which covers the period from Clement Attlee's election as Prime Minister following the Second World War

to the end of Tony Blair's term in office. There is a wonderful section in the book which describes the purge that took place against the gay community in Britain in the 1950s. Much of the discrimination perpetrated against the members of that community in the 1950s and 1960s in Britain was reflected in the hostile and prejudicial reaction to lesbian and gay citizens in this State.

In the 1980s and 1990s, I had many gay and lesbian friends who did not have the confidence to come out or to speak about the nature of their sexuality. We have come a long way in ten or 15 years. I would not underestimate the degree to which this legislation, when it is placed on the Statute Book, will greatly assist people in believing that they are citizens of this country, that they have a stake in it and that their notion of citizenship is fostered and respected in the same way as that of others.

As my party's spokesperson on education, I am aware of the great difficulties young people, particularly those at post-primary level, have in coming to terms with their sexuality. I know the kind of bullying to which they are subjected at school and the fact that the spectre of suicide haunts some of them. However, I also know the sense of discovery they harbour. We should not underestimate the degree to which the Bill will state that people's place in society and their rights are respected. The latter will be a by-product of this legislation's passage into law.

I wish to place on record my thanks to a former Fine Gael Senator, Ms Sheila Terry, who published my party's first position paper on partnership legislation in 2004. In the lead up to the most recent general election, my party, in its manifesto, indicated that it would — whether in government or in opposition — support the introduction of partnership legislation during the lifetime of the 30th Dáil. We, therefore, clearly outlined to the electorate our support for legislation of this nature during the period from the publication of former Senator Terry's position paper to our 2007 election manifesto.

It is important that there be cross-party support in respect of this matter and that it should not be turned into a party-political squabble. There must be broad-based support — such support exists among citizens in general — among politicians for the provisions of the Bill.

When one considers the transformation of Irish society over a short period, one can see the necessity for legislation of this nature. In 1996 there were some 34,000 cohabiting couples in the State. The census of 2006 indicated that in ten years the number of such couples had radically increased to over 121,000. Cohabiting couples had 23,000 children in 1996, whereas today some 75,000 children are members of what have loosely been described as non-traditional families. The position with regard to same-sex couples is similar. In 1996 only 150 couples described themselves as being same-sex couples, whereas in 2006 there were over 2,000 such couples. Like Deputy Flynn, I suspect that the number of such couples living together in long-term relationships is well in excess of that figure.

Many myths relating to the nature of the legislation have been circulating in the public domain. In short, the Bill is an attempt to regulate the position of new families which require protection in law. People want to protect both themselves and their partners in a way that provides some certainty. As already indicated, it makes eminent sense that the State should encourage them to do so. People should be encouraged to ensure their affairs are in order and protection should be afforded to them.

I am aware of the outrageous situation whereby members of gay and lesbian couples are not recognised within the hospital system as being their partners' next of kin. These individuals are not recognised as being involved in a long-term, loving relationship with another person. That is an absolute scandal. Another appalling example in this regard relates to someone involved

[Deputy Brian Hayes.]

in a long-term relationship whose partner is dying and who is left with no protection either in the context of pension provision or in a legal sense.

This matter is not merely about the extension of rights to those couples, it also relates to the extension of responsibilities. In the context of the law, we are stating that it is important that the relationships of people in the group to which I refer be recognised and we are outlining the rights that accompany that recognition. Equally, however, we are also outlining the responsibilities which accompany it. The position is the same as that which applies in respect of those who are involved in traditional marriages.

One of the myths that has been circulated is that the Bill will downgrade the position of marriage. I wish to refute that assertion because I do not believe marriage will be downgraded at all. The clear protection afforded to marriage under Article 40 of the Constitution is absolute. That protection can be changed only on foot of a referendum and it cannot be altered by an Act of Parliament. That was made abundantly clear in the remarks of Ms Justice Dunne in the High Court in the case taken by Dr. Zappone and Dr. Gilligan, in which they attempted to have recognised a marriage of their union in Canada in Irish domestic law. It is worth putting on the record what Ms Justice Dunne said in that case, which, I understand, is still under appeal in the Supreme Court. She said:

I think one has to bear in mind all of the provisions of Article 41 and Article 42 in considering the definition of marriage. Read together, I find it very difficult to see how the definition of marriage could, having regard to the ordinary and natural meaning of the words used, relate to a same sex couple. . .

The definition of marriage to date has always been understood as being opposite sex marriage. How then can it be argued that in the light of prevailing ideas and concepts that definition be changed to encompass same sex marriage?

Having regard to the clear understanding of the meaning of marriage as set out in the numerous authorities opened to the Court from this jurisdiction and elsewhere, I do not see how marriage can be redefined by the Court to encompass same sex marriage . . .

Marriage was understood under the 1937 Constitution to be confined to persons of the opposite sex.

In no way will the passage of this Bill downgrade or undermine marriage because absolute and clear protection is given in Articles 40 and 41 to marriage as an act between persons of opposite sex. I am not saying that in the future that could not change. However, the only way it could change is if there is a referendum. It is the people who will decide whether that definition of marriage as expressed in *Bunreacht na hÉireann* can change. I reject the notion that in some way the Bill downgrades marriage because absolute and fundamental constitutional protection is given to marriage in Articles 40 and 41.

The other myth that has been put about is that there should be a freedom of conscience clause. In other words, if I am so appalled by the notion of a gay or lesbian couple having their relationship recognised under civil partnership legislation, I should have the right to opt out of the provisions of the Bill on the basis that this in some way runs counter to my view of the world. If we accept that principle, we would be accepting some kind of sharia law. We would be accepting that religious views of the world would dominate over the laws of the Republic. We cannot have that. Given that a registrar will be given rights under this legislation to perform a ceremony, if it is the choice of the couple concerned, the primary law cannot give a right to a registrar to opt out of that because he or she is an officer of the State. The notion that under freedom of conscience an officer of the State could effectively be allowed to discriminate

against a gay or lesbian couple because of his or her religious beliefs is fundamentally opposed to the existing constitutional provision that applies.

It is worth considering the Employment Equality Act 1998. As Members will know, that Act effectively gave the right of opt-out to denominational schools when it came to certain practices. It certainly gave the right to positively discriminate. I refer to this Act to advance my argument that it is spurious to claim that people have a right to opt out of the legislation if they so choose. I argue that they do not. I wish to put on the record the views of the Supreme Court on the Employment Equality Act 1998, which makes the provisions therein absolutely clear. Section 37 of the Act states:

A religious, educational or medical institution which is under the direction or control of a body established for religious purposes or whose objectives include the provision of services in an environment which promotes certain religious values shall not be taken to discriminate against a person for the purposes of this Part or Part II if—

(a) it gives more favourable treatment, on the religion ground, to an employee or a prospective employee over that person where it is reasonable to do so in order to maintain the religious ethos of the institution, or

(b) it takes action which is reasonably necessary to prevent an employee or a prospective employee from undermining the religious ethos of the institution.

I know the teaching unions have a very fundamental view about that section, which I understand. However, it provides that a religious, educational or medical institution can effectively take into consideration things which would ensure that the religious ethos of the institution be upheld and also can prevent employees from undermining the religious ethos of the institution. Under Article 26 of the Constitution, then President Mary Robinson referred the section to the Supreme Court for consideration. The Supreme Court gave a very significant ruling in agreeing that it was constitutional but it put parameters on the constitutionality of section 37. The then Chief Justice stated:

No serious criticism can however be advanced against s. 37, sub-s. 2 which entitles an institution to prefer a particular candidate on the grounds of his or her religion if in fact being of that religion is an occupational qualification for the post in question. The attack has been directed more against sub-s. 1 which entitles an institution to give more favourable treatment, on the religion ground, to an employee or a prospective employee “where it is reasonable to do so in order to maintain the religious ethos of the institution” or to take action “which is reasonably necessary to prevent an employee or a prospective employee from undermining the religious ethos of the institution.

The Supreme Court found that “it was constitutionally permissible to make distinctions or discriminations on grounds of religious profession belief or status insofar as this may be necessary to give life and reality to the guarantee of the free profession and practice of religion contained in the Constitution”. The Supreme Court found that religious groups and denominations are recognised and nothing can be advanced in law that prevents people coming together, professing their faith or ensuring that that faith is upheld.

The ruling of the Supreme Court on this issue has a direct relationship to the question of a freedom of conscience cause related directly to the idea of the institution of the religious group itself. It did not allow the State to positively discriminate one way or the other. It simply stated that the religious groups have fundamental rights and nothing should be advanced to undermine their rights as religious groups in the context of the institution. It does not give a right to

[Deputy Brian Hayes.]

registrars to opt out. If this Bill comes before the Supreme Court, which it may, I believe the court will rule forcefully again that officers of the State cannot allow themselves to opt in or opt out of the legislation. I believe the Supreme Court ruling clearly directs that registrars, as officers of the State, must enforce this.

In a traditional marriage, of course, the priest, rector or whoever performs a dual function — the civil marriage and the religious marriage. Under the civil partnership legislation this would not be possible because it recognises the role of the religious in terms of the marriage. I do not believe there is justification for the argument some groups have made that we can allow a freedom of conscience clause in this legislation. I do not believe it holds up to scrutiny. It is abhorrent to the Supreme Court ruling relating to the Employment Equality Act. It should be emphasised that the narrower part of section 37 was looked at in the context of the President referring the Act to the Supreme Court for its consideration.

To those seeking a freedom of conscience clause in this legislation, I do not believe that, constitutionally, it holds water, and neither do I believe it would be supported were the matter to come before the Supreme Court again. I ask people, in the spirit in which the legislation has come about, to recognise that this a good day for the country and for those who are looking for recognition of their rights to be upheld by the State, and for people to give this a fair wind when the Bill is ultimately passed by both Houses of the Oireachtas.

Acting Chairman (Deputy Noel O'Flynn): Before Deputy English starts, I intend to invite the Minister to conclude at 1.20 p.m. if there are no other speakers after Deputy Burton in the Chamber.

Deputy Damien English: I believe my colleague, Deputy Clune, wanted to speak.

Acting Chairman: If Deputies are not in the Chamber, I shall be obliged to do this.

Deputy Damien English: I shall only take a few minutes, in any event.

I am grateful for the opportunity to say a few words on this very important Bill, which is a step in the right direction. The Bill means progress for same-sex and cohabiting couples in their relationships. Its purpose is to establish a statutory civil partnership registration scheme for same-sex partnerships together with a range of rights, entitlements and protections consequent on registration, and to set out the manner in which such partnerships may be dissolved.

The Bill also establishes a redress scheme for opposite-sex and same-sex couples who are not married or registered as in a civil partnership, as the case may be. It also provides for the recognition of cohabitant agreements which regulate the shared financial affairs of couples and enables them to opt out of the application to them of the redress scheme. However, it does not deal with the whole issue affecting non-conjugal couples. This was addressed by Fine Gael in its discussion document. Deputies will be familiar with cases involving brothers and sisters who have lived together all their life and might share assets. However, the law does not really protect them, or at least needs to be further amended in this regard.

We accept that this area may not be appropriate for this Bill, but it needs to be addressed expeditiously. There is no reason that it cannot be dealt with, and I am glad the Minister of State with responsibility for housing is in the House because it is very often in his area that such problems will arise. We should be able, in our discussions on this Bill, to make a commitment regarding a timeframe for having this matter addressed. Some of the Government's reports in the area of civil partnership actually refer to it, yet we are being told sufficient research has not been carried out to justify legislation in this area. I cannot accept this, but if it is true, a motion should be tabled to the effect that the research will be done within the next

six months, when it will then be possible to legislate. We tend to complicate matters in the Oireachtas over too long a period of time, even in the case of this Bill. That is a problem with the procedures of the House, especially when the Government is unwilling to recognise the work done by Opposition parties.

Fine Gael published policy documents in this area, the Labour Party published Bills on it and Bills were introduced in the Seanad by Senator Norris over many years. However, almost 20 years after Denmark legislated for this, Ireland is taking the initiative. We are far too slow and this is unnecessary. There is general public agreement, even among those who oppose the concept of this legislation, that something has to be done. Such people will still argue against parts of the proposed legislation and it might go against their beliefs, but they understand that it has to be done. Nonetheless, it still takes years for such matters to be legislated for. For many, the Bill does not go far enough, but I believe it is, at least, a step in the right direction and will help many same-sex and opposite-sex couples who do not opt to marry. This will be a useful Bill and will help in relation to many matters, such as recognising relationships as well as providing for the problems that may occur when they fall apart.

It is a very good Bill and there were some very good debates on it. There was a great discussion recently in the AV room, to which Deputies were invited, where family law experts gave us a breakdown of the legislation and warned about the complications that would arise in the absence of such a Bill. That was very interesting and informative and reminded us, as Deputies, that sometimes laws can cause great difficulties for people for the wrong reasons. That is why clarity is crucial in respect of legislation such as this which sets out people's rights and entitlements.

Apart from same-sex couples, a very important part of the Bill is that it recognises cohabiting couples. It is now quite common for couples to live together before marriage, or they might decide not to get married. That is their prerogative. As a Catholic, I believe in marriage and have no problem in saying that, but many people do not want to go down this road. Cardinal Brady also understands that not everyone wants to choose this course. For whatever reason people do not want to get married, we have a duty to recognise and respect this, and to cater for it in law. We must respect this situation as best we can, especially in regard to assets, the rights of children and so on. I will come back to the issue of children which is not dealt with in as much detail as it should be.

However, the Bill is right. The figures from the 2006 census showed that there were 121,000 cohabiting couples. There are many more now, in addition to the 2,000 people in same-sex relationships. That was quite a sizeable number, and I believe it is now considerably larger. It is only right that we deal with the situation.

From personal experience, I know of an unmarried couple who shared assets. Matters got very complicated when one of them died in an untimely manner. The situation became very awkward and caused great difficulty and hardship for both families. Certainly, such situations can give rise to massive delays, so proper recognition of rights in such circumstances, by agreement, is important and I believe the Bill achieves this end.

When the law comes into force, some couples might not know that their relationships are formally recognised, so there is a duty on the State to inform people about the legislation. We seem to assume in the House that when a law is passed, everyone knows about it. A couple might be living together and not discover for three years or more that the relationship could have new rights under this legislation. While it is right that the Bill should be passed, the public also has a right to be made aware of it. It is the duty of the Oireachtas to ensure that such developments are publicised. That example holds true also for young people growing up regarding their knowledge of the age of consent to sex and so on. Not everyone knows that, and

[Deputy Damien English.]

young people of 15 or 16 may have no knowledge of the law in this regard. It is the last thing on their mind, so education is necessary across the board.

Most political parties have recognised the need for such legislation and brought forward policy positions in this regard, in varying degrees. Some of gone further than others. My colleague, Deputy Brian Hayes, said we needed to have cross-party support on this Bill. It is generally the case, I believe, that there is consensus at least regarding this Bill. Some parties want more, but at least we can have agreement on the legislation before the House, put it on the Statute Book and move on. It is interesting to note that when the Green Party was in opposition, it demanded a great deal more, yet when in Government it is prepared to settle for what it can get.

I do not want to sidetrack the debate, but I have a problem in general with this approach by the Green Party. People become disillusioned with politics and the various parties over the years, when, for example, they may have believed that the Green Party was different because it was not an old established entity like the others, trammelled with history and so on, but when it went into Government, it became the same as the other parties. It lost that freshness and people have been let down and disappointed. That causes a problem for the rest of us because people tend to assume that Fine Gael, as soon as it gets into Government will do the same as the Greens. I have a problem with that. Political parties in opposition need to hold their views and beliefs when they get into power, not change them overnight, because that gives a bad image of politics in general and damages us all. This Bill is yet another of example of where the Greens have virtually done a full U-turn on what they stand for and that is a pity.

There has been a good deal of debate on the freedom of conscience amendment and I understand the difficulties. To insert a freedom of conscience amendment sets a serious precedent for the future, but I believe the issue could be disposed of with a degree of common sense. I ask the Minister of State to see whether a suitable wording could be agreed to get us over this obstacle. I can understand the position of somebody who might have very strong Catholic beliefs and who has a problem with this but, nonetheless, the onus is on public servants to carry out the laws of the State. That is the way it has to be and I do not think it can be amended, although perhaps the punishment can be. I have tried to check this matter, but I believe there is talk that if one does not carry out a duty one could face a prison sentence. Perhaps one could lose or be removed from one's job, but is a prison sentence a bit too strong? Am I reading that wrongly? Perhaps there is some other way of dealing with it. We need to address that difficulty as best we can with some common sense. We want to have a Bill that most people can agree with so that we can make progress in this area. It has to be done because we do not want to get stuck on some small matter.

Deputy O'Rourke referred earlier to photographers and cake providers having a problem with this, but that is their own business. They have a choice and people do not have to employ them if they do not wish to do so. The situation concerning parish halls, however, does need to be clarified. In this context, I presume that a parish hall belongs exclusively to the Catholic Church and in that case I do not think they should be forced to make that hall available to somebody with whom they disagree. If it is a community hall, however, that is a separate matter. If a parish hall belongs to the Catholic Church which does not agree with same-sex marriages, should the law force it to allow the building to be used for such a ceremony? I personally do not think it should. I am not convinced that this Bill actually says it should be, but that matter needs to be addressed. If it is any other community or State-funded building, it is open to everybody and that is the way it should be. I would like that matter to be clarified, however, so it will not drag on and cause a problem.

I note the comments by Deputies Alan Shatter and Charles Flanagan that the Bill fails children. I have a serious problem with that because all parties have a duty to protect children whenever possible, regardless of their circumstances. If there is any way this Bill can be thus amended, then it should be done. Deputy Shatter said the legislation is blind to children and I am concerned about that aspect.

The Bill does not recognise that when a relationship between co-habitees breaks up, provision may have to be made for children just as if it is a marriage break-up. Deputy Shatter is right in that respect because it is the same situation. We need to examine the Bill from the viewpoint of protecting children. Another question raised was that if one partner in a same-sex couple has a child from a previous relationship, what will happen as regards the responsibilities towards that child? If the same-sex couple are recognised in a civil partnership, what are their duties to the child who might also be part of that relationship? That needs to be discussed and set out because it is a serious area. If the law is unclear, the child may suffer because it will not obtain its rightful entitlements or because it will have to go through cumbersome legal procedures. We must protect the child involved as best we can.

The situation concerning couples who are not in a formal relationship, but are living together, needs to be addressed. In modern society, it is generally an elderly couple who end up in this situation. They may not have access to the necessary legal information or perhaps cannot afford to go to court. If one of them passes away, the remaining partner may find it complicated to obtain justice due to costs because the matter was not dealt with properly and clearly in legislation. A recent discussion on this legislation threw up many awkward legal situations that may take a long time to resolve. While we do have laws, we do not always have justice because the system is not geared for modern times. It is slow, outdated and costly. I realise that this Bill is a step in the right direction, but we must work on making the law more affordable to everyone regardless of income. We will be told that there is free legal aid, but it is not the same. Let us call a spade a spade. They do their best with minimal resources, but one does not get the same service as if one could afford to pay a top barrister. We must address that because the law should apply in the same way across the board regardless of a person's financial situation. People do not receive the same treatment under the law, however, and it is far too slow. It should not take years to get justice, along with all the horror and suffering involved, especially in family law cases.

I want to deal with some other aspects of the Bill before us. There is a four-year delay before divorce proceedings can be initiated, but under the provisions of this Bill the period is two years. I wonder what the logic is behind that provision. Is there some reason that was done? Does the Minister believe the chance of a break-up is more likely in such cases? It does not seem right, so I would like to have the matter clarified, although perhaps there is a good reason for it.

Fine Gael will be tabling amendments to the Bill. We have all had a lot of contact from those for and against the Bill. It is important legislation so hopefully it will be dealt with speedily and will not be delayed on Committee Stage. Ireland is way behind the rest of Europe in dealing with legislation on same-sex partnerships. We must fast-track it and grow up as a country. I know it is difficult for all of us, but we have to do what is right by the people. The law must respect their choices and rights. It is not a question of people's religious beliefs, but of their legal entitlements.

Deputy Seán Power: I am glad to speak on this Bill, which has been promised for a long time. It would appear to have widespread support among Deputies. As a young Deputy in the early 1990s, I recall the former Minister, Mrs. Máire Geoghegan-Quinn, introducing legislation to decriminalise homosexuality. I was the only Government backbencher to speak in support

[Deputy Seán Power.]

of that measure at the time. Some people thought for a while that I might have had two heads, but it was wonderful that we had a woman Minister who was prepared to do the right thing despite the opposition that existed then. Over the past 20 years, Ireland has changed in many respects and we have become a much more mature country. There is certainly not the same resistance to this type of legislation now as there was 20 years ago. The Bill before us is long overdue, but I am glad it is being debated today. I acknowledge the contribution and continuous focus that the Labour Party, and Deputy Brendan Howlin in particular, gave to this matter. We discussed this issue on a number of occasions when he presented Private Members' Bills, which ensured that the Government did not rest on its laurels. We fulfilled the promises given, although it did not come about as quickly as most would have wished. It was a difficult Bill to draft, however, as a number of legal issues had to be addressed. I am still unhappy with certain aspects of it, so amendments will have to be tabled at a later stage.

I acknowledge the role played by the Labour Party in this respect, and that of Deputy Howlin in particular. It is with pleasure that I wish to comment on the Bill. In many respects, while the legislation itself is important and necessary, the Government is acknowledging a reality

1 o'clock that exists in this country. Many same-sex couples throughout the country live in real, meaningful and loving relationships, but for far too long we have turned our backs on these people and have found it easier to ignore them. By doing that, we have denied them their rights and rightful entitlements. This Bill is about rectifying that and giving them what they deserve. The Bill will provide protection and security to same-sex couples. It will provide entitlements many of us take for granted but which have been denied to these people for most of their lives. In bringing forward this legislation, we are making a clear statement to the country and to those in same-sex relationships that the State values their relationships and realises what these relationships mean to them. It realises this is an issue that must be dealt with professionally and given a place on our Statute Book.

The publication of the Bill appears to have widespread support not just in the Oireachtas, but outside it. However, there are those, and most of us have received correspondence from them, who are totally opposed to the introduction of this legislation and who see it as a bad move for the country. They are entitled to their opinions and that is what democracy is all about. I strongly support what we are doing, but it is a pity it has taken as long as it has to get to this stage. I warmly welcome it.

Many gay and lesbian people have endured unnecessary hardship as a result of living here. They have suffered hardship on a daily basis in trying to live a normal life. This is something many people outside the gay community do not understand. Discrimination has been a common experience for gay and lesbian people. Many of them were alienated, jeered and bullied and had, in many cases, to suffer in silence. For many of them coming out created enormous pressures, particularly with regard to how their families and work colleagues would react. Unless one has had a family member or friend who has gone through that experience, it is difficult to appreciate or understand the enormity of this challenge for gay and lesbian people. The delay by the Government in providing the necessary legislation for gay and lesbian couples has allowed that type of discrimination, hardship and abuse to continue.

We all need to love and to be loved. This legislation acknowledges that people in same-sex relationships can have a loving, fulfilling and rewarding relationship and it is important we recognise that. The publication of the Bill is welcome. However, I have a serious concern with regard to an aspect of it which has been mentioned by some of my colleagues, namely, where children are part of those relationships. In many same-sex relationships, one of the members is the parent of child living with the partners. The legislation makes no clear provision for such children in the case of the death of the parent, despite the fact the remaining living partner has

acted as a parent to the child for a number of years. Once that parent dies, it is as if the relationship of the remaining partner with the child must end. This is something we should not tolerate. It is important we deal with that issue now. It would be ironic that if in bringing in the Civil Partnership Bill to deal with discrimination against same-sex couples, we created further discrimination against children.

I thank the Minister for bringing forward the legislation, which will have widespread support in the House. However, we must be seriously concerned about the issue of the children in these relationships and I hope this can be dealt with on Committee Stage.

Deputy Joan Burton: I wish to recall for the House that Deputy Seán Power was one of those who supported a Bill for the decriminalisation of homosexuality, as it was then described, which was introduced to the Dáil by the then Minister for Justice, Mrs. Máire Geoghegan Quinn, as part of an agreement for Government between Fianna Fáil and the Labour Party. He supported it at a time when the issue was much more contentious than today. Many people felt threatened by the Bill then, but for many gay people it was a time when they began to feel they were on the long march to being full citizens in their own republic.

The Labour Party is disappointed that the passage of this Bill, although its arrival here has been negotiated on foot of a coalition agreement between Fianna Fáil, the Green Party and what were the Progressive Democrats, has taken so long. In many ways, and perhaps this is to do with the character of the Minister, this is not a brave Bill. Instead, it takes a minimalist approach which sets out the minimum recognition that is now widely given throughout the European Union to same-sex partnerships. Nonetheless, the Labour Party welcomes the Bill as a step forward, although we do not feel the measure is complete and have some criticisms to make on it.

It is important to remember that in 2010 we begin a decade that celebrates the 100th anniversary of 1916, and we see the busts of all the signatories to the 1916 Proclamation each time we walk through the lobbies for a vote. We should remember, as we move towards celebrating a number of important 100th anniversaries in the formation of the State, that the people involved in the creation of our new State were, for the most part, neither narrow-minded nor harshly judgmental. We do not know much about their sexual orientation, because many of them died young and we never got to know much about their sexuality. The culture at the time was more confessional and private than now. However, we should bear in mind that while this legislation is incomplete, it is a stepping stone. As such, we accept it as a progressive move that is welcomed by many gay people and people who identify themselves as part of a wider and active gay community, but it is not necessarily the last step. Many people in the gay community aspire to a full expression of their relationships in marriage in the same way as heterosexual couples.

I want to encourage the Minister. Countries that have as much of a Catholic tradition and presence as we have, such as Spain and Portugal, have now legalised same-sex marriage and the sky has not fallen in. Those countries do not appear to be in any greater moral dilemma or in any greater state of moral perfection than this State. They recognised that a significant number of their citizens believed this issue should be addressed in their parliaments and they did address it. Countries such as Belgium, Sweden, Norway and the Netherlands recognise gay marriage.

For many, including fundamentalist and evangelical Christians, gay marriage can be a very difficult concept. However, it is not an unreasonable objective to secure the right of somebody to express his sexuality, see it fulfilled or have his relationship acknowledged, honoured and legally protected in the same way as is generally provided for in law. Many people, both gay and straight, wonder why anybody would bother getting married and ask why partners should not just live together. When children are involved or when people reach a slightly more mature

[Deputy Joan Burton.]

age, having a legal framework for a relationship, be it established through civil union or marriage, provides certainty, solidity and extremely important legal rights to the two parties involved.

Bearing in mind the talks taking place today in Northern Ireland, we should note the Good Friday Agreement commits the Republic and the North to maintain equivalent rights. The United Kingdom, and therefore Northern Ireland, has had civil partnership since 2005. While Northern Ireland is a society with a committed number of evangelical Christians, I am not aware there has been much objection to civil partnership there, except on occasions, one of which we heard about recently. There may be people who do not care for it but they have accepted it as the legal right of people who wish to exercise that option.

I, and I am sure many other Members, received much correspondence on this issue. I received correspondence from constituents in Dublin West, including Castleknock, Blanchardstown and Mulhuddart. On the whole, it suggests many older gay people strongly supported the Labour Party's Civil Unions Bill and strongly support the legislation before the House. It allows people in long-standing relationships to have legal protections. These protections become vital as one becomes older.

We all encountered circumstances in which the long-standing, loving partner of someone who became ill lacked status, even in regard to vital life-and-death decisions or obtaining information. In an intensive care unit, the biological family of the person in care takes precedence over the person's partner. It can be very shocking for a person to find himself shut out from the medical process and to be prevented from being with a seriously ill or dying partner, despite what their commitment and relationship would lead one to believe would be allowed. Occasionally, family members do not come to terms with the fact that children or grandchildren are gay. They feel that, as parents, grandparents or siblings, they take precedence over the gay person's partner. I saw this occur on a couple of occasions and it was very difficult.

Circumstances for younger gay people are obviously different. None the less, over the past couple of years in my constituency, I came across a number of cases in which gay people, particularly younger gay men, were very badly harassed as a consequence of general anti-social behaviour in their neighbourhoods. Since the Garda is not able to deal with gangland crime, it is very often unable to assist a young gay man who is the subject of persistent anti-social behaviour and homophobic bullying.

In my constituency, I know of several youngish men who are almost prisoners in their own homes. Although they have very friendly contact with the Garda, by telephone and otherwise, there is a general absence of Garda patrols in their communities and a lack of awareness of how difficult and horrible homophobic bullying can be. While the Garda, in general, recognises acts of racism and domestic violence and responds quite strongly thereto, even in the circumstances of its limited resources, homophobic bullying has not received as much attention as it should have.

One effect of this legislation will be that, by strengthening the civil rights of people in gay relationships, we will acknowledge more strongly the fact that somebody who is gay is the equal of other citizens and has the same right to pursue happiness and liberty as anybody else. I hope one outcome of this legislation will be that respect for gay people as equal citizens before the law will be strengthened. This will assist the Garda in considering more strenuously the issue of homophobic bullying.

I received a letter from a 27 year old constituent from Castleknock who came out when he was approximately 19. He wrote to say he believes that, in spite of recent progress, homosexuality is still very much stigmatised in Irish society and that such stigmatisation, ranging from

the swear words used by school children to the general attitude of citizens, is reinforced through the inequality of our legal system. He asks why a schoolchild should deem a gay or lesbian pupil to be equal to him or her when, in the eye of the law, the pupil is not. I welcome this legislation because it moves a step further in this regard. I hope it informs the thinking of the Department of Justice, Equality and Law Reform and the Garda in respect of their broad approach to anti-social behaviour and homophobic bullying.

I received correspondence from the INTO Lesbian, Gay and Bisexual Teachers' Group, as I am sure did other Members. All the parties in this House and society in general must address the issue raised. Why is it that, even among relatively young children, be it in school or on the street, the terms of abuse most frequently directed at other young kids, or in an anti-social behaviour context at older people, concern sexual orientation? To hear such abuse is quite horrifying. It is particularly strong among young children and it is so unhealthy. Although one can say some children who use homophobic terms of abuse do not really understand what they are saying because they are too young, the fact that homophobic abuse has such currency means life can be made very difficult for a young person exploring his or her sexuality and who may be gay. The man I spoke about earlier is effectively a prisoner in his own home. Even if he just goes out in the evening to the shops, he is subject to derogatory commentary from anti-social individuals. It is like hunting in a pack. When they sense a weakness they go for it, expressing it in the most hurtful and demeaning way possible.

The position of children in partnerships should have been addressed in the legislation and I hope the Minister will address it on Committee Stage. Significant numbers of children are now born outside traditional marriage relationships, whether it is to a straight or gay couple. The lack of legal structure for these children, particularly if there is a sudden death of a parent, creates legal difficulties. We also have the simple situation of when a heterosexual couple has a child outside of marriage, the father's name is often not on the birth certificate or a guardianship agreement entered into. If the relationship breaks down, a father will have to go to desperate attempts to arrange a structure to co-parent or meet his children, often incurring heavy legal expenses. As more gay couples have or parent children, inevitably some of these relationships will be sundered either because of a breakdown in the relationship or death.

It is important the House gives some thought as to how to provide for the children in such circumstances. These children are, however, no different from any others. I hope the Minister will give some consideration to this matter on Committee Stage. I accept it is a sensitive and difficult issue with a variety of views on it. Every child is entitled to know who are his or her parents. Every parent and person in a parenting position is entitled to have a formal recognition of their relationship to their child. There will always be special circumstances but the law is there to provide a legal framework and maximum protection for children in the best possible way.

I look forward to the legislation being implemented. The Labour Party will be tabling amendments on Committee Stage to address specific areas. It has taken much time for the Bill to be introduced in the Dáil. I believe the Labour Party's Bill on civil partnerships is better, stronger and more realistic for current times. For those in Fianna Fáil and the Minister who are concerned about introducing this legislation, they should think about Spain and Portugal, both rather conservative countries once like Ireland, who decided to open up the doors and offer full freedom to all of their citizens on an equal basis.

Deputy Deirdre Clune: I am glad to contribute to the debate on this Bill. It is an important step forward in family law legislation, recognising same-sex couples, their rights as well as their responsibilities and the State's obligation to them. There is a strong consensus with and wel-

[Deputy Deirdre Clune.]

coming of the Bill's provisions. All parties have put forward proposals in this area such as former Fine Gael Senator, Sheila Terry, who introduced civil partnership proposals in 2004.

I have received much communication from constituents on the Bill's provisions. Although it is broadly welcomed, some believe it does not go far enough while others recognise it is an important step forward. The 2006 census estimated there were 2,090 same-sex cohabiting couples, one third of whom had children. I am sure that figure has risen somewhat since then. Existing law makes little provision for the increasing number of cohabiting same-sex couples. Ireland is not unique or the first to introduce civil partnership legislation. In 2005, the UK and Northern Ireland introduced legislation recognising civil partnerships while Denmark, Iceland, Finland, Germany, Switzerland and Slovenia introduced similar legislation. Some countries have gone further by legislating for same-sex marriage.

This issue is a concern for some people. The Minister stated: "The Attorney General has advised in particular that to comply with the Constitution, it is necessary to differentiate the recognition being accorded to same-sex couples who register their partnership with the special recognition accorded under the Constitution to persons of the opposite sex who marry." Some people who have contacted me believe the legislation does not go far enough and they ultimately want to see same-sex marriage introduced.

The legislation, however, is an important step forward in giving same-sex couples who have committed to one another the opportunity to declare their commitment before the law and the State. It will grant rights as well as obligations under civil law. While introducing the civil partnership registration scheme, it also introduces a cohabitation scheme. This provision has not been widely acknowledged, overshadowed as it is by the former provision.

Debate adjourned.

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

Ceisteanna — Questions.

Priority Questions.

Animal Identification Scheme.

89. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food his views on the proposal to electronically tag sheep; and if he supports these proposals. [3979/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I have on many occasions expressed concern about the mandatory introduction of electronic identification, EID, in the sheep sector. My consistent view has been that the introduction of EID of sheep should be on a voluntary basis. This position was most recently articulated to the European Commission and fellow Ministers at the Agricultural Council on 20 November 2009. Regrettably, there was not sufficient support among other member states and none from the European Commission for any further roll-back on the mandatory deadline, 31 December 2009, set for the compulsory introduction of EID or for a voluntary scheme.

The prevailing view at EU level is that member states should proceed with implementation. Other member states have already proceeded with implementation of EID on a mandatory basis. Therefore, I have no discretion as regards the date of implementation for electronic

identification and there can be no question of deferring its introduction for a further period. In these circumstances, we must now proceed with its introduction.

During the period of debate at EU level, I placed a strong emphasis on pressing our case for a voluntary scheme and in this regard I have secured, in discussions with the European Commission and Commissioners, major concessions in regard to EID. These concessions include a slaughter derogation, which means that all lambs intended for slaughter and under 12 months old can now be exempted from EID. This will result in EID being largely confined to replacement breeding stock born after 31 December 2009. This means the vast majority of Irish sheep will be excluded from EID requirements, which will minimise costs for producers.

Furthermore, lambs identified under the slaughter derogation and subsequently retained for breeding purposes can be tagged with an EID device at the second holding. This is a major breakthrough in facilitating existing trade practice in the sector and addresses the concerns raised by Irish farming organisations that the new EID system would eliminate the sale of breeding sheep at marts, which would otherwise have an adverse effect on competitiveness in the industry.

My Department has circulated to farm organisations and other stakeholders for comment a technical document outlining the proposed changes to the National Sheep Identification System, NSIS II. This is part of a consultative process which has been ongoing for some time. The stakeholders have been asked to examine this document carefully and to engage with my officials to ensure that whatever revisions are made to the NSIS best suit Irish conditions and minimise the burden on farmers within the parameters of the new legislation. I urge the various organisations to contribute specific input to the proposed system.

Deputy Seán Sherlock: It is not too often I am first to speak at Question Time. Does the Minister acknowledge that this will place a further cost on the primary producer given the cost per tag is estimated at between €2 and €2.50? Farm organisations are suggesting this will place a burden of up to €30 million on primary producers. Does the Minister acknowledge that the current traceability regime is adequate and that it is ludicrous that any European Union proposal would seek to electronically tag any animal for the purpose of meeting some bureaucratic designation?

Deputy Brendan Smith: I accept that there will be some additional cost to primary producers. One of the first meetings I had as Minister for Agriculture, Fisheries and Food was with the EU Commissioner for Health, Androulla Vassiliou, in regard to this issue which comes under her remit within the European Union. I met Ms Vassiliou while she was here in Dublin and have spoken to her on a number of occasions in Brussels at Council of Agricultural Ministers meetings and elsewhere at which times I outlined our total opposition to the mandatory implementation of this proposal.

When we raised this issue at the Council of Agricultural Ministers, few member states, with the exception of Hungary, which supported us in recent times, Britain, which had previously supported us, and Northern Ireland, which had also expressed concern about this proposal, backed us. We had no support for our case around the Council of Ministers table. Indeed, some countries were robust in their criticism of all countries not having implemented this decision. There was total opposition to Ireland being given a further derogation. It should be remembered that this decision was agreed in 2003, postponed until January 2008 and subsequently to the final day of 2009.

As regards the cost of implementation to producers, I too have seen the figures which Deputy Sherlock accurately quoted. However, officials in my Department in consultation with officials in Teagasc, who are specialists in this area, undertook a thorough analysis and forecast in

[Deputy Brendan Smith.]

regard to costs. It is estimated that with the derogations we have received the additional cost to the primary producer will be less than €1 million on an annual basis. That is the best estimate available to the Department.

Deputy Seán Sherlock: Is the assumption of €1 million industry-wide or is it divided by 30,000 sheep farmers? Is that the basis of the Minister's claim? Did the European Commission put forward this proposal in 2003 or did it come directly from a Council of Ministers initiative? I would like to know the Council's stated reason for refusing the derogation on the Irish position.

Deputy Brendan Smith: I am not quite sure from where the proposal initiated in 2003. I am not sure if it was proposed by an individual member state or by the Commission. I believe — I am open to correction on this and will check this for the Deputy — it was a Commission proposal initiated by the then Commissioner for Health and Public Safety. The analysis undertaken by my Department indicates that the additional cost to the average farmer with a flock of 100 sheep is estimated to be approximately €30 to €40 on an annual basis. Deputy Sherlock referred to the cost of tagging. We expect that the first year of tagging will probably be expensive on the basis that we will be adopting a standards based approach rather than a specified tender supplier. A number of people will have an opportunity, once they meet the standards, to supply this particular product. It is estimated that the cost will reduce rather than increase each year. This is based on the belief that EID will apply to more than 18% of the national flock.

We appreciate that the sheep sector is hard pressed. The only additional funding available to us under the national reserve in 2009 was the €7 million derived from what is commonly known as unused funds. I devoted this entire sum to an upland sheep payment. This year, an €80 million per annum scheme will be introduced for the sheep sector. The additional funding that will be provided to assist the sheep sector will be many multiples of the additional cost imposed on the sector through Europe insisting that EID is implemented.

An Leas-Cheann Comhairle: We will now return to Question No. 88.

Common Agricultural Policy.

88. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food his position on the proposed change to the calculation method of the single farm payment in the context of ongoing negotiations on common agricultural policy reform; and if he will make a statement on the matter. [4245/10]

Deputy Brendan Smith: Formal negotiations have yet to commence on the future of the CAP and in that respect there are no proposals to change the calculation method of the single farm payment. However, policy debates have begun in a number of member states, including Ireland, and at EU level on the shape and direction of future EU agricultural policy. Among the issues that are being debated are the shape and format of the future single farm payment.

There is active debate about the credibility of the current historic payment model, based on average coupled payments received between 2000 and 2002, and the current differentiation of direct payment rates between and within member states. This debate is in part about the distribution key for national envelopes that provide the financing for the single payment and to the models used by individual member states to allocate their national envelopes among individual farmers.

There is a view in some member states that the rates of payment should be equalised between member states by applying an EU-wide flat rate. Some others believe payments should continue

to be differentiated according to historical uptake, land use, land quality, production costs, and so on. A large number of potential payment models have been suggested in the formal and informal discussions to date.

As to my position, I oppose an EU-wide flat rate payment and I continue to see significant advantages to the historic model. While this view is supported by some others, there is little doubt that the number of member states that actively support the historic model is reducing. In this context, it is important that we look carefully at all the alternatives so that we can play a full part in the debate as it evolves. 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.

I launched a public consultation process in July last inviting interested stakeholders to let me have their views on what EU agriculture policies would best serve Ireland and the EU in the years to come. I was pleased with the number and quality of the submissions received. In continuation of stakeholder involvement, I intend to establish a consultative group to advise on the best policy options for Ireland in the forthcoming negotiations, including with reference to direct payment models.

It is early days in these negotiations and I will meet the new Commissioner well in advance of any proposals being tabled to, among other things, outline my position on the type of payment system that will best serve the interests of Irish farmers. I will also continue to keep in close contact with colleagues in other member states on these matters. My overarching view is that, first and foremost, 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.

Deputy Michael Creed: I welcome the Minister's reply. I heard alarm bells ringing when I read the Minister's press release of 30 December last where he stated, "For example, there is huge pressure for changes to be made to the historic basis used to calculate single farm payments and I believe we owe it to ourselves to at least examine the alternatives".

I am pleased the Minister now sees that the national interest is in ensuring that resources are targeted at people in active production and whereas the reference years that were used in the previous CAP reform, of 2000, 2001 and 2002, need to be updated, we need to ensure that resources are targeted at those in active farming, and the flat rate is obviously not a runner.

On the broader issue, what initiatives does the Minister plan to ensure that the budget is adequate? It appears there is a softening up process going on at present for a reduced budget for the Common Agricultural Policy. We need to forge alliances to put food security of the Union centre stage. If one puts that centre stage, one must have the resources to back it.

I welcome recent comments, for example, by an unlikely source, the UK Secretary of State for Agriculture who stated that food security in the Union was now as important as energy security. We need to work on those kind of alliances. There will be an east-west fault-line in the negotiations, but it must be remembered that new accession states witnessed a rise in commodity prices. We need to forge alliances and I want to know what efforts the Minister is making to ensure there is an adequate budget and to ensure that the single farm payment is targeted at those who are involved in active primary production of commodities.

Deputy Brendan Smith: I share Deputy Creed's views on the issues on which he has touched. At a Council of Ministers meeting in September 2008 under the French Presidency we had our first discussion on the future of the Common Agricultural Policy. At that meeting I, along with some other members, outlined that we had to have an adequately resourced CAP and that my preference would be that we should know the parcel of money that we will have for CAP in

[Deputy Brendan Smith.]

the financial perspectives going forward to 2020. In the meantime the issue has also been discussed under the Czech Presidency, and under the Swedish Presidency as well. There were no Council conclusions on those issues, but there were extremely worthwhile discussions.

We have reached a point where in December last, at a meeting in Paris, 22 of the 27 member states signed up to a declaration on the need to have, first and foremost, an adequately and well-resourced CAP. We were active in that group. That group grew from work that we did along with the French Minister, the German Ministers and some others, and thankfully, it reached the stage where 22 member states attended the meeting and signed up to this declaration.

I want to see the CAP resourced adequately so that we have food security in Europe, we protect the food production base in Europe, we protect, encourage and assist family farming, and we are also active in supporting rural development. Deputy Creed's comment on supporting active farmers is one that I share absolutely.

Deputy Michael Creed: Arising from the Lisbon treaty, the Parliament is now a co-decision maker in respect of the agriculture budget and there is a big job to be done in ensuring that the agriculture budget is protected and increased. There are traditionally hostile elements within the Parliament to the Common Agricultural Policy. People ask why we should spend 40% of our budget on the Common Agricultural Policy. We should, because it is one of the few areas where we have a common policy. We spend one third of what the Americans spend in supporting their agricultural primary producers.

We need to have a proactive approach in the Parliament as well. Has the Government given any thought to a strategy that embraces the new co-decision function of the Parliament in respect of the reformed Common Agricultural Policy?

Deputy Brendan Smith: Deputy Creed is correct on the co-decision and the influence of the European Parliament. Some time ago officials at senior level within my Department met all our MEPs and gave them a full briefing on the Common Agricultural Policy discussion document. I hope to meet all the MEPs when I attend the next Council of Ministers meeting in February. In the meantime the rapporteur of one of the groups of the agriculture committee of the European Parliament will visit me, I think, next week to discuss this report. We intend to keep our MEPs fully briefed and to work with them very closely, and we want to do the same with the Joint Committee on Agriculture, Fisheries and Food.

The assistant secretary general in charge of this division gave a detailed presentation to a Teagasc conference last week outlining the situation as it is evolving, the particular interests of other countries and the different models and how they would affect us, negatively or positively.

I would like to see the joint committee involved in that discussion as well. I thank the spokespersons who contributed and responded to my invitation last summer to send us a submission on the Common Agricultural Policy. Shortly, I will put together a consultative group representative of the industry to work along with us, at Department, Government, Oireachtas and European Parliament levels in what is an important issue for this country.

Question No. 89 answered in advance of Question No. 88.

Departmental Agencies.

90. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if he has an influence on the direction or work programme of agrifood research in Teagasc; and if he will make a statement on the matter. [4246/10]

Deputy Brendan Smith: Under the Agriculture (Research, Training and Advice) Act 1988, Teagasc has statutory responsibility for the provision of research, education and advisory services to the agriculture sector.

In accordance with section 13(3)(a) of the Act, Teagasc is required to submit a report in writing to my Department before the end of the financial year outlining its proposed programme of activities for the following year. The report, in the form of a programme of activities, covers the principal functions of Teagasc in the provision of education, research and advisory services to the agriculture sector.

The current programme is informed by the Teagasc statement of strategy, which sets out the strategies and priority actions for the Teagasc food and agriculture research programmes over the period 2008 to 2010. Teagasc research activities are designed to support Irish food and agriculture within the framework of Government policies and priorities. They are consistent with national objectives to support agrifood research and development as set out in my Department's Agri-Vision 2015 strategy. They are also in line with Government plans to build a knowledge economy as far as the agrifood and wider bio-economy is concerned.

Teagasc continually develops its research programmes in conjunction with its clients and partners including the main stakeholder groups in the agrifood sector. Particular emphasis is placed on transferring the outcomes of research and development activities to the farming and wider agri-sector to support increased efficiency and economic sustainability at farm and firm level.

The programme also provides the scientific basis for a range of other public good activities in food safety, biodiversity protection and climate change mitigation, and to meet the demand for environmental goods and services.

During the past 15 years Teagasc has built up internationally recognised research programmes in areas such as food safety, food technology, animal breeding and functional foods. Teagasc is currently investing significant resources in restructuring its research and development resources into centres of excellence. The Moorepark Food Research Centre is internationally renowned as a significant research hub. Several major multinational companies are collaborating with Teagasc researchers and in the process, strengthening their commitment to Ireland as a location of choice.

Deputy Michael Creed: Did either the Minister or one of his ministerial colleagues recently write to Teagasc complaining about research published in the agency's research magazine on the issue of a GM-free island, which is Government policy, and the impact this would have on the pig sector? The research quantified that Government policy is costing the sector in the region of €13 million per year. If such correspondence exists, will the Minister publish it? If that is the case, what can we expect? The Government tours the world promoting a knowledge and science-based foundation for economic regeneration. Can we expect the Minister for Education and Science to write to UCC to ask it to cease research in its biotechnology centre? Can we expect the Minister for Health and Children to write to the HSE to advocate that we no longer use drugs that have been developed with the aid of biotechnology research? What will the endgame be with this nonsense in the programme for Government on a GM-free island? It has reached ludicrous proportions and it will damage our reputation internationally as a knowledge-based economy. Will the Minister publish the documentation sent to Teagasc?

Deputy Brendan Smith: I am not aware of any documentation to which Deputy Creed referred.

Deputy Michael Creed: The Minister should research the matter and revert to the House with the information.

Deputy Brendan Smith: It is important to recognise the excellent work carried out by Teagasc at all its research centres throughout the country. One such eminent centre is in the north of the Deputy's county of Cork at Moorepark, where there is great collaboration with many major international companies based in the country, both of Irish and foreign origin. The Deputy will be aware of the development alongside the Moorepark research centre involving a collaboration between industry and the State. The Deputy will be aware also of the initiative, Food for Health Ireland, in which Teagasc is a leading player.

Deputy Michael Creed: That is not what I was referring to. I was referring to correspondence from Teagasc.

Deputy Brendan Smith: There was nothing in the Deputy's question that I could ascertain in respect of GM crops. It was a general question——

Deputy Michael Creed: The Minister anticipated my intervention well because he tried to have the question ruled out of order.

Deputy Brendan Smith: No.

Deputy Michael Creed: The Minister knows full well to what I am referring.

Deputy Brendan Smith: Teagasc works to the Government programme and priorities. It does so in a very effective way and will continue to do so at all its research centres that it is developing as centres of excellence.

Deputy Michael Creed: The Minister is being disingenuous. He knows full well to what I am referring because he attempted to have the question I tabled on the Order Paper ruled out of order. The Minister should not be so disingenuous. I asked the Minister if he will publish the correspondence sent to Teagasc either by him or the Minister of State, Deputy Sargent. What will the endgame be for this nonsense in the programme for Government? Will research in biotechnology in our universities close down as a result?

Deputy Andrew Doyle: That is not the solution.

Deputy Michael Creed: What are the consequences for the knowledge-based economy that Ireland goes throughout the world promoting as the cornerstone of our economic recovery? Will the Minister publish the correspondence in question?

An Leas-Cheann Comhairle: A final reply from the Minister.

Deputy Brendan Smith: May I say that——

Deputy Michael Creed: Will the Minister publish the correspondence?

An Leas-Cheann Comhairle: The Deputy has asked his question. He should allow the Minister to reply.

Deputy Brendan Smith: Deputy Creed should note that in no way am I being disingenuous. We are entitled to check if a question is suitable when it refers to the detailed work of a semi-State organisation.

Deputy Michael Creed: The Minister is aware of what I was referring to. I laud Teagasc for its research.

Deputy Brendan Smith: That is good and I appreciate it. The Deputy might also consider lauding the Government for the major investment in the past——

Deputy Michael Creed: It has its head in the sand with regard to GM research.

An Leas-Cheann Comhairle: The Deputy should allow the Minister to reply.

Deputy Michael Creed: This is a backward approach.

Deputy Brendan Smith: The Deputy should also laud the Government in parallel terms for the major funding that has been put into research, development and innovation in recent years, including in our universities, institutes of technology and our research centres.

Deputy Michael Creed: The Minister is working against innovation and development.

Deputy Brendan Smith: We are not working against innovation and research; we are supporting it very well and we work in collaboration with Teagasc to ensure the needs of Teagasc are addressed and that it works to priorities.

Deputy Michael Creed: Will the Minister publish the letter?

Deputy Brendan Smith: I did not send any such letter and I am not aware of any correspondence.

Deputy Michael Creed: Did the Minister of State, Deputy Sargent, send a letter?

Deputy Brendan Smith: I am not aware——

Deputy Michael Creed: Will the Minister of State, Deputy Sargent, comment on whether he sent such a letter? Did he send a letter to Teagasc?

An Leas-Cheann Comhairle: The Deputy is not allowed to hector Ministers. He has put a question——

Deputy Michael Creed: I cannot get an answer.

An Leas-Cheann Comhairle: That is a matter the Deputy should pursue in another way. The Deputy is aware that there are a variety of ways of getting access to information under the law.

Deputy Michael Creed: That is what makes a mockery of the Parliament.

An Leas-Cheann Comhairle: We will now move on.

Deputy Michael Creed: It is not possible to get answers to questions. Will the Minister of State acknowledge that he has seen such correspondence, that it exists and will he publish it?

An Leas-Cheann Comhairle: The Minister has answered the question. The Minister of State is not entitled to answer separately.

Deputy Michael Creed: That is ridiculous.

Fishing Vessel Licences.

91. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the report of the Ombudsman entitled Lost at Sea; and if he will make a statement on the matter. [3980/10]

92. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food his views on the recently published Lost at Sea report of the Ombudsman; and if he will make a statement on the matter. [4247/10]

Minister of State at the Department of Agriculture, Fisheries and Food (Deputy Tony Killeen): I propose to take Questions Nos. 91 and 92 together.

In her report, the Ombudsman stated she received several complaints in respect of the lost at sea scheme. She recommended that compensation should be paid to one family. Following further correspondence between the Ombudsman and the Department, the Ombudsman laid a special report before the Dáil and Seanad on 14 December 2009 outlining her findings and invited the Houses to consider the report and take whatever action they deem appropriate in the circumstances. I understand the matter will be debated in the House next week.

The Ombudsman concluded that the particular family's application did not meet at least two of the conditions of the scheme and that the family was adversely affected by the decision to reject its application. The Department's position has been consistently that it does not support the payment of financial redress in this case and that it handled the family's application fairly and in accordance with the terms of the lost at sea scheme as published.

The lost at sea scheme was a limited scheme introduced in June 2001 with a closing date of 31 December 2001, under which replacement capacity, gross tons and kilowatts that would otherwise have had to be bought on the tonnage market was provided free of charge to qualifying applicants who had lost a fishing vessel between 1980 and the establishment of the fishing boat register in 1990, but who had been unable to replace it for verified financial reasons. The scheme was intended to assist families to introduce a replacement for the lost vessel which would be owned and skippered by the applicant or by an immediate relation of the applicant.

"Capacity" is a term used to describe the gross tons, GTs, a measure of volume, and kilowatts, kW, of power of a fishing vessel. The total capacity of the Irish fishing fleet is limited to 88,700 GTs and 244,834 kW under EU Regulation No. 1438/2003. Under the so-called "entry-exit regime", capacity coming on to the Irish register must be matched by the removal of the equivalent capacity from the same fleet segment.

When the new sea fishing boat register was introduced in 1990, all vessels registered at the time were awarded the tonnage of their vessels, effectively free of charge. However, any vessel that had sunk or that had otherwise been destroyed clearly could not be registered. Any such owner seeking to return to fishing would have had to buy a replacement vessel and the necessary capacity, which in time became a valuable commodity because the overall capacity of the Irish fleet was capped under EU fleet management rules. By 2001, it was argued that there were several cases where the cost of purchasing replacement capacity was a factor in preventing families from getting back into fishing after losing a vessel.

The conditions of the scheme were intended to ensure that only genuine cases were successful and that only the immediate family could benefit from any capacity awarded.

Deputy Tom Sheahan: Some cases were more genuine than others.

Deputy Tony Killeen: Under the conditions, any capacity awarded could not be traded, sold on or otherwise disposed of, and the vessel to which it applied had to be skippered by the

successful applicant or an immediate family member. The success rate of only six from 68 applications received reflects the stringent conditions of the scheme. The case, which is the subject of the Ombudsman's report, was not one of these 68 applications and the application was received in January 2003 for a scheme which closed in December 2001.

It is important to take account of the conditions of the scheme as published to appreciate the Department's view and its position on the report. These included that the capacity of a vessel which was lost at sea before the establishment of the sea fishing boat register set up by the 1989 regulations would, as an entirely exceptional measure, be accepted as replacement capacity provided that the Department was fully satisfied, by reference to appropriate documentary evidence on several points, the first of which was that the applicant was the owner and skipper of a registered Irish sea boat which was lost at sea. Second, that the boat in question was lost at sea after 1 January 1980 as a result of an accident and that such loss has been verified by the emergency services or another independent source acceptable to the Department. Third, that the boat in question was shown, by reference to log sheet returns or other appropriate records, to have been in active and continuous use for a considerable period of years by the person concerned for sea fishing of a category now covered by the replacement policy rules until its loss at sea. Fourth, that the lost vessel was the sole means, that is, the only vessel, of the applicant for engaging in sea fishing. Fifth, that the applicant was unable, for verified financial or related reasons, to acquire a replacement vessel, or any other registered vessel, before the introduction of the new register pursuant to the 1989 regulations. Sixth, that the applicant has been unable also, for verified financial or related reasons, since the inception of the new registration system, to acquire a fishing vessel to engage in sea fishing of the same class or description as was carried out by the vessel lost at sea, or any other sea fishing vessel which is subject to the replacement policy regime and, finally, that the applicant did not receive any financial benefit from the loss.

It was provided that the capacity of a fishing vessel lost at sea would be accepted as replacement capacity for licensing purposes only if it would be used for the purposes of sustaining or maintaining a family tradition of sea fishing. Any capacity accepted as replacement capacity must, therefore, be used for the purposes of introducing a replacement for the lost vessel which would be owned and skippered by the applicant or by an immediate relation of the applicant. Any capacity from a lost vessel so used could not be sold or otherwise disposed of.

Applications under the scheme had to be received by 31 December 2001. These conditions were intended to ensure that only genuine cases were successful, and that only the immediate family could benefit from any capacity awarded.

Deputy Seán Sherlock: The Minister's response is utterly disingenuous. Would he not acknowledge the fact that justice has not been served for the Byrne family, who had no way of knowing the terms of the scheme and no way of benefiting by way of tonnage under the scheme for the reasons outlined by the Ombudsman? She found that the advertising process was utterly inadequate and the family had no way of benefiting from the scheme as a result. Would the Minister acknowledge that her decision to grant compensation was based on her acknowledgement of the wrong that was done and that there was no way the family could benefit from tonnage?

3 o'clock

The Ombudsman found that some prospective applicants were put in a more advantageous position than others as they were written to by the Department and the Minister to inform them of the scheme when it was launched. The Minister must respond on this matter. Third, the very fact that the Ombudsman deemed it necessary to place the report before the House must be significant. The Government side of the House is disregarding and disrespecting the decision of the Ombudsman and the Minister must answer for that.

Deputy Tony Killeen: I am happy to respond to the points raised by the Deputy. With regard to the family not knowing and therefore not benefitting, the scheme was advertised in a number of industry publications — the *Fishing News* in June 2001, the *Irish Skipper* in July 2001 and in the *Marine Times* in August 2001. It is a matter of opinion as to whether advertising in the trade papers is the appropriate way to proceed, but that is what was done. There is a conflict of viewpoint in that regard. The Ombudsman also spoke about a discretionary element, which is something on which people would have very diverse and conflicting views.

With regard to the Deputy's point that a number of people were notified, the Department had in its records at that time information relating to 16 cases. The 16 people in those cases were notified. It should be borne in mind that only two of those 16 were successful so it cannot be said that the Department wrote to people and they were subsequently successful. I also understand that the Department notified the representative organisations at the time. A very strong case can be made on this issue. The final point made by Deputy Sherlock was that I am disregarding the Ombudsman's report. I am taking full account of that report. I have a difference with it regarding interpretation at various points, but that remains the position.

Deputy Tom Sheahan: Personally, I have good time for the Minister and I respect him. It must kill him to stand here and try to defend what happened with this lost at sea issue. He is trying to defend the Department and his predecessor. I imagine that does not sit well with him.

An Leas-Cheann Comhairle: A question for the Minister.

Deputy Tom Sheahan: We do not know what the consequences will be. I agree with Deputy Sherlock that the Office of the Ombudsman is being called into question here. It is an independent constitutional office and this is the second time in 25 years that it has put a report before the Oireachtas. The last occasion involved a Revenue Commissioners case and the Government of the day had to agree with the Ombudsman's recommendations and settle with the aggrieved party. Where does the Office of the Ombudsman stand now, given the attitude of the Government to this report? Serious deficiencies and flaws have been outlined in the Lost at Sea report by the Ombudsman. In what regard does the Minister hold the report? Deputy Sherlock has said he is disregarding it. I remind the Minister that there are 60 other families, who did not send a complaint to the Ombudsman.

Deputy Tony Killeen: I assure the House and both Deputies that I have the height of regard for the Office of the Ombudsman and the work it does. I have no difficulty defending the Department and I also have no difficulty accepting that either I or the Department is wrong if that happens to be the case. In this instance, the Department has clearly stated that it was scrupulous in administering the scheme. Each applicant was treated fairly, and the Ombudsman accepts this contention. She states in the report that she has no evidence to suggest that this was not the case and she accepts the Department's assurances on this point. That is very important. It is not just a case of defending the Department. What the Ombudsman says in that regard is very clear. Where there are differences of opinion, they relate to conditions of the scheme. I hold a strong view about the closing date and conditions of schemes generally; it is not just the Department's view.

Deputy Seán Sherlock: To suggest it was incumbent on every applicant to read the fishing press is a disgrace. In this situation, a father had passed away as well as three crew and a brother. Does the Minister think their extended family would be reading the fishing press? What we are seeking here is natural justice. This is borne out by the fact that the Ombudsman, an independent arbiter, has made a ruling in the case. On this basis, we are seeking to press

the Department for a change of heart so this family can benefit from natural justice, as well as other people who might be adversely affected by this scheme.

Deputy Tom Sheahan: Has the Minister sought legal advice from the Attorney General on this matter and the report? Has he calculated the potential financial liabilities for the State not only in this case, but in the cases of the other 60 applicants who have not complained to the Ombudsman?

An Leas-Cheann Comhairle: A final reply from the Minister of State.

Deputy Tony Killeen: The advertising issue is a matter of opinion and, clearly, Deputy Sherlock and I take opposite views on it. I am not sure that people in any community necessarily read the advertisements in the daily newspapers, for example, which is another medium where advertisements might have been placed. It is highly unlikely. I certainly do not—

Deputy Michael Creed: They did not get a telephone call from the Minister to tell them the scheme was available either.

An Leas-Cheann Comhairle: The Minister without interruption.

Deputy Tony Killeen: It is also important to bear in mind that this information was made available to the fishing organisations and to the only cases that were on file in the Department. Interestingly, only one in eight of those cases actually qualified under the terms of the scheme.

Deputy Seán Sherlock: Certain people got a heads-up from sources about the scheme.

Deputy Tom Sheahan: Lines were sold after the draw had taken place.

An Leas-Cheann Comhairle: Allow the Minister to make his final reply to the very serious questions.

Deputy Tony Killeen: I appreciate that point but the argument cannot be brought to any conclusion because it is impossible to know where one would need to have put this information to ensure that everybody received it. However, had the Department been aware of 16 cases, as it clearly was, and had it not informed the people concerned that this scheme was in place, a case could be fairly made that information was available to the Department which it had withheld from people. Frankly, I do not see how the Department could have informed people of whom it was not aware in the first place, and I certainly do not see how it could defend not telling the people of whom it was aware. That point is absolute rubbish and does not withstand any type of examination.

With regard to the tragedy that befell this family and all 68 applicants in this case, and quite a number of others who did not apply for a variety of reasons, it is incumbent on all of us to take a sympathetic view. It would be a wonderful world if we were able to design a scheme under which—

Deputy Tony Killeen: —it will be possible to pay compensation on those criteria. It is not possible to do that.

Deputy Michael Creed: What about the Attorney General?

Deputy Tony Killeen: On the question of taking legal advice on the issue, not only did I take it but it is outlined in the Ombudsman's report.

Deputy Tom Sheahan: I asked a question about the Attorney General's advice which was never answered.

Deputy Tony Killeen: It is in the letter.

An Leas-Cheann Comhairle: The Minister of State specifically replied to that, but the Deputy was on his feet at the time and was not listening.

Other Questions.

Animal Identification Scheme.

93. **Deputy Shane McEntee** asked the Minister for Agriculture, Fisheries and Food his position on the introduction of electronic tagging; the impact this will have on traceability; and if he will make a statement on the matter. [3787/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The introduction of 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 of Agriculture Ministers 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, six years after the original decision was taken. I have always expressed major concerns with the mandatory introduction of EID for a sheep sector that is clearly under pressure. My consistent view has been that the introduction of EID for sheep should only be on a voluntary basis and I most recently articulated this position to the European Commission, the Commissioner and fellow Ministers at the Agriculture Council of Ministers meetings, most recently on 20 November 2009.

It is to be regretted that there is not sufficient support among other member states and none from the European Commission for any further rollback in regard to the date for the mandatory introduction of EID or for a voluntary scheme. The prevailing view at EU level is that member states should proceed with implementation and other member states have proceeded with implementation on a mandatory basis. I, therefore, have no discretion as regards the date of implementation and there can be no question of deferring its introduction for a further period. In these circumstances, we are now obliged to proceed with its introduction.

Over the period of debate at EU level, I placed a strong emphasis in pressing our case for a voluntary scheme and in this regard I have secured major concessions on EID in discussions with the European Commission at official level and with the Commissioner. These concessions include a slaughter derogation, which means all lambs intended for slaughter and under 12 months old can now be exempted from EID. This will result in EID being largely confined to replacement breeding stock that are born after 31 December 2009. This means the vast majority of Irish sheep will be excluded from EID requirements, which will minimise costs for producers. Furthermore, where lambs identified under the slaughter derogation are subsequently retained for breeding purposes they can then be tagged with an EID device at the second holding. This is a major breakthrough in facilitating existing trade practice in the sector and addresses concerns raised by Irish farming organisations and Members of the Oireachtas that the new EID system would eliminate the sale of breeding sheep at marts, which would have an adverse effect on competitiveness in the industry.

The Department of Agriculture, Fisheries and Food has circulated a technical document outlining the proposed changes to the national sheep identification system to farm organisations and other stakeholders for comments. This is part of a consultative process which has been

ongoing for some time. The stakeholders have been asked to examine this document carefully and engage with my officials so that whatever revisions are made to the NSIS best suit Irish conditions and minimise the burden on farmers within the parameters of the new legislation. I urge the various organisations to contribute specific input at this stage to the proposed scheme.

Deputy Andrew Doyle: It is clear that nobody is listening to the Minister. Given that Britain has accepted a 20% error rate as the norm in the new electronic scheme and the NSIS currently in place in this country has a higher compliance rate than that, but is the single biggest factor for queries and hold-ups in single farm payments, how does the Minister think this will work with regard to single farm payment processing this time next year when all of the errors start to appear? The accepted error rate is 20% before the scheme starts. Did the other countries involved in this scheme already have a similar scheme to the NSIS in place?

Deputy Brendan Smith: In regard to Britain, Northern Ireland has not applied for the derogations we received and it is intended to implement the mandatory scheme, as it is outlined by the European Commission. I mentioned earlier — maybe nobody was listening, as Deputy Doyle said — that the Department——

Deputy Andrew Doyle: I meant nobody in the Minister's party.

Deputy Brendan Smith: ——is involved in consultations with all the farm organisations and all stakeholders in regard to the practical implementation of the scheme. I have consistently outlined, at meetings of the Joint Committee on Agriculture, Fisheries and Food and in this House, that we totally opposed the mandatory introduction of the EID, that we had no support around the table of the Council of Ministers, except for one or two other countries, and that there was opposition to anybody getting a derogation. The European Commission and the Commissioner for Health, Androulla Vassiliou were adamant that the scheme would be implemented. Indeed, they bemoaned the fact that it was not implemented six years ago when it should have been. In regard to the error rate, it is an issue of which we are conscious. That is why Department officials are involved in detailed discussions with farmer organisations or representatives to ensure we minimise the difficulties for the primary producers and people do not lose out in terms of cross-compliance requirements for their single payments. Those issues are currently under discussion.

Deputy Andrew Doyle: My other question concerned whether other countries have a similar scheme. Will we have two schemes in place over the next 12 months? Will the NSIS be phased out?

Deputy Brendan Smith: There will be a requirement regarding the new numbering system. It will have a different number of characters. Some years ago the 13 digit sheep tag system was introduced. That will be incompatible, but there will be a period where there will be a crossover. The new 12 digit number will be introduced with the country code. A 12 digit code containing much of the elements of the whole numbering structure is proposed as a new tag numbering system. The structure of the new numbering system will be similar to the existing structure and will continue to comprise a flock designator unique to every keeper, followed by an individual number for the animals in question and will be issued in sequential order.

A key point is that conventional electronic tags will continue to have the country identifier, the 12 digit sequence and the check letter printed on them. They will continue to be readable to the eye, thus avoiding the need for farmers to have readers. We want to ensure that, in dealing with flock owners, we minimise the disruption during the transition period.

Grant Payments.

94. **Deputy Mary Alexandra White** asked the Minister for Agriculture, Fisheries and Food if, in view of the announcement of the grant aid scheme for horticulture growers, the scheme will provide real benefits to primary producers and enhance the sector's capacity for import substitution; and if he will make a statement on the matter. [3550/10]

Minister of State at the Department of Agriculture, Fisheries and Food (Deputy Trevor Sargent): My Department has contributed significantly to the support of the horticulture industry through its grant aid scheme of investment aid for the development of the commercial horticulture sector under the National Development Plan 2007-2013. The scheme assists capital investment on farms to promote the specialisation and diversification of on-farm activities, improve the quality of products, facilitate environmentally friendly practices and improve working conditions on farms. It has made an immense contribution to the growth and development of the horticulture sector across all areas, including protected crops, field vegetables, nursery crops, mushrooms, soft fruit, apples and beekeeping.

Under the first two rounds of the current scheme, a total of €8 million was paid out to 220 producers in 2008 and 2009, supporting investment of some €20 million. This year I am providing a further grant package of €4 million which will fund projects to the investment value of some €10 million. Under the previous scheme which was operated under the national development plan for 2000-06, grant aid amounting to €18.5 million was paid to 656 producers which supported investment of €53 million.

Deputy Michael Creed: Does that included the Dublin-Meath growers?

Deputy Trevor Sargent: It includes the whole country.

An Leas-Cheann Comhairle: The Minister of State will continue without being sidetracked by interventions.

Deputy Trevor Sargent: I thank the Leas-Cheann Comhairle for his reminder.

Producers concentrate for the most part on supplying the home market. The EU prohibits supports which are targeted at import substitution. It should also be noted that two sectors of Irish horticulture, in particular, are important sources of foreign revenue. The vast bulk of mushroom production is exported to the UK and almost all non-food horticultural products, for example, nursery stock, cut foliage, bulbs, flowers and Christmas trees are also exported, mainly to the United Kingdom and Northern Ireland. Further aid for the sector is also available under the capital investment scheme for the marketing and processing of agricultural products and, in addition, producers can also benefit from EU aid under the producer organisation scheme.

Deputy Ciarán Cuffe: It is very important to develop other routes to market for horticultural growers. We depend to an excessive degree on a small number of multinational retailers which can determine the price they want to pay for produce.

Is it possible to take additional measures to address the issue? Proposals have been made to introduce a code of practice or establish a retail ombudsman. I suggest we develop a culture of thriving retail markets. In the past ten or 20 years, retail markets have been essentially killed off. As a councillor in the inner city, I witnessed the closure of the Iveagh Market and the demise of the fish market.

An Leas-Cheann Comhairle: The Deputy is supposed to ask questions rather than answer them.

Deputy Ciarán Cuffe: Can anything be done to help horticulture growers? While I would like to see the development of a thriving market culture, perhaps a code of practice and retail ombudsman would be helpful.

Deputy Tom Sheahan: The Green Party is talking to itself.

Deputy Trevor Sargent: The Government has held discussions with the Department of Enterprise, Trade and Employment on the introduction of a code of practice, an issue we discussed in the House on previous occasions. Progress is being made in this regard. Following a period of consultation, the Tánaiste has indicated that she will introduce a voluntary code which will be followed by a statutory code. We all hope progress will be made in this matter to ensure farmers obtain a fair price for their produce.

Deputy Cuffe referred specifically to horticulture and noted a trend which is of major concern to me, namely, the loss of growers to the system arising from their inability to compete and satisfy the supermarkets owing to the scale of their operations. Rather than engage in direct sales or another form of retail, these growers are leaving the sector. My focus, therefore, has been to encourage other routes to market. I have, for instance, introduced a standard for farmers' markets to ensure members of the public can have a credible expectation that farmers will be involved in the markets and they will be local in nature. This matter is being progressed.

Deputy Michael Creed: Has the Minister of State had an opportunity to address the broader crisis in the horticulture sector? The potato harvest has been virtually wiped out. This is a critical time for those contemplating setting produce for 2010. Are efforts being made to meet representatives of the sector to discuss establishing a rescue package, whether an Exchequer funded or European Union funded scheme, following the virtual wipe-out of a crop?

While the Minister of State will be most familiar with the problem in the potato sector, it is not the only sector affected. The Minister, Deputy Smith, met representatives of the potato sector recently. We are well past crisis point because the industry will close down if the Department does not introduce an initiative to address the problem.

Deputy Trevor Sargent: While I appreciate that much of the media coverage has focused on the potato crop, I am aware that growers of other crops, including carrot producers, have also been affected. As Deputy Creed noted, the Minister, Deputy Brendan Smith, met a delegation from the Irish Farmers' Association, while I have met individual growers. Both of us are giving serious consideration to the submissions farmers have made and are sympathetic to their case. As of today, a decision has not been reached on the matter but I expect one to be made shortly given that the timeframe is tight.

Since 1980, if not before then, there has been ongoing erosion of the number of growers. This trend has not been helped by the weather, pressures on retail and the sterling differential. The fact that the acreage used for horticulture has not changed belies the reality. I seek to maximise the number of growers as well as the acreage in horticulture.

Deputy Seán Sherlock: Deputy Cuffe asked a question on the possibility of establishing a code of practice or ombudsman. The second proposal is the wrong approach. Does the Minister of State agree that a code of practice would not be worth the paper it was written on until such time as a legislative mechanism is put in place to ensure primary producers of animals and vegetables are given a fair crack of the whip in terms of securing a fair percentage of the market price for their products?

[Deputy Seán Sherlock.]

The Minister of State indicated that 200 producers enjoyed a share of the €8 million provided in grant aid. Will he provide a breakdown of the figure? Do potato growers feature among this coterie of beneficiaries?

Deputy Andrew Doyle: Some €23 million was allocated under the pork recall scheme for producers of pork meat that was not of Irish origin. Moreover, some of the initial allocation for the scheme has not been spent. Given that horticulture is also a source of food and is under severe pressure, will the Minister consider diverting this money to the sector?

On a second point——

An Leas-Cheann Comhairle: The Deputy must ask a question.

Deputy Andrew Doyle: There is no point referring to an enhanced scheme if the pressure on producers will result in the contraction rather than expansion of horticulture. Market led responses will not resolve the problem.

Deputy Trevor Sargent: I concur with Deputy Sherlock that there is no point in introducing an unenforceable code. The Tánaiste has assured us that while the submissions under consideration will initially result in a voluntary code, it will be placed on a statutory footing. We are moving as quickly as possible towards the position the Deputy advocates. We all wish progress could be made more quickly. The Tánaiste indicated she would like to introduce a code within 24 hours. Unfortunately, this is not practically possible.

Deputy Andrew Doyle: A Fine Gael Party Bill is available to the Minister.

Deputy Seán Sherlock: Is Deputy Cuffe satisfied with the Minister of State's response?

Deputy Trevor Sargent: Potatoes have been included in the grants provided in the past. Under the most recent round of funding, considerable investment was made in storage facilities. This has enabled us to ensure we can maintain an Irish element to potato retail for longer than was previously the case. The grant schemes are highly competitive. Applicants must have a business plan for at least two years, must comply with health and safety and environmental standards and are subject to an inspection by the Department.

Deputy Andrew Doyle: The Minister of State did not answer my question on moneys from the pork recall scheme.

Pigmeat Sector.

95. **Deputy Seymour Crawford** asked the Minister for Agriculture, Fisheries and Food the number of farmers involved in pig production on a county basis; his views on whether there is an opportunity to expand this industry; if so, the way he will encourage such expansion; his further views on whether some of those already in production are experiencing difficulty with the banking structures; and if he will make a statement on the matter. [3546/10]

Deputy Brendan Smith: A total of 2,465 farmers are involved in pig production. Details of the number of farmers on a county by county basis are set out in the table.

The pig sector accounts for approximately 6% of gross agricultural output. It is a significant employer both directly and indirectly, accounting for more than 7,000 jobs, many of which are in rural areas and small towns. The sector has the potential to develop further and make an even greater contribution to the national economy, export generation and job creation.

A development strategy for the pig sector, drawn up by Teagasc following consultations with a broad range of stakeholders, was published in January 2008. The document contains a comprehensive summary of the issues facing the Irish pig sector and proposes measures that need to be taken to position it for a successful future. Compliance with environmental protection legislation, increasing production efficiencies, pig health matters and research and technology transfer were all identified as areas in need of attention.

The objective is to have an industry that produces meat to the highest standards of quality and safety and would be internationally competitive, while having due regard for animal health and welfare and environment protection considerations. A steering group has been progressing the various recommendations of the development strategy. Following delivery of an interim report to my Department last week, I met the group to discuss its contents. Many of the recommendations are outside the direct remit of my Department and we will consult other relevant Departments and agencies about the recommendations made by the steering group.

The Government is conscious of the difficulties different sectors of the economy have in obtaining credit. It has taken a number of steps, including the guarantee scheme, recapitalisation of AIB and Bank of Ireland, nationalisation of Anglo Irish Bank and establishment of the National Assets Management Agency, to ensure banks are in a position to lend to the real economy. I have been in contact with the banks about this matter on an ongoing basis and will continue to discuss with them how the position can be improved for various segments of the agri-food sector.

County	Number of Pig farmers	County	Number of Pig farmers
Carlow	48	Longford	30
Cavan	136	Louth	19
Clare	94	Mayo	180
Cork	444	Meath	80
Donegal	82	Monaghan	61
Dublin	17	Offaly	37
Galway	106	Roscommon	60
Kerry	132	Sligo	64
Kildare	71	Tipperary	193
Kilkenny	72	Waterford	69
Laois	56	Westmeath	61
Leitrim	35	Wexford	114
Limerick	123	Wicklow	81

Deputy Seymour Crawford: I thank the Minister for his comprehensive answer. Coming from one of the major pig-producing counties, Cavan, he will be aware there are serious problems in the industry.

On the issue of banking, did the Minister's meetings with the banks include the ACC and NIB? These are important banks for that area.

Does he accept that individual farmers in the business are under serious pressure at present? Would he advise any young person to start into the business as things currently stand? I appreciate that the Russian market has been opened up which may improve prices but what is the situation regarding compound feeds? What is the Minister's attitude towards the GM issue? Our farmers have to compete against others who use genetically modified crops.

Deputy Brendan Smith: I thank Deputy Crawford for his comments on the re-opening of the Russian market. We hope that will help to improve prices and grow the market. The Russian market available to our exporters is of substantial importance overall.

Regarding young persons, as Deputy Crawford will be aware, some months ago I launched a Teagasc pig husbandry scheme in Ballyhaise agricultural college. The course was over-subscribed and the participating cohort was very young. I understand that in Clonakilty where a similar course is being held it, too, is very well subscribed to by a young age group.

Regarding the banking sector, Deputy Crawford may be aware that on a number of occasions I have met with pig producers and millers from the northern half of the country, along with their advisers. The group explained to me that over the years millers acted as bankers to individual pig-farmers. Now millers are under pressure, credit-wise, and because pig-farmers are also under pressure there is delay in payment reaching the millers. I got that group of millers and farmers together to formulate a specific proposal. At those two meetings, individual pig producers and millers commented that as a general rule in the past neither group would sit in the same room as the other because they would not have shared the same viewpoint. However they shared the same viewpoint at those meetings. I met a large number of processors, millers and farmers at that meeting. Afterwards I met the Irish Banking Federation and put to it the proposal that had been given to me at the meeting and which we had discussed. Subsequently, my Department wrote to the IBF supporting the proposals that had been put forward by the group. My recollection of the meeting with the IBF is that all the major banks were represented by their chief agri-advisers and they included the two banks mentioned by Deputy Crawford.

An Leas-Cheann Comhairle: I want to include a supplementary question from Deputy Sherlock.

Deputy Seán Sherlock: Does the Minister acknowledge that some of the problems encountered by the pig and food industries are due partly to the fact that legislation on packaging has not been amended and that the issue of substantial transformation still impacts on the comparative advantage Irish producers might enjoy if the issue were to be sorted out?

Deputy Brendan Smith: As the Deputy will be aware, some considerable time ago we put forward a proposal to the European Commission in respect of country of origin labelling for pigmeat, sheepmeat and poultrymeat. Unfortunately, the European Commission rejected our proposals and we were not allowed to proceed with them. Now the issue of adequate labelling is again under discussion in the Commission and we have put forward a very strong proposal in that regard.

Regarding the domestic market, which is important in the context of pork products, the Bord Bia quality assurance scheme is of huge importance to the sector and is very well supported by many of the producers and individual primary producers who want to see more use made of it.

Deputy Seymour Crawford: I welcome the Minister's comment about the banking situation. I hope he will make some moves regarding the GM situation too because our food compounders must be able to compete with others at the best possible price. I would not be as confident as the Minister that young people will rush into this business. My information is that only the very big producers are expanding at present. The smaller ones cannot afford to do so. That situation must be looked at.

Deputy Brendan Smith: Regarding Deputy Crawford's point and speaking of individual producers and about the industry in general, there are now much better on-farm facilities for pig production. Some years ago the sow-housing scheme was introduced and has been very successful. The farm waste management scheme was made applicable to the pig industry for the first time. During the course of the coming year we will introduce a new scheme with regard to loose housing for sows and that, too, will be an important investment scheme. There is considerable cost involved for the individual but in recent years grant schemes were put in place for the first time and have been important.

As to age groups, I speak to different groups of farmers from all sectors but I always remark that when I speak at an event related solely to pig production by and large a younger age group tends to be present than at meetings relevant to other sectors.

Biotechnological Inventions.

96. **Deputy Brian O'Shea** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the potential of miscanthus to meet fuel needs for domestic and commercial users. [3872/10]

Deputy Trevor Sargent: I am aware of the potential to use miscanthus to generate heat and power in the bioenergy sector. The Department has been grant aiding farmers to plant miscanthus since 2007 under the bioenergy scheme. The scheme was launched on a pilot basis to provide farmers with an establishment grant to cover 50% of the costs of establishment up to a maximum payment of €1,450 per hectare. Eligible costs include those associated with ground preparation, fencing, vegetation control, the purchase of planting stock and planting. Up to 2,500 hectares of miscanthus were grant aided to the end of 2009.

As with any emerging sector, markets for miscanthus cannot be developed in isolation and require close collaboration between all partners in the supply chain from producer to processor. The initial target market should be end users with a high continuous heat demand. These markets should be local and of sufficient size and dependability to reduce transport costs. I understand that new markets are being developed in the fire log, pellet and briquette sectors to meet the growing demand for biomass in domestic and commercial stoves, open fires and boilers. The use of miscanthus as a co-fuel with peat is also being developed with trials ongoing at the peat-burning power stations. Eventually it will be possible to convert crops like miscanthus into liquid biofuel through the use of emerging second-generation technologies. It will be a number of years, however, before these technologies reach commercial viability.

Ireland's climatic and soil conditions are very suitable for growing miscanthus and the sector has the potential to offer a new rural activity for farmers. Miscanthus can also deliver positive outcomes in terms of reduced CO₂ emissions and can contribute an increased supply of biomass to meet Government targets on bioenergy.

My Department is currently reviewing the operation of the pilot bioenergy scheme to assess the need for a new scheme from 2010 onwards and an announcement will be made shortly.

Deputy Seán Sherlock: In that review I ask the Minister of State to recognise that €1,450 is too modest a grant sum because the input cost is high enough for individual farmers who might wish to move into growing miscanthus. If the sum were to be increased it would encourage more growers.

There is no doubt about the potential of miscanthus especially for the manufacture of pellets and firelogs, as the Minister of State outlined. Demand is growing exponentially and on an almost weekly basis. The delay does not relate to miscanthus being brought to market but

[Deputy Seán Sherlock.]

rather it revolves around trying to encourage more farmers to grow it. The only way to achieve the latter is to provide a greater incentive at the start-up point. I, therefore, ask that the Minister of State to consider increasing the start-up grant.

Deputy Trevor Sargent: I will put the Deputy's suggestion regarding an increased start-up grant to the officials in my Department. As he stated, when it comes to pellets, briquettes, whole-bale boilers, co-firing, and so on, the potential of miscanthus is significant. As with any new activity, however, a certain amount of lead-in time is required. The methods relating to growing miscanthus are not unlike those which obtain in respect of growing wheat. Given that it is not a food crop, however, growing it does not come naturally to those involved in farming who have grown food all their lives. That said, increasing numbers of farmers are considering growing miscanthus. We will take account of the Deputy's comments in carrying out our review.

Deputy Michael Creed: One of the observations made by those in the industry in respect of microgeneration is that the price being paid for the electricity being sold into the national grid is too low, in relative terms, when compared to the price that obtains in the UK and Northern Ireland. If we are to get a return on the investment we are giving to primary producers, we need to increase the price paid for microgeneration, for biomass energy production and so on.

I understand the Minister for Communications, Energy and Natural Resources is reviewing this whole issue. Investment in the sector has stalled because of the price differential. Will the Minister of State use his good offices to convey the concerns of the House to the Minister, Deputy Ryan on this specific issue, with a view to at least meeting the price that is being paid for microgeneration into the national grid?

Deputy Trevor Sargent: We are getting great value in the House today, particularly when one considers that I am replying to questions that are proper to the Departments of Enterprise, Trade and Employment and Communications, Energy and Natural Resources.

Deputy Michael Creed: The Minister of State did not answer the question I asked him earlier.

Deputy Trevor Sargent: I will certainly pass on to the Minister for Communications, Energy and Natural Resources the Deputy's comments regarding the cost of feeding energy into the national grid. The review to which I referred will take on board the experience of farmers and the difficulties they face to date.

Deputy P. J. Sheehan: The Minister of State does not appear to be very familiar with miscanthus, which has proven to have great potential in the context of the production of firelogs, and so on. In addition, miscanthus is a quick earner for farmers. I do not want this matter to be dragged out for two or three years. A decision must be made immediately. The Minister of State referred to two other Departments which have an interest in this matter. However, he must accept the necessity of ensuring progress is made as quickly as possible.

Deputy Trevor Sargent: I have no doubt that, notwithstanding the implications in respect of energy and other matters, responsibility for miscanthus comes within the remit of the Department of Agriculture, Fisheries and Food. I accept that it is a quick earner for farmers. However, the market relating to it must still be developed. A product development project — in the context of mixing wood and miscanthus on a 50-50 basis — in respect of peat-fired generating stations is in train. I am sure this will help the market to grow. Ultimately, the market will determine the success of the sector. The start-up grant will obviously play its part but more will be required in the context of good market development.

Deputy Seán Sherlock: I accept that a marketing exercise will have to be undertaken. However, a great deal of micromarketing is taking place in various regions — Limerick and east Cork are two examples of which I am aware — in respect of certain sectors. Those involved in the industry have informed me that if the start-up grant paid to farmers is increased, and if a proper education process to accompany this is put in place, this will be of major assistance to local or micromarketing initiatives.

With respect, we should not discuss this matter in an aspirational way. Let us put our money where our mouth is and invest in the industry. Miscanthus is both a carbon offset plant and a fuel source and it offers massive potential. We should display a great deal more urgency in the context of how we promote the growing of this plant.

Deputy Trevor Sargent: A significant level of urgency has been afforded to this matter and a considerable amount of money has already been invested. Between 2005 and 2007, €6 million was spent, under the research stimulus fund programme, on 13 projects. There has been a great deal of investment in Oak Park and other centres. This matter is being treated with urgency. The review to which I referred earlier will provide a reality check on where we stand. While we may start off with the best of intentions, there is always need to tweak and change things to make them better. That is what is happening in this instance. This important part of Government policy is being refined and developed.

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 Willie Penrose — the need to defer the implementation of the electronic tagging of sheep; (2) Deputy Michael Ring — to ask the Minister for the Environment, Heritage and Local Government when consent and advice will be given by his Department to the OPW so that proposed flood mitigation works in the Roundfort-Hollymount area of County Mayo will proceed and if he will make a statement on the matter; (3) Deputy James Bannon — the implementation of the River Shannon basin management plan; (4) Deputy Ulick Burke — the works that will take place in south Galway to prevent a recurrence of flooding; (5) Deputy Tom Sheahan — the need to have the PET scanner at Cork University Hospital operational; (6) Deputy Ciarán Lynch — the provision of a new school for Ballygarvan national school, County Cork; (7) Deputy Thomas P. Broughan — to ask the Minister for Agriculture, Fisheries and Food if he has been briefed by Teagasc regarding a proposed restructuring of the organisation; (8) Deputy Lucinda Creighton — the impact of recent budgetary measures to reduce PRSI benefits for dental, optical and aural treatment; (9) Deputy Michael McGrath — that the Government would urgently address the issue of the excessive remuneration being paid to chief executives in the commercial semi-State sector; (10) Deputy Brian O'Shea — the need to provide interpreters for five deaf people who wish to pursue courses at Waterford Institute of Technology; (11) Deputy Noel J. Coonan — to ask the Minister of State with special responsibility for mental health, Deputy Moloney, if he can outline his Department's proposals for the delivery of mental health services, both acute and community-based, in north Tipperary following HSE proposals to close St. Michael's unit in Clonmel — which currently provides acute psychiatric services for both north and south Tipperary — and if his department plans to provide capital funding for proposed high dependency psychiatric units in north Tipperary; (12) Deputies Joe Costello and Jan O'Sullivan — the problems at accident and emergency departments; (13) Deputy Chris Andrews — reports indicate that chewing gum accounts for

[An Leas-Cheann Comhairle.]

one quarter of all food litter dropped on streets, and last year alone Dublin City Council spent €37 million cleaning up Dublin's streets. In the current economic climate, much needed funds should not have to be spent on cleaning up chewing gum. Following the recent expiration of an agreed three-year awareness campaign, a levy on chewing gum should now be implemented; (14) Deputy Kieran O'Donnell — to call on the Minister for the Environment, Heritage and Local Government to outline his plans for funding the Limerick regeneration project for 2010; and (15) Deputy Thomas Byrne — the admittance of fathers to antenatal appointments, scans and the labour ward at Our Lady of Lourdes Hospital, County Louth, and other hospitals.

The Matters raised by Deputies Tom Sheahan, Joe Costello and Jan O'Sullivan, Thomas Byrne and Ciarán Lynch have been selected for discussion.

Civil Partnership Bill 2009: Second Stage (Resumed).

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

An Leas-Cheann Comhairle: Deputy Clune was in possession. Some 15 minutes remain in this slot.

Deputy Deirdre Clune: I wish to focus on the part of the Bill which relates to unmarried or unrelated cohabitants, whether they be of the same sex or the opposite sex. This relates to people who are in intimate and committed relationships and it provides rights in respect of succession, and so on. Qualified cohabitants who have lived together for three years, or two years if they have a child, will have extra financial rights if the relationship ends or if a partner dies. This provision will impact on a much greater number of people than did the civil partnership scheme.

According to census data, there were 120,000 cohabiting couples in the State in 2006 and one third of these had dependent children. I am sure this number has increased significantly in the interim. I wish to focus on this part of the Bill because it has not received a great deal of attention. There are people who have been residing together for two years or more who are not aware of the legal obligations placed on them. An article by Carol Coulter in today's edition of *The Irish Times* outlines a possible scenario in respect of a couple moving in together at 19 years of age and breaking up a few years later. Ms Coulter refers to the female in the relationship contributing a great deal and the male being unaware of his legal obligations. In that context, there are those who do not realise that they may have significant legal and financial obligations at quite a young age. This is an important change as it will give rights to certain individuals.

However, there is an obligation on us all to send the message that the situation has changed and could change for many people. The point has been made that this is such a significant step that it should be in separate legislation. None the less it is in the Bill now and I am sure the Committee Stage debate will expand on this matter further. It is extremely important and must be highlighted. If the couple is aware of the potential scenario they have the option to prepare a written agreement — prenuptial would be the wrong word. Nevertheless it is an important step and should be flagged as it could have implications for many relationships, notwithstanding the merits of the proposal.

I welcome the civil partnership registration scheme. It is an important statement for this country and signifies where we are at present. Much has been said about the difficulty for gay and lesbian people living here given the social stigma that can be attached. The statement that the introduction of the Bill makes will help to overcome the difficulties gay and lesbian people face. A survey by the Gay and Lesbian Equality Network, GLEN, found that one in four

homosexuals has been punched, kicked or beaten in violent homophobic attacks. Almost one-fifth have tried to take their own lives, with many saying this was related to their sexual identity. Some 58% of respondents said there was homophobic bullying at school which is very serious given that it is among young people. Perhaps many young people are not aware of the implications of the bullying nature of their carry-on or the language they use. It can have serious detrimental effects on the recipient of the bullying.

The survey found that more than half said they had been called abusive names and a quarter said they had been physically threatened by other students. More than one third said they had heard homophobic comments by teachers, while 8% said they had been called names by them. Those are extremely worrying statistics as we depend on teachers and other adults in a position of responsibility to respect equally all those for whom they have responsibility. If such a statement is true — I have no doubt it is — it is a very serious situation. One third of respondents said they self-harmed over the stress of concealing their sexual orientation during their teenage years. Some 80% of those surveyed said they had been verbally insulted, while 40% had been threatened with physical violence.

That is the reality for many people and the theme of young people runs through those statistics. I hope that the legislation going through the House will help to bridge the gap and help people to understand that people being gay or lesbian is a natural phenomenon, and that the State recognises their existence and confers legal rights and obligations on them. I hope it will represent a step forward because it is a very serious situation. People have come to my clinic seeking to move house because they have been subject to bullying owing to their sexual orientation, which is unacceptable. However, I compliment the housing officer in the city council who was very receptive and sympathetic, which helped the individual in the case. The statistics highlight how difficult it can be for people to come out if that is the kind of society in which we all live.

Like others I voice my concern about the children of a couple in a civil partnership. The legislation is silent on the position of such children. For instance the Family Home Protection Act will not apply to children of a couple in a civil partnership. If a home is being divided the needs and rights of the children will not be taken into account. In the event of a dissolution of the partnership, it can proceed without regard to the child or children, whereas in the case of a married couple a divorce can only be granted if the children of that relationship are provided for. The Bill does not provide that a court be obliged to have regard to the care of the children when granting dissolution. The cost of caring for the children or the time and involvement that one or other parent may have given over the years of the partnership towards nurturing and rearing the children is not considered, whereas in a divorce it would be taken into account. If the partnership were dissolved, the children could be financially disadvantaged and the Bill makes no provision in that regard. Based on what we have heard in the Chamber today, the situation of children will command considerable attention during Committee Stage.

I do not know much about the children of same-sex partnerships. While I have read considerable negative comment about children of same-sex partnerships, from my experience and what I understand, children need security and a loving environment and it does not matter who provides it. It can be a single parent, two parents of the same sex or two parents of opposite sex. The most important thing is for children to have security, know who is picking them up from school, know where they are sleeping at night and be loved. Children will survive and thrive provided those circumstances are in place.

I believe it was mentioned earlier that some 2,000 children are looked after by people in same-sex partnerships. There may be a biological parent in that partnership, including possibly

[Deputy Deirdre Clune.]

as a result of sperm donation. However, there are many such children and their situation needs to be recognised and the law needs to protect them at all costs. Many organisations have commented that provision for children is not addressed in the Bill, which will cause problems at some stage if not rectified. A child looked after by people in a civil partnership could be seriously disadvantaged should the partnership dissolve or should one of the parents pass away, which would give rise to a legal limbo. Now is the time to recognise the situation and make provision to rectify it.

Provision for non-conjugal couples is omitted from the Bill. I had done some reading over the years which led me to expect that under such a Bill, brother and sister or perhaps an uncle and nephew living together or whatever would be recognised in this part of the Bill in terms of succession rights, taxation, next-of-kin rights and so on. Those are very important and I had expected them to be included in this Bill. I am surprised that they are not.

I know of many individuals living together. My maternal grandfather was one of 12, eight of whom did not marry. Four of them lived near us, two brothers and two sisters in the one house. The situation was similar on my father's side of the family, and I believe such situations were quite common. These people are elderly now, but it is not unusual for brothers and sisters to live together. I am surprised that provision is not being made for them in this Bill.

On the whole I welcome the Bill. It is an important step forward, we have many questions about it and I am sure they will be thrashed out on Committee Stage. I notice that taxation and social welfare rights will apply to the partners in a civil partnership. That is very welcome and has been described as being similar to the rights available to spouses. It is important that this be extended to the provisions of the Finance Bill and the Social Welfare Bill.

This is an important step forward. It is complex legislation, given the implications it will have for other legislation. It will be a slow and significant process as we tease matters out on Committee Stage. I look forward to the Minister's comments, in the event, on the various points that have been raised in this debate.

Deputy Joe Costello: I am pleased to have the opportunity to speak on the Civil Partnership Bill 2009, and want to compliment the Minister on introducing it. While we may crib about the detail, it is a very substantial step in the right direction.

The Bill's proposals have been in gestation, one way or another, over the past ten years, with various reports, documents and debates. My colleague, Deputy Brendan Howlin, in 2006 produced the Civil Union Bill, which was something of a catalyst in getting the ball rolling and in terms of putting pressure on the Government to act on the various discussions that had taken place. The purpose of Deputy Howlin's Bill was to give legal recognition to the relationship that exists between two people of the same sex, and allow an equivalent status relationship for those people as well as recognising and approximating, as closely as possible, the rules of law that exist for marriage. Under the Constitution, of course, the marriage of same-sex couples is not allowed and to change that would require a referendum.

That was the thrust of that particular Bill, and this legislation covers some of the same ground, as well as some different aspects as well. It provides for a statutory registration scheme for the civil partnership of same-sex couples and a range of rights obligations and protections consequential on such registration. It also provides for a redress scheme for same-sex couples and opposite-sex couples in cohabitation but not in a marriage arrangement or not registered in a civil partnership.

It does not cover an area dealt with in Deputy Howlin's Bill, namely, adoption, which is a pity. More than anything else, as has been referred to, it does not deal with children in either

the same-sex relationship category, where they can be involved as result of particular family relationships, or as regards cohabiting couples, where very large numbers of children are involved. That children are not part and parcel of the legislation, as drafted, is a conspicuous oversight, but I am sure the Minister will be open to amendments in this regard.

The original proposals that sparked off the legislation in terms of same-sex gay and lesbian citizens derive from a straightforward and basic principle, namely, that all citizens in this country are equal, and gay and lesbian citizens are no different. They are entitled, therefore, that the State will provide the same basic rights to them as to all other citizens. It is our duty, then, as legislators to make provision through the legislation introduced in the Dáil and Seanad to address the issues whereby inequalities arise in the treatment of gay and lesbian citizens. We have a duty to address the constitutional bar on the marriage of same-sex couples, with the consequent denial of a host of rights, privileges and benefits, on the one hand, and a host of obligations, penalties and sanctions, on the other.

The status relationship conferred by the Civil Partnership 2009 Bill provides an avenue for progress, approximating to some degree the rights of gay and lesbian couples within the Constitution, but of course this does not extend to full rights for such couples.

The situation that pertains means that while a considerable degree of equality is being given, we are not giving full equality. Nonetheless, I believe we should recognise that this Bill is a milestone on the road to our desired destination. It seems the next step is to consider the issue of full equality and how this may be achieved. This is something that merits some level of discussion in the context of the Bill before the House.

Ireland, as many people have said in this Chamber, has changed considerably over the years, but still has a long way to go to become a fully fledged pluralist and egalitarian society, despite the principles that exist in that respect. The 1916 Proclamation was a ringing endorsement of that, full of idealism, declaring a Republic and stating categorically that all the country's citizens would be treated equally and cherished as such. That particular Proclamation is, perhaps, the anchor we might start with. It was followed by the Democratic Programme of the First Dáil in 1919, which built on the ideals and principles enshrined therein. We are now only six years away from the centenary of the Proclamation and we might usefully examine a checklist as regards how the ideals of the Republic declared on that occasion have been dealt with. The commemoration of the centenary of 1916 might be usefully looked at in terms of rights, principles, values, the way in which our culture has gone and the degree to which Ireland has become a pluralist society with every category of citizen being facilitated in the enjoyment of his or her rights. As regards that checklist, we must see what needs to be done within the next six years to ensure those legal and constitutional rights are fully granted. Some interesting issues might come to light when we make a thorough assessment of the situation.

After 1916, the character and culture of the country was blighted by the bitterness of the civil war, the economic gloom visited on the country for many decades and — probably more than anything else — by a powerful and triumphant church that came into existence simultaneously with the new State. As a result of all that, the ideals that were proclaimed in 1916 were often lost sight of. We can see the situation that has arisen now with the Ferns, Ryan and Murphy reports. Instead of cherishing the children of the country equally, we found that both State and church had in many ways connived and conspired to abuse, neglect and institutionalise vulnerable children. Therefore, rather than doing what was proclaimed in 1916, the new State that emerged often did the opposite. It did not recognise or cherish many of those vulnerable children, but allowed them to be abused. It happened with relative impunity for half a century and only now when it is coming to light in an open, transparent and meaningful fashion, is any level of redress taking place.

[Deputy Joe Costello.]

In commemorating the centenary of 1916, we will have to examine closely what has happened concerning the rights of children. We did not see fit to write the rights of children into the Constitution, so they are not recorded there as such. That might be one way of moving forward towards commemorating the centenary. The least we can do at this point is to correct that omission with a constitutional amendment. Hopefully, that will be coming in the not too distant future, given the work of the committee currently dealing with children's rights.

In the context of child abuse, which has poisoned our society, it would be wrong to exclude from this legislation measures to extend legal protection regarding the new statutory entitlements we are providing to same-sex and co-habiting couples. The children of such relationships must be also included. How can we remain silent on these issues and not make such provisions? These children are legal dependants of the couples about whom we are talking and therefore they should be covered within the legislation. In his reply, perhaps the Minister will explain that omission, as well as indicating to what degree he will accept amendments in that direction. Does he propose to introduce such amendments himself? To my mind, this is the most glaring omission in the Bill, given the parameters within which the legislation is to operate. It would be worthwhile therefore to deal with the role and place of children within the context of the Bill.

The other side of the coin is that within our Constitution there is a presumption of heterosexuality in the provisions on the family. That presumption flows from the constitutional provisions on marriage between a man and a woman only, and the character of the nuclear family. The core message of the Constitution is that men and women marry to procreate. The State gives constitutional protection to the mother and to the family arising from marriage, which is the context of Article 41 covering the family. Therefore, religious tenets rather than secular pluralism are uppermost in the current constitutional provisions dealing with the family and marriage. In this respect, there is no recognition of addressing anything other than heterosexuality. The very fact that heterosexuality is addressed, however, means that, by omission, there is no consideration of any other sexual orientation. Therefore our Constitution is neglectful, which is a glaring omission.

By recognising the statutory registration of same-sex relationships in this Bill, the State is accepting that it has been neglectful of the rights of its citizens who are not heterosexual. In fact, the Bill is a recognition that there has been neglect within the panoply of rights granted in the Constitution in terms of other sexual orientation. It is accepting same-sex relationships and granting them the protection of the law. Likewise, similar protection is now being granted to co-habiting heterosexual couples who do not choose to marry. These are areas that our Constitution did not even envisage as being part and parcel of what might be provided for when it was framed in the 1930s.

The Bill represents a considerable step forward considering the statutory status that existed back in 1994 when the law defined homosexuality as criminal. We have now moved to give legal status and protection to gay and lesbian relationships. The next logical step is to look at the right to marriage between same-sex couples; that would be a full civil union between two citizens in a stable loving relationship. Otherwise, our Constitution will continue to reflect a two-tier discriminatory system based on sexual orientation. It would not be the end of the road, as some people might be inclined to believe. Quite a number of other European countries have already gone down this route. For example, Spain and Portugal, which are strongly religious countries, have legislated for marriage between same-sex couples. To my mind, that is the next step that must be contemplated by legislators here. It has been already contemplated by quite a number of commentators. In 2006, the working group on domestic partnerships reported to

the then Tánaiste and Minister for Justice, Equality and Law Reform. On the option of full civil partnership, the group commented as follows:

Full civil partnership falls short of full equality for same-sex couples as it excludes such families from the protection given to the family in the Constitution.

It clearly recognised that full rights are not available under the particular option we are now discussing. I am sure the Minister will be glad to know that no less a person than our former Taoiseach, Deputy Bertie Ahern, made the following enlightened statement in April 2006:

Our sexual orientation is not an incidental attribute. It is an essential part of who and what we are. All citizens, regardless of sexual orientation cannot stand equal in the eyes of the law. Sexual orientation cannot and must not be the basis of a second class citizenship. Our laws have changed and will continue to change to reflect this principle.

Clearly, Deputy Bertie Ahern, who was the Taoiseach at that time, was indicating that this was a work in progress and was moving down the road towards providing certain rights for cohabiting and same-sex couples and that this was right and proper within the context of our legislative framework. It was clear we were by no means coming to the end of the process, but were moving along the road with the process. That is the vein in which the Labour Party looks at the legislation. We accept it for what it is, a major step forward, but recognise it is not the final stage of the work. We will consider it and consider how it can be improved and expanded upon to provide further rights for those, particularly children, omitted from its provisions.

The legislation proper provides for a process of registration which is much the same as that for marriage and for the amendment of the Civil Registration Act 2004 to include civil partnerships, dissolutions, nullity decrees and so on. An issue that has arisen is the place of registration and the person to conduct the registration. Incidentally, it was interesting to read in today's newspapers that Croke Park can now be a venue for civil marriage ceremonies. Croke Park has been quite ecumenical in its approach to sport in recent times and besides being open to hurling and Gaelic football, it has been open to rugby, soccer and Australian football. I have no doubt the GAA will be just as ecumenical with regard to civil partnership ceremonies and I see no reason that there should be any problem with registration of such ceremonies there. It is only proper that people whose function it is to perform marriage or civil registration ceremonies should be willing to perform civil partnership ceremonies between same-sex couples. This is something they should not, willy nilly, refuse to do.

I welcome the legislation which the Labour Party accepts with its various faults and omissions. We hope it will improve during its progress through the House and that we take the extra step forward towards full equality for gay and lesbian people.

Deputy Michael D'Arcy: I consider this Bill a welcome opportunity to afford rights to the gay community. These are rights that all married couples enjoy without question, including rights to fairer rates of tax, pensions, inheritance and for basic status of next-of-kin. Homosexuality was rightly decriminalised by the State in 1993, but some people are still being punished in the context of the rights of a couple in same-sex partnerships. It is time to end this punishment and this is the opportunity to do so. This is an opportunity for Ireland to join the 15 other states worldwide that recognise the rights of same-sex couples to enjoy the tax benefits of married couples and to remove itself from the unfortunate position of being among the last two major western states that do not have some legal provision for recognising same-sex relationships.

[Deputy Michael D'Arcy.]

I welcome the Bill because it will ease the lives of the many same-sex couples in this country. It will bring these couples in from the cold, give them security and ease their worries in times of grief, illness and financial insecurity as a result of unforeseen circumstances. I received a large number of e-mails supporting the legislation, but, strangely enough, not as many as I did when the Labour Party proposed its Bill in late 2007. These are Irish citizens who must be afforded the protection of legislation and they have outlined their wish for this Bill to be passed. Many unfortunate circumstances were outlined to me in these e-mails, too many to relate here. The Bill reflects Fine Gael policy and gives us the opportunity to complete the debate, which was cynically postponed by the Government in the run up to the dissolution of the Dáil prior to the last general election. Fine Gael has been seeking this opportunity since it was the first party in Dáil Éireann to publish a comprehensive civil partnership plan in 2004, following a commitment in the Visible Justice document of 2002.

As I said earlier, the Labour Party moved a Private Members' Bill in late 2007, but it was defeated. Therefore, it is good, even if it is somewhat later than many people would have liked, to bring closure to this legal loophole. We can only assume from party manifestos that the Government will bring all its might to bear to ensure that this Bill passes as quickly and comfortably as possible. Fianna Fail stated in its manifesto that it would address the need to provide a legal framework that supports the rights of same-sex couples, including by extending State recognition to civil partnerships between such persons, so that they could live in a supportive and secure legal environment. The Green Party similarly promised to remove all gender specific terms from the current legislation and regulations governing the granting of marriage to allow same-sex couples enjoy the rights and responsibilities of civil marriage and that it would recommend the creation of a new category of civil partnership, an institution that could be created and dissolved with more ease than marriage. This would be available to both heterosexual and same-sex couples. If these are the policies of the Government parties, this is the belated opportunity for them to finally fulfil them.

Senator David Norris introduced a Bill on this issue in November 2005. The Government dismissed his Bill and promised it would introduce its own. That Bill did not materialise. When the Labour Party introduced a Bill in late 2007, the Government defeated it. In the programme for Government, Fianna Fáil, the Green Party and the then Progressive Democrats pledged that they would legislate for civil partnerships at the earliest possible date in the lifetime of the Government. We have just completed the first half of a five-year term and are no longer in the earliest part of the Government's time, but the time has come now to deal with the issue. There has been considerable comment from some quarters that the Bill provides for same-sex marriage. It does not. That will only be decided following a referendum by the citizens. The people will decide on that matter, not the small number of elected representatives in the Oireachtas. If those who promote same-sex marriage are not satisfied that we need a referendum, there is nothing any public representative can do as it is a constitutional matter.

I am certain the more conservative elements in our society are not pleased with the legislation, but it is a step in the right direction. Equally, more liberal minded people believe that the Bill does not go far enough. They will not be satisfied with anything less than same-sex marriage. I feel the legislation is a reasonable attempt to find a balance between both sides. I do not often compliment the Minister on legislation, but he has the right principles at heart on this occasion. Improvements could be made. I hope the Minister will be co-operative in respect of accepting Opposition amendments on Committee and Report Stages.

We have now moved into the second decade of the 21st century. This is not the 1970s, 1980s or 1990s when homosexuality was illegal. This Bill would end discrimination against the gay community and afford its members the rights they need and deserve.

I agree with other speakers that there is a significant lack of knowledge regarding the fact that this Bill deals with cohabiting couples. The information that would benefit such couples is not available. I appeal to the Minister to ensure the existence of an information programme, administered by his Department and the Department of Social and Family Affairs, to ensure couples, including same-sex couples, be they cohabiting or otherwise, will not be left behind because they do not know their rights have changed.

The subject of fathers' rights is fraught with difficulty and should be dealt with. To do nothing is unfair to the fathers and children of the State. I will not pretend I know what needs to be done but I appeal to the Minister to ensure that the relevant Oireachtas committee considers the issue. Following a focused, considered discussion including input from family lawyers, fathers' groups and other relevant groups, a position could be found to help those who are in legal limbo.

It cannot be easy to be gay in Ireland. We still live in a very conservative society. Members of the gay community have been subject to significant abuse over the years, as touched upon by some Deputies. We need closure in this regard, in a way that is satisfactory to the gay community. We cannot allow *à la carte* equality.

The question of children is unclear and must be sorted out in the subsequent Stages of the Bill.

With regard to the question of civil ceremonies being conducted by members of the Civil Service, there can be no choice. It is their job and what they are paid to do. They cannot choose to do portions of their job as they see fit.

I do not have any gay or lesbian neighbours and do not believe there are gay and lesbian citizens in the same way as I do not believe there are heterosexual citizens. They are not gay, lesbian or heterosexual; they are just neighbours. The more we comment to the contrary, the more people become isolated. We are all citizens of the State and our sexuality is irrelevant. It would be better if one's sexuality were left unsaid.

Deputy Leo Varadkar: The purpose of the Bill is to establish a statutory civil partnership registration scheme for same-sex couples. Fine Gael will be supporting the Bill, which is broadly in line with Fine Gael policy, as enunciated by former Senator Sheila Terry in 2004. The Bill is warranted for a number of reasons, particularly to recognise that there is a significant number of citizens in long-term same-sex relationships. Issues arise as a consequence and, at present, there is inadequate protection.

As a medical practitioner, I came across at least one case in which a next-of-kin issue involving a gay couple arose. Although the couple lived together for a very long time and were very much husband and husband, as it were, it was not possible to obtain consent for an emergency operation because the partners were not legally next of kin. Ultimately, the person deemed next of kin turned out to be a nephew who did not particularly like his uncle or approve of his lifestyle. This is a very practical example of why I believe the Bill is warranted, at least in principle. It is certainly warranted where the death of an individual who had been in a long-term relationship leaves a dependant without deeds to the house or an income. This can be resolved under existing law but the Bill sets out an appropriate way to achieve this.

Such difficulties can arise after the separation of a couple in a long-term relationship that involved an element of dependency, although the circumstances may be more complicated. They can also arise in respect of pensions and domestic violence. Domestic violence in relationships, be they straight or gay, is often not spoken about. It is very much under-reported and the Bill provides some protection in this regard. In this sense, it is very warranted.

[Deputy Leo Varadkar.]

It is on the basis that I have outlined that my party and I will be able to vote for the Bill with a clear conscience. That is not to say I do not have concerns. There are some omissions and points that should be taken into account. The first omission is that the Bill provides no facility for a brother and sister, two sisters or two brothers to register a civil partnership of the kind envisaged. Such people, if living in local authority housing or in an isolated rural community, would be covered by the cohabitation provisions of the Bill but could not form a civil partnership thereunder. That is a mistake. The Bill should recognise the circumstances of people in a dependent, but not sexual, relationship. All the issues that pertain to intimate relationships apply in respect of such people, including next-of-kin considerations and issues concerning pension supports and inheritance.

Having said that, I may sound a little contradictory in outlining my position on cohabitation rights, which are to come into effect after two years. Two years is a very short period. The relationships of many people who were going out together during the boom and who were encouraged to buy a house together have broken down. Those concerned are in a very difficult position, largely because the properties in which they invested are in negative equity. They are not in a position to sell because both parties would incur a serious loss from doing so. The Bill may change this dynamic, in a way that has not been considered fully, by giving cohabitation rights to one party or the other on foot of one party claiming those rights. This matter needs to be fleshed out in a little more detail.

The same difficulty arises in circumstances where two friends, male or female, have bought a house together and are co-owners. One may want to get married or leave but cannot do so because the house is now not worth very much. It will be up to the party who considers himself or herself to be aggrieved to claim cohabitation rights under this Bill. I am not satisfied this has been considered properly.

A Member with more experience than me once said we never debate one Bill in the House but two — the Bill before us and the law of unintended consequences. The Civil Partnership Bill may have a number of unintended consequences.

It is important to talk about the status of the family. Tax issues are not dealt with in the Bill but there will be follow-on tax implications in the next or subsequent finance Bills. I have a problem in this regard. I am single and live alone. Being single, I pay a lot of tax. I do not wish to be poor-mouthing but must state I probably pay 40% of my income in tax. As a result I have to pay the mortgage and utility bills on my own, which is the same for the many hundreds of thousands of single people in the State. Ironically, if I were to marry someone earning less than €25,000, I would be able to share the costs of living and reduce my tax bill by €7,000. It seems to be somewhat unfair that as a single person I am essentially paying more tax to subsidise other married people who may earn more than me. This anomaly of the tax system is designed to support marriage. This issue will also arise with civil partnership in that the Finance Acts will be amended to offer the same benefit for those who enter a civil partnership. Single people will effectively be subsidising the lifestyles of married people.

Why should single people have to pay €7,000 more in tax? I accept an issue arises where there is a family. However, in a family there must be children. We should consider changing the system so that those rights apply to families with dependent children. It is somewhat unfair that some Members with the same income as mine, who have stay-at-home wives who chose not to work but spend the day on the golf course or lunching, pay less tax than I do. I do not have an objection to their choice but I object to single people having to pay more tax so that other people have that choice. This anomaly needs to be addressed in our tax system.

Where we do give tax concessions to couples, they should not be based on the fact that a man and a woman, a man and a man or a woman and a woman are living together in a sexual relationship. They should be solely based on the fact that they are a family unit. The tax advantages should be given to the family unit and not that they are married. This will need to be addressed in the Finance Acts.

The same applies to inheritance and capital gains tax, areas where there could be potential abuses. Marriage is already abused with couples splitting up to go live in Italy for six months in order to avoid capital gains tax. Recently it was reported a business was established to bring women from the Baltic states to marry men from the Indian subcontinent to secure legal rights. We would be very naive not to factor these into our considerations of the possibility that people will use civil partnership in the same way marriage is abused for residency and tax purposes. For example, two male business partners may decide to divorce their wives and form a civil partnership to avoid paying millions of euro in capital gains tax. Then they may dissolve the civil partnership and remarry their wives. All these issues will arise.

I am sure I will be attacked for raising these matters but it would be a bad Parliament if these consequences were not considered on Second and Committee Stages. If one is introducing legislation in this area, one has to consider these matters to get it right so another Bill will not have to be introduced later.

I have considered the issue concerning conscience. The job of a civil registrar is to register births, marriages and deaths. If this Bill is passed, they will be required to register civil partnerships. If one does not like that, then he or she should resign. I do not accept that a public servant employed by the State with such a job has the right to choose who they will or will not register. One is not allowed not to register a child because one does not like the parents or a marriage because it is between a Muslim and a Catholic. A civil registrar should not be allowed to use their conscience or any excuse to refuse to recognise a civil partnership if it is allowed by the law of the State. However, I do not believe they should be imprisoned as it would not be the place for civil registrars with excessive religious views. A fine and dismissal from employment is okay but Mountjoy is going too far. This provision should be removed from the Bill.

It has been suggested in some quarters that there should be an opt-out from this legislation for people with problems due to their conscience. I initially thought it was a good idea but, having discussed it, I now consider it a poor provision. For example, a hotelier should not be able to tell a same-sex couple that he will not accommodate them in a single bed. If that was allowed, where does it stop? The hotelier could extend this to a single mother or an interracial couple. Another example would be of a female photographer, who is a left-wing extremist feminist, deciding she does not want to photograph a Muslim wedding because the women are covered at it. There is no case for any form of conscientious opt-out from this legislation. We are not asking people to go to war and stand in the trenches. We are asking them to recognise the law of the State. If they do not like that, they can get lost.

Room for exception will arise for members of the clergy and religious bodies and properties, excluding schools and hospitals funded by the State. There are not many gay couples who will seek to impose themselves on a church or church hall without being welcomed. However, there are the Peter Tatchells of the world who may create cases and *cause célèbre* which should not be allowed. We must recognise and accept there is a religious conscience issue for the clergy and churches, temples, synagogues and so forth.

The question of adoption is ignored in this Bill because it is contentious. Sooner or later, it will have to be addressed. Every child has a father and a mother. Two men or two women cannot have a child together. A single person cannot have a child on their own unless they procure the pre-products of conception from an alternative source. This is an undeniable fact.

[Deputy Leo Varadkar.]

Unfortunately, sometimes in children's lives one of the parents is not interested in them or dies. Where a child is an orphan, the State should replace their mother and father. Every child has the right to a mother and father and, as much as is possible, the State should vindicate that right. That is a much more important right than that of two men or women having a family. That is the principle that should underline our laws regarding children and adoption. I am also uncomfortable about adoption by single people regardless of their sexual orientation. I do not believe I as a single man should adopt a child. The child should go to parents, a mother and father, to replace what the child had before.

There are exceptions to every rule and difficult cases. There may be a case of where a man previously had a child from a heterosexual marriage, the mother is off the scene and he and his gay partner have now entered a civil partnership. That type of relationship will have to be recognised. A similar situation may arise in respect of a lesbian woman who may have had a child for various reasons, later became involved in a same sex relationship which became a civil partnership and died and the only person the child knows as a parent is the other woman to whom he or she is not related by blood. That is an exception. These issues will have to be addressed. It is our duty as a Legislature and that of Government to address them. I do not know what is the solution. It may be for the Adoption Board to determine particular exceptional cases like that while upholding the principle that every child has a mother and father and is entitled inasmuch as possible to same.

I wish to discuss some specific points of the legislation. While I may be wrong on these issues it is important the Minister or Minister of State clarifies their purpose and reason for inclusion. I note that the term "marital status" is to be removed from the Employment Equality Acts. For example, under section 101 the term "civil status" will be substituted for the term "marital status." I do not understand the reason for this. If we want to reassure people that marriage is not being downgraded why then are we removing the term "marital status" from the Employment Equality Acts? Why not state "marital status" and "civil status" or "marriage status" and "civil partnership status?" I do not understand the reason that term is being removed. If people are protected on the basis of their gender, membership of the travelling community or sexual orientation why is the term "marriage" now being removed and replaced with "civil status?"

An Ceann Comhairle: The Deputy has two minutes remaining.

Deputy Leo Varadkar: Another issue arises in respect of civil partnership, which appears to be much easier to dissolve than a conventional civil marriage, the reason for which I do not understand. If the argument is that civil partnership is necessary to recognise and give legal status to long-term same sex relationships, why should it be any easier to dissolve than civil marriage? If it is the case that we are saying that this institution is therefore lesser than marriage, which is what section 108 effectively states, then why should opposite sex couples not be able to avail of marriage light, which is essentially what is being proposed if that section stands. Section 170 deals with the cohabitation issue. If I am correct, cohabitation arises after two years. I am comfortable with that. Two years is not a long time for people to be cohabiting for all sorts of reasons as outlined earlier. I believe we should perhaps provide a lengthier period in this regard.

Fine Gael supports this Bill for the reasons outlined, namely, there are many long-term loving relationships involving same sex couples which deserve the protection of law, which this Bill seeks to do. I stand over my concerns as outlined and look forward to hearing the Minister's response to the Second Stage debate.

Deputy Lucinda Creighton: I am pleased to have an opportunity to address the House on this important and long overdue legislation. I support the Bill. Like Deputy Varadkar, I lament the exclusion of heterosexual cohabiting people from the civil partnership provisions of this legislation, which I believe to be a mistake. I urge the Government to at some point reconsider this matter. While I accept that it may not be possible to address this issue on Committee Stage, perhaps it could be done at a later stage in the life of this Government.

It is often tempting and easy for the Legislature to shroud itself in an air of fantasy and to ignore the reality of a modern evolving society and to refuse to acknowledge the changing environment in which we live. We are all well acquainted with gay couples and individuals who, like all members of society, live normal lives. They are no different from anybody else and are in most cases accepted and embraced in their communities, local environments and by their families. It is easy to forget it is only as recently as 1993 that homosexuality was decriminalised in this country, which is quite extraordinary. It was only then that archaic legislation such as the Offences Against the Person Act 1861 and Criminal Law (Amendment) Act 1885 were finally repealed following a lengthy decade-long campaign by Senator David Norris, Mary Robinson and others.

The step in 1993 to remove the categorisation of homosexuality as a criminal offence was opposed tooth and nail by people who were terrified of change and who were determined to oppose any severance with or departure from traditional Irish society as they knew it regardless of how rational or right it may be. It has taken a considerable amount of time for us to reach a point whereby the Legislature and the society which it reflects in this Parliament can finally and with confidence create laws which protect the interests of citizens in this country who have for far too long been isolated, exposed and ultimately treated as second-class citizens and human beings in our society.

This legislation is extremely important for a number of reasons. Obviously, we urgently need to legislate to reflect the reality of Irish society but we also need to legislate to ensure adequate protection for all citizens without judgment, ridicule, disdain or label. Gay life and gay relationships are a reality and normal part of Irish life. It is imperative that we as legislators introduce legislation that affords gay people the dignity, respect and basic human rights to which all citizens and members of society are entitled.

There are complex constitutional issues associated with this issue. I am conscious that other countries that do not have the type of constitutional restrictions we have, which make it difficult to navigate on some occasions, have introduced legislation in this area. I do not believe we can ignore some of the constitutional issues that arise.

While the Bill does circumvent some of these issues it would be remiss of me to do likewise. There are two particular matters of constitutional significance which I would like to address, the first being the protection of the special status of the family, as provided for in Article 41 of Bunreacht na hÉireann and alluded to throughout and, the protection of the child, which is a central issue, one to which some of my colleagues have referred. Taking the issue of the special status of the family in the Constitution, it is clear from the traditional construction of Bunreacht na hÉireann that the traditional family is defined in the context of a father and mother and whatever children they may bear. Deputy Varadkar also alluded to this issue. I do not dispute the special protection which is afforded to the family in the Constitution. Rather, I believe it is right and proper and I very much support it. I believe it is an important pillar of our society and is an essential aspect of the fundamental rights of children. We should not, as a society, be afraid on occasion to uphold some of the traditional values of our society, many of which are contained in our Constitution while at the same time advancing new protections

[Deputy Lucinda Creighton.]

that need to be provided under the law. I do not believe these two objectives need be mutually exclusive.

Civil partnership, as envisaged in this legislation, is a distinct institution and in my view, it is one which ought not challenge or compete with the institution of marriage. These institutions can be mutually complimentary and mutually supportive. They need not be in competition with each other, or one need not be judged on the basis of the other. No doubt couples who commit to each other in a loving way through the new civil partnership legal channels deserve the same protections and legal rights as other couples, but this is not to say that the institutions need challenge each other or that the institution must challenge a more traditional form of union between heterosexual couples. The two institutions, while being distinctive and, by necessity, somewhat different, can afford much needed protections for couples who are committed to each other, irrespective of their sexual orientation.

5 o'clock While the creation of legal civil unions is a new legislative departure which will serve to achieve equality, freedom and dignity before the law for many gay people in the State which each citizen is entitled to and deserves in any free democracy, it will also ensure that the traditional family, which has been the linchpin of our society for far longer than this State has held its freedom, will also be protected, preserved and respected. This is no humble achievement.

The other constitutional issue I wish to address is that relating to the protection of children, which is relevant to this debate on Second Stage. Deputy Shatter raised this in his contribution in this House last week. He pointed out that the Bill, as framed, fails in the context of child protection. It ignores the plight of children who are born to cohabiting parents and denies them the sort of protections and rights that children born in a traditional family environment are afforded. We must ask ourselves why this is the case. They are no lesser children with no lesser needs, and certainly no lesser vulnerabilities, and I strongly believe that they are worthy of every protection and security that can be afforded them by the law. I am conscious that there is likely to be a referendum this year on the protection of children and the placing of the child at the heart of the Constitution, but it is a missed opportunity to not secure the protection of children in this legislation.

The rights and needs of children also apply to children who are brought up by a gay couple. I fully agree with the points put forward by Deputy Varadkar in this regard. It is clearly preferable that the biological parents should always be the obvious guardians of a child. They should be the people who raise a child and look out for and protect his or her needs. That is the duty of a parent; it is the duty of a mother and father. Of course, we live in a society where the ideal is not always possible and in a society and world where the vagaries of reality must be borne in mind and taken into consideration.

In the context of a child who, for example, is being reared by a gay couple, the question is, when one parent is absent should the needs of the child be ignored or how are those needs to be prioritised. What about the possibility that one parent passes away? It is unfortunate that this legislation does not provide any legal protections for a child in those circumstances to ensure that he or she remains in a safe and secure environment for that child. The Bill is remiss in this regard, and I would urge the Minister to look at this and reflect on this discrepancy on Committee Stage. I do not have a particular amendment at this point, but I think there is a way in which the needs of such a child can be protected where there is a *loco parentis* situation and where it is clear that the paramount best interests of the child would be to remain in the stable and secure environment, to which he or she has become accustomed and in which he or she has been raised. It is a fear for many couples in that position and a genuine concern where

there is a child involved. I would urge the Minister to look at this and to consider the issue of custody and guardianship as this Bill moves through this and the other House.

The issue of conscientious objectors is a difficult and contentious one. We must try to debate this rationally and consider the implications of the legislation. Much has been made of the suggestion that an amendment be tabled to reflect the religious beliefs of some members of society in some circumstances and whatever objections those people may have. Section 23 is not a rational or balanced approach to dealing with somebody who refuses on religious, faith or conscience grounds to register a civil partnership. It would not be just or correct to hand down a custodial sentence to a registrar on that basis. There are procedures in place throughout the public and civil service to deal with those who do not perform their duties. I am not sure that, on summary conviction, imprisonment — the legislation, in section 23, provides for up to six months imprisonment — is a balanced or rational way to go about this. It is excessive and disproportionate. If someone, on personal conscience grounds, does not wish to carry out a civil registration, then it should be dealt with through the appropriate channels, as would happen in the case of any civil servant not carrying out his or her duty or function as he or she should. In some ways it would fly in the face of the concept of freedom and choice. I am not in any way suggesting that such behaviour should be condoned, but I do not believe that the appropriate response is a six-month custodial sentence. Again, I would advocate that this section of the Bill be looked at seriously by the Minister and his officials to come up with a better and more suitable response.

On the case for the idea of an amendment to the legislation on an opt-out for conscientious objectors or people with particular religious views who do not want to participate or play any part in a civil partnership ceremony, the attendant celebrations or whatever afterwards, I tend to agree with the point put forward by Deputies Varadkar and D'Arcy. It is a difficult one and I do not pretend to have any clear solution to it. Certainly, one could not allow a situation — it would be completely contradictory to the Equality Act 2004 and the Equal Status Act 2000 — where people were entitled to refuse access, for example, to a hotel, a restaurant, etc. That would not be a wise or constructive provision to include in this legislation.

However, the issue of religious institutions and the use of their properties and premises is slightly different. The point is well made, that a gay couple about to get married would not want to impose themselves on a Catholic church, a synagogue or whatever. That is an unlikely scenario but we should not be hostages to fortune either and we should not allow a situation to arise whereby it could become an inflammatory issue. In some ways it is reasonable that religious institutions would be able to opt out, or at least to allow for the exclusion of their properties and premises, such as church halls or whatever, from use in terms of carrying out a civil union. Perhaps this is something for which an appropriate wording could be found or something the Minister might consider. No form of discrimination should be condoned in any way, certainly that is not the point I am attempting to make. However, we should consider some way in which a fair and rational opt out could be arrived at for religious institutions and the clergy.

My concerns regarding the fate of conscientious objectors and religious institutions under the proposed legislation do not in any way detract from my belief that this is necessary, imperative legislation that, I hope sincerely, will put the rights and protections to which same sex couples and co-habiting couples are entitled at the very centre of Irish policy making. Yesterday, I listened to an interview with Bishop Willie Walsh on RTE radio. I was struck by the tone and genuine goodness of his words. He was questioned about his views on homosexuality and gay relationships. He stated, correctly, that categorising and pigeonholing people is something we should not do and he is absolutely correct in this regard. Many people will oppose this legis-

[Deputy Lucinda Creighton.]

lation on grounds of religion, Christian faith or other forms of faith. The irony, at least in respect of Christianity, is that faith is about accepting people without judgment and with complete compassion. It is about embracing people not simply in spite of their differences but because of them. This is a lesson all of us can and should learn. More important, it is one we should all practice.

Deputy Jan O’Sullivan: I welcome very much the opportunity to participate in this debate and to mark the introduction of the Civil Partnership Bill as a step forward. This is one of the many sometimes painful steps that we have taken in Irish society to give freedom and equality to all our citizens. I welcome the Bill in the context of moving forward in terms of rights of people who live in the country. In many ways I agree with the last point made by Deputy Creighton. We need a new morality in this country. We should judge people by what they do and how they treat fellow citizens, rather than put labels on people and judge them by such labels.

We should adopt such a new morality in Ireland in the context of all that we have learned about what took place in past decades, when, simply because someone had the label of being a priest or a senior person in society, one could get away with scandalous and criminal behaviour against weaker citizens. As a result of a title or the role carried out, such people were held in high esteem and were able to get away with practices with which no society should have to put up.

Recently, I listened to a programme about Hilton Edwards and Micheál MacLiamóir. Those two wonderful men carried out great work for Ireland in the arts, including the foundation of the Gate Theatre, placing the theatre and the arts in a central place in Ireland, their interpretation of plays for the public in Ireland and so on. They were labelled as criminals at the same time that other men, protected by the fact that they were religious or held certain titles, were abusing children. We have emerged from a past in which we allowed people to behave in ways totally unacceptable and criminal, simply because of their title and the power they held in society. Slowly, we have come out of that era and we have learned a good deal about it in the recent past as a result of various reports. We must learn also to look at people for what they are and how they behave and how they treat fellow citizens rather than because of any label they carry.

While I welcome the Bill, I believe we should move towards allowing full, equal rights to same sex couples. I realise it is probable we cannot do so under the Constitution at present. However, assuming the Constitution must be changed and the people agree to any changes, we should move to full, equal civil rights for gay couples, including marriage.

I welcome the historic step being taken today but we should acknowledge the steps taken in the past, especially the decriminalisation of homosexuality in 1993. I congratulate the former Minister, Ms Máire Geoghegan-Quinn and the Fianna Fáil — Labour Government which initiated that legislation and brought it through the Houses of the Oireachtas. I was in the Seanad at the time. Despite many objections the legislation got rid of a label that should have disappeared long before 1993, but unfortunately, still existed in our laws up to then. Also, I commend Senator David Norris, who introduced a Civil Partnership Bill to the Seanad in 2004 and my colleague, Deputy Brendan Howlin, who introduced a Civil Union Bill in 2006. I now congratulate the Minister for Justice, Equality and Law Reform who has moved the process forward further from his position as Minister.

We should give these rights to couples who in many cases have been living together for years and who have committed to each other, in some cases through very difficult circumstances. For

example, there are cases where one partner has been ill and the other partner has not been declared next of kin in terms of the right to consent to medical treatment. There are matters of inheritance and taxation issues and a variety of other issues where this legislation will make a real difference.

I wish well all the same sex couples who are waiting for this legislation to be enacted such that they can solemnise — if that is the correct word, although probably it is not because it is a religious word — or have their union recognised in a civil sense. I wish them a very happy union together.

I trust this legislation will make a difference in terms of society. Gay people have many difficulties in Ireland. I have a report before me entitled *Proud Voices*. It is an exploration study into the needs of lesbian, gay, bisexual and transgender young people in the counties of Limerick, Clare and Tipperary. I attended the launch of the document in the University of Limerick last year. It was carried out jointly by Rainbow Support Services in Limerick and the University of Limerick. It examined young people throughout the mid-west region and put questions about their experiences of finding out they were gay, addressing that fact, talking to their families, their experiences in schools, informing their friends and how they were treated across a range of areas. It is very enlightening and shows the difficulties gay people still have in Irish society, especially in schools. There is a serious issue of bullying in schools. While some schools are great at dealing with it and will confront the issue and support the young person having problems, other schools are not as quick to deal with these issues.

By taking this step, the Oireachtas is affirming the fact that we have a range of people living in our society and we must acknowledge their rights and the need for equality within our society. Not only will it provide practical measures in respect of taxation and inheritance, but we will send out a broader message about the way in which society values and treats all people. I have, however, a particular concern about young people. There are problems with homophobic bullying in schools. We must address that, specifically through the Department of Education and Science but also through the wider society.

The issue of children has been raised by many Deputies. There is a need for comprehensive legislation not only on the rights of children generally, but also on the rights of children in situations where their families are not what one would describe as the ideal family, that is, where there is a mother and a father. The reality is that, generally, we need protective laws for the many children who do not live in the ideal situation, where the relationships between their parents are not firm and solid, where the parents are not living together and so forth. The Labour Party civil union Bill attempted to address some of the issues relating to children, not just those of gay couples, but those of couples in general. That is not done in this legislation. I accept that there will be a constitutional referendum on the issue but public representatives collectively must ensure that the rights of children are protected in all types of situations.

As Deputy Varadkar said, children are living with gay couples, be they the natural children of women in a gay partnership or of men in a gay partnership. There could be other circumstances as well. Those children have the right to the protection of the law, to recognition of their circumstances by the law and to rights equal to those of other children. I recall attending a conference on this issue at a venue near this House. It was also attended by Deputy Seán Power, who was representing Fianna Fáil. A Canadian legislator gave a speech in which he referred to the reaction when the Canadian Government introduced marriage equality. He told of a child who was living with two men — he was the natural son of one of the men — in a gay household who asked him: “Does that mean that I live in a real family?” That child was securing recognition as a result of the Canadian legislation. We must recognise the rights of those children as well as the rights of other children. While the ideal family is in marriage and,

[Deputy Jan O'Sullivan.]

of course, we must protect marriage under the Constitution, we must also recognise that children who live in other types of relationships have as great a right to be protected as children who are living in safe and secure marriages. We have a duty, as legislators, to address that.

Section 23 was discussed by both Deputy Varadkar and Deputy Creighton. I am inclined to agree with Deputy Varadkar's view that there must be sanctions when somebody is a public servant and is required to fulfil their duty under the law. I do not believe they should not have to do it because of religious objections. There must be a standard whereby public servants implement the law, and that must be clear. However, the suggestion that somebody would be imprisoned because they have not fulfilled their duty is not appropriate. I do not know if that provision can be amended. While there is a valid concern about the idea of somebody going to prison for not carrying out their duties, I am certain that there should be some form of sanction. Our laws must be implemented. The equality legislation must be implemented and people must be treated equally.

I wish to raise another issue which other Members might have raised. There is an article in *The Irish Times* today, which the Minister might have read, which suggests that an amendment might be required to the cohabiting couples section. I think the article was written by Carol Coulter. The article refers to younger people who cohabit. The intention of the cohabiting section is to provide for the rights of somebody who has been in a long-term relationship, perhaps in a caring role in the home, and whose partner leaves, leaving them with financial difficulties and so forth. I agree that those people's rights should be protected. However, the example given in the article is two 19 year olds who live together for a period of time and then separate. It made the valid point that there might be a need to amend the section to avoid doing something that was not intended in the Bill. The article raises a valid issue and there will be time on the other Stages to examine it. If the Minister has not read the article, he should do so before Committee Stage and ascertain if it makes a valid point.

I welcome the progress made in this Bill. I am sure it will be supported by all sides of the House and that there will be amendments to it. It is important that we take this historic step forward.

Deputy Seymour Crawford: I am grateful for the opportunity to speak on the Bill. To put it bluntly, people have not been knocking down my door asking for this Bill to be introduced. However, I accept that there is a group that wanted this legislation and, in that context, I accept that the Bill will be passed by the House. The issue is how we deal with it as it goes through the system and whether necessary amendments are made to make it more acceptable and workable. I have received a great deal of correspondence on this issue, both very nice personal letters and e-mails. One e-mail might be asking when this will happen and saying it cannot happen soon enough, while the next might say it should not happen at all. Another might raise questions about the legislation and how it can be amended. That demonstrates the difficulties there are with the Bill.

On a personal basis, I support the Constitution. It recognises the family as the natural primary and fundamental unit of society and as a moral institution, and states that the State guarantees to protect the family as the necessary basis of social order and as indispensable to the welfare of the nation and the State. That is extremely important. However, times have changed and it is obvious that the Bill will be passed to provide for legal civil unions of gay and lesbian couples. This will clarify their situation with regard to inheritance and so forth. I understand the reasons for that and am aware of the serious situations in which some people might find themselves after years of being together. Under current law they do not have the

right to decide what should or should not happen if the partner is in hospital or in some other situation. Those are the reasons for this Bill.

However, why does the Bill not go further, given that we are legislating for same-sex couples to be dealt with in this way? There are many brothers and brothers, brothers and sisters and sisters and sisters living together, especially in rural areas, with property in common. While I appreciate that their home is dealt with in legislation, the amount of property the brother or sister can inherit from their sibling is approximately €41,410. It was actually reduced in the last budget. It is strange that two strangers who come together through love or whatever and who remain together for three years or more will now be in a position legally to inherit everything, whereas others who have lived together for 30 or 40 years are not. As somebody who lives in rural Ireland, I come across that a lot and it is a major problem. It can mean the wealth of a family can disappear or will not exist to hand on to somebody else.

The other issue which has been already referred to by my colleague, Deputy Creighton, and to which I wish to again refer is section 23. I fully understand some of the logic behind it but the reality is a different story. It is difficult for me to understand why somebody should be fined or sent to prison because he or she is not prepared to deal with this, when in any other part of the Civil Service an alternative would be found. There has to be a provision for freedom of conscience in this Bill. People have said this is not a church matter; it is a civil matter. Surely, in civil structures people are entitled to have freedom of conscience. If they do not want to perform particular duties and they make that clear in a nice way, there is no reason other people cannot be found to do it.

I am aware of a case involving a county solicitor who did not want to get involved in a case for obvious reasons and the next county provided the personnel to facilitate the case. There are practical ways in which this can be done without getting all tied up in knots and making it unacceptable. This issue was not raised by Catholics alone. It has been raised by people of all denominations, including Baptists, Reformed Presbyterians and different groups, who are genuinely worried about the situation and cannot understand why we cannot allow a level of freedom in this area. I understand it was discussed at other party meetings, apart from ours, and that there were suggestions that an amendment would be tabled. I urge the Minister to examine the issue and every effort be made to ensure this Bill, which will never be acceptable to all, creates less problems than it does in its current form.

If the Bill is amended, it will be acceptable to many more people. If it is not amended, for the first time in the history of the State Christians will be in a vulnerable position whereby they can be prosecuted for acting on their beliefs in traditional marriages in a way deemed discriminatory towards gay couples. That is the view of many individuals who have written and spoken to me about this issue. I urge the Minister to deal with that matter. The rights of others who are living together should be examined in the context of inheritance. We have moved down the road from the marriage structure to this point.

In our jobs as politicians we come across some very strange situations. This Bill will resolve some of them. Recently I met a woman who had lost her husband — as I was told — some weeks earlier and who wanted to know her rights. A private conversation, however, revealed that a marriage had not taken place. In the good old days the couple lived together in the United Kingdom or somewhere else, had a family together and moved back to Ireland, but they did not get married. In that context, the woman concerned had no rights. Her partner paid a full contributory pension but when I contacted the social welfare authorities, they did not want to know. It is important that such matters be rectified. I understand this Bill will bring about some rationale in that regard. Another case concerned a young couple with four children who had returned from England. The man was killed in a tragic accident. They had never been

[Deputy Seymour Crawford.]

married and the widow, to all intents and purposes, had no rights. As a State we need to recognise these situations and try to bring some logic to them.

While some people tell us we should do nothing, we have to move forward and accept situations as they are today. However, we should not discriminate against others who should have freedom of conscience. I urge the Minister to deal with section 23 as it is a very important issue which will alleviate concerns, not just for me and some of my colleagues on this side of the House but, I understand, for many of the Government backbenchers.

Deputy Simon Coveney: I wish to make a number of points. I welcome the Bill. It represents progressive legislation for a modern, tolerant society. I welcome the fact it has finally come before the House. It is worth noting, as other speakers have, that my party produced a very similar policy document through Sheila Terry in 2004 which virtually mirrors this Bill, in terms of what it proposed. I recall the debates within the parliamentary party at that time which were difficult, with different views on the proposed policy at the time, but we decided to endorse it after a prolonged debate. I recognise that the Minister also comes from a catch-all party which has a series of different views on this Bill. It is also worth noting that the Labour Party introduced a Private Members' Bill which is also very similar to this Bill.

We know what is being proposed. The Bill will give legal recognition in Ireland to a relationship for same-sex couples. It will establish a registration scheme for civil partnerships for same-sex couples and it will provide a range of rights and responsibilities — which I will discuss later — following registration, including succession rights, pension rights, shared rights regarding property and so on. I presume the Finance Bill will contain provisions regarding financial rights regarding taxation which will be also passed into law.

There are also provisions to protect cohabittees in instances where a cohabiting dependent may find himself or herself vulnerable upon the death of another cohabiting relation, friend or whatever. Again, it is a difficult balance. One will hear people say we should give the same cohabiting rights to couples, whether they are a brother and sister, two men or two women, as we are now proposing to give to same-sex couples. I can understand why the Minister has not done that. There is a difference between two people committing to spend the rest of their lives together because they love each other and may want to have a family together, and two people who live together because of financial necessity.

My view on this has wavered as I have heard different arguments but, on balance, it would be wrong to introduce a Civil Partnership Bill whereby every cohabiting couple in the country would be able to apply on the basis that they live under the same roof. There has to be an emotional commitment to one another as a qualifying criterion to get married, in the case of a man and a woman as it is defined in the Constitution, or to avail of the new civil partnership proposals we are debating here.

I want to address some of the concerns expressed in favour of and against the Bill. I join Deputy Jan O'Sullivan in extending good wishes to the thousands of same-sex couples who are officially cohabiting and others who have been waiting for this legislation to enable them to secure legal recognition for already emotionally cemented relationships. I hope these couples will enjoy the legal benefits and supports they secure as a result of the enactment of this Bill. Figures from the 2006 census show 121,800 cohabiting couples form family units, of which 2,090 are same-sex couples.

Many same-sex couples have been living in legal limbo for a long time. This has had tragic consequences in cases where one of the partners died. In other cases involving persons who have been injured in road traffic accidents, decisions on whether to switch off a life support

machine have been taken not by the same-sex partner to whom the person is closest, but by blood relatives with whom he or she no longer has an emotional relationship. This is a human rights issue. People who want to commit the rest of their lives to another person and provide emotional and financial support should be afforded the protection of law, irrespective of whether they are of the same or the opposite sex.

The legislation is a significant step in the right direction. I am one of those who have changed their minds on whether to take a further step and provide for same-sex marriage. I no longer have concerns about introducing a form of same-sex marriage, although I do not believe it is likely under this legislation. While I am aware that such a step would give rise to constitutional issues and complications regarding children and adoption, these matters have been addressed in various ways by other countries.

People who wish to commit their lives to one another should receive full recognition in the eyes of the law. I refer to civil rather than church marriage because many people confuse religion with marriage. Civil marriage is a recognition by the State of a union of two people. The State also recognises the institution of the family. Separate from this is the recognition of marriage in the eyes of the church. While church recognition of one's marriage is important to many people, including me, it should not determine how we legislate.

I do not accept the argument that this legislation is a threat to the status of marriage or the family. The status of marriage is clearly defined in the Constitution and is unaffected by the legislation. I understand the view that the State should try to support the nuclear family, that is, a mother and father and their children, because many of us were fortunate to grow up in this kind of stable environment influenced by a father and mother. The family structure has, however, been undergoing constant change. We cannot legislate to prevent such change. Our responsibility is to do everything in our power, through the institutions of the State and legislation, to support the different types of family entity in Ireland. These include lone parents, cohabiting couples who have chosen not to marry and same-sex couples, some of whom have children living at home, whether from previous relationships or for other reasons. Our focus should be on asking what we can do in legislation or by means of State structures to support and solidify family units, that is, relationships between two people of the same sex or both sexes.

The assumption that this legislation proposes to give same-sex couples a series of rights without asking them to make a serious commitment on the back of these rights is false. Signing up to a civil partnership is a significant commitment which cannot be undone unless one partner dies or a court issues an order dissolving the partnership. A civil partnership involves a series of commitments which will encourage people to stay together and be supportive of one another. For the first time, the State will support same-sex couples. This is a positive development and should be supported because it encourages commitment.

I propose to address the issue of children. While the Minister deserves recognition for introducing this legislation, his efforts to address the difficult and delicate issue of children are inadequate. The Bill makes few references to children, children's rights, adoption, guardianship or custody. We must do more in subsequent Stages of the Bill to ensure the rights of children are protected.

Many people reduce the issue of children to the argument that same-sex couples should not be allowed to adopt. This is an incredibly ignorant position which fails to address the complexity of the issue. There are two sides to the argument that same-sex couples should not be allowed to go through the adoption assessment procedure and adopt a baby. However, in most cases involving children, the reality is that the same-sex couple is seeking the right of guardianship or custody — or in some cases the right to adopt — of children who are already in the relationship and part of the home. One may have a divorced or separated woman who lives with her

[Deputy Simon Coveney.]

child and has entered a same-sex relationship. The new family structure consists of the biological mother, her child and another woman. Under this legislation, the couple will be able to secure recognition through a civil partnership if they choose to do so. In such circumstances, what would be the legal rights of the child in the event that the biological mother passes away and the biological father lives in a different country and no longer has a relationship with the child? Will custody or guardianship transfer to the new entrant in the family unit who has legal recognition in terms of her relationship with the mother but no such recognition in terms of her relationship with the child? That is a very real scenario which occurs in Irish homes and we must deal with it in this legislation.

There is also the issue of adoption; the bringing of a child into a family from outside. One may look at how countries such as the Netherlands, Belgium, Spain, Sweden, Canada, Norway and South Africa, all of which have introduced full same-sex marriage, deal with adoption. They do so in slightly different ways. In some cases a child can be adopted only if it is the biological son or daughter of one of the same-sex couple. In others applications for adoption are allowed but only within the state concerned. Foreign adoptions are not allowed because there are complications with regard to recognition of same-sex marriage in other states.

There is a range of ways in which we can deal with the issue but we cannot ignore it. We must put in place a legal structure for this circumstance. Perhaps I missed it, perhaps it is included. We must establish a structure to protect children in the family unit of a same-sex couple whose civil partnership breaks up. In the same way that children and the welfare of the child take primary position in cases of marriage breakdown we must have provision to protect children who may find themselves part of such an evolving family unit. I ask the Minister to consider that issue. I recognise it is a very difficult area but we have responsibility for it and must deal with it.

I disagree with some of my colleagues about conscientious objection. This is a classic example of the need to separate church and State in terms of policy. If we pass a Bill which gives a legal right to same-sex couples under civil partnership legislation those couples have the right to expect that the State will deliver the services it has signed up to deliver under the Bill. This is a question of the law not of a person's religious beliefs. It is important to say this. The Minister spoke of the potential for discrimination, perhaps on the basis of deeply held religious beliefs, but the law has an obligation to ensure that the protection of people against discrimination overrides those concerns. In the same way we must protect other minorities in Ireland, whether they wear a headscarf or have a different skin colour, religious belief or tradition. This is about ensuring that everybody is seen as equal in the eyes of the law and that the relationships we support through the civil partnership Bill cannot be discriminated against when this legislation is passed.

I try to keep religion out of this debate. I consider myself to be a practising Catholic and the basis of Christianity is about tolerance and respect for the diversity of others. In my view, it should be about taking a liberal and tolerant view on issues such as this. We must protect the people for whom we are legislating in this Bill. We must ensure that even if people have a conscientious objection they will not be able to discriminate against a same-sex couple because they do not approve of their behaviour.

This is not an ideological stance, one way or another. I am sure the Minister has heard both sides of this argument in his party as I have in mine. I do not espouse a Fine Gael position but give my personal viewpoint.

There is still some work to do on the legislation, particularly in the areas of children's rights and support for families. There is work to be done, too, in improving the support mechanisms

to be provided for cohabiting couples in the Bill. I do not suggest we give them the legal recognition we propose for civil partnerships but we could go a little bit further in terms of financial supports and establishing rights in the areas of inheritance, wills, decision-making, property and so on. The Minister will see the tabling of amendments to reflect that.

I look forward to Committee Stage of the Bill where we can explore in more detail some of these issues.

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I thank all the Deputies who made contributions concerning this important piece of legislation. There was a high level of cross-party support for the Bill and I very much welcome that. I was struck by the quality of the debate. It says a lot for the way in which we, as a society, have moved on. Many Deputies referred to what was termed a “new reality” and this legislation is indicative of the dramatic changes that have taken place in our society in the past ten to 20 years.

However, when the Bill was published, it was clear it did not satisfy everybody. There were those who said it did not go far enough and others who said it went much too far. As I indicated in my speech at outset of this Second Stage debate, in drafting the legislation I appreciate that other parties made contributions in its regard. I will make one point lest anybody thinks my party was dragged into this legislation. In our manifesto, long before there was any talk of our being in Government with any other party before the last election, my party indicated clearly that if we were re-elected to Government we would move on this legislation as quickly as possible. We have done so.

Returning to those references about what other parties contributed, the reality is they did this work in the luxury of Opposition. This is very detailed complex legislation and any political parties in Government must deal with all types of legislation on the basis of advice from the Attorney General, his office and that of the Parliamentary Counsel. They have an absolute obligation under the Constitution to ensure that any legislation which is brought forward is constitutionally sound. They cannot merely write it on the back of an envelope. I do not say this to criticise the Opposition. We were in Opposition too in our day.

Deputy Charles Flanagan: And will be again.

Deputy Dermot Ahern: Parties in Opposition have a much broader sense of possibility and a much more lax approach to drafting legislation. They do not have the same constraint as Government parties.

Deputy Charles Flanagan: Fianna Fáil does not even remember being in Opposition. It was never in Opposition.

Deputy Dermot Ahern: I do, Charlie. I enjoyed it thoroughly when I was sitting over on the other side——

Deputy Charles Flanagan: I hope the Minister will enjoy it again.

Deputy Dermot Ahern: ——particularly when I was Opposition Whip. I had great entertainment just as Deputy Flanagan has every day, merely by coming into the Chamber.

Deputy Charles Flanagan: I hope the Minister will enjoy it again but he is certainly not used to it.

Deputy Dermot Ahern: As I said at the outset of this Second Stage debate, I and the Government were obliged to deal with the balance required in our Constitution, namely, the balance

[Deputy Dermot Ahern.]

between the special recognition of marriage as laid down in Article 41, on the one hand, which has been enunciated in many Supreme Court and court decisions regarding the status of marriage and the actual concept of marriage, particularly in its heterosexual guise and, on the other hand, the balance Article 40.1 of the Constitution which refers to equality. Again, this must be balanced with Article 41.

With regard to the many contributors who said that amendments would be required to the legislation, in its drafting we were obliged to take that balance very much into account. Concerning amendments that the Government or the Opposition might bring forward we must maintain that balance.

I appreciate the cross-party support afforded to the Bill. However, many Deputies on the opposite side of the House made political points about what their parties have done in respect of this issue. I could not put it any better than Deputy O'Rourke who stated that the entire ethos of our party is republicanism. In the true spirit of republicanism, we brought forward this legislation. We have a good record in respect of the issue of equality. All of the equality infrastructure that has been put in place in the State during the past 20 years was brought forward by Fianna Fáil-led Governments. All of the legislation relating to equality which is currently on the Statute Book was brought forward by those Governments. One need only consider our record on this issue and Deputies on all sides recognised the work done by our current EU Commissioner when she held my position. Thankfully, my party and I are following our traditional line in this regard.

While Deputies supported the general measures relating to maintenance, ownership of the family home, pensions and succession, some of the issues to which they referred are not contemplated in the Bill. Several of them indicated the difficulties they have with regard to omissions from the Bill and a number pointed out the absence of provisions relating to children in the context of civil partnerships. In formulating the civil registration scheme for same-sex partnerships, the Government was mindful of the implications for children, be they the children of one or both partners. An extensive body of law relating to the welfare of children — in the context of guardianship, maintenance, access, custody — is already in place. Different persons, regardless of whether they are married, are obliged to deal with many of the issues to which I refer.

It has been suggested that the Bill is silent in respect of children. As already stated, however, there is already a wide-ranging body of law relating to children's rights in place and this will be available to the children of same-sex couples, regardless of whether the legislation is passed.

It has also been suggested that the Bill should make express provision for the rights of same-sex partners in respect of children. In the context of any debate on rights relating to children, I would refer Deputies to the decision of the Supreme Court on 10 December last in the case of *J. McD. v. P. L. and B. M.* The court made it clear that in the first instance "The child's best interests are the first and paramount consideration in any case to do with a child's future under section 3 of the Guardianship of Infants Act 1964." The court also held that:

. . . the mere fact that the law could be said to be silent as regards a specific situation does not necessarily mean that it is unaffected by the law or the Constitution. Silence of the law may speak volumes for the legal status to be accorded or not to be accorded to a particular subject matter or situation.

In view of the legal complexity of legal relationships between children and their parents, a comprehensive review of the law in this area by the Law Reform Commission is under way. This should, in due course, help to inform policy decisions on rights in general in respect of

children, partners and others. The commission published a consultation paper in September 2009 on the legal aspects of family relationships and has invited submissions from interested parties on its provisional recommendations. The final report, which will contain the commission's recommendations, is expected later this year. This report will deal with the issue of children in the context of different family relationships not least in respect of separated fathers and how they are dealt with in terms of custody of their children, etc.

It was never intended that the Bill should develop principles that would inevitably have wider implications than those relating to same-sex partners. In reply to Deputy Shatter, I wish to state that the Minister for Health and Children intends to bring to Government later in the year proposals relating to legislation to govern the area of assisted human reproduction and related practices.

Deputies Charles Flanagan, Catherine Byrne and Barrett referred to the omission of reference in the Bill to siblings or other persons who live together and whose relationships could benefit from the regulation of what should happen in the event of disputes or that of hardship resulting from their being in a position of vulnerability. As with the position relating to children, I do not believe it would be appropriate to use the Bill for the purpose of establishing particular rights and obligations for a wider range of persons.

Deputy Charles Flanagan: Does the Minister accept the point?

Deputy Dermot Ahern: The original intention behind the Bill relates to the registration of civil partnerships.

Deputy Charles Flanagan: Does the Minister accept that an issue exists? Does he accept the principle in that regard?

Deputy Dermot Ahern: Giving the courts power to make orders in respect of maintenance, pensions and property would constitute an unwarranted intrusion into normal societal and familial relationships. It would be inappropriate to require siblings, family members or those sharing houses to pay maintenance to each other simply because a relationship or friendship has broken down. In addition, giving the courts the power to make orders restricting or mandating the sale of property would again be an undue interference with constitutional property rights. This issue is extremely complex but I accept that it could be addressed at a later date. Dealing with it in this legislation would inevitably delay what we require to be delivered in a relatively short period, namely, the registration of same-sex civil partnerships.

Many Members who contributed to the debate on the Bill rejected calls for the inclusion of freedom of religion provision and also a provision relating to conscientious exemption for registrars and service providers in respect of, for example, the rental of church property. I agree with the view that there is no basis for providing a right to discriminate against a class of persons on the grounds of freedom of religion or conscience. It would also be against public policy to prevent State officials to choose not to perform certain of their official functions on the grounds that to do so would be contrary to their religious beliefs. A number of Deputies referred to sections 22 and 23 in respect of this matter and stated that the provisions contained therein are new. That is not the case. They are already contemplated in the 2004 Act.

Deputy Crawford and others referred to imprisonment. This is already contemplated in the legislation in the context of the refusal by State officials to perform their other duties in respect of the registration of normal marital situations. In effect, all we are doing is extending that provision in respect of civil partnerships.

[Deputy Dermot Ahern.]

I wish to refer to some unintended consequences that could result from the inclusion of a freedom of religious conscience clause in the legislation. What would be the consequences if we were to allow officials to choose the parts of their job they would not do on the basis of their religious beliefs? In this regard, a registrar could refuse to register the marriage of a person who has been divorced. This matter has not arisen since the introduction of our divorce legislation and no registrar has indicated that he or she might have any particular problems with the Bill before the House. Other possible consequences could include a court clerk refusing to issue divorce orders; a science teacher refusing to teach about evolution; a fundamentalist Christian Garda refusing to arrest a husband who is breaching a safety order on the basis that he is entitled to chastise his wife; a judge refusing to register a power of attorney in favour of a person's civil partner; a Muslim or Mormon accident and emergency doctor refusing to treat someone presenting with alcohol poisoning; an official of the Department of Social and Family Affairs refusing to pay carer's allowance to a person's civil partner; or a probate officer refusing to issue a grant of administration to a deceased person's civil partner.

If we were to put in place a freedom of conscience clause, it would have completely unintended consequences. In addition, it would run completely contrary to policy to allow public servants to pick and choose in respect of the view of either the Oireachtas or the Executive regarding duties which must be carried out. As Deputies on both sides correctly pointed out, anyone is entitled to know that the services in respect of which provision is made in legislation will be provided without fear or favour. I cannot accept any amendments on that issue.

I wish to clarify for Deputy Barrett, who raised the issue, that the offences outlined in sections 22 and 23 of the Bill are not new. These provisions extend to civil partnerships the exact penalties already provided for in the Civil Registration Act 2004 for the failure on the part of the registrar to perform statutory duties regarding the registration of marriages. Providing exemptions on freedom of conscience grounds in the supply of goods and services would roll back the very extensive equality legislation introduced by successive Governments and supported by the House in the past dozen years. The conscientious objection amendment to the Equality Bill in the UK mentioned by Deputy Barrett was actually opposed in the House of Lords and was subsequently withdrawn by its proposer.

Deputy Charles Flanagan sought information on the operation of schemes for the protection of cohabitants in other jurisdictions. This matter was examined and reported on by the Law Reform Commission, which recommended the redress scheme in its 2006 report on the rights and duties of cohabitants. The Colley group also examined what are referred to as "presumptive schemes" in other jurisdictions and these are described in the options paper also published in 2006. The Deputy also drew attention to the need to raise awareness of cohabitants to the new obligations arising under the Bill. This matter will be addressed before the commencement of the cohabitants scheme.

The Deputy commented that legal experts have warned that the presumptive nature of the cohabitants redress scheme could give rise to legal challenges and that ambiguities in the Bill regarding the establishment of when cohabitation began may present problems. I shall, of course, take into account his remarks for further consideration. However, section 170 expressly defines the periods of cohabitation required to qualify under the redress scheme and provisions already exist in the Domestic Violence Act 1996, for example, that prescribe periods of cohabitation for the purpose of that Act. I do not believe that establishing the duration of cohabitation under the provisions in the Bill will be a particularly difficult matter, although there are certain necessary variations in a case where either of the cohabitants has been married to another person during the period of cohabitation. This is consistent with the Attorney General's advice

that we must ensure that in such cases the spouse, being a party to a marriage, must take priority over the potential claims of any other cohabitant.

Deputy Shatter also raised a number of points on the cohabitants redress scheme. His first point was that the scheme would only provide minimal real protection. However, in formulating the provisions for cohabitants I was conscious of the necessity to protect the autonomy of those who choose not to marry and indeed those who in due course choose not to register as civil partners. The Bill's redress scheme is not designed to redistribute the property or finances of a couple who split up; it is designed to mitigate hardship where a relationship ends leaving one former cohabitant financially vulnerable. The Government has no proposals to widen the provisions for cohabitants in a way that would serve to undermine the institution of marriage.

The Deputy questioned the policy behind the shorter timeframe necessary to become a qualified cohabitant, where there is a child of a relationship. In its recommendation the Law Reform Commission acknowledged that the provision for a shorter timeframe would be desirable where there is a child of the relationship and the Government agrees with this recommendation. The law does not treat everyone in the same way regardless of his or her circumstances. There is a clear case for different circumstances warranting some differences in treatment in the Bill. The Deputy suggested that the redress scheme should apply from the date of the publication of the Bill so as not to encourage people in the meantime to extricate themselves from relationships with a view to avoiding obligations of one to another. There may be difficulties in seeking to apply the financial and property obligations arising under the Bill before its enactment, but we can return to the issue on Committee Stage.

Deputy Ciarán Lynch asked if it was intended to introduce an amendment on Committee Stage to provide that an order made in favour of a qualified cohabitant could not affect the entitlement of a civil partner. I refer the Deputy to section 206 of the Bill, which obliges the court when making orders under the Bill to have regard to the rights of others with an interest in the matter including a civil partner or a former civil partner.

Deputy Howlin sought to provide in the Bill for retrospective recognition of foreign civil partnerships if one partner dies before the provisions of section 5 become operable. I am very conscious that some people in committed long-term relationships, whether they have entered into a civil partnership elsewhere or not may, sadly, not live long enough to have their relationships recognised under Irish law. However, the Deputy will be aware that the issue of providing retrospective recognition has always presented a difficulty in legislation. Providing for it would introduce profound uncertainty into succession, pension and tax law. Where pragmatic solutions can be achieved without creating this uncertainty, I am very willing to consider them, but blanket retrospection of entitlements is simply unworkable. The Lourdes marriage provision in the Marriage Act 1972 does not provide a precedent if only because those who married in Lourdes believed themselves to be fully legally married under Irish law as it then applied. Couples who have registered civil partnerships or same-sex marriages abroad can have no such expectation regarding those relationships.

Several Deputies indicated that they would propose amendments on Committee Stage and I look forward to examining and debating these. Regarding Government amendments, a certain amendment to the Domestic Violence Act 1996 was not carried through consistent with the policy that was proposed in the general scheme. I propose to introduce this provision by means of a Committee Stage amendment. The proposal will allow a person to apply for a safety order against a person with whom he or she had a child in common even if the couple concerned never lived together. The occasion of access to children can be difficult and safety issues often arise. While it is in the best interest of the child to ensure that he or she can develop a relationship with both of his or her parents, this should not be at the expense of the safety or well-

[Deputy Dermot Ahern.]

being of either of the parents. That is detrimental to everyone, including the child who may be caught in the middle. Making safety orders available in law, if necessary, in such circumstances sets down a clear marker that violent and intimidating behaviour is not acceptable. I hope to introduce an amendment to ensure the Bill is not found wanting in this regard.

The Civil Partnership Bill will put in place a legal regime that reflects many forms of partnerships in modern Irish society. It provides legal protection for cohabiting couples and essential State and societal affirmation of same-sex couples. I thank all the Deputies for the very considered contributions they made on the Bill. I look forward to the debate on Committee Stage when we can tease out these issues in more detail.

Question put and agreed to.

Civil Partnership Bill 2009: Referral to Select Committee.

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I move:

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

Question put and agreed to.

Industrial Relations (Amendment) Bill 2009 [Seanad]: Second Stage (Resumed).

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

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): I wish to share my time with Deputy Cyprian Brady.

Acting Chairman (Deputy Joe Costello): Is that agreed? Agreed.

Deputy Billy Kelleher: I welcome the opportunity to speak on the Bill. It is timely that we also discuss the broader issue of industrial relations and wage-setting mechanisms in the context of it being almost 100 years since the Britain and Ireland trade boards were established to give legal certainty to committees in the context of the setting wages and conditions. It was primarily in areas where wages and conditions were poor at the time in the context of organisation around unions being able to exert pressure to achieve proper pay and conditions for lower-paid workers. It is time, 100 years later, that we discuss this particular matter. The review of the transitional agreement, Towards 2016, looked specifically at the issue of employment regulation orders, EROs, and REAs on foot of decisions. A commitment was made to the effect that they would be strengthened, so that the EROs would have the status of legal certainty. I welcome the provision in the Bill which deals with that area.

At national level, social partnership is going through a very difficult period. The Government had to act unilaterally because it could not get agreement in the context of the burgeoning deficit, which is very regrettable. It is regrettable that we could not reach a consensual arrangement whereby there would be agreement on how to deal with these challenging times. Nobody is under any illusion. It would be very difficult for union leaders and representatives to recommend pay reductions and carry the day with their members at national level. However, this is happening at local level all the time, whereby employers, unions and employee representatives discuss in an organised fashion how pay, terms and conditions are arrived at. In very difficult circumstances such talks may lead to a reduction in pay and changes in working conditions. It

may be due to a challenging period in a certain sector or in the context of a certain type of business. This is happening continually.

I regret, in the context of this debate, that the proposed inability to pay clause has been so controversial. It is not a substantial part of this Bill, and neither is it reinventing the wheel. It has been availed of for many years in the context of industrial relations and discussions around pay, where the inability to pay hardship clause has been used. I am no supporter of the race to the bottom and believe in proper terms and conditions and a just reward for labour, as I believe every Member of this House does. Equally, as Minister of State with responsibility for trade and commerce, when I travel abroad I am aware that competitiveness is the key to sustaining exports, which itself is the key to sustaining employment. If a sector of an economy or indeed the entire economy is going through a difficult period because of a global economic downturn or in the context of the financial credit crisis which has fed into the broader economy, there is a lack of credit and a drying up of demand internationally, exports fall and jobs are lost. That is a very real problem for individuals and society. However, it is not credible for people to assert there will never be a time when a wage reduction will not have a benefit in the context of retaining jobs. If we are to be honest, sometimes that is inevitable.

Some commentators say a reduction in wages will have a detrimental impact on employment and the economy. If that economic philosophy is to be adopted, if we want to improve things, then we should pay ourselves a great deal more. That simply is not a credible argument. Both the tourism and the retail sectors have gone through very difficult and challenging times. Employers, unions and employee representatives in these sectors, however, were able to come up with pay and conditions rationally that reflected the industrial reality at those times for a number of reasons. It was quite obvious that the tourism, catering and retailing sectors were going through challenging times. To preserve these sectors and, more importantly, job opportunities, it was agreed that deferrals in pay and changes in work practices were needed. I see this as a very mature way of doing business, with both sides recognising the difficulties individual companies face, or particular sectors or even the broader economy.

It puzzles me that if this can happen at factory floor or sectoral level, why can it not be done at national level? Again, wearing my trade hat, when I go abroad I find there is significant interest in how Ireland came from where it was in the mid-1980s to where it was in 2007, and indeed where it can get to again. We said that social partnership was always one of the key ingredients when explaining Ireland's success. Now that we are in more challenging and difficult times, it is disappointing that we cannot use the social partnership model to reconfigure the economy, make it more competitive and efficient, achieve changes in work practices and restore the edge it so badly needs. Even though there has been a drop in unit labour costs, there are other areas of the economy that cause difficulties in terms of Ireland being competitive. Competitiveness is not some grandiose word, but, in fact, equals jobs, and that is extremely important for people to understand.

Sometimes we hear simplistic arguments about business people, or political parties perhaps, who just want to cut wages. It has nothing to do with cutting wages, but rather ensuring that we have a competitive economy. That includes many areas such as competition in energy and other sectors right across the board and involves issues such as relaxing regulations that may be causing difficulties, greater flexibility in work practices and so on. Obviously, as a major cost in any business, wages are also an issue. At a seminar in November 2008 I mentioned that wages must reflect reality, and many people took this as advocating a race to the bottom proposal. If a business is going well, the rewards should be dispersed and shared with those who created them, namely, the workers in the particular area. Equally, if a sector is under significant pressure, there is no point putting our heads in the sand and believing we can

[Deputy Billy Kelleher.]

continue to pay the same rates as always, because this will mean fewer people can work in that sector.

Honesty should be brought back into the debate. If consensus can be achieved at factory floor level, then I am quite sure there can be maturity at national level among the wise heads that have negotiated national agreements over many years to ensure that this can happen at this level also. I understand, however, the political consequences for union representatives at national level of the fact that the civil and public service pay bill is not sustainable and that pay decreases are a prerequisite to ensuring that the economy recovers. It is not popular to proclaim that people will have to make a contribution to their pensions, but it is realistic. This is something we will have to do continually in the years ahead to ensure that there is a sustainable pension system and a workable budget so we can provide services and social welfare payments, as well as health and educational aspects of services, to the public.

When we enter into debates, we must be very conscious of the need to be honest with ourselves. I am particularly aware of this when I hear statements about taking from the public sector and giving to the banks. That is a very catchy phrase, but it is far from what any government wants to do or is doing. If we had never had a banking crisis, we would still have a structural budget deficit that has to be tackled, regardless of what happens in the banking world. The situation has been exacerbated because of that, but we would still have had to deal with the particular structural deficit inherently embedded in the current financial system.

When referring to pay, we should make our comments in the context of reality and what it means for people if some say there should never be a pay reduction. In effect, this would mean there is a good chance people may lose their jobs. If a company has a monthly wage bill of €100,000 and if events conspire to prevent it making that payment over a short duration, there are two alternatives — either the wages go down or people are laid off. That is a choice that people regularly make at factory floor level. By and large, following mature discussions, they will come to a consensual arrangement. Having discussed this matter in factories and other businesses with those concerned, I know that more often than not employees will take a wage reduction rather than keep the same rates of remuneration and let their colleagues go. That is a mature and fair way of ensuring that we retain as many people in employment as possible.

I welcome the Bill before the House. The debate about inability to pay is not about a race to the bottom, it is about ensuring that in difficult times we can be responsive and reflect the realities out there. Equally, in good times the opposite can be the case.

Deputy Cyprian Brady: I thank the Minister of State, Deputy Kelleher, for sharing his time with me. I am delighted to contribute to the debate on this Bill. I congratulate the Minister of State, Deputy Calleary, on dealing with this complicated area which has been on the boil for quite some time. Up and down the country individuals and businesses are affected daily by various regulations and rulings. This legislation will be welcomed by all sides as it clarifies exactly where workers and employers stand.

The main purpose of the Bill is to strengthen the already strong, existing system for making employment regulation orders and registered employment agreements, as agreed by the Government and the social partners. In the context of the Towards 2016 review, the Government and social partners agreed to the implementation of a series of measures in the areas of employment rights and compliance. These included the introduction of legislation to strengthen arrangements for the making of employment regulation orders and registered employment agreements.

As we have seen in recent years, EROs and REAs have had a major influence and impact on various business sectors, but particularly in service industries. In the restaurant trade we have seen the difference in rates in Dublin and just outside the county boundary. In the electrical sector, electricians and small employers were greatly affected by such agreements and orders.

The social partnership process has served this country remarkably well since its introduction in 1987. It has played a vital role in our economic and social development over that period, during which we enjoyed remarkable economic growth and improved living standards as a direct result of the partnership between Government and various pillars. The seven social partnership agreements which were negotiated in that time, helped to provide stability and the means by which society in general has progressed, not just in terms of remuneration but also regarding wider social policy advancements that have been made on the basis of the social partnership framework. It has been an excellent success in that respect and has brought many improvements to working people's lives for many years. Many of the advances — including greater take-home pay, better terms and conditions of employment, better and more widely available opportunities for working families and their children in education provision and in all other respects — have been as a direct result of a commitment by the social partners to that process.

All the pillars represented, including trade unions, farming, business organisations and the voluntary sector, have contributed over the years to providing a stable environment. Everyone accepts that we are in a different economic situation now, however, so every effort must be made on all sides so that the process and structures that were put in place will be used fully to ensure we can compete domestically and internationally. It is crucial that we go back to that position. Of course it involves compromises and having to work out shared objectives, but at the end of the day there is no doubt that social partnership has proven itself to be a good way in which to organise interests in the wider society.

It is true that we have had difficulties securing agreements in recent times, but we must remain committed to the approach and objectives agreed with all the partners in *Towards 2016*. We have a solid history of fair employment law. In the 1980s and 1990s, we were one of the leaders in Europe in introducing such laws here. Our workers are some of the best supported and protected in Europe. When one considers the raft of legislation that is being amended by this Bill, dating from 1946 to 2004, it shows how long we have been working on putting these structures in place. It is essential to get it right and this legislation's safeguards will ensure that workers are protected and that employers are given every opportunity to comply with all the requirements. In addition, particular timeframes and employers' circumstances will be taken into account. The Bill will thus ensure fair and equal treatment for everybody involved.

In publishing the Bill, the Minister said it may be timely to consider bringing the joint labour committee and registered employment agreement systems into line with procedures already established under the National Minimum Wage Act 2000. That allows individual employers to submit inability to pay claims to the Labour Court for adjudication. This reform of the minimum wage legislation may be timely, given the severe economic challenges employers face today. Ultimately, as the Tánaiste has said, this is about saving jobs. If this measure assists in that process it needs to be considered.

Minimum rates of pay and other conditions of employment for workers in certain sectors are set down in employment regulation orders. These orders are based on proposals negotiated and drawn up by the relevant joint labour committees. These committees are independent bodies, composed of equal numbers of employers' and workers' representatives under an independent chairperson. That system has proven to be successful, although there have been

[Deputy Cyprian Brady.]

glitches. The Bill will ensure, however, that where an error is made or where circumstances change rapidly — which has happened in recent times — we are able to deal with it. In that way, nobody will suffer discrimination or be taken advantage of.

Ireland has a strong system. Workers from Italy, Germany and elsewhere in Europe come here in the knowledge that they will be better protected than they would be in their own countries. Hardship or inability to pay clauses are in place in other EU countries, including Austria, Belgium, France, Germany, Spain and Italy. They have been introduced to help firms in crisis situations to respond, through temporary measures, to adverse labour market conditions and pressures to regain competitiveness. The Minister of State has also signalled his intention to bring forward amendments on Committee Stage. We must ensure that the legislation enables people to create and stay in jobs and that they get a fair wage for a fair day's work. Anything that helps achieve this must be welcomed.

Deputy James Bannon: I welcome the Minister of State, Deputy Dara Calleary, to the House. I am delighted he is here, hopefully for the duration of the debate.

The stated primary function of the Bill is to promote harmonious relations between workers and employers. However, in light of the current industrial unrest, it will have an uphill struggle, particularly with regard to the proposed amendment by the Minister of State to introduce an inability to pay clause in favour of employers. Since the Bill was debated in the Seanad in September 2009, we have gone through the pain of the December budget and the cutbacks it brought in its wake, which impacted severely on low and middle income earners across the country. Hardly a day goes by without a protest outside the gates of Dáil Éireann. That unrest will continue for the duration of this Government. People are very angry and know, as this side of the House knows, that the Government has no mandate for its outrageous policy and actions over the past two and a half years, since the former Minister for Finance, Deputy Cowen, took over as Taoiseach.

From the moment the Government took office in 1997 — we have had a Fianna Fáil-led Government for 20 of the past 22 years — the democratic process has been under fire and the voice of the electorate has been ignored. The Government got no mandate to carry out the attack it is making on the livelihoods of ordinary decent people. The country is on its knees, as we know from speaking to constituents and talking to councillors, business people and employees. This is thanks to the actions of a spendthrift Government that in the years of plenty wasted our resources. I do not want to list the projects on which the Government squandered and wasted money over the years. These are well documented in the House and in national and local media throughout the country. What price democracy when the leader of this free country can impose on the people sanctions which were not in the programme for Government prior to the last election. Fianna Fáil, the so called republican party, has failed to look after the people it purports to represent. In the run up to elections over the years, I have always heard it said that the republican party was always on the side of the worker. This sounds shallow under the current regime.

An elderly lady said to me the other night at a funeral in Ballinamuck that she had voted Fianna Fáil all her life, but that rural Ireland now regarded the Taoiseach as a dictator akin to Stalin and that she would never vote Fianna Fáil again. This is tough talk from a former diehard Fianna Fáil supporter in my county. I know her feelings are replicated in every area and district where Fianna Fáil was strong throughout the country.

The proposed exemption from wage agreements, which will see low-paid workers being asked to accept wage cuts as their bosses claim an inability to pay, is a cutback that relates

directly to this debate. There was great mileage made by some in the lead-up to the Lisbon treaty referendum with regard to the adverse impact of a “Yes” vote on the minimum wage. This was categorically denied by the Government, which said that Lisbon had nothing to do with our ability to determine our own minimum wage. That was correct, but the Government had and it has exercised its power by eliminating a safeguard for low paid workers. This is a case where what is sauce for the goose will not be sauce for the gander. It is proposed that hard pressed employers will be able to apply for an exemption from wage agreements. They will need the consent of the majority of workers before they can reduce the hourly rate. However with a gun to their heads, in terms of retaining a job, employees will be forced to comply.

I was interested to hear the Minister of State say this is a temporary measure. This is hard to believe. It is far more likely that the Government is conforming to its norm and this is an introduction of a reduced minimum wage by stealth. We heard all this before from a former Longford-Westmeath Deputy — who later became Taoiseach — former Deputy Albert Reynolds, when he said the arrangement for Government with the Progressive Democrats was a temporary arrangement. We are still living with a relic of that arrangement in the Department of Health and Children, namely, Deputy Mary Harney. We know all about the crisis she has created in the health services. Nobody has a good word to say about her or her actions over the past number of years as Minister for Health and Children.

Any reduction in the minimum wage by stealth would be scandalous. The current minimum wage has been hard fought for and while there is some validity in the reduction of the double time rate for weekend work to time and a third, I would not like to see the minimum wage come under attack. This Bill forces lower and middle income workers to work until they drop and to hand over their earnings to the Exchequer to bail out dodgy builders and developers, many of whom were strong supporters of the Fianna Fáil organisation in the past. Certain sectors, such as the retail, catering and construction sectors are, to an extent, outside the National Minimum Wage Act 2000, but they must comply with employment regulation orders, EROs, and registered employment agreements, REAs, which often stipulate hourly rates in excess of the national minimum wage. It goes without saying that in the current economic crisis the EROs and REAs should come under scrutiny in a fair manner.

The Irish Congress of Trade Unions has accused the Government of working to drive down wages across all sectors. This is not beyond the realms of possibility given the assault on the public sector which has bled it dry. There is huge anger among the public sector and a go-slow is in operation. We as politicians are very much aware of that as it now takes longer to get a response to telephone calls to various Departments and local authorities throughout the country. Politicians on all sides have complained about this go-slow. This is not good for the country.

While the Government is attempting to differentiate between the ability to pay clause and a potential reduction in the minimum wage, any move towards such a reduction would be another attack on the lowest paid and the most vulnerable. While the inability to pay clause is not actually contained in the Bill, the Minister indicated last September that such a clause was being considered and would be introduced as a Government amendment on Committee Stage. It seems the consideration stage is now past and the Minister firmly intends it to be part of the Bill. While one could definitely argue that this clause is a safeguard that will help to retain people in employment, I am strongly convinced that it could be open to abuse and could be part of the downward spiral towards a reduction in the minimum wage. As I have said before, in the past the Government has been adept at introducing stealth taxes. It seems every time we have gone on holiday or been in recess, the Government has introduced a significant number of stealth taxes.

[Deputy James Bannon.]

With regard to the general provisions of the Bill, the Minister has ignored an opportunity to introduce uniform measures regarding the operation of the joint labour committees. Their role in protecting the most vulnerable workers in the economy should be upheld and unified, particularly as many of these workers are not in trade unions.

This Bill has failed to correct the anomalies that exist under the current joint labour committee system, which stems from the introduction of trade boards in 1909. These boards were replaced by joint labour committees in 1946. This Bill provided an ideal opportunity for the Government to ensure the uniform treatment of workers and employers across the country but it failed to do this. The Minister of State, Deputy Calleary, should note this.

Why does the Minister wish to preside over a system that fails to provide uniformity for workers? When the national minimum wage was introduced, the joint labour committee system remained unchanged, despite the national minimum wage commission's recommendation in 1998 that an assessment of the joint labour committees take place in light of the introduction of a national minimum wage. The Minister of State, Deputy Calleary, has taken his eye off the ball and has missed a valuable opportunity. This does not surprise me because the Government has failed to do a single thing right since it took office. Its record is one of failure, betrayal and let-downs for the ordinary people.

The lack of credit, as referred to by the Minister of State, Deputy Billy Kelleher, was caused by the lack of confidence in the Government. The Government crashed the economy, ruining many lives and businesses and resulting in job losses. Listening to Fianna Fáil and Green Party Deputies, one notes they still act as if they were not to blame. The truth is that the people of this country have no confidence in the Government. It is a bit rich of the Minister of State, Deputy Kelleher, to give a lecture on honesty in the Chamber this evening. The Government has not been honest with the people who gave it the mandate to continue in office after the general election of 2007. The ordinary people will not take lectures about honesty from Fianna Fáil or the Green Party.

The Government has no judgment, vision, leadership or ideas to create new jobs. Very few jobs have been created in the past two years under its aegis. All it has to offer is more of the same, including more cop-outs and, worst of all, more denials of responsibility. People are fed up and the Government has no mandate to continue in office. This has been proven in the past 20 or 25 opinion polls. People have lost faith in the Government. It is in the third-degree category as far as they are concerned. Given its talk of republicanism, it should listen to the voice of the people and get out of office as quickly as possible.

In the past three years, under Fianna Fáil and the Green Party, we have seen a huge loss of confidence in the economy and a dramatic fall in employment. In County Westmeath over the past 12 months, the unemployment rate rose by approximately 37.5%. More than 10,000 people are unemployed in the county, which was always considered to be reasonably prosperous. Similar circumstances obtain in County Longford. The unemployment has been caused by the very bad decisions of Fianna Fáil, the former Progressive Democrats and the Green Party.

Over the years, the Government has targeted the wrong people. Last year in its budget, it targeted the elderly by doing away with the medical card for people over 70. There was a very angry protest, which we all witnessed, outside the House. Fair play to the elderly, they got their way and obtained some concessions.

Students are protesting outside the House today. They are very angry over how they have been treated by the Government. They are totally fed up and feel rejected by it. Since Christmas I have provided 37 references to young people I know in Longford-Westmeath with

a view to assisting them to seek a livelihood farther afield. Some are heading to Canada and others have headed to Australia. There is an onus on the State to provide jobs for the people it educates. It is unfair on the parents and relatives of the emigrants that the latter have been forced to leave the country in which they were born and bred to seek a livelihood elsewhere.

We boasted for years about our strong economy and the Celtic tiger running around the country. It has been brought to its knees by the activities of the Government. How can we trust it to enact this and other legislation in a fair manner? I advise the Minister of State, Deputy Calleary, to consider asking the Taoiseach and Ministers to go to the Phoenix Park to dissolve the Government. It has no mandate whatsoever to continue in office. That is the cry of the ordinary people. They are very angry and it is time for the Government to consider its position and get out of office. It has lost the trust and confidence of the people. In the name of God, now is the time to go.

Deputy Caoimhghín Ó Caoláin: This legislation is part of a package agreed with the trade union movement to strengthen the protections for workers, particularly those on low incomes, through the employment regulation orders and the registered employment agreements. As such, it can be welcomed, particularly at a time when a number of employers have ignored Labour Court recommendations on pay, leading in some instances to industrial disputes. These are particularly frustrating for workers employed in companies claiming inability to pay but which continue to make substantial profits. There are several recent examples of this, including the dispute involving the workers at Boots. Another example pertains to a case that arose in my constituency in recent weeks.

There is even less cause for excuse on the part of Ulster Bank, which is withholding an already agreed payment as part of its attempt to enforce unilateral effective cuts in annual pay and pension entitlements. Given that almost the entire future of the economy and of people's livelihoods has been placed on the likely success of measures to save the banking sector after its self-inflicted disaster, the actions of Ulster Bank are particularly inexcusable. It is important, therefore, particularly in the current climate, that employers not be able to impose wage cuts, often under the threat of closure or mass redundancy, without being subject to legislation put in place regarding the minimum wage and the overall protection of wage rates and conditions.

Debate adjourned.

Private Members' Business.

Severe Weather Emergencies: Motion (Resumed).

The following motion was moved by Deputy Phil Hogan on Tuesday, 26 January 2010:

That Dáil Éireann:

- notes the swift response and work of local authority workers during the cold weather emergency;
- condemns the Government for its slow national response to the recent weather crisis;
- is concerned that no national co-ordination plan for severe weather emergencies is in place to co-ordinate local plans at a national level;
- recognises the social and economic hardship caused by water restrictions and by local transport network disruptions;

- recognises that an inefficient, outdated and fragmented water network has contributed to water problems across the State;
- notes with concern that on average 43% of Ireland's treated water supply was lost through unidentified leaks before the recent severe cold weather;
- notes the refusal of the Government to put additional financial measures in place to address severely damaged local and regional roads; and
- recognises that the 32% cut in the regional and local road upkeep budget implemented by the Department of Transport last year compounded damage caused by cold weather; and

calls on the Government to:

- establish a single water semi-State utility company to take over responsibility for water investment and management on a national basis;
- re-allocate future water funding from the Exchequer to prioritise water conservation;
- examine all engineering resources of the State to ensure a rapid remedy to widespread burst water mains;
- develop and test as a matter of priority a national severe weather emergency plan that outlines the actions to be taken by the Government and its agencies; and
- provide additional funding for the restoration of severely damaged local and regional roads for reasons of road safety and to minimise costly reconstruction costs caused by further deterioration.

Debate resumed on amendment No. 1:

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

- “— shares the Government's appreciation of the work of local authorities, Health Service Executive, the Garda Síochána, Defence Forces, Civil Defence and other statutory bodies in responding to the November 2009 flooding and recent severe weather events;
- recognises the contribution by voluntary organisations and individuals and the assistance provided to their fellow citizens during the two weather events;
- commends the Government's use of the national emergency response co-ordination committees to provide direction to the management of the response issues during the flooding and severe weather events;
- recognises the significant funding made available by the Government over recent years under the Water Services Investment Programme in response to specific environmental, public health and economic needs;
- welcomes, despite the current difficult economic situation, the provision of €508 million in 2010 for the Water Services Investment Programme;
- notes the Minister's intention to effect a reprioritisation in the new Water Services Investment Programme 2010 to 2012 with a very significant increase in investment in water conservation aimed at addressing the unacceptably high levels of leakage in local authority water supplies;
- notes the significant progress being made to implement water quality management and flood relief planning on a river basin basis;

- notes the progress being made by local authorities to repair water mains damaged on foot of recent severe weather events;
- notes that during the prolonged severe weather 14,000 km or 14.5 per cent of the public road network of 96,000 km was gritted daily and sometimes twice daily;
- acknowledges that the national road network together with other key strategic roads and public transport routes was kept open to traffic at all times;
- notes that €5.7 billion has been contributed from the Exchequer for local and regional roads since 1997 and that despite the difficult financial situation over €411 million is being made available for 2010;
- welcomes that the priority for regional and local roads for 2010 is to safeguard the existing investment and repair the damage caused by the recent severe weather; and
- commends the Minister's intention to review the operation of the emergency response arrangements under the Framework for Major Emergency Management in relation to the two weather events to learn from the experience gained and to ascertain if any improvements are necessary and which may be applicable in managing the emergency response to future such events."

—(Minister for the Environment, Heritage and Local Government)

Deputy Ciarán Lynch: I wish to share time with Deputy McManus.

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

Deputy Ciarán Lynch: I commend Fine Gael on tabling this timely and relevant motion given the events of recent months which saw the entire country come to a standstill. How can the public be guaranteed that when they turn on their taps, water will flow and be of sufficient quality to be safe enough to drink? Environmental Protection Agency reports published last September and the year before consistently highlighted serious problems with water quality and serious deficiencies in how most local authorities monitor and manage it. Water systems have been allowed to deteriorate to crisis point.

The Fine Gael motion claimed 43% of water between the reservoir and the household is lost while the Minister stated in a reply to a parliamentary question it was 45%. A review of the national development plan by Fitzpatrick Associates, instigated by the Department of the Environment, Heritage and Local Government, put the figure higher at 50%. In his reply to my parliamentary question, the Minister sees this as a matter of responsibility for local authorities. He does not see it as a national problem and, conveniently, he feels he does not have to show any leadership on the matter.

However, the time has come for Ireland to have a national water programme that will guarantee national standards. Such a programme will require significant investment. Last July during Question Time with the Minister for the Environment, Heritage and Local Government, it emerged up to €1.2 billion was held on account by local authorities arising from development levies. Local authorities may have expected to spend these moneys eventually. However, a circular issued last year by the Minister informed them these moneys were to be ring-fenced and only spent against income in 2009.

Using the Maastricht criteria, the Government has, through a bookkeeping exercise, locked this money into an account as a means of showing the Exchequer has money to hand. Unfortunately, in excess of €1 billion is locked into an account indefinitely and cannot be spent to deal with some of the problems caused by the recent severe weather.

[Deputy Ciarán Lynch.]

Yesterday in a reply to a parliamentary question the Minister also disclosed to me there is potentially €800 million outstanding in development levies yet to be collected. While it is hard to quantify how much of these funds will be raised because many construction companies have gone to the wall, there is potentially a total of €2 billion in development levies. Why has this not been invested into building a proper infrastructure, particularly when it is estimated it will cost €1 billion? It was interesting to hear the Minister criticise Fine Gael's proposal to establish a national utility company given the Fitzpatrick report suggested an agency along the lines of the NRA to implement water policy nationally. If there were ever a quango, it would have to be the NRA. Every Member knows it is entirely impossible to bring the authority to account in the House. I question the Minister's approach, given his criticisms in this regard last night.

I would share his concern, however, with any proposal that would lead to the privatisation of water supply, which must remain in public ownership. In the UK, when water supply was privatised, infrastructure and supply got worse while costs went up.

We had an emergency in recent months but no national emergency was declared. When the chairperson of the national emergency committee attended an Oireachtas committee several weeks ago, he admitted there is no mechanism by which a national emergency can be declared. This is an issue that must be addressed.

Deputy Liz McManus: I thank Deputy Ciarán Lynch for sharing his time. This motion covers much of the impact of the recent severe weather. I regret I have so few minutes to describe the devastation of roads in south Wicklow as a consequence of this weather. Last year the roads budget for Wicklow County Council was slashed by €3 million. For the electoral area of south Wicklow alone, the damage caused to local roads by the recent weather is estimated at €3 million. This does not include the N11 because the larger the road the less damage done. For local communities and people living in rural areas, the impact has been truly devastating. There are roads in Wicklow where trenches have opened up and others which look as if they have been bombed in a war. I do not know whether we should be looking for reparation or restoration moneys. However, funding must be secured fast because we cannot leave rural communities with Third World standard or impassable roads. The cost of just patch-up jobs on the roads in my constituency will turn out to be greater in the long term. I want the Government to take action in dealing with this serious problem.

Council workers were out day and night during the snow ensuring certain roads were kept open. I welcome that they have been given credit for this in the motion. The only thanks those men have received so far, however, is less money in their pay packets. With all this stuff we have had to endure about public sector workers, anyone who starts to abuse them should remember we depended on those workers coming out while the rest of us enjoyed our holidays. Wicklow County Council also has a shortfall of €500,000 due to the additional costs for gritting the roads.

I estimate that bringing Wicklow's roads up to a decent standard will cost €8 million. The Government did not meet the challenge when the snow came. Its response was disastrous. There must be a response from Government that meets the needs of my county and others, including County Wexford as represented by the Leas-Cheann Comhairle. The only way this can be done is by way of additional funding. While I accept the economic situation is not propitious, we must ensure people in our communities are not living with substandard roads which are a danger and obstruction to normal life.

Deputy Michael Kennedy: I wish to share time with Deputies Ciarán Cuffe, Michael Kitt, Timmy Dooley, Mary O'Rourke, Beverley Flynn, Seán Fleming, Charlie O'Connor and Mattie McGrath.

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

Deputy Michael Kennedy: I wish to make a few brief points. The ambiguity in respect of the cleaning of footpaths outside people's homes and retail premises in commercial centres needs to be clarified. I suggest that if laws need to be changed the onus and responsibility in this regard must be on local authorities and that this should be done now. It was ridiculous that during the past few weeks people were afraid to clear ice and snow from their footpaths and business premises. Broadly speaking, retailers were looking out at the snow when they could have been doing something constructive such as clearing the paths. The law in this regard needs to be clarified and, if necessary, changed to ensure there is no ambiguity in this area.

As regards roads in estates which have not been taken in charge, again county councils have up to now stated these are not their responsibility and, as such, they are not required to do anything about them. Clearly, this issue also needs to be clarified to ensure local authorities have responsibility during extreme weather conditions such as we experienced in recent weeks for gritting roads which meet roundabouts and so on. On flooding, I remind the House of a proposal some years ago which emanated from a politician in Dublin in regard to the taking of water from the River Shannon and piping it to Dublin. While this proposal was frowned upon at the time and considered to be robbery of water from people in the west and mid-west and so on, given current circumstances in terms of the Shannon frequently flooding and the water shortage in Dublin it is now realistic to re-examine this. The Shannon, when it floods, could be drained in a proper fashion thus providing water for the greater Dublin region during times of water shortage. While this proposal may sound a little strange it is worthy of realistic consideration at this time. I am certain some of my colleagues will be against such a proposal. However, when one considers the severe flooding caused this year by the River Shannon and its tributaries, it is realistic to suggest that this water be piped to Dublin where it is needed.

It is regrettable that Fine Gael omitted in its motion to commend the voluntary organisations and many volunteers throughout the country who did fantastic work on behalf of their fellow citizens.

An Leas-Cheann Comhairle: The Deputy has one minute remaining.

Deputy Michael Kennedy: We should put on record our thanks to all the council staff and staff of other authorities, including volunteers, who went out of their way to make life tolerable for their fellow citizens. In terms of water leakage, county councils that are currently experiencing approximately 50% leakage must be more proactive in drawing up programmes to detect and replace burst pipes. Water is a valuable commodity, as we have all learned recently. I welcome that the Minister is providing a great deal of funding in this area during the current year.

Deputy Ciarán Cuffe: There is a myth that there are no farmers in the constituency of Dún Laoghaire. However, I would like to put on record a tale from some 28 years ago. Close to where I grew up in the foothills of the Dublin mountains in Dún Laoghaire lived a wise old farmer named Paddy Whelan. In 1982-1983, as I walked through the snow towards him I asked: "Is it as bad as '47?" to which he replied " '47?, '17." He put his finger on it, namely, we get cold snowy weather in Ireland and although we do not get it that often when we do, it can be quite severe and we need to be prepared for it.

On the whole the local authority in Dún Laoghaire-Rathdown was prepared for the snow. It had maps on its website where one could see at a glance which roads would be gritted. It did well. The main routes were kept clear. At a time of scarce resources it ensured there was enough grit left over to put on the footpaths in the main towns and to ensure common areas

[Deputy Ciarán Cuffe.]

in senior citizen dwelling areas were well gritted. If anything is to be learned from it, as the county manager, Mr. Owen Keegan, said to me the other day, there may be a case for gritting the roads of smaller estates which are hilly. I believe this can be done. When it came to breaks in water supply the tankers were out. We had Guinness tankers out dispensing not Guinness but clean water to residents in Killiney and elsewhere who have and continue to suffer breaks in water supply.

There is a certain irony in Fine Gael this week proposing a single water semi-State utility agency when last week it was complaining, during our discussions on the planning Bill, about the so-called command and control model proposed by Government. One cannot run with the hare and hunt with the hounds on this one. It is crucial that powers at the lowest effective level are used. In most cases, the local authorities were effective in how they dealt with the snow crisis. I would be reluctant to jump in with a new tier of control in terms of how we deal with severe weather conditions.

An argument can be made for more control at regional level. The European water directive strongly states we should be looking at river basins in how we manage these areas.

An Leas-Cheann Comhairle: The Deputy has one minute remaining.

Deputy Ciarán Cuffe: The issue of metropolitan and regional government, in particular in Dublin, works well on a river basin level. The Liffey catchment should be considered as a unified entity. More can be done in this regard. The European Union is driving that agenda.

Ultimately, when it comes to our water supply we have had decades if not a century of under-investment. I am proud that the Green Party has in each of the three years since it entered Government in 2007 increased investment in our water supply services from €480 million to €510 million annually. The move towards residential water metering is to be welcomed. Those who use water excessively for washing their cars or filling swimming pools must pay significantly for it.

I welcome Fine Gael's interest in this area. The weather crisis was tough but we got through it. If it recurs we will be better prepared.

Deputy Michael P. Kitt: I welcome this debate. The devastation experienced in Galway was similar to that experienced in other parts of the country. I was somewhat surprised to hear Fine Gael propose the establishment of a new State agency given its criticism of the number of State agencies already in existence. We hear much of there being too many quangos. I recently read a newspaper article which stated that one company would achieve economies of scale. I heard that before when the HSE was being set up.

Deputy Fergus O'Dowd: It is called the Government.

Deputy Michael P. Kitt: It is hypocrisy to criticise local authorities, blame the Government, suggest setting up a new agency and then, as Deputy Ciarán Lynch stated, perhaps privatise water, with which we on this side of the House would not agree.

I want to know how, for example, group water schemes would fair under a new State agency. Group water schemes are important to the west. People pay sometimes over €2,000 per house for a water supply and such schemes would not fair well under a new agency.

Galway County Council, like other local authorities, has had serious issues to deal with following the cold weather. Lists of the costs involved are being drawn up. There were broken pipes and water had to be rationed in the county, and Galway County Council is still repairing

leaks. There are serious issues in that regard for which we want funding in our county council area because of the extra costs involved.

There have been serious flooding problems in the county — there is still flooding around Gort in south Galway — and, certainly, there is a need for major repairs to roads. I would press for a generous response from the Department of Transport and the NRA. There should be flexibility in the spending of the funding provided. I understand local authorities will be able to revise the 2010 restoration improvement programme.

There has been good investment in roads in my county, most notably in the new motorway from Ballinasloe to Galway as part of the Dublin-Galway motorway. That motorway, which was opened ahead of time, was the only link we had from east Galway to Galway city and it was a good example of investing in infrastructure. It was officially opened eventually on 18 December, but it was so important when flooding prevented people from using the normal regional or county roads.

I fully support the conservation measures of which the Minister spoke. I particularly welcome the water harvesting measures. As part of pilot programmes in County Mayo, there is a school involved. In County Meath, I think there is a farm involved. It is important that we not only pursue, for example, the water harvesting measures but also tackle the high level of leakage in the water supplies of both the local authority and the private group water schemes of which I spoke.

I welcome this debate. I hope there can be more investment. The great work done by the local authorities and the voluntary work has not been recognised by the proposers of this motion in Fine Gael and that should be put on the record. There was great voluntary work done by the Civil Defence, by gardaí and by all the emergency services who worked so well during those difficult times, and particularly by the local authorities.

Deputy Timmy Dooley: I welcome the opportunity——

Deputy Mary O'Rourke: Here is the first of the three minutes.

Deputy Timmy Dooley: ——to contribute to this debate, albeit briefly. Unfortunately, there is not more time available.

The Minister concluded his remarks last night by stating the arrangements put in place did work, but there is some room for reflection and review of lessons learned which can be built upon and which may be of assistance in responding to future such events. That is true. As Deputy Cuffe identified earlier, these events, whilst not one-off, certainly do not happen too frequently. Fortunately, we have not had such an event for a considerable period of time. We are in a different world in terms of the number of vehicles on the road and road usage. Clearly, we are in a position to learn and we need to do that.

I want to address the extent of the road network that was gritted. I will not suggest in this House that we should try to cover the 96,000 km of roadway in the country, but there is room for considerable improvement. We are only covering 14% at present and we need to look at some of the more strategic routes that were not covered. In the first instance, this must be a matter for the local authorities on an area by area basis in consultation with councillors. Many councils are carrying out reviews, and I welcome that.

Rural populated areas were severely affected and we must ensure that where possible, and within reason, a better effort is made to facilitate the needs of people in these areas. In my area, there are villages such as Feakle, Flagmount, Broadford, O'Callaghan's Mills in east

[Deputy Timmy Dooley.]

Clare, Kilmealy and Connolly in west Clare and villages in north Clare that were affected. That is unacceptable.

I believe in local democracy and much of the work and planning must be done by the local authorities. They need assistance, not diktat. They need assistance with sourcing of salt, grit and equipment, and that must be given. It is somewhat disingenuous of the Opposition, who in an effort to blame the Government for the weather, have lost what I consider as their historic rhetoric of empowering local government.

An Leas-Cheann Comhairle: One minute.

Deputy Fergus O'Dowd: With Deputy Dooley's hot air, all the water will be dried up.

Deputy Timmy Dooley: Now that they have control of many local authorities they want to pass the buck.

Deputy Terence Flanagan: They do not have the grit.

Deputy Timmy Dooley: That is hardly a score card that would see them promoted to the premiership of Government. We have seen where they want to create various authorities for water and roads to take away the responsibility of which they now have control. They have criticised the HSE in this House on many occasions——

Deputy Fergus O'Dowd: Is Deputy Dooley happy with it in Ennis? Does he praise them in Ennis?

Deputy Timmy Dooley: ——but yet it is a different agenda when they have control and are failing. I think Deputy O'Dowd would recognise that they are failing.

I pay considerable credit to the work of the staff in the local authorities who worked right throughout Christmas, many of them throughout the night and again during the day, together and in concert with local community groups in an effort to ensure these areas were gritted. We need more co-ordination. We also need to involve the rural social scheme and various different CE schemes under the auspices of the local authority in a co-ordinated way that gives effective management of the gritting.

Unfortunately, I do not have time to deal with the water issue. I hope we can come back to that because it is a serious issue in my constituency and I want to address it again.

Deputy Mary O'Rourke: We are those with three minutes — there has been four minutes and three minutes. Anyway, I am glad to contribute to the debate. I note, and cannot understand how, there is not a word in the Fine Gael motion about the Department of Defence, the role of the Civil Defence and the role of the Garda Síochána. They played a significant role in this, from the time of the floods. In Athlone, without them we could not have pulled through. To think that there could be a motion tabled in which there is not a word about the Army and Civil Defence, which both worked day and night for us——

Deputy Terence Flanagan: They are praised in it.

Deputy Fergus O'Dowd: They Government did not work for the roads for next year. They lost €1 million last year for strategic, regional and local roads. Deputy O'Rourke is talking bull.

Deputy Mary O'Rourke: There is not a word about them. All we can hear is yelping. I do not know what it is about, but it is certainly not good debate. However, I am happy to be part

of it and to pay tribute to those bodies of which I spoke and which came out in the most awful weather, put out their trucks and brought us all up around Clonown, Golden Island and Clonbunny where nobody else could go but in a high Army truck. Of course we never had weather like that. On top of the floods, we had snow and the frost and then we had water shortages.

It is a marvellous tribute to the bodies of which I spoke. Local authorities, which practically to every county, most amazingly, are chaired by Fine Gael or Labour, think they can put all the blame onto central Government.

We have learnt a deal through those four deluges — the real deluge, the snow, the frost and the water shortages.

An Leas-Cheann Comhairle: One minute.

Deputy Fergus O'Dowd: What about the Government deluge?

Deputy Mary O'Rourke: We have learned from experience. There is now a most definite body of information built up, upon which we can draw and which no doubt will add to the body of information which will be of great value — I did not get three minutes at all — in 100 years' time whenever there will be Dáil Deputies here debating equally miserable periods of weather.

They never spoke of meitheal and co-operation and people who suddenly got to know their neighbours who went and helped them. Of course there were some terrible experiences, but there were also some good heartening co-operative experiences where people just got out and did it, helped their neighbours, cleared their paths and got going.

Deputy Beverley Flynn: I welcome the opportunity to contribute. I commend the role played by my local authority in County Mayo during the recent bad weather because it had a strong co-ordinated approach that started in December and carried right through the Christmas period. The local authority did an excellent job, certainly in maintaining the national road network. We have an extremely long secondary, regional and county road network in County Mayo. In fact, when I met with the council over the Christmas period it highlighted to me that in Ireland there are 24 km of road per 1,000 of population. Comparing that with other countries in Europe, in Italy, for example, there is 6 km of road per 1,000 of population. It is clear that people's expectations that every county, regional or local road would be gritted were unreasonable. That was never to be the case. Certainly, they were successful in County Mayo in keeping the national primary routes open. Most strategic roads in the county were kept open, as was, I am happy to say, Knock airport, one of the only airports in the country. It closed for a few hours, but apart from that it was business as usual. I commend the local authorities, the Civil Defence, the Garda Síochána, the Army and everyone who played a part. I was pleased with the local response. Also, the local authorities provided an emergency response number and throughout the Christmas period people could contact the local authority. For example, if transport was required for a hospital appointment, the Civil Defence were on hand to enable people to get to wherever they had to go, especially where some people were cut off.

However, I am critical of the national response. It seems it is only when the snow hits Dublin that there is a national emergency. There could be snow and ice in every other part of the country but there would be no national emergency, but the minute the taxis cannot get around the city of Dublin, everything requires a national response all of a sudden. I am critical of this because the issue did not begin on the first week in January; it started in the middle of

[Deputy Beverley Flynn.]

December or on 18 December. It is important that the powers that be recognise that we live in this country and pay our taxes as does everyone else and we expect this to be recognised.

I refer to the supply of salt. Last year, my local county council used 2,500 tonnes of salt during the Christmas period. This year, it had to use 5,000 tonnes of salt but it had only 1,000 tonnes in storage. That is the full extent of its capacity to store salt. Even if the bad weather had been expected because of weather reports, it did not have the capacity to store more.

An Leas-Cheann Comhairle: I advise the Deputy that her time has concluded.

Deputy Beverley Flynn: It could not possibly be expired. I had three minutes to speak.

An Leas-Cheann Comhairle: There is now only——

Deputy Fergus O'Dowd: The Deputy has even less time now. This has taken 30 seconds.

An Leas-Cheann Comhairle: There are nine minutes remaining and three more speakers, one of whom is supposed to be allocated five minutes. That will not happen either.

Deputy Beverley Flynn: Did I get my three minutes?

An Leas-Cheann Comhairle: The Deputy has six seconds left.

Deputy Beverley Flynn: I have an issue in respect of the refunding of money to local authorities for expenditure on salt. There are serious issues, especially in my county where the roads are now in a bad state. I realise the local authority intends to assess the additional costs involved. This might be considered sympathetically by the Department in terms of providing additional money.

I refer to water. There are very serious problems in County Mayo and many people were without water during the Christmas period. I call for additional resources to be provided.

An Leas-Cheann Comhairle: Some eight and a half minutes remain for Deputies Seán Fleming, Charlie O'Connor and Mattie McGrath. The Deputies may divide time as they please.

Deputy Seán Fleming: I welcome the opportunity to speak on this matter because I am interested in this motion. I put on record my thanks to those in my local authority, including the workers and employees in County Laois for the excellent job they did. There are several major national primary routes throughout the county, including the Dublin to Cork and Dublin to Limerick routes, along with many national secondary routes. These were kept open at all stages. The idea of people coming here and stating the country was closed down is insupportable. That did not happen. All national primary routes were open at all stages. Most secondary routes were open at all stages. Most local roads were passable if people drove very slowly and it is important that people say as much. I thank the council in Laois for putting deposits of grit in key locations where local people could come and take a trailer load of grit and spread it on the roads near their houses, something that has not been done before.

I refer to the motion before the House. It is the cheapest political motion tabled for a long time and it deserves a political response. The motion calls on the Government to establish a single, semi-State water utility company to take over the responsibility of water investment and management on a national basis. Some weeks ago after the flooding, other people in Fine Gael stated there should be a national rivers authority to deal with drainage and flooding and that such matters should be done on a national basis. It seems every second week other members of the Fine Gael party come here and state that we should abolish quangos or that they should

not be established. Let us go through the record. Every second week in the House a Fine Gael motion seeks a new authority, but the following week it wishes to dismantle the authorities in place.

I refer to the real point because it is a very political motion. The leader of Fine Gael has lost all confidence in his party members in Seanad Éireann and he stated he would single-handedly abolish the Seanad were he in a position to do so. He forgot to mention during that interview on television that it is a matter for the people to decide. Now, there is a situation whereby almost all local authorities are managed, run or chaired by Fine Gael cathaoirigh. However, the national party of Fine Gael comes to the House demanding to take power from the local authorities

Deputy Ulick Burke: The Deputy did not introduce insurance.

Deputy P. J. Sheehan: We asked for money.

Deputy Seán Fleming: Next week, Fine Gael will be here demanding more power for local authorities.

Deputy Ulick Burke: The Deputy should go back and start again.

Deputy Seán Fleming: The party comes here and demands to take power from local authorities by way of dealing with the flooding and drainage of rivers and it wishes to set up a national semi-State company to handle and deliver water to our houses in County Laois. It is prepared to make a show of its local authority members. Perhaps it has lost confidence in its own local authority members' ability to run their business. This is an attempt to undermine local authorities and I am shocked that the Fine Gael Party would do so.

Deputy P. J. Sheehan: There were potholes as big as a lake outside.

Deputy Charlie O'Connor: I thank Deputy Fleming for stirring it up in the Fine Gael benches because I am not as experienced as other Government Deputies in dealing with the Opposition.

Deputy Fergus O'Dowd: Deputy O'Connor is on our side.

Deputy Charlie O'Connor: This is an important motion and I thank Fine Gael for tabling it. Reference has been made to Dublin, which is the capital city and it is only right that it should be kept open. I heard other comments to the effect that there are no farmers in parts of Dublin. People often believe there are no rural communities in Tallaght, but there are several. I received the same type of calls from such areas as Bothernabreena, Brittas and Ballinascorney that many of my country cousins received regarding the need for the council to be responsive. In fairness to the council, it did respond, although it needed a little prompting. By the way, South Dublin County Council is not controlled by Fine Gael; it is controlled by Labour and Sinn Féin, which is okay because they are nice people. It is very important that people like me are not afraid to speak up and not take this anti-Government stuff.

Deputy P. J. Sheehan: Hear, hear.

Deputy Charlie O'Connor: The fact is people should be able to cope. I do not get away very often but before Christmas I was in Stockholm for one day. The weather was worse than anything I observed during our weather crisis but they coped. Perhaps there is a lesson for us as a society.

Deputy Ulick Burke: The Deputy should tell that to the Minister.

Deputy Charlie O'Connor: In the case of the Government and all local authorities, especially my local authority, more preparation should be done. Local authorities should be ready for the weather because it seems because of climate change this will be the situation every year. I do not wish to be negative — it is not my nature to do so — but I received a letter from the office of the Ceann Comhairle, presumably on the advice of someone in the Department of the Environment, Heritage and Local Government, which informs me that effectively the Minister has no responsibility for water supplies. That will not put Deputy Charlie O'Connor off. As far as I am concerned, people are entitled to their water supply. If there are difficulties, people are entitled to know what is going on. I call on all local authorities to recognise this and I have said as much to my local authority. I pay tribute to the workers on the ground, especially in South Dublin County Council, for their efforts. There were communications difficulties. People should know what is going on. On Sunday, one radio station in Dublin stated that the only areas in Dublin where water was being cut were local authority areas, which is an absolute disgrace if it was the case. It was not the case but it is important that we raise these issues at the level of the national Parliament. I wish the Leas-Ceann Comhairle well for the remainder of the evening.

Deputy Mattie McGrath: I am very pleased to be able to speak to this motion. As others have done, I wish to praise the efforts of local county council outdoor staff, the Garda, the Civil Defence, fire brigades, families and communities. There was an emergency although it was not declared a national emergency but I have seen worse and I am not so old. There was a good deal of over-reaction. I take it on the chin at a national level. If not enough was done, I lay the blame at the door of the Minister for Transport. I have stated so publically and I state as much again this evening. There was not much point in his coming back from holidays, to which he is entitled. Some people made a joke about the matter, stating he could not do it or whatever. Leadership was needed and the public was willing, ready and able to the best of their ability to carry out the necessary work, but they could not get access to the tools of the trade.

I am delighted to hear previous speakers remark that some councils provided grit at certain stations. I am aware this was the case in Wexford and Laois. However, the director of services in South Tipperary County Council, Mr. Billy McEvoy, refused to engage. The IFA and FÁS offered to help as did ordinary people. I sourced thousands of tonnes of ordinary grit, not salt. Molasses are sometimes put on the roads now. They were first used on the roads in this country some ten years ago and it is possible to see the damage to the roads now. Ordinary common grit, run-off from a quarry, can be procured for €7 per tonne and collected from any quarry. This could have been acquired and made available for communities. I was able to get some for my village but I was informed it was a privileged village and this was the reason it received the material from the county council.

A good deal of blame may be placed here or there. Muintir na Tíre was one national organisation that set up manned help lines, but there were several others. I manned a local help line myself for several hours one Sunday. I was delighted to hear some of the calls. What was striking was not the number of people looking for help and assistance, but the number of people who offered assistance, including ordinary people from throughout the country who offered help in many ways. All that was needed was a structured system and for people to be able to help each other and our elderly.

Given the flooding in recent years a committee was established in Clonmel town. This provided a very good, quick response following the recent flooding. That template could be used elsewhere because, sadly, we have experienced several floods and have perfected it. I have asked our director of services, although he has not yet responded, to put that type of emergency

response committee in place throughout the county. It could be copied in many other counties as well. We can learn lessons from what happened and be ready for the next time it will undoubtedly occur.

Deputy Terence Flanagan: I wish to share time with Deputies O'Mahony, Burke, McHugh, Mitchell, D'Arcy, Creighton, McGinley and Sheahan.

An Leas-Cheann Comhairle: The time will be very tight. I urge speakers to confine themselves to the time allocation.

Deputy Terence Flanagan: I thank Deputy O'Dowd and Deputy Hogan for bringing forward this motion. It basically holds the Government to account for its poor response to the weather and water crisis, and calls on it to accept Fine Gael's proposal to set up a single water utility company which will be responsible for water supply and investment in this country.

The Government was clearly negligent in its extremely slow response to the weather crisis. No Minister came forward to take responsibility and speak to the media and the people or to reassure them that the situation was under control. There was, and still is, no national co-ordination plan for severe weather emergencies. This is clearly the reason the Minister's initial response was so weak. We were informed that a national plan was to be designed by the national emergency planning office several years ago to deal specifically with a severe weather crisis. However, it has been confirmed by the Department of the Environment, Heritage and Local Government that there is no such plan. To make matters worse, the Minister for Transport was away on holidays. He did not take the issue seriously and, as a result, people are very angry and disappointed with the Government.

Local authorities were unable to cope. Cities were crippled by snow and ice and the economy ground to a halt. Grit and salt were in very short supply. The Government sourced such material from outside the country rather than from quarries in this country. That bemuses me. We needed a co-ordinated response to the weather crisis but, sadly, we did not get it. The Defence Forces should have been deployed immediately, although they were in some local authorities, to help people to get out and go about their normal business. Military trucks could have been used to move people and supplies around, particularly in mountainous areas.

What Fine Gael seeks in a national plan is that it specify which routes take priority to be cleared and gritted. We need to ensure that our ports and major hospitals remain fully accessible and that transport routes are taken care of as a priority. Although we had a Government without a plan, we also had the local authorities who worked steadily on the ground. I commend the local staff of Dublin City Council and Fingal County Council in my constituency who worked extremely hard.

There is now a crisis with the water supply, which is worse for many people than the weather crisis. Some people in my constituency have their water turned off every day, without notice, explanation or warning through either the radio or the Internet. They do not know what is happening. For that reason it is crucial that the Government, as a priority, establish a single utility company to take responsibility for providing clean and safe drinking water to all residents in the State.

Deputy John O'Mahony: I am delighted to contribute to the debate and commend Fine Gael and Deputies O'Dowd and Hogan on bringing forward this motion. I noted Deputy Fleming's comment that it is a cheap political stunt by Fine Gael. I invite him and other Deputies on that side of the House to meet some of his party's supporters in my constituency. They would soon tell him whether it is a cheap political stunt.

[Deputy John O'Mahony.]

We experienced the flooding followed by the freeze. Now, we have the problem of the roads. The only consistency on the part of the Government throughout this period has been the pedestrian way it tried to deal or not deal with the problems. It was a pathetic response. As the country experienced temperatures of -10°C and below over the Christmas, I heard on the radio one evening that the Minister for the Environment, Heritage and Local Government had allocated some millions of euro. My immediate response was that it was great, but he had allocated it to deal with the flooding which had occurred two months previously. I read in a newspaper yesterday that the country is now being flooded with the salt that was needed a month ago. Now we are trying to get something done about the roads but we are told no money is available. That is unacceptable.

My colleagues and I met officials from Mayo County Council for a briefing on the situation. The county manager outlined the difficulties the council had and made it very clear that it does not have sufficient resources. A few kilometres of the Ballyhaunis to Claremorris road must be totally restored, but that will cost €2 million. Estimates of the cost of dealing with the roads in the entire county, even through mere repairs, range from €7 million to €8 million. In spite of this, local authorities have been told there is no extra funding. There must be extra funding. I accept that primary and secondary roads must be a priority. However, rural counties have the highest number of local roads in Europe and the people who were marooned on those roads are now being told the roads will not be repaired because there are no resources. The people living in those areas pay their taxes and deserve some consideration.

The initial response of the Minister to the three crises — the flooding, the freeze and the roads — has been to say that no money is available or to blame the local authorities. In other words, it is not the Government's fault. I received figures yesterday regarding reports commissioned by the Department of the Environment, Heritage and Local Government and the Department of Transport over the last three years. Overall, the reports cost over €6 million. The reports were commissioned in many cases to delay action that needed to be taken. Many of them have never been implemented. The people who are angry about the roads, the flooding and the freeze are the same people who see these figures showing the waste within the Government, yet they are told there is no money for a response.

I commend the motion. It deserves support. It offers a clear, concise plan, which is more than one can say about the response from the Government in the past three or four months.

Deputy Ulick Burke: I welcome the opportunity to make a short contribution on this important motion. In the aftermath of what were considered to be the most difficult climatic conditions this country has experienced for the past 40 years it is important to keep the Government's attention on the reality of what is happening on the ground. People continue to suffer, despite the fact that it is no longer on the television or on the front pages of the newspapers.

I wish to focus on two issues. I must be fair and point out that the Minister of State, Deputy Mansergh, came to County Galway as a result of the flooding and subsequently attended a mass meeting of people in the Minister of State, Deputy Finneran's, constituency and in the constituencies adjoining the Shannon. The only thing he could say on the day was that he would take the lead role in organising the other agencies that had a contribution to make towards the regulation of the water in the Shannon, namely, the ESB, Inland Waterways, Shannon Navigation, inland fisheries and other agencies. These floods will recur for as long as the Minister of State or some other Minister does not take responsibility for a single authority for the Shannon. On the other side of my constituency, in south Galway from Gort to Craughwell and on towards Kinvara, a huge area is still flooded as we speak tonight, not to

the same depths as it was before Christmas, but the reality is that €1.6 million was spent eight years ago on a study to alleviate flooding in that area. Not one shovel of clay has been taken from the ground to relieve the flooding there.

I contend, based on what I heard from various Ministers on the ground, that some Ministers in the past contributed to the fact that work was prevented from being done. The National Parks and Wildlife Service — Dúchas formerly had responsibility for this area — is lurking on the edge of the floods to move in and tell people they cannot do something because of the fauna and flora. I invited and challenged them to come to south Galway and see what was left behind and the damage which was done to wildlife, fish, birds and all the rest, and it did not have a word to say. No farming community would ever have had such a dramatic influence and killed off so many of the precious areas it had cleared.

People's livelihoods are far more important than other items. It is a disgrace that the Tánaiste, the Minister and the Government have not called in the insurance companies and told them they will have to provide quotes for re-insuring the houses in Ballinasloe and south Galway which they will not cover under any previous insurance policy. I can furnish the Minister with the names of the companies. She will have to take action, despite the fact that she refused to do and said she cannot do so, even through legislation, to provide additional cover for those who are now being denied it by the companies concerned.

Deputy Olivia Mitchell: Listening to the talking heads over the past two weeks on radio and television giving advice about what should happen next in Haiti, one could not help but think how singularly ill-qualified we are in Ireland to advise anybody, even on a minor crisis and not a disaster such as happened in Haiti. As I only have two minutes I will make two basic points, the first on what should happen now so that what has become an annual breakdown of public services does not become the norm when we have some extreme weather conditions.

I wish to pay tribute to the workers in my local authorities which cover my constituency, that is, Dún Laoghaire-Rathdown County Council and South Dublin County Council. There have been criticisms across the country that local authorities were too late or their responses were inadequate but the reality is the personnel in my constituency, given the conditions in which they were working and the constraints they were under, were nothing short of heroic and still are because we still have a major problem with water. They were working throughout this period with their hands tied behind their backs, largely in isolation from what was going on in other local authorities, lacking national direction and without resources and information. In a crisis the gathering and communication of information across the country is vital but that was lacking. Inevitably, the local authority response was fragmented.

The flooding, snow and water were national crises and needed a national response. The water and snow does not observe county boundaries and the reality is that no one county council could possibly see or deal with the full picture. We have a national Government to deal with a national crisis because only it is in a position of oversight. It can see the overall picture and the local weaknesses, communicate with the public, gather information and generally co-ordinate the response. The bottom line is that extreme weather conditions will now be the norm. That is what we are being told. We should prepare now and not wait until next winter to provide a template as to how the Government will respond in emergencies such as this and how it can ensure co-ordination of all the other agencies providing services on the ground.

My second point is more strategic and concerns how we ensure extreme weather conditions do not become an emergency, but rather that they will become the norm and we can deal with and anticipate these events. My colleagues have spoken about Fine Gael's proposal to create a national utility company to provide a massive investment in water infrastructure, not just to

[Deputy Olivia Mitchell.]

meet current demand but to drive the economic recovery. I heard the Minister refer to a 1% replacement of pipes every year. We might as well throw our hat at the problem if it will take 100 years to replace the pipe system. In Dublin the water network is Victorian and is already haemorrhaging water, so we will not get anywhere if we have such a low level of replacement. The Minister cannot divert vital capital spending which is needed for the roads in order to replace water pipes.

All of the large building projects which started during the Celtic tiger are finishing this year, including the building of terminal 2, the inter-urban routes, the conference centre and the stadium, so this is the time to put a huge capital investment injection into the economy, provide the kind of stimulus package and vital infrastructure which is needed, and at the same time ensure we have water and roads for the recovery of the economy.

Deputy Michael D'Arcy: I compliment the local authority staff who did such good work in the difficult weather conditions we had in the past number of weeks. However, there were enormous failings and the primary source of that failing was at governmental level. I am not criticising the Minister, Deputy Dempsey, for being on holidays but I am criticising him sternly for there being nobody in his stead while he was away. I telephoned the Department of Transport and was unable to speak to anybody. Nobody was in charge. I also telephoned the Minister, Deputy Gormley, but nobody was in charge. I did so because there was a difficulty in Wexford regarding the spreading of grit by private individuals.

The local authority was prepared to make grit available for the county roads which were not going to be gritted and were not part of the winter maintenance programme. As a result, the roads concerned would be left in a dangerous state. A decision needed to be made by the director of services with no guidance from any Minister or Department. I compliment the director of services in Wexford, Mr. Adrian Doyle, who took the decision to make 600 tonnes of grit available for the farmers of the county to spread. Many farmers spread it with large agricultural machinery and lime spreaders. I described it on local radio as like putting a suitcase into the boot of a car. Some 600 tonnes were spread on the 3,400 miles of county roads in Wexford. The five gritting machines owned by the local authority in Wexford were spreading some 30 tonnes per night, and 600 tonnes were spread by the farming community within three days.

Those roads, as the Leas-Cheann Comhairle knows, would not have been gritted. The director of services had to choose between leaving roads unsafe and dangerous because of health and safety. It was a farce and the fact the offices of the Minister for Transport, Deputy Dempsey, and the Minister for the Environment, Heritage and Local Government, Deputy Gormley, were not available left much to be desired.

Deputy Lucinda Creighton: When I was elected to this House two and a half years ago I never expected to find myself participating in a debate to discuss a bit of snow, a drop of rain and a few frozen pipes. It is extraordinary that we have reached this magnitude of a crisis on the basis of something which should be simple. It is an indictment not only of our national Government but of our local government structures in this country. It also speaks volumes about the lack of accountability in local authorities at a local level.

How have we arrived at this point? We have seen 14 or 15 years of a so-called boom, the Celtic tiger, where we know money was squandered and in which there was no investment in vital infrastructure. It is interesting to listen to Ministers talk a big game about broadband infrastructure, building highways across the country and becoming the most competitive economy in Europe when we cannot even manage to invest in the most basic infrastructure for

human This came to the fore during the recent fiasco, the handling of which was extraordinary. I will speak of my experience in the Dublin City Council area. That parts of my constituency have not had water for up to four weeks is an indictment of the political system at all levels but especially of the Government's failure to provide the resources required to invest in vital infrastructure. To cite one example of the impact of the crisis, a well respected and world renowned chain of hotels based in my constituency almost had to close down and relocate hundreds of guests visiting for an international conference because it was not notified in advance by Dublin City Council that its water was to be turned off. We managed to have the water supply restored for a period, thus avoiding such a scenario. To describe this incident as unprofessional or a national embarrassment is to put it mildly.

Families in my constituency still do not have water and have no idea when it will be restored. It is clear that a number of measures must be taken. First, meaningful Government investment, as opposed to token gestures by the Minister, must be made in an effective and adequate water piping system in Dublin and other counties. Second, a national response unit must be established, which can step up to the plate in the event of crises of this nature recurring in future. The recent crisis caused major economic destruction for businesses, small and large, across the country, not to speak of the inconvenience and damage it caused families.

Deputy Dinny McGinley: It is right and proper that the House debate the recent big freeze, the worst since 1963, which paralysed the country. That so little was done and Ministers were nowhere to be seen throughout the period illustrates the lack of leadership in Government. Like Deputy D'Arcy, I do not blame anyone for going on holidays. However, there was no one to take the place of Ministers until the crisis was almost over. In addition, salt and grit were not available to make our roads safe and an overall plan was lacking. If we are to learn one lesson from the 30 days the freeze lasted, it is that we should be prepared in future.

County Donegal was brought to its knees and its road infrastructure ruined by the big freeze. Of the 6,300 km of road in the county, the local authority succeeded in gritting 1,200 km or 20% of the network. As a result, 80% of the county's roads were left untreated and communities throughout the county were left isolated and exposed to the elements.

I acknowledge the work done by the Defence Forces, Civil Defence and, in particular, the mountain rescue teams who delivered food parcels to those living in mountainous areas and helped them survive the crisis. I also compliment communities on their response. I would have been marooned in my townland for weeks if my neighbours had not spread sand deposited on the roadside by the council shortly before Christmas. While I acknowledge the work done by the local authorities, the resources at their disposal were inadequate.

Travelling through most of County Donegal in the past week or two, I found that the county's roads are devastated. An engineer informed me that the damage is known as frost heel. Perhaps the Minister of State is aware of it. The "Back of Errigal" road, which was not gritted, is almost impassable in parts. Last Friday, I travelled from Lifford to Porthall to St. Johnston on a road which can only be described as Third World. These damaged roads must be repaired. I hope the Government will refund local authorities for the work they have carried out. The Donegal county manager stated last Friday that the big freeze has so far cost €4 million.

At the best of times, 42% of water in County Donegal is unaccounted for. During the freeze, water consumption increased by 35%, which is a story in its own right. County council staff dealt with leaks night and day but large tracts of the county were left without water during the crisis. Major investment is required to ensure almost half of our water is not lost and guarantee an adequate supply of water. Substantial resources will also be required to fix the roads. The neglect of the past must be put right as soon as possible.

Deputy P. J. Sheehan: I speak tonight to represent the people of west Cork, in particular, the people of Bandon, Skibbereen and Clonakilty who were badly affected by flooding in recent months. While I will concentrate on Bandon and the Bandon river to highlight the issues that need immediate attention, similar problems arise with regard to the Ilen river which flows through Skibbereen and as a result of flooding in Clonakilty town.

The Government needs to immediately remove all obstructions from the river beds and banks, including trees, rocks and debris, from five miles north of Dunmanway to Innishannon in the Bandon river and from Caheragh to Skibbereen rowing club on the Ilen river estuary. It must provide emergency dredging along the length of both rivers and ensure the cleaning of all drains and road shores in the affected areas. It must also provide the necessary funding for proposed sewerage schemes in order that construction can start immediately, particularly where the scheme would separate storm water from sewage. All breached flood walls must be replaced immediately and investigations must be carried out in areas where drainage problems occurred.

With the abolition of the arterial drainage scheme 30 years ago, the national programme for dredging or clearance of shrubbery on our rivers ceased. I spoke on this issue only last November when I proposed local emergency plans. The national emergency committee was slow to react in the case of the flooding and, more recently, during the period of sub-zero temperatures. I call on the Minister to create local emergency co-ordinating committees on a pilot basis in different parts of the country. These should, in the first instance, investigate the cause of the flooding, propose remedies to prevent or limit the recurrence of flooding and draw up plans to cope with the consequences of a recurrence. They should be able to establish local centres for emergency services.

As the Fianna Fáil-led Government has failed at national level to cope with these problems, we need to make greater use of local organisations to build a co-ordinated network to provide local volunteers. Temporary flood barriers should be available at short notice. We need to ensure comprehensive plans are in place to provide clean drinking water, emergency lighting systems and the restoration of power.

The Green Party promoted grants for the insulation of homes on energy efficiency, environmental, economic and employment grounds. I propose that the Minister for the Environment, Heritage and Local Government and member of the Green Party, Deputy John Gormley, create a similar scheme to allow those living in flood risk areas to install flood protection measures in their homes. I also ask him to introduce clear legislation regarding the legal implications of clearing footpaths of snow and ice by residents and business owners.

The Maltese snowman, also known as the Minister for Transport, is reported to have said he could not think of one other action that could have been taken if he had been in the country in the four or five days prior to his return to the country. If that is the case, perhaps he should reflect on his position, melt away and make way for someone else with one clue about how to do things better.

Nero fiddled while Rome burned. Our Minister for Transport sunbathed while his constituents and the people of Ireland froze and shivered at home.

An Leas-Cheann Comhairle: Go raibh maith agat.

Deputy P. J. Sheehan: Look at the disaster that took place in Cork when millions of gallons of water were released from an ESB dam——

An Leas-Cheann Comhairle: I call the Minister of State, Deputy Michael Finneran.

Deputy P. J. Sheehan: —on the night of the flooding. The Kingsley Hotel was destroyed, one of the finest hotels in the south.

An Leas-Cheann Comhairle: Please, Deputy. The Deputy got a bonus minute and I shall take an extra one.

Deputy Fergus O'Dowd: It was a Malteser.

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I feel aggrieved to have stopped that fine representative from west Cork in full flow. I compliment him. He made some positive suggestions which many others did not.

This debate has been timely following the severe weather which we experienced recently. Like other contributors, I wish to record the Government's appreciation of all the people who responded to the ice and snow conditions and the assistance they provided to their fellow citizens. I hope the community spirit which we witnessed will continue and grow in strength. Rather than being negative about the experience, we should look at what went well, as well as those areas on which we can reflect, with a view to making improvements regarding response to future severe weather events.

As regards the response of local authorities, they used the co-ordination and inter-agency arrangements set out in the framework for major emergency management. Initial reports indicate that the arrangements worked satisfactorily, having regard to the emerging issues. Let us not forget that one of the major issues was maintaining the accessibility of the transport network. The local authorities kept the key strategic roads and public transport routes open for use and deserve to be commended for their work, which was carried out throughout the Christmas period. In addition, the majority of bus services continued to operate, albeit with some cancellation or curtailments during the worst of the snow. Airports were closed for short periods.

Another area which gave rise to concern was the supply of salt for the roads and the ice on footpaths. Local authorities generally maintain ten days' supply of salt for gritting the priority roads and this is more than adequate for most years. The extent of the extremely low temperature resulted in rapid depletion of supplies. Due to demand throughout much of Europe, difficulties were experienced in sourcing new supplies but additional shipments were received. As was clear from television reports, the position in other continental countries was more severe than in this country.

We can learn from the experience. The Department of Transport will examine matters connected with the supply, use and distribution of salt for roads and footpaths. Extra stocks of salt and the necessary storage facilities will need extra funding and this has to be measured against the anticipated requirements. Another area to be considered is the situation of householders and businesses in urban areas clearing snow and ice from footpaths outside their premises without incurring any liability for negligence. Such clearance led to many personal injuries which impacted severely on individuals as well as increasing the demand on the health service.

A second major issue related to a number of weaknesses in our water services infrastructure. The problems experienced included the standard of installation of water piping both outside and inside premises, leakage from the water distribution system and conservation in the use of water. The initial difficulties arose mainly from frozen supplies, but as the thaw set in further damage was caused by moving ground. Typically, over a fortnight period, demand was up to 25% greater than the maximum water treatment capacity in most authorities. This was as a

[Deputy Michael Finneran.]

result of both leakage and some consumer usage to avoid frozen domestic pipes. Demand has been progressively reduced through the efforts by local authorities to find and fix leaks and manage supplies, and through conservation by consumers. I commend the many local authority workers who responded to these events, working long hours, often in difficult conditions, to restore supplies, and to find and fix leaks

Targeting of investment on water conservation to reduce the loss due to leakage in the distribution system will be included in the water services investment programme for 2010-12, which will be launched next month. Record levels of investment has been made in recent years and this year some €508 million has been allocated, an increase over the 2009 provision for water services. The priority projects required will be reflected in the next water services investment programme. Local authorities will highlight the need for water conservation in their publicity campaigns and the Department will contact local authorities concerning the adequacy of water supply installations for coping with freezing conditions.

From my perspective as Minister of State with responsibility for housing, I compliment the agencies who deal with homeless people and the members of my Department and outreach workers who successfully looked after homeless people in our cities, towns and villages. We are glad to say that during the entire period no weather-related death was recorded in this country. We look across the water where 30 deaths were recorded. Hundreds of deaths were recorded across Europe. It is important that we reflect on the good work of such people who deal with those who find themselves in a very difficult situation. They were in a position to say that nobody needed to sleep rough during that period.

The severe weather period tested the public bodies' response capabilities. In so far as we cannot control weather events, we must review the adequacy of our responses to ensure they are fit for purpose to respond to severe weather events and, in so far *as* possible, to minimise disruption to normal daily activity. The measures to be taken by the Department of Transport and my Department will improve the future response to a recurrence of severe weather from snow and ice.

An Leas-Cheann Comhairle: I take it that Deputy Bannon proposes to share his time.

Deputy James Bannon: I am sharing my time with Deputy O'Dowd and I thank my colleagues, Deputies O'Dowd and Hogan, for bringing this very important motion before the House.

Fine Gael is the only party that has formulated plans to restructure Ireland's water supply through the establishment of a single water semi-State utility company. The recent extreme weather conditions of flooding, snow and ice highlighted the fact that the Government was in no way prepared to roll out a rapid and effective response to unusually severe conditions, as judged by this country's normal standards. By international standards the weather that brought this country to a standstill was relatively unremarkable, as visitors who saw us struggling to cope were quick to point out.

I am disappointed in the Minister of State, Deputy Finneran, who, although a County Roscommon-based Deputy, has not worked to establish a River Shannon authority to manage water levels and bring them under control in severe weather conditions and excessive flooding. This call comes loud and clear from all the people of the midland counties. If the Minister of State had been present at a meeting two weeks ago he would have heard that single message coming from the people on the night. We had geography and history lessons from the Minister

of State, Deputy Mansergh, that night, but no action. I expect Deputy Finneran to deliver on the promises made by a number of Fianna Fáil Deputies and councillors with regard to the establishment of a River Shannon authority. This has been called for by Fine Gael for a great number of years.

However, lacking a Government response to the climatic conditions, the fall-out was far worse than it should have been. Services ground to a halt and chaos and hardship ensued. In the midlands, recent bad weather brought major incidences. There were burst mains in counties Longford and Westmeath, in the towns of Mullingar, Granard and Longford town. Reservoirs in both counties——

Deputy Michael Finneran: A Private Members' motion in the Seanad addressed that.

Deputy James Bannon: I did not interrupt the Minister of State. Reservoirs in both counties, which urgently need upgrading——

Deputy Michael Finneran: The Deputy should read the record.

Deputy James Bannon: ——ran low, leading to a major shortage of water for domestic and business uses. Many of the water schemes in Longford and Westmeath and across Ireland date back to the 1960s and 1970s. They still have asbestos piping which urgently need upgrading. None of this has been done, nor is likely to be unless urgently needed extra funding is provided. Such inefficient, outdated water networks have contributed to the recent problems as has the failure of some developers to comply fully with planning permissions.

The residents of the Drumlish area of County Longford lost their domestic water supply before the Christmas break, on 21 December, and an unreliable supply continued well into the new year. On complaining to the water services section of the council, they were told it must be a local problem because there had been no shut-downs. On 26 December some water was restored but at a very low pressure. Services were withdrawn totally again on 31 December and it was well into January before they were restored. Christmas was completely spoiled for these people and, ultimately, no one took responsibility.

As everyone is aware, water supplies were not the only casualty of the weather. Roads throughout the country were severely damaged and now pose a serious health and safety hazard. The road between Ballinacarrig and Mullingar was closed for long periods last week as a result of the craters people encountered on it as they travelled towards Mullingar. Our roads must be restored as a matter of urgency and additional funding must be provided in this regard. Six months after the completion of any water scheme, a local authority should be obliged to return in order to deal with any subsidence that has been caused. If additional funding were provided to repair any such deterioration, considerable financial savings could be made.

In light of cutbacks of 32% imposed by the Department of Transport in respect of budgets relating to regional and local roads, the problem caused by weather damage has been exacerbated. The Government is out of control and its incompetence knows no bounds. In the coming months, its members will be given a lesson by the people.

Deputy Michael Finneran: The Deputy should not hold his breath in that regard.

Deputy Fergus O'Dowd: On my behalf and that of Deputy Hogan, I wish to thank all those who contributed to the debate on this matter. The first matter we must address is what actually happened during the Christmas period. We must also examine what is the public perception in

[Deputy Fergus O'Dowd.]

that regard. Regardless of whether the Minister for Transport, Deputy Noel Dempsey, was in the country, it did not appear that anyone else was in charge. The cold snap had been ongoing for almost two weeks before the national emergency response committee was convened. A fundamental charge relating to a lack of interest, concern, authority and leadership can be levelled at the Government in respect of this matter. There is no doubt that this charge has proven to be true. The response of the Government was completely inadequate and came too late.

There is a reason Government's response, particularly as it related to the road network, was not good enough. In budget 2009, an allocation of €607 million was made in respect of the road network. However, in April of last year the Minister, Deputy Dempsey, imposed a cut of €200 million. As a result, local authorities did not have the funding necessary to carry out repairs to scores of country roads that were damaged as a result of the recent freezing weather.

The local and regional network plays an important economic role and fulfils valuable social and community functions. Some 94% of all roads are either regional or local roads. They carry approximately 60% of all traffic and 43% of all goods traffic. Let us examine the cuts the Minister introduced in April of last year.

First, he made a cut of over €80 million in the restoration improvement programme for regional and local roads. Over a year ago, the local authorities, the Minister and his Department recognised that there was a significant problem with regard to our local and regional roads. However, funding for the restoration improvement programme was cut by one third or over €80 million. The second cut was one of €18 million in respect of strategic regional and local roads. In total, the budget relating to regional and local roads was cut by €173 million. In light of this reduction in the level of funding, it is no wonder that the roads could not be maintained and that the position relating to them has reached crisis point.

Reference was made to Third World countries. Roads in many rural areas have completely disintegrated and that has a significant and adverse impact on local economies. There are a number of issues which obviously cannot be addressed this evening but they must be dealt with in the future. Questions arise with regard to land use planning, rural development and planning general. If local economies are closed down because it is not possible to negotiate the roads, if people's properties have been flooded, if farmers cannot get around their farms or if workers cannot travel to their places of employment without be obliged to make massive detours, then it is obvious that the Government has not shown leadership in the context of dealing with this issue.

The Minister for Transport was obliged to make the appalling cuts to which I refer last year and to cut the budget again this year as a result of the structural deficit that exists on foot of Fianna Fáil's mismanagement of the economy over many years. In recent years it has been joined in that mismanagement by the Green Party. It is time we changed the way things are done. A new planning system must be put in place. Notwithstanding what the Minister of State, Deputy Michael Finneran, stated earlier, I was not aware that the Government had any proposals to tackle the crisis relating to our country roads.

Deputy James Bannon: More of the same.

Deputy Fergus O'Dowd: As many speakers indicated, €300 million will be needed to repair our disintegrating road network in order that local economies might function. There is also the

issue of road safety. Potholes are extremely dangerous, particularly newer ones which people do not expect to come across while driving.

Deputy Michael Finneran: An application has been made to the European Union in respect of this matter.

Deputy Fergus O'Dowd: I am glad to hear it. However, the Minister of State did not point that out during his contribution.

We can do more ourselves without being obliged to rely on Europe. Many of the works that need to be done locally are, in effect, shovel-ready in nature. In other words, they require intensive labour and the provision of some materials. The use of massive earth movers, engineers or consultants would not be required in respect of such projects.

The Government should reconsider the position with regard to the National Roads Authority's budget for next year. Some of the money contained therein may not yet have been contractually committed and there is a case to be made to reallocate it in respect of the works that need to be carried out immediately. Priority should be given to regional and local roads at this time rather than to commencing projects relating to new national roads. This is a constructive method by which the Government could reallocate the money to which I refer in order to deal with this crisis. It could also provide the type of leadership it has to date refused to give.

In our motion we commend the work of local authority workers, gardaí and members of the ambulance service. I do not wish to denigrate what the Minister of State said in respect of their being no deaths during the recent cold snap. If that is the case, I welcome it. However, hundreds, if not thousands, of people ended up in hospital with fractured bones during the cold snap. These injuries came about as a result of their falling on footpaths and roads which, due to a lack of resources, could not be gritted by local authorities.

Clarity is required in respect of people clearing the footpaths outside their homes of snow and ice. Several Ministers commented on this matter but it is time a definitive statement was issued by the Government in respect of it. If the law needs to be changed, then so be it. If people act in good faith in clearing a footpath or roadway, then they should not be liable for injuries caused to others.

I wish to praise the National Roads Authority, particularly with regard to the information it provided on its website in respect of road surface and air temperatures on critical national transport routes. Such information is extremely important and useful. Heretofore, no one other than local authorities were aware of the existence of such information but now everybody can check it. The authority provides a very good service in this regard but perhaps the number of temperature measuring points could be increased so that even more information might be provided. I commend those who worked day and night to keep our airports open and, by extension, to keep our economy going.

Fine Gael is of the view that the roads fell into such disrepair as a result of the cuts that were administered in last year's budget. The restoration work which should have been carried out did not take place and the recent cold weather only exacerbated the position. Money must be provided now in order to repair regional and local roads. The rural economy, particularly that of the west, has suffered greatly as a result of the flooding which occurred before Christmas and the fact that road surfaces are in such a desperate state.

[Deputy Fergus O'Dowd.]

Road safety is central to road improvement programmes and maintenance work. It is supposed to be a key plank of the Government's road investment programme yet this deep freeze has left scores of roads pot-marked with potholes the size of craters or disintegrating completely. Fine Gael calls on the Ministers for Transport, and the Environment, Heritage and Local Government to immediately release emergency funding through the National Roads Authority to restore these roads. The Government's ongoing refusal to acknowledge its role and its willingness to allow roads to deteriorate further will cost taxpayers more in the long run and place drivers at even greater risk. Investing in repairs now is the answer. It will cost a hell of a lot more if it is not done now and it will destroy the local economy.

Amendment put.

The Dáil divided: Tá, 73; Níl, 59.

Tá

Ahern, Bertie.
 Ahern, Dermot.
 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.
 Collins, Niall.
 Connick, Seán.
 Coughlan, Mary.
 Cregan, John.
 Cuffe, Ciarán.
 Curran, John.
 Devins, Jimmy.
 Dooley, Timmy.
 Finneran, Michael.
 Fitzpatrick, Michael.
 Fleming, Seán.
 Flynn, Beverley.
 Gogarty, Paul.
 Gormley, John.
 Grealish, Noel.
 Hanafin, Mary.
 Harney, Mary.
 Haughey, Seán.
 Healy-Rae, Jackie.
 Hoctor, Máire.
 Kelleher, Billy.

Kenneally, Brendan.
 Kennedy, Michael.
 Kitt, Michael P.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 McEllistrim, Thomas.
 McGrath, Mattie.
 McGrath, Michael.
 Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M.J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Brien, Darragh.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donoghue, John.
 O'Flynn, Noel.
 O'Hanlon, Rory.
 O'Keefe, Batt.
 O'Keefe, Edward.
 O'Rourke, Mary.
 O'Sullivan, Christy.
 O'Sullivan, Maureen.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Ryan, Eamon.
 Sargent, Trevor.
 Scanlon, Eamon.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Mary.
 Woods, Michael.

Níl

Allen, Bernard.
 Bannon, James.
 Barrett, Seán.
 Broughan, Thomas P.
 Bruton, Richard.

Burke, Ulick.
 Byrne, Catherine.
 Clune, Deirdre.
 Coonan, Noel J.
 Costello, Joe.

Níl—*continued*

Coveney, Simon.
 Crawford, Seymour.
 Creighton, Lucinda.
 D'Arcy, Michael.
 Deasy, John.
 Deenihan, Jimmy.
 Doyle, Andrew.
 Durkan, Bernard J.
 English, Damien.
 Feighan, Frank.
 Ferris, Martin.
 Flanagan, Charles.
 Flanagan, Terence.
 Gilmore, Eamon.
 Hayes, Tom.
 Hogan, Phil.
 Howlin, Brendan.
 Kehoe, Paul.
 Kenny, Enda.
 Lee, George.
 Lynch, Ciarán.
 McCormack, Pádraic.
 McGinley, Dinny.
 McGrath, Finian.
 McHugh, Joe.

McManus, Liz.
 Mitchell, Olivia.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Donnell, Kieran.
 O'Dowd, Fergus.
 O'Mahony, John.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Penrose, Willie.
 Perry, John.
 Ring, Michael.
 Sheahan, Tom.
 Sheehan, P.J.
 Sherlock, Seán.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Tuffy, Joanna.
 Upton, Mary.
 Varadkar, Leo.

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

Amendment declared carried.

Question, "That the motion, as amended, be agreed to," put and declared carried.

Adjournment Debate.

Hospital Services.

Deputy Tom Sheahan: The PET scanner I shall refer to has nothing to do with pets. It is a positron emission tomography, PET, scanner which shows how an organ works or how a damaged heart, for example, is functioning. It shows blood flows through the brain and can indicate potential tumours. It is used in areas of cardiology, urology and oncology.

Last May I asked why the HSE had not employed an operator for the PET scanner at Cork University Hospital, as people had to go to Dublin to have this scan. The reply was to the effect that the completion date for the building works was June 2009, and that there would be an equipment installation period. I am sure when that reply came, from the HSE last May, it did not envisage a nine month installation period for the equipment.

This equipment cost €3.8 million and is sitting idle because the HSE cannot afford to put a person in place to operate it. Hence people in the south are being sent either to the Mater Hospital or St. James's Hospital in Dublin for this scan, at their own expense. In 2008, some 108 PET scans were referred from the HSE south area. We do not know the figure for 2009, but the 108 PET scans in 2008 cost the HSE south €250,000, despite having €3.8 million worth of equipment lying idle because there was no operator.

The HSE has described the PET scanner as being crucial in the management of cancer patients as it allows more accurate diagnoses. It allows more accurate diagnosis of cancer. In addition, the PET scanner will augment the delivery of cancer services in the HSE south region.

[Deputy Tom Sheahan.]

When cancer services were withdrawn at Kerry General Hospital, we were promised that we would have a centre of excellence for such services at Cork University Hospital. A vital component of that would be the PET scanner which has been purchased. In addition, the building has been constructed. In May 2009, I asked the question and was told that the completion period would be in September. However, here we are, six months later, and the PET scanner is not yet up and running. This is causing a lot of distress to people. For anyone suffering from cancer, the idea of having to travel to Dublin for such treatment is unthinkable. Those suffering from cancer will not make a big issue of the cost of going to Dublin for this treatment, but it is inconvenient. When people are sick the last thing they want is to have to take the road to Dublin for a PET scan. The equipment is in Cork University Hospital at a cost of €3.8 million, but it is not operational because there is no staff member there to run it. I ask the Minister of State to get that PET scanner up and running in Cork University Hospital as soon as possible for the benefit of those patients who need it.

Minister of State at the Department of Health and Children (Deputy John Moloney): I am responding to this Adjournment matter on behalf of my colleague, the Minister for Health and Children, Deputy Mary Harney, who unfortunately cannot be here this evening.

I thank the Deputy for raising this matter. PET-CT scanning is one of a number of sophisticated diagnostic tools used in the acute hospital setting in the diagnosis and management of disease. In 2006, the HSE decided to procure a PET-CT scanner for Cork University Hospital. Construction of the new facility and installation of the scanner was completed in 2009.

In order to implement savings on public service numbers, the Government decided that, from March 2009 to the end of 2010, no public sector post may be filled by recruitment, promotion or payment of a higher duties allowance. A HSE circular gives effect to the Government decision and other specific aspects of the employment control framework for the health services.

While the Government decision applies to all permanent and temporary staff, including nursing staff, there are specific exemptions. For the health service, the employment control framework specifically exempts the following front line grades 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 allows for growth in numbers in those posts within the overall approved employment ceiling for the health sector. In addition, special provisions apply in relation to certain specialist grades under the national cancer control programme. The Government decision was modulated to ensure that key services are maintained as far as possible in the health service, particularly in relation to children at risk, older people and people with disabilities.

Health employment levels are monitored by the joint employment control monitoring committee, which comprises officials from the Department of Health and Children, the Department of Finance and the HSE. This committee also reviews implementation of the moratorium and any issues arising. A process is in place to fill critical vacancies and formal approval is required for non-exempted posts. Where approval is granted, recruitment then takes place.

With regard to Cork specifically, and staff required for the PET-CT scanner, the HSE has identified posts required to operate the scanner and has begun the application process for approval to fill non-exempt posts. Until the PET-CT in Cork University Hospital becomes operational, patients will continue to travel to St. James's Hospital or the Mater Hospital in Dublin, with whom the HSE has service level agreements for the provision of PET-CT services.

In 2009, a total of 108 patients from the Cork and Kerry region were referred to St. James's and the Mater hospitals in Dublin, in line with service level agreements in place.

The HSE is working to bring this project into operation as soon as possible to ensure that the people of Cork and Kerry have easy access to the most advanced diagnostics available, thus ensuring that better outcomes are achieved for patients.

Accident and Emergency Services.

Deputy Joe Costello: This day last week we had the largest recorded number of patients sitting on chairs and lying on trolleys, waiting to be admitted to beds and receive treatment in accident and emergency units throughout the country. The previous occasion on which numbers were close to that was in 2006. Last Wednesday, the numbers reached 500 and four years ago it was 495. On that occasion, the Minister for Health declared a national emergency, but she did not declare any emergency last Wednesday. On umpteen occasions the Minister has declared that she would sort out the accident and emergency problems, but clearly she has not done so. These are not just statistics — they are ordinary citizens, generally elderly people. They are all sick, having suffered in one way or another and are awaiting emergency treatment. They should not be sitting in such appalling conditions, waiting for long periods — very often overnight or two nights in a row — without any changing or proper toilet facilities. It is appalling in this day and age. It is not good enough that this situation should be continuing now, without any alleviation over the past ten years. We are raising the issue to impress upon the Minister that accident and emergency is the interface between the patient and hospital services. Unless this is improved we are subjecting our most vulnerable citizens to the most appalling treatment facilities. They receive excellent treatment when they get into the hospital proper, but the interface stage is absolutely atrocious. I do not know what it means for the Minister to declare a national emergency, but she should take this matter seriously. During the last floods, a section of the accident and emergency unit in my own local hospital, the Mater, fell down and is now in an even worse condition than it was before.

Deputy Jan O'Sullivan: If it was an emergency in 2006 with fewer people on trolleys, I challenge the Minister to say why it is not an emergency today. Why is the Government not addressing this issue? Some 365 people were on trolleys today, of which the largest number, 41, was in the constituency of my colleague, Deputy Ciarán Lynch, in Cork University Hospital. The second largest number, 33, was in the Mid-West Regional Hospital, which is in my own constituency. Coming in third, was Tallaght Hospital which is in the Acting Chairman, Deputy O'Connor's, constituency. This situation simply cannot be tolerated any longer. I have been talking to people on the telephone who are on trolleys in corridors. In the Mid-West Regional Hospital, which has a very small accident and emergency department, the trolleys are now in wards, corridors and almost out into the hospital's reception area. We are talking about sick people who need attention. They have a right to acute care, as well as respect and privacy. It is simply unacceptable that they are on trolleys awaiting medical attention in public areas. I urge the Minister to intervene.

In effect, people who are far away from accident and emergency departments are saying that they are focusing on community care and step-down beds. The reality, however, is that those resources are not in the community, including step-down, rehab and long-term beds. They cannot discharge people from our acute hospitals. Almost 900 beds are closed at the moment and 1,000 more are scheduled to be closed this year because of cutbacks in the HSE. The system cannot take it because the resources, which I know the Minister of State would support, have not been put into the community. They are not there. We cannot pretend the problem does not exist and act like the three monkeys and see, hear and speak no evil. Unfortunately,

[Deputy Jan O'Sullivan.]

the people who pontificate on these issues are far removed from the problem of the people who are lying on trolleys in our hospitals today. I urge the Government and the Minister of State, Deputy Moloney, to ensure there is a response to this situation and to ensure it is treated as the emergency it is.

Deputy John Moloney: I thank Deputies Costello and O'Sullivan for raising this issue and apologise that the Minister cannot be here.

The HSE accepts that emergency departments have experienced significant increases in the numbers attending to date in January. The work to rule currently in operation by staff at the HSE has led to a disruption in the HSE's normal data collection on activity in emergency departments. As a result data is limited with effect from 25 January.

Deputy Jan O'Sullivan: We can get the data for the Minister of State, if he requires it.

Deputy John Moloney: That might be helpful. I am explaining why the Department does not have it to hand. Hospitals which experienced particular challenges last week included Cork University Hospital, Beaumont, the Mater, St. Vincent's, Tallaght, St Columcille's, Galway and Clonmel.

Deputy Jan O'Sullivan: The Minister of State has omitted Limerick.

Deputy John Moloney: The facts have not come up from there yet.

Deputy Jan O'Sullivan: There were 33 people on trolleys today.

Deputy John Moloney: Figures reported by the HSE this morning at 8 a.m. indicate that Beaumont, the Mater and Cork University hospitals continue to have patients waiting for unacceptably long periods for admission, although it has informed the Minister that the situation has improved from last week and that it is continuing its efforts to improve waiting times in all hospitals, particularly these three hospitals.

Seasonal factors such as the swine flu, winter vomiting and the extremely inclement weather conditions have placed additional demands on emergency departments in recent weeks.

Deputy Ciarán Lynch: Those are annual factors rather than seasonal ones.

Deputy John Moloney: The Minister has been monitoring the situation in emergency departments very closely. This afternoon she met with the CEO and members of the HSE management team to review progress and to ensure that all possible steps are being taken to minimise the waiting time for patients awaiting admission, including to the Mater. The Minister has also asked the HSE to streamline the administrative processes for dealing with applications under the Fair Deal, so that the discharge of patients to a suitable long-stay facility is not delayed unnecessarily.

Following a meeting earlier this week, the HSE has put several actions in train. These include escalating plans to enable patients to be moved to wards; providing for additional ward rounds to take place daily to help earlier discharges from hospitals; the cancellation of some elective surgery and the deployment of day wards to accommodate patients; providing for measures to be put in place to improve transfer arrangements to other hospitals; the better use of discharge lounges, medical assessment units and chest pain clinics to steer patients away from emergency departments; ensuring access to additional diagnostic facilities such as imaging to allow earlier decisions about admission or discharge; providing additional support to day units to avoid

unnecessary admission to hospital; improving ambulance and transport stand-by arrangements; and liaison with community units, community nursing and GPs is being reviewed to promote community based interventions.

Escalation plans have been activated again this morning around the country. Day wards are being freed for in-patient accommodation and additional temporary beds have been opened in St. Vincent's and St. Columcille's hospitals. Hospitals have been requested to ensure that all escalation measures are implemented and reviewed as necessary and appropriate liaison arrangements with primary community services are in place to deal with the current pressure. The HSE is also introducing, with effect from 1 January, the hospital award 2010 which is aimed at encouraging good performance in a number of areas, including emergency department waiting times. Non-performing hospitals will be subject to review by the director for quality and clinical care in conjunction with clinical directors. The directorate is liaising with local clinical directors and providing clinical input and support as necessary.

The Minister is confident that the roll-out of the above measures, actively driven and reviewed by HSE senior management on an on-going basis, will deliver a timely and effective service to patients attending our emergency departments.

Deputy Joe Costello: I am glad the Minister is confident.

Deputy Jan O'Sullivan: I hope the Minister will convey our views to the Minister.

Deputy John Moloney: I certainly will.

Hospital Visiting Regulations.

Deputy Thomas Byrne: This may not be the most important issue facing the country today, but it is an issue that impacts on a number of fathers who wish to attend scans or other antenatal appointments or at the labour ward during delivery with their wives. I attended the birth of my two children and Deputy Mattie McGrath has informed me he attended the births of his eight children. Attendance at the birth of children is much more in vogue now than when I was born.

I wish to pay tribute to all the staff in Our Lady of Lourdes Hospital, which is the hospital of choice for parents in my constituency of Meath East. The staff there do tremendous work and there is a massive throughput of patients through the hospital. I have spoken about the maternity unit there on previous occasions here. A number of fathers and mothers are upset that currently they cannot attend together the various appointments required during pregnancy. I understand that fathers are not being admitted during scans or for antenatal appointments and that they are only admitted for part of the labour. This issue was raised with me by constituents and has been confirmed to be the case. I understand there can be issues of hygiene and am aware there was an issue in Our Lady of Lourdes Hospital recently with regard to *Clostridium difficile*. However, the HSE should be able to work out arrangements whereby a father can attend all appointments and admittances of the mother of his child. The advice to us regarded this as important and I found it an important experience.

I ask the HSE to reconsider this issue bearing in mind the hygiene requirements and the need to prevent the spread of disease. It should come to some compromise arrangements in this regard.

Deputy John Moloney: I am taking this Adjournment matter on behalf of the Minister, Deputy Mary Harney. I thank the Deputy for raising this important issue.

[Deputy John Moloney.]

The HSE issued national guidelines on visiting policy to hospitals in September 2006. These guidelines reflect a balance between the needs of patients, their visitors, hospital staff and hospital procedures which allow for the most effective delivery of safe healthcare services. The guidelines state that the welfare of patients must always be considered in determining the approach taken. The potential for the spread of infection must also be taken into account.

With regard to the issue raised by the Deputy, the HSE has informed the Department that in line with preventative infection control procedures, visiting restrictions are in place generally in Our Lady of Lourdes Hospital, Drogheda, including the maternity unit. The HSE is advising women that they should be accompanied by one birth partner only when in the labour ward. Women are also requested to attend for antenatal scan alone. However, in certain circumstances a partner may be admitted following discussion with the relevant ward manager. Furthermore, all women with appointments are advised by the HSE that children should not attend the hospital with them. These procedures have been put in place because of recent outbreaks of hospital acquired infections in the hospital. They form a central part of eliminating and preventing recurrence of such infections.

Tackling all healthcare associated infections, HCAs, continues to be a priority for the Government and the HSE. While it is not possible to completely prevent outbreaks due to these infections, simple interventions can minimise their effects. In 2007, the HSE launched a national infection control action plan. An infection control steering group within the HSE is responsible for overseeing the implementation of this plan. Over the period of the plan, the HSE aims to reduce HCAs by 20%.

The Health Information and Quality Authority, HIQA, since its establishment in 2007, has also taken significant steps in the area of infection control. A core function of the authority is to set standards on safety and quality of health services and to monitor enforcement of those standards in an open and transparent way. In 2007, HIQA developed national hygiene standards and commenced a programme of audit against these standards. In May 2009, HIQA published its national standards for the prevention and control of health care associated infections to provide an overall framework for health and social care providers to prevent or minimise the occurrence of such infections. The HSE is in discussion with HIQA on the implementation of the standards. Patient safety is of paramount importance and I am satisfied that significant steps are being taken to reduce the rates of health care associated infections generally and to treat them promptly when they occur.

Schools Building Projects.

Deputy Ciarán Lynch: I thank the Ceann Comhairle for the opportunity to raise this important matter, which concerns Ballygarvan national school and the steps being taken by the Minister and his Department to ensure that work on the new school can commence as soon as possible. Will it be completed in September when the new school year begins? Can the Minister of State, Deputy John Moloney, confirm that the acquisition of the site has been completed by the school patron? I want to refer to the planning permission request lodged with Cork County Council by the Department of Education and Science and raise concerns I have regarding difficulties that will arise if the school is not built by September.

Ballygarvan national school has a student population of 285 and has applications from approximately 60 new pupils for next September. Eight of the existing classrooms are in prefabricated buildings and the remaining two are in a building constructed in the 1800s. Each new prefab has eaten into the playground space, which presents health and safety hazards and requires careful scheduling of play time. The school is sited on a narrow country road, with

consequent traffic chaos at delivery and collection times, namely, 9 a.m. and 2.30 p.m. At these times, there is a bottleneck. It is but one example of many nationally. There was improper planning as housing estate after housing estate was built, resulting in daily gridlock as parents drive to school to pick up their children safely.

Ballygarvan was first promised a new school almost 12 years ago by the then Minister for Education, Deputy Micheál Martin. The community has grown quite significantly since then and the demands of 12 years ago have increased significantly in the interim. There have been frequent commitments since the new school was promised, particularly at election times. These have culminated in a series of announcements. Last February, the Minister for Education and Science, Deputy Batt O’Keeffe, said Ballygarvan had at last been included in the list of schools that would be constructed. An application for planning permission was submitted in August 2009 to Cork County Council and it is under consideration. Furthermore, there have been two recent requests for information from the planning authorities. If this information is not provided within six months, the planning application could fall. This would have serious implications for the scheduling and project management of the development and construction of the school. Any delay in the granting of planning permission, or in construction, will have very serious social and financial consequences. If the new school is not ready for occupation by September 2010, the parents of existing and aspiring pupils will need to be notified in the very near future.

Decisions that have to be taken in the next six to eight weeks have implications. Should the school provide for one, or more, additional classes given the number of applications it will receive and how it will deal with them? Is an additional class to be housed in a prefab at a cost of approximately €100,000? Will it be placed on top of an existing prefab? Should rental contracts for four prefabs that are due to terminate this year be renewed? Should rental of €120,000 per year be paid on the other six prefabs and the site should the contracts be renewed in 2010 and 2011? If an additional class or two is enrolled, will the Department of Education and Science meet the cost of the additional yard space and play area required?

It is understood that construction work will begin by mid-April. Is it guaranteed that the school will be ready by September? In light of the fact that the Minister’s construction budget was not all spent in 2009, will the Minister of State confirm that the funding for this much-needed project has been ring-fenced and that his Department is making every effort to facilitate the completion of this project to meet the educational needs of the Ballygarvan community?

Deputy John Moloney: I am responding on behalf of my colleague, the Minister for Education and Science, Deputy Batt O’Keeffe. I thank the Deputy for raising this matter as it provides me with the opportunity to outline to the House the strategy for capital investment in education projects and the current position on Ballygarvan national school.

The allocation of funding for school buildings in 2010 is just under €579 million, including the carryover of €72 million deferred from 2009. This represents a significant investment in the schools building and modernisation programme. This amount of funding, at a time of great pressure on public finances, is a sign of the Government’s commitment to investing in school infrastructure and will permit the continuation of the Department’s programme of sustained investment in primary and post-primary schools.

With regard to Ballygarvan national school, the proposed project, to construct a new school building, was one of 25 that the Minister announced would commence architectural planning in February 2009. Since then, officials have prepared detailed drawings and the local authority facilitated a number of preplanning meetings prior to the lodgement of a planning application. Following the preplanning meetings, the Department addressed the issues raised by the local

[Deputy John Moloney.]

authority and submitted a planning application for the new school. The local authority subsequently issued an additional information request, which raised some new issues. The Department responded to the additional information request in full. I understand the local authority has recently issued a further additional information request raising further issues. Officials are currently preparing a response to this second additional information request.

With regard to the acquisition of the site, the Deputy may be aware that the proposed site consists of three separate pieces of land in the ownership of the Catholic diocesan authority, Cork County Council and a private landowner. The Bishop of Cork and Ross, as patron of the school, has agreed to acquire the land in the ownership of Cork County Council and the private landowner to facilitate the proposed building project.

Any decision to progress this project is contingent, among other things, on the receipt of the necessary statutory approvals and the completion by the school patron of the acquisition of the site for the proposed new school building.

A reply to the further request for information will be prepared by the Department and submitted as soon as possible. When a decision regarding planning permission is made, the Department will examine the implications for the project. The progression of the project to construction will be given further consideration at that point. The Department will continue to liaise with the patron and the school authorities regarding the proposed project.

Deputy Ciarán Lynch: Is the money safely ring-fenced?

Deputy John Moloney: I do not want to mislead the Deputy and could not really answer that question. I will take it up with the Minister for Education and Science directly and revert to the Deputy within a week. I thank the Deputy again for giving me the opportunity to outline to the House the current position on the school building project for Ballygarvan national school.

The Dáil adjourned at 9.20 p.m. until 10.30 a.m. on Thursday, 28 January 2010.

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 87, inclusive, resubmitted.

Questions Nos. 88 to 96, inclusive, answered orally.

Fisheries Protection.

97. **Deputy Seán Connick** asked the Minister for Agriculture, Fisheries and Food when he expects the EU Norway negotiations in relation to mackerel fishing to be concluded; and if he will make a statement on the matter. [3699/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Annual bi-lateral negotiations with Norway concluded late yesterday evening after a marathon session which commenced on Tuesday 19th January. Indeed this session follows three other such meetings — two in Bergen, Norway and one in Brussels — which were held in November and December last.

The EU/Norway agreement forms part of what are collectively known as the “Northern Agreements”. These include another bilateral agreement between the EU and the Faroe Islands as well as a number of multi-lateral agreements on the management of certain fish stocks in which Ireland have an interest. These include: mackerel, blue whiting and Atlanto Scandian herring.

These consultations are an integral part of the EU fisheries landscape and, though each is a separate strand, they are inextricably linked. The consultations allow for appropriate management arrangements to be put in place for relevant stocks while still efficiently maximising fishing opportunities.

Negotiations with Norway are normally complex, and this year the complexity was exacerbated by the failure to reach agreement on Mackerel at Coastal States. A number of factors contributed to this. First, new control arrangements were introduced in August on foot of evidence of misreporting by Norwegian vessels as to where they caught their mackerel. In October, EU waters were closed to Norwegian vessels as they had reached their access limit as set out in the 2009 agreement, a fact hotly disputed by Norway. Added to the mix was the question of dealing with Iceland’s olympic fishery, the independent mackerel TACs set by

[Deputy Brendan Smith.]

Norway and the Faroe Islands and the demand by the Faroes for additional quota. These issues meant that relations with Norway were strained more than usual, resulting in a long and drawn out negotiation process, which has thankfully concluded successfully.

Let me say that the detailed management arrangements for mackerel have normally been dealt with in the Coastal States forum. At a Coastal States meeting convened in Clonakilty in October, it was evident that both parties wanted to enter into a long-term arrangement on the management of that stock that would encompass issues such as reciprocal access, control, inter-annual quota flexibilities, etc. It was not possible to reach agreement at that meeting or at a subsequent 2nd round in Edinburgh. This was due mainly to a refusal by the Faroe Islands (which is a party to the negotiations) to negotiate unless they were guaranteed more quota.

Norway and the EU, as the largest share holders of the stock, wanted to progress the matter bi-laterally, particularly with a mind to having a unified stance when it comes to talks with Iceland in the Spring. This proved extremely difficult to achieve, due in no small part to sensitivities with regard to recent actions already mentioned.

However I am glad to relate that progress has been made and, with compromises from both sides, a separate comprehensive 10-year deal on mackerel arrangements has been achieved. This would commence in 2011, encompass all management issues, and will enable both our fleets have more efficient, stable and secure fishery into the future. It cements the relative sharing arrangement between the EU and Norway, which will remain constant after the Faroes and Iceland join a new Coastal States arrangement. It will also allow both parties to commence talks with the Faroe Islands and Iceland from a position of unified strength. Interim arrangements have been put in place for 2010.

It should be noted that the normal bi-lateral agreements between the EU and Norway, and indeed EU and the Faroes, allows for a transfer of fishing opportunities between the parties with the EU in particular gaining important access to fish Norwegian stocks, mainly Arctic Cod which is paid for by EU stocks of which certain pelagic species in particular, Blue Whiting and Horse Mackerel form a significant element of the balance offered to Norway. Ireland benefits little from the exchanges in terms of Arctic Cod or other access, and we contribute disproportionately in terms of the pelagic stocks transferred to Norway. This has been a major bone of contention over many years.

This year Minister Killeen was successful in eliciting a statement from the European Commission at the December Fisheries Council where they undertook that:

“Bearing in mind that Member States benefit to a different degree from the exchange of fishing opportunities with Norway, the Commission shall endeavour to ensure that the costs and benefits for individual Member States of the annual arrangements with Norway should be as balanced as possible.”

I am glad to inform the house that when taking the Faroes and Norwegian transfers together, in 2010 Ireland will contribute approximately half the level of Horse Mackerel transferred in 2009 while the Blue Whiting contribution will be reduced slightly.

We have come a long way since the beginning of this process last October and I am happy that a balanced agreement has been arrived at in relation to the exchange of fishing opportunities for 2010, which takes account of the Commission statement at December Council and which will give immediate economic benefit for our pelagic fishermen in 2010.

Additionally securing a long term framework with Norway on the management of mackerel will provide much needed stability and security for our processors and fishermen into the future.

Bovine Diseases.

98. **Deputy Damien English** asked the Minister for Agriculture, Fisheries and Food the reason agricultural laboratories are not available for bovine viral diarrhoea, infectious bovine rhinotracheitis and Johne's disease testing; and if he will make a statement on the matter.
[3763/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Bovine Viral Diarrhoea (BVD) virus and Infectious Bovine Rhinotracheitis (IBR) virus are two viral agents that have been recognised as being endemic and causing disease in animals in Ireland for decades. Johne's disease is an infectious disease of cattle, sheep and goats associated with infections by a bacterium (*Mycobacterium paratuberculosis*). It causes wasting in all the above species and is associated with chronic diarrhoea in cattle.

DAFF's Veterinary Laboratory Service has been at the forefront of developing and providing a diagnostic service and control measures for these diseases in Ireland. A broad range of tests for these particular diseases is available at the Veterinary Laboratory Service. The Regional Veterinary Laboratory Service provides a post mortem diagnostic service for farm animals that have died for any reason including as a result of infections with BVD, IBR or as a result of Johne's disease.

Large numbers of samples from both live and dead animals are being tested annually in the Veterinary Laboratory Service. For instance, using various test methods, approximately 63,000 samples from animals were assayed for evidence of BVD infection last year. Similarly over 20,000 samples were tested for evidence of IBR infection and approximately 16,000 samples were tested for evidence of Johne's disease in 2009.

The performance of such tests is based on a variety of requests. These may range from differential diagnosis for exotic diseases, diagnostic purposes, to aid herd health schemes or to comply with Ireland's requirements to demonstrate that bulls entering AI stations are not carriers of IBR virus or BVD virus or infected with Johne's disease.

Statutory requirements for testing for exotic animal diseases will remain the highest priority for the DAFF Veterinary Laboratory Service. However due to the need to differentiate endemic or common diseases from exotic diseases, the cost of common diseases to the national herd and the need to reduce the incidence of such diseases in Ireland and promote Ireland the Food Island, DAFF laboratories provide a comprehensive range of diagnostic facilities for such diseases. Also, where possible, new tests are developed to facilitate more rapid accurate identification of disease causing agents.

It is continually necessary to review laboratory tests that are being provided on a routine basis in order to make best use of laboratory resources. A review of tests for viral agents took place at the end of 2009. In carrying out the review, the value of each test in terms of animal health, its relevance to diagnosis/disease control and efficient use of staff resources were assessed. Due to resource implications it was decided that a labour intensive test for BVD virus in pooled milk samples, which was newly developed at the Veterinary Laboratory Service, would not be offered on a routine basis. However in the event of disease investigation which warrants this particular testing system, arrangements for such testing can be made by contacting the local Regional Veterinary Laboratory and making prior arrangements to submit samples.

I am satisfied that a range of tests are available in the Veterinary Laboratory Service to accurately facilitate the diagnosis and control of BVD, IBR and Johne's disease in Irish cattle herds.

Pension Provisions.

99. **Deputy Seán Barrett** asked the Minister for Agriculture, Fisheries and Food the discussions he has had with the Department of Social and Family Affairs regarding a change to State pension arrangements for farmers' spouses; and if he will make a statement on the matter. [3734/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Issues relating to eligibility for pensions are a matter for the Minister for Social and Family Affairs. Following a review of certain pension claims, it was discovered that a number of individuals who had been in receipt of a pension did not satisfy the condition whereby they were required to have paid at least one year's self employment contributions before reaching age 66. As they did not satisfy this condition, the claims have been disallowed (from the date of pension award) and the customers notified.

My Department has no direct role in this matter.

Rural Environment Protection Scheme.

100. **Deputy Joe Costello** asked the Minister for Agriculture, Fisheries and Food when he will commence discussions on the new REP scheme to replace REP scheme four; and the details for same. [3860/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Ireland's amended Rural Development Programme, including a new agri-environment scheme, was presented to the EU Rural Development Management Committee in Brussels on 20 January. This followed detailed and protracted discussions with the Commission. The Committee agreed the programme and the Commission will now proceed to take a formal decision to approve it. This procedure is expected to take a number of weeks.

The new agri-environment scheme is focused on the priority areas of biodiversity, water management and climate change. It will offer a menu of measures addressing these priorities from which farmers may choose, provided they complement the environmental profile of the holding. Details on the operation of the new scheme are currently being finalised and I intend to launch the scheme once the formal Commission approval has been received.

Fisheries Protection.

101. **Deputy Niall Blaney** asked the Minister for Agriculture, Fisheries and Food if he is satisfied with the outcome of the December 2009 EU Fisheries' Council; and if he will make a statement on the matter. [3700/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The package of fish quotas and other conservation measures for 2010 were agreed at the December 2009 Fisheries Council after a marathon 36 hours of intensive negotiations. Tony Killeen T.D., Minister of State at this Department, represented Ireland at those negotiations. I welcome the agreement reached and I am satisfied that it provides a balanced and fair outcome for Irish fishermen.

The ongoing disagreement between the EU and Norway in respect of mackerel fishing overshadowed this year's meeting. It made the job of setting quotas for EU fishermen even more difficult than normal, and Minister Killeen had to fight to ensure that the lack of an EU-Norway agreement did not adversely impact on the Irish mackerel fleet.

There was a real danger that our fleet would be severely limited in terms of the amount of the mackerel it would be permitted to fish. However, Minister Killeen secured a provisional

mackerel quota that allows our fleet to fish up to 65% of last year's quota level in the first months of this year, pending any final agreement being reached with Norway on 2010 fishing opportunities.

He also secured assurances from the Council that any new agreement with Norway will be fairer in balancing the benefits with the costs for Member States. Ireland has in the past been a net contributor to the agreement, providing more to the transfer of fishing quotas to Norway than it gained from access to fish stocks in Norwegian waters.

In respect of whitefish stocks, Minister Killeen fought the now annual action to ensure that the commitment of Ireland's hard pressed fishermen — the Hague Agreement — was fully honored by my European counterparts. This was particularly important this year as major reductions in the total allowed catch (TAC) of a number of key fish stocks were proposed by the EU Commission for 2010. Stocks of cod, haddock and prawns — amongst the most important to the whitefish fleet — were all in line for big reductions.

It was proposed, for instance, to reduce the prawn quota by up to 50%. Given that prawns are the most important stock for our whitefish fleet, this cut would have had severe consequences for our vessels. Minister Killeen argued instead that new management measures were needed to ensure the long-term sustainability of this stock. He successfully gathered support amongst his colleagues in the Council for a plan — originally proposed by the Federation of Irish Fishermen — to implement a seasonal closure off the southwest coast in the summer months when the stock is most vulnerable to over-fishing. On the basis of this plan, he was able to get the proposed cut in the prawn TAC reduced from 50% to 9%. This new arrangement delivers effective measures where conservation is required, while still providing a realistic prawn quota where science has shown the stock is healthy.

We achieved a similar result for the haddock fishery. There, the recommendation was for a 54% cut in the TAC. We accept a reduction in the catch of haddock off Ireland's northwest coast was necessary, but Minister Killeen effectively argued for a more balanced approach. This saw the scale of the TAC cut reduced to a more reasonable 25%, along with agreement on a new long-term management plan for the haddock stock. In addition, the harsh restrictions put in place last year on whitefish fishing off Donegal will be reviewed early this year with the aim of making changes as early as possible.

Although the Commission also proposed a 25% cut in the very important Celtic Sea cod TAC, Minister Killeen secured a rollover of the 2009 TAC to reflect recent catches. He successfully argued that we need new and better data on the state of this stock, as fishermen say it is in better shape than other cod stocks around the coast.

One of the brighter aspects of the agreement for Irish fishermen was in the TAC increase of 71% for the important Celtic Sea herring stock for 2010. This is effectively an Irish stock, as we receive the bulk of the quota, and it was nearing collapse two years ago. However, fishermen in the southwest, working together with the Marine Institute scientists, developed a long term plan for this stock. These fishermen had the courage to take the very difficult decisions required to rebuild the stock, and I am delighted that their efforts yielded such positive results. This is a fine example of how working together and taking strong action can pay dividends.

Organic Farming.

102. **Deputy Paul Gogarty** asked the Minister for Agriculture, Fisheries and Food if, in view of the recent re-opening of the organic farming scheme with a new requirement, farmers will

[Deputy Paul Gogarty.]

be required to produce a five year business plan as part of their application; and if he will make a statement on the matter. [3548/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The submission of a detailed five year business plan by all new applicants is now required as part of the application process for the Organic Farming Scheme. The purpose of the Business Plan is to facilitate an assessment of the level of farming activity and sustainability of the business which is the subject of the application.

The Scheme conditions were amended as a result of a review of the Organic Farming Scheme, which was instigated by my Department in July 2009. This review considered how available funds could be used to best effect to deliver increased organic production and attain the 5% Government target, as set out in the Programme for Government.

I am satisfied that the new criteria will help to identify those applicants who were most likely to deliver increased organic output nationally, particularly in those areas where production is not meeting the demands of the home and export markets.

Rural Environment Protection Scheme.

103. **Deputy Joe Costello** asked the Minister for Agriculture, Fisheries and Food if farmers will be in a position to apply for new REP scheme before 1 March 2010. [3861/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Ireland's amended Rural Development Programme, including a new agri-environment scheme, was presented to the EU Rural Development Management Committee in Brussels on 20 January. This followed detailed and protracted discussions with the Commission. The Committee agreed the programme and the Commission will now proceed to take a formal decision to approve it. This procedure is expected to take a number of weeks.

The new agri-environment scheme is focused on the priority areas of biodiversity, water management and climate change. It will offer a menu of measures addressing these priorities from which farmers may choose, provided they complement the environmental profile of the holding. Details on the operation of the new scheme are currently being finalised and I intend to launch the scheme once the formal Commission approval has been received.

Lost at Sea Scheme.

104. **Deputy Emmet Stagg** asked the Minister for Agriculture, Fisheries and Food if a person or organisation, other than him and his Department officials or persons directly involved with the drawing up of the terms and conditions of the scheme, had access to the conditions of the lost at sea scheme at any stage prior to the launch of the scheme in June 2001. [3887/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Lost at Sea Scheme was a limited scheme introduced in June 2001, with a closing date of 31 December 2001, whose objective was to enable qualifying applicants, who were otherwise unable to do so for financial or related reasons, to continue a family tradition of sea-fishing.

It was a bounded, limited scheme under which replacement capacity (gross tons and kWatts) that would otherwise have had to be bought on the tonnage market, was provided free of charge to qualifying applicants who had lost a fishing vessel between 1980 and the establishment of the Fishing Boat Register in 1990, but who had been unable to replace it for verified financial reasons. The scheme was intended to assist families in introducing a replacement for the lost

vessel which would be owned and skippered by the applicant or by an immediate relation of the applicant.

The terms of the scheme also specified further conditions relating to the use of the capacity once deemed eligible.

The scheme was promulgated by the (then) Department of the Marine and Natural Resources. This Department assumed responsibility for sea fisheries in October 2007.

There are records of contacts in relation to the scheme on the Departmental files. The files relate to the evolution of the scheme and indicate a range of contacts, meetings and correspondence going back to March 1999 to and from interested parties including public representatives, individual vessel owners, fishermen's representatives and Producer Organisations (POs), both at Departmental and Ministerial level.

The terms and conditions of the scheme would necessarily have reflected the views of all the stakeholders as well as public policy considerations and legal requirements at the time.

Tillage Sector.

105. **Deputy Enda Kenny** asked the Minister for Agriculture, Fisheries and Food his forecast for tillage farmers in 2010, in particular the grain sector in light of losses incurred over previous years; and if he will make a statement on the matter. [3782/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Since Ireland is a deficit market for cereals, prices here are greatly affected by world prices and supplies. In 2007, increased demands for grain from the biofuels sector and the growing needs of new emerging markets like China and India drove up world grain market prices. In line with this rise in world prices, grain prices in Ireland increased to record levels during 2007 and growers here reacted by increasing the acreage sown. This resulted in a bumper harvest in 2008 with total grain production of almost 2.4 million tonnes, the second highest on record.

However, the bad weather in the autumn of 2008 affected sowing of winter crops and this, coupled with poor returns for growers, led to the area planted being reduced again and consequently a decreased 2009 harvest output of about 1.86 million tonnes, somewhat short of the long-term average of 2 million tonnes. Despite the significant drop in production, grain prices were also down — on average 30% lower than the 2008 level. This illustrates the fact that the grain price in Ireland is a function of developments on EU and world markets rather than a function of domestic supply and demand developments.

While it is too early to predict the level of plantings for 2010, preliminary indications from Teagasc are that the acreage of autumn sown crops in 2009 may be back a little on the previous year with a slight shift in favour of winter barley. In any event I am confident that this year will see some recovery in returns for growers due to very significant reductions in the main input costs and some increase in harvest prices, although clearly this still leaves the tillage sector some way to go to achieving acceptable margins.

Despite the current economic down turn across the world, the ever-increasing demand for grain within the biofuel industry and growing consumption patterns in developing countries is likely to continue over the coming years. While the various price spikes experienced in recent times are unlikely to be repeated in the short term, it is certainly possible that average world grain prices will grow over the next decade at a faster rate than over the previous one. In the wider sense at least there is cause for cautious optimism in the grain producing sector.

[Deputy Brendan Smith.]

I'm sure that these issues will be the subject of informed debate at tomorrow's National Tillage Conference organised by Teagasc on the theme 'Maximising market opportunities in tillage'.

Food Labelling.

106. **Deputy Terence Flanagan** asked the Minister for Agriculture, Fisheries and Food if he will raise the need for more comprehensive labelling legislation at an EU level on foot of the interagency group report on the pork dioxin contamination; and if he will make a statement on the matter. [3772/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The report of the Inter-Agency Review Group tasked with examining the dioxin contamination incident in Ireland in December 2008 made a number of recommendations in relation to labelling and traceability.

Firstly it concluded that the traceability system for Irish pigmeat fully complied with EU legislative requirements and was of the same standard as systems in other countries but recommended further consideration of the development of a improved product tracking systems for meat and meat products.

Specifically in relation to labelling it noted that under current EU food labelling legislation country of origin marking is required in cases where failure to provide such information would be likely to mislead the consumer to a material degree. The report emphasised the importance of food business operators complying with this legislation. It recommended that reports of breaches of the labelling regulations should continue to be followed up by the Food Safety Authority of Ireland which is charged with the enforcement of the legislation.

The Group also noted there were further instances of confusion of which products were Irish and that this is to a large extent reflected the complexity of secondary processing with comingling of product at home and abroad. The Review Group suggested that this situation could be improved by Food Business Operators ensuring that their labelling is as informative and accurate as possible.

As I have already indicated I will ensure that the various recommendations contained in the report insofar as the control agencies were concerned are pursued by the relevant authorities.

The EU Labelling Directive is at present under review and The Department of Health and Children will take account of the recommendation of the Review Group on Labelling in the context of the current review of the EU Food Labelling Directive.

Grant Payments.

107. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Fisheries and Food the number of REP scheme four farmers who have been paid since he promised payments would commence from mid December 2009. [3857/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The first payments for the 2009 scheme year issued on 18 December 2009, and payments have continued to issue in the meantime. To date, 9,823 REPS 4 participants have been paid in full. A further 4,508 have received the first phase of 75% of their payments and are due to receive the balance shortly. Payments will issue this week to approximately 1,300 participants. My Department continues to process payments as a matter of priority with a view to completing all payments

due as quickly as possible and, in this context, may be in contact directly with participants to resolve queries arising.

Crop Losses.

108. **Deputy Alan Shatter** asked the Minister for Agriculture, Fisheries and Food if he has been involved in the compilation of an application to the EU Solidarity Fund for compensation for farmers and growers who have suffered losses due to recent extreme weather conditions; and if he will make a statement on the matter. [3850/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Mindful of the hardship and distress caused by the recent widespread flooding, on 27 November 2009 I announced the introduction of the Fodder Aid Scheme, targeted directly at those farmers who encountered damage to fodder in the affected areas. While I was very anxious that the funding reach the affected farmers as quickly as possible, it was essential that farmers demonstrate that their fodder was damaged and to what extent. To this end, therefore, it was necessary that each claim be verified by an on-the-spot inspection.

I had initially set the closing date for receipt of applications as 11 December, but subsequently extended it by one week. Immediately applications began to be received by my Department, the necessary inspections were begun, following which the applications were further processed for payment. I am pleased to say that payments commenced issuing on 18 December and, to date, payments worth €504,074 have issued to 237 applicants. Payments continue to issue as individual cases are confirmed eligible.

I am aware that due to the recent severe frost conditions a proportion of the total national area of potatoes remained unharvested at the end of 2009. The very severe frost conditions have resulted in losses to potatoes and other crops. The extent of losses is difficult to quantify at this stage. It would be influenced by the nature of the crop, its location and the extent to which it was exposed.

I have received representations on behalf of growers in relation to the losses incurred and the matter is currently being considered by officials in my Department.

Fisheries Protection.

109. **Deputy Michael Noonan** asked the Minister for Agriculture, Fisheries and Food the number of factory ships of international origin that have been brought to shore since the Sea-Fisheries Protection Authority came into existence; and if he will make a statement on the matter. [3797/10]

136. **Deputy Olivia Mitchell** asked the Minister for Agriculture, Fisheries and Food if he will report on the introduction of the practice of weighing lorries carrying fish on Killybegs Pier, County Donegal in addition to weighing lorries at the local factory; the reason this practice has been introduced; and if he will make a statement on the matter. [3793/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 109 and 136 together.

These are matters for the Sea-Fisheries Protection Authority (SFPA), an independent authority, which was established under the Sea Fisheries and Maritime Jurisdiction Act 2006 on January 1st 2007. The Act clearly provides that the Authority is independent in the exercise of its functions and as such I have no remit as to its work programme, operational activities or its strategic deployment of resources.

[Deputy Brendan Smith.]

I have however, asked the SFPA to respond directly to the Deputies as soon as possible.

Bee Population.

110. **Deputy Emmet Stagg** asked the Minister for Agriculture, Fisheries and Food if there is a national strategy for the future of the bee population here. [3886/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Department is aware of the importance of maintaining a healthy bee population due to the role of bees in producing honey, aiding pollination and promoting and maintaining Irish Biodiversity.

The Department currently has a number of initiatives in place to promote and facilitate development in the beekeeping sector in terms of grant aid, funding bee health research and in conserving the native Irish bee. We also provide funding to and have a close working relationship with FIBKA, the Federation of Irish Beekeepers Associations. In fact officials from my Department met with representatives of FIBKA this morning to discuss issues of mutual concern.

Afforestation Programme.

111. **Deputy Jim O’Keeffe** asked the Minister for Agriculture, Fisheries and Food the percentage of the country covered by forestry; the targets for further forestry development; and the incentives available for same. [3667/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The percentage of land area currently under forestry is approximately 10.7%.

My Department promotes the planting of new forests through a range of attractive support measures — the Afforestation Grant Scheme, the Forest Environment Protection Scheme and the Native Woodland Scheme. These schemes provide 100% establishment grants and annual premiums for up to 20 years. In addition, my Department also provides supports towards the provision of forest infrastructure such as harvesting and management roads, along with grants to encourage forest owners to actively manage their forests and improve the quality of the final crop.

The increased allocation for forestry in the 2010 Budget will facilitate a higher level of planting, in the region of 7,000 hectares, in 2010, and is evidence of the Government’s continued commitment to forestry.

European Council Meetings.

112. **Deputy Máire Hctor** asked the Minister for Agriculture, Fisheries and Food the outcome of the January 2010 Council of Agriculture Ministers meeting regarding the functioning of the European food supply chain; and if he will make a statement on the matter. [3696/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Ministers had a first discussion of a communication from the Commission that had been presented by Commissioner Fischer Boel at the December Agriculture Council meeting. That communication outlined a number of proposals to make the European food supply chain more transparent while promoting sustainable and market-based relationships. These proposals covered the promotion of sustainable and market-based relationships, mechanisms for increased transparency to encourage competition and improve resilience to price volatility and measures to increase the integration and competitiveness of the European food supply chain.

To guide the discussion, the Spanish Presidency prepared a series of questions for Ministers focusing on the areas of transparency and balance along the food chain, self-regulation, food price monitoring, territorial supply constraints and future initiatives at EU level.

In regard to market transparency and the balance within the food supply chain, the main concern was the need to achieve a greater balance along the chain between producers, processors and retailers. Solutions proposed included greater monitoring of prices and the establishment of codes of good practice. I supported the call for greater price transparency. I also took the opportunity to inform my Ministerial colleagues of the steps already taken by the Irish Government to implement a national Code of Practice for doing business in the Grocery Goods sector with a view to ensuring a fair trading relationship between retailers and their suppliers.

As regards self-regulation, there were differing views between Ministers on the extent to which new EU regulatory frameworks were required. A number of Member States took the view that contractual relations and other arrangements to regulate the supply chain were a matter for private operators while others believed that a regulatory framework or guidelines at EU level would be beneficial. My own view, which I conveyed to Ministers, is that there is a need to monitor and audit unfair contractual practices with a view to ensuring compliance with competition law.

Ministers were agreed on the usefulness of price observatories although I pointed out that fluctuating currency conversion rates can complicate the picture, and this should be taken into account in whatever systems are put in place at EU level.

Ministers also made a series of suggestions concerning other possible measures to address the situation. These ranged from proposals to increase research and development, provide new economic incentives and investment opportunities to suggestions to review the operation of State aids and to strengthen the operation of producer groups.

For my part, I emphasised the need for careful and sensitive use of market management measures to help to maintain balance on the market when appropriate and the use of such mechanisms to assist in the provision of fair returns to producers. I said that the new CAP must also address increased market volatility and we needed effective mechanisms to manage this. I also said there was a need to look critically at EU competition law in so far as it can serve to militate against consolidation at producer level to achieve the scale necessary for optimum efficiency and international competitiveness.

The discussion at the most recent Council was a first discussion only of the dossier. Over the coming months, the report will be examined in greater detail by the Agriculture Council and the preparatory bodies.

Beef Industry.

113. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food if he will report on the operation of the new quality payment system at meat factories; and if he will make a statement on the matter. [3779/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): As the Deputy is aware, the price paid for beef is a matter for the meat 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. Mechanical grading has facilitated the use of sub-classes within each main class for both conformation and fat cover in

[Deputy Brendan Smith.]

order to give a more precise grade for a beef carcass. Studies at Teagasc Grange have shown that the use of sub-classes to determine the price paid per kg of carcass is justified. The use of sub-classes when paying for cattle sends a clear message back to the farmer on the type of carcass required for the market.

The new quality payment system was introduced a number of weeks ago following intensive negotiations between Meat Industry Ireland (MII) and the farmers representatives (IFA). The payment system makes use of sub-classes to determine the price paid, with the aim of rewarding farmers for producing the better quality and higher value carcasses.

Overall, the quality based payment system is a welcome development. It is now up to the industry to continue to operate the system in a fair and transparent manner in order to ensure that the system gains widespread acceptance among the farmers who supply cattle.

Departmental Funding.

114. **Deputy John Deasy** asked the Minister for Agriculture, Fisheries and Food the reason unspent common agricultural policy funds being distributed to discussion groups is singularly aimed at the dairy sector; if he will distribute available funding to discussion groups in other sectors; and if he will make a statement on the matter. [3757/10]

162. **Deputy Kathleen Lynch** asked the Minister for Agriculture, Fisheries and Food the reason applications for support from unspent single farm payments funds are confined to the dairy sector. [3868/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 114 and 162 together.

Under the agreement reached in November 2008 on the Health Check of the CAP, I secured approval to use previously inaccessible unspent Single Payment Scheme funds to address, among other things, specific disadvantages affecting certain sectors in economically vulnerable or environmentally sensitive areas. Member States may 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 €25 million 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 the 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 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 the use of the national reserve element of these funds from 2009. I announced that approximately €7 million would be paid to hill sheep farmers as a once-off measure in the form of an Uplands Sheep Payment, benefiting approximately 12,500 hill sheep farmers. To date €5 million of this amount has been paid, and I expect the remaining €2 million to be paid shortly.

It should be clear, therefore, that unspent Single Payment Scheme funds are not confined to the dairy sector. However, in the dairy sector, my focus is also on achieving the maximum possible benefit from the expenditure of the funds. Discussion groups are already a well-established feature on the dairying landscape and have demonstrated their value in supporting the effective management of dairy enterprises. I want to encourage greater participation in such arrangements so that many more dairy farmers can benefit from the application of best practice in the running of their farms, and bring about the kind of cost efficiencies that will help them to deal with the significant challenges that exposure to global market realities brings. I believe the Dairy Efficiency Programme has the potential to facilitate great strides in this regard, and I would encourage all dairy farmers to consider getting involved.

Food Industry.

115. **Deputy Pat Rabbitte** asked the Minister for Agriculture, Fisheries and Food if, in view of Bord Bia's export performance and prospects report, he is satisfied that the value of Irish food and drink exports will stabilise and improve in the future. [3881/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Irish food and drink exporters faced unprecedented challenges in 2009 due to a sustained decline in the value of sterling, the economic downturn and a sharp slowdown in global demand for major commodities.

Over recent months there are tentative indications that exports are beginning to stabilise as the global economy begins to show signs of returning to growth. Stronger volumes and better returns are in prospect for the key dairy and meat sectors, which between them represent 60% of total exports. Significant investments by prepared food companies to broaden market presence on the Continent are expected to increase exports over the coming years. Currency developments and consumer sentiment will remain critical.

The long-term outlook for the sector, with its high export orientation, is positive. Due to an expanding world population the world will need to produce over 40 % more food by 2030 and some 70 % more by 2050. The latest long term outlook by the FAO covering the period to 2018 suggests that prices for key products such as dairy and meat will remain above the levels seen in the decade to 2006.

The challenge for the industry to improve competitiveness while broadening export reach is formidable. Recognising this, Bord Bia has a series of initiatives in place aimed at enhancing the export performance of the sector. An example is Marketplace 2010 in February, which will host 290 international food and drink buyers from eighteen countries, as well as 85 Irish buyers, to meet with some 160 Irish companies in Dublin involving over 2,500 pre scheduled meetings.

Under Bord Bia's Marketing Fellowship programme, initiated in October 2009, 25 experienced graduates are currently working in 13 overseas export markets to help boost Irish food and drink exports and support some 113 Irish companies expand market reach.

These initiatives, combined with the track record of the Irish food and drink industry to show agility to change with market requirements, will ensure that the sector is well placed to grow the value of exports over the coming years and play an active role in a national drive to secure a sustainable economic renewal for the Irish economy.

Proposed Legislation.

116. **Deputy Joe Carey** asked the Minister for Agriculture, Fisheries and Food the input his Department has had in the drafting of the proposed climate change Bill; and if he will make a statement on the matter. [3743/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Ireland is fully committed to playing its part in the efforts to tackle climate change. The EU climate change and renewable energy package aims to deliver the European Union's ambitious commitments to fight climate change and promote renewable energy up to 2020 and beyond.

My colleague, the Minister for the Environment, Heritage and Local Government, has indicated that he is in the process of developing a National Climate Change Adaptation Framework and a new Climate Change Bill. The background to the Bill is set out in the Government framework document published last December. My Department was consulted on the drafting of the framework document and I expect ongoing consultation with the Department of the Environment, Heritage and Local Government as development of the Bill progresses through both the drafting and enactment stages. The planned Bill will provide a statutory framework for Ireland's long-term response to climate change. My priority will be to ensure that national policy on the future of the agriculture sector is taken into account.

Fur Farming.

117. **Deputy Tom Hayes** asked the Minister for Agriculture, Fisheries and Food if he anticipates compensation for fur farmers will be required if the programme for Government commitment to proceed with a gradual phasing out of fur farming is approved by the Houses of the Oireachtas in the animal health and welfare Bill; and if he will make a statement on the matter. [3775/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My officials are examining the legislative and other changes deemed necessary to implement the commitment in the revised Programme for Government to phase out fur farming over three years.

As many issues are still under consideration, it is not appropriate for me to comment further at this stage.

Rural Environment Protection Scheme.

118. **Deputy Joan Burton** asked the Minister for Agriculture, Fisheries and Food if he has spent his full allocation of REP scheme funding of €369 million in 2009. [3858/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The original 2009 Vote allocation of €330 million which was provided for expenditure on REPS was increased to €369 million by way of Supplementary estimate on 8 December. The additional funding was sought principally to meet expected expenditure arising under REPS 4. However, not all REPS 4 applications cleared the stringent pre-payment administrative checks in time to be paid during 2009 and the final outturn for the year was €342 million.

Animal Identification Scheme.

119. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the steps he is taking to reverse the plans for the electronic tagging of sheep; and if he will make a statement on the matter. [3677/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The introduction of 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 of Agriculture Ministers 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 always expressed major concerns with the mandatory introduction of EID for a sheep sector that is clearly under pressure. My consistent view has been that the introduction of EID of sheep should only be on a voluntary basis and I most recently articulated this position to both the European Commission and fellow Ministers at the Agricultural Council of 20 November 2009. Regretfully, there is not sufficient support among other Member States and none from the European Commission for any further rollback in relation to the date for the mandatory introduction of EID or for a voluntary scheme.

The prevailing view at EU level is that Member States should proceed with implementation and other Member States have proceeded with implementation of EID on a mandatory basis. I, therefore, have no discretion as regards the date of implementation for electronic identification (EID) and there can be no question of deferring its introduction for a further period. In these circumstances, we now must proceed with the introduction of EID.

Over the period of debate at EU level, I have placed a strong emphasis in pressing our case for a voluntary scheme and in this regard I have secured major concessions in relation to EID in discussions with the European Commission. These concessions include a slaughter derogation which means that all lambs intended for slaughter and under 12 months old can now be exempted from EID. This will result in EID being largely confined to replacement breeding stock that are born after 31 December 2009. This means the vast majority of Irish sheep will be excluded from EID requirements, which will minimise costs for producers.

Furthermore, where lambs identified under the slaughter derogation are subsequently retained for breeding purposes they can then be tagged with an EID device at the second holding. This is a major breakthrough in facilitating existing trade practice in the sector and addresses concerns raised by Irish farming organisations that the new EID system would eliminate the sale of breeding sheep at marts, which would have an adverse effect on competitiveness in the industry.

My Department has circulated a technical document outlining the proposed changes to the National Sheep Identification System (NSIS II) to farm organisations and other stakeholders for comments. This is part of a consultative process, which has been ongoing for some time. The stakeholders have been asked to examine this document carefully and engage with my officials so that whatever revisions are made to the NSIS best suit Irish conditions and minimise the burden on farmers within the parameters of the new legislation. I would urge the various organisations to contribute specific input, at this stage, to the proposed scheme.

Fishing Industry Development.

120. **Deputy Jim O’Keeffe** asked the Minister for Agriculture, Fisheries and Food the number of fishing boats registered; the estimated number employed on same; and the estimated number of onshore jobs in fish processing and related activities. [3668/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Registrar General of Fishing Boats is charged with maintaining the Register of Fishing Boats and publishes a Register report of Irish vessels on the Department’s website under Sea Fisheries/Irish Sea Fishing Fleet Register/Register Report. The total number of vessels on the Sea Fishing Boat Register as at 11/1/2010 was 2,094. The Register report is updated weekly.

[Deputy Brendan Smith.]

In relation to the estimated numbers employed in the fishing fleet and in fish processing, relevant statistics were published in the EU Seafood Development Operational Programme 2007-2013. It stated that 4,987 were employed in the fishing fleet, of which 3,924 were full time and 1,063 were part time and 2,867 were employed in fish processing of which 2,205 were full time and 662 were engaged on a part-time/casual basis. 1,185 were employed including part time, in ancillary activities.

Common Agricultural Policy.

121. **Deputy Ciarán Lynch** asked the Minister for Agriculture, Fisheries and Food his views on the possibility of retaining the single farm payment in the Common Agriculture Policy negotiations. [3866/10]

129. **Deputy Seán Ó Fearghail** asked the Minister for Agriculture, Fisheries and Food his views on recent comments about the possibility of the introduction of a flat-rate single farm payment; and if he will make a statement on the matter. [3687/10]

130. **Deputy Seán Ó Fearghail** asked the Minister for Agriculture, Fisheries and Food his views regarding the future of the single farm payment after 2013; and if he will make a statement on the matter. [3686/10]

166. **Deputy Jan O'Sullivan** asked the Minister for Agriculture, Fisheries and Food if he will defend the current single farm payment in ongoing Common Agricultural Policy negotiations. [3875/10]

179. **Deputy Jan O'Sullivan** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the statements by the EU Commissioner designate regarding the new criteria for the distribution of direct aid to farmers and his ruling out basing single farm payment entitlements on EU direct payments received in previous years. [3874/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 121, 129, 130, 166 and 179 together.

Although formal negotiations have yet to commence on the future of the CAP, there is no doubt in my mind that the CAP of the future should contain a major element of income support in the form of a decoupled Single Payment regime, and this view is shared widely among my Ministerial colleagues. The shape and format of this premium is, however, the subject of much debate.

There is active debate about the credibility of the current historic payment model, based on average coupled payments received between 2000 and 2002, and the current differentiation of direct payment rates between and within Member States. In part this debate is about the distribution key for national envelopes, that provide the financing for the Single Payment, and in part it relates to the models used by individual Member States to allocate their national envelopes among individual farmers.

There is a view on the part of some Member States that the rates of payment should be equalised between Member States by applying an EU-wide flat rate. Some others believe that payments should continue to be differentiated according to historical uptake, land use, land quality, production costs and so on. A large number of potential payment models have been suggested in the formal and informal discussions to date.

As to my own position, I am opposed to an EU-wide flat rate payment and I continue to see significant advantages to the historic model. While this view is supported by some others, there is little doubt that the number of Member States that actively support the historic model is reducing. In this context, it is important that we look carefully at all the alternatives so that we can play a full part in the debate as it evolves. 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.

In this regard, I launched a public consultation process last July inviting interested stakeholders to let me have their views on what EU agriculture policies would serve Ireland and the EU best in the years to come. I was pleased with the number and quality of the submissions received. In continuation of stakeholder involvement, it is my intention to establish a consultative group to advise on the best policy options for Ireland in the forthcoming negotiations, including with reference to direct payment models.

Notwithstanding the comments made by the Agriculture Commissioner-designate Dacian Cioloş, in his address to the European Parliament, concrete proposals have yet to emerge on the shape of EU agriculture policy beyond 2013. It is very early days in these negotiations and I will be meeting with the new Commissioner well in advance of any proposals being tabled to outline among other things my position as regards the type of payment system that will best serve the interests of Irish farmers. I will also continue to keep in close contact with my colleagues in other Member States on these matters. My overarching view is that first and foremost 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.

Proposed Legislation.

122. **Deputy John Perry** asked the Minister for Agriculture, Fisheries and Food the action taken by his Department to ensure a co-ordinated approach to animal health and welfare legislation between here and in Northern Ireland during the preparation of the proposed animal health and welfare bill; and if he will make a statement on the matter. [3805/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Mindful of the commitments to the development of an All-Island Animal Health and Welfare Strategy agreed under North South Ministerial Council arrangements, officials from both administrations are in ongoing contact on issues of mutual concern pertaining to animal health and welfare in both parts of the island including a co-ordinated approach to legislation appropriate to the area. Drafting of the Animal Health and Welfare Bill, which gives effect to commitments in the Programme for Government and the Renewed Programme for Government is ongoing in my Department and I intend to submit the proposed Heads of this Bill to the Government at an early date this year.

Food Industry.

123. **Deputy Bernard Allen** asked the Minister for Agriculture, Fisheries and Food the consultations he has had with the Department of Enterprise, Trade and Employment regarding the proposed introduction of a statutory code for the retail sector; and if he will make a statement on the matter. [3731/10]

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 that has now taken place. The next step

[Deputy Brendan Smith.]

will be to draft a code of practice and my Department will liaise closely with the Department of Enterprise, Trade and Employment on this.

The EU Commission has also issued a Communication on a better functioning food supply chain in Europe. As I said at the recent Council of Minister's meeting, I believe there is also a need to look critically at EU competition law (or its interpretation) in so far as it can serve to militate against consolidation at producer level to achieve the scale necessary for optimum efficiency and international competitiveness. There is a need also to audit unfair contractual practices with a view to ensuring compliance with competition law. I am very pleased that the Spanish Presidency had committed itself to progressing the whole issue of improving the functioning of the food chain. There is a need for considerable improvement so that all players, including producers and consumers, receive fair treatment.

Animal Diseases.

124. **Deputy Ulick Burke** asked the Minister for Agriculture, Fisheries and Food the incidence of Johne's disease as notified to his Department in 2009 and to date in 2010; and if he will make a statement on the matter. [3739/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Notification to my Department of a case of Johne's disease only takes place on the basis of a positive faecal culture. As this takes 42 days to grow there have been no instances identified as yet for 2010.

In total there were 471 culture tests completed by my Department for 2009. From these, there have been 99 positive tests sourced from 58 different herds including one positive goat herd. There are also 112 samples still pending from 2009.

Food Safety Standards.

125. **Deputy Olwyn Enright** asked the Minister for Agriculture, Fisheries and Food the action he will take on foot of the report by the interagency group established to consider the pork dioxin contamination issue; and if he will make a statement on the matter. [3766/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I established the inter-agency review of the dioxin contamination incident for the purpose inter alia of identifying any adjustments to official controls in the light of experiences gained from the incident. The report of the review concluded that once the incident was identified by my Department's residue monitoring programme it was handled well and all actions were proportionate and prompt.

Because of the speed and nature of the actions taken by the Irish public authorities and the industry, public confidence was restored quickly. The report also concluded that, in the management of the incident, the protection of consumer health was rightly the overriding priority. It did however point to weaknesses in the animal feed inspection system. My Department has already addressed these issues in the 2009 Animal feed Inspection programme whereby it

- assigned a higher risk category to the drying of feed and to grain drying operators
- placed greater emphasis on the checking of feed safety management plans, based on HACCP principles, which feed business operators are required to draw up and implement
- reminded operators involved in the drying of grain and feed that only particular fuels (gas, diesel & kerosene) should be used for such drying.

The report makes it very clear that under EU Food and Feed Hygiene legislation the primary responsibility to produce safe feed and food rests with the feed and food business operators. It specifically points out that the feed business operators should have identified the risk associated with the direct drying process in his feed safety management system based on HACCP principle. In this context my Department has reminded feed business operators of their obligation, under the Feed Hygiene Regulations, to take all steps necessary to ensure the safety of the feed chain.

As I indicated when publishing the report I have undertaken to have all the recommendations by the Review Group pursued by the relevant authorities.

Fisheries Protection.

126. **Deputy Dinny McGinley** asked the Minister for Agriculture, Fisheries and Food if he will consider including dogfish in allowable by-catch for gill netting fishermen; and if he will make a statement on the matter. [3789/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The proposed Council Regulation fixing for 2010 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required states that in the case of Spurdog/Dogfish (*Squalus acanthias*) the following rules will apply; By-catches are permitted up to 10% of the 2009 quotas established in Annex Ia to Regulation (EC) No 43/2009 under the following conditions:

- a maximum landing size of 100 cm (total length) shall be respected, and
- the by-catches comprise less than 10% of the total weight of marine organisms on board the fishing vessel.

Catches not complying with these conditions or exceeding these quantities shall be promptly released unharmed to the extent practicable.

In effect this means that Irish vessel may catch up to a maximum of approximately 19 tonnes of spurdog/dogfish as a by catch in 2010. At the monthly Whitefish Meeting between officials of my Department and fishing industry representatives held on 22 January 2010, the Federation of Irish Fishermen proposed that for the month of February 2010 a by catch provision of 2% for this stock should be applicable to all vessels. This proposal has been accepted by Minister Killeen and will be implemented by way of Fisheries Management Notice later this week.

Live Exports.

127. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the steps he is taking to develop the live cattle trade to Britain; and if he will make a statement on the matter. [3676/10]

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.

Overall live exports in 2009 increased by 94% on 2008 levels. In the same period, exports to the UK increased by 159%, with those to Great Britain increasing by 440% and those to other destinations by 74%.

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

[Deputy Brendan Smith.]

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.

Land Values.

128. **Deputy Willie Penrose** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the fact that agricultural land values in Leinster and Connaught have fallen by more than 50 percent; and if he will make a statement on the matter. [3876/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): A recent report by Independent global property consultants Knight Frank Ireland shows that farmland prices declined significantly countrywide, but the most significant decline was in the Dublin/Kildare/Wicklow region, where average prices dropped by 56.6%. The average price paid per acre in this premier region in 2009 was €10,920 down from the previous year's €25,210. The substantial decline was largely attributed to the fact that there were no recorded land sales in County Dublin in 2009. For the rest of the country prices were down an average of 43.3% from €17,081 in 2008 to €9,678 in 2009. Similarly, the results of a survey carried on behalf of the Irish Auctioneers and Valuers Institute (IAVI) show that land values in Leinster and Connaught fell by 30%-45% last year, depending on size and the presence of entitlements, while Munster land values dropped by 20.5%-28%.

The decline in farmland prices over the last few years mirrors the general decline across property markets, a narrowing of the premium paid for land in the Leinster area, the removal of many non-farmer buyers/speculators from the market, as well as a difficulty in sourcing credit/finance.

Question Nos. 129 and 130 answered with Question No. 121.

Grocery Industry.

131. **Deputy Máire Hctor** asked the Minister for Agriculture, Fisheries and Food his views on a code of practice in the grocery sector here which will ensure that food producers here are paid an appropriate price for their produce; and if he will make a statement on the matter. [3697/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): As signalled by the Tánaiste, the intention is to implement a national Code of Practice for doing business in the Grocery Goods sector with a view to ensuring a fair trading relationship between retailers and their suppliers. The code will be initially on a voluntary basis.

The EU Commission has also issued a Communication on a better functioning food supply chain in Europe. As I said at the recent Council of Minister's meeting, I believe there is also a need to look critically at EU competition law (or its interpretation) in so far as it can serve to militate against consolidation at producer level to achieve the scale necessary for optimum efficiency and international competitiveness. There is a need also to audit unfair contractual practices with a view to ensuring compliance with competition law. I am very pleased that the Spanish Presidency had committed itself to progressing the whole issue of improving the functioning of the food chain. There is a need for considerable improvement so that all players, including producers and consumers, receive fair treatment.

Fishing Quota.

132. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food when

the final decision will be reached on mackerel quotas for 2010; and if he will make a statement on the matter. [3748/10]

135. **Deputy Seán Connick** asked the Minister for Agriculture, Fisheries and Food the position regarding the EU Norway negotiations in relation to mackerel fishing; and if he will make a statement on the matter. [3698/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 132 and 135 together.

A final decision on the mackerel quotas was predicated on the outcome of the EU Norway negotiations which concluded with an agreement yesterday evening. Indications are that a Commission non-paper will be presented shortly to the Council working group on Fisheries followed with a formal proposal to the same body soon after. The proposal will be adopted using “Written Procedure”, which — allowing for legal and linguistic scrutiny and normal process — could be expected to take up to 3-4 weeks to be finalised.

Crop Losses.

133. **Deputy Noel J. Coonan** asked the Minister for Agriculture, Fisheries and Food the assistance he will provide for potato growers adversely affected by recent weather conditions; and if he will make a statement on the matter. [3749/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I am aware that due to very wet conditions in November 2009 a proportion of the total national area of potatoes remained unharvested at the end of the year. Since Christmas Ireland has experienced very severe frost conditions which have resulted in losses to potatoes. The extent of losses is difficult to quantify at this stage. It would be influenced by location and the extent to which the potatoes were exposed.

I have received representations on behalf of growers in relation to the losses incurred and the matter is currently being considered by officials in my Department.

Beef Industry.

134. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if he will introduce initiatives aimed at encouraging bull beef production; and if he will make a statement on the matter. [3753/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My Department has no plans to introduce specific initiatives to encourage bull beef production over other systems of beef production.

It is a matter for the processing industry, in responding to market demands for bull beef, or any other specialised form of beef production, to provide a sufficient level of price incentive to such producers.

Question No. 135 answered with Question No. 132.

Question No. 136 answered with Question No. 109.

Crop Losses.

137. **Deputy David Stanton** asked the Minister for Agriculture, Fisheries and Food the extent of the damage caused to potato crops as a result of the recent very cold weather; the impact of same; and if he will make a statement on the matter. [3854/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I am aware that due to very wet conditions in November 2009 a proportion of the total national area of potatoes remained unharvested at the end of the year. Since Christmas Ireland has experienced very severe frost conditions which have resulted in losses to potatoes. The extent of losses is difficult to quantify at this stage. It would be influenced by location and the extent to which the potatoes were exposed.

I have received representations on behalf of growers in relation to the losses incurred and the matter is currently being considered by officials in my Department.

Rural Development.

138. **Deputy Noel Treacy** asked the Minister for Agriculture, Fisheries and Food the maximum number of participants that will be allowed to join the new agri-environment scheme; and if he will make a statement on the matter. [3680/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The amended Rural Development Programme which included proposals for the new agri-environment scheme, was agreed by the EU's Rural Development Management Committee on 20 January and I hope to secure formal approval from the European Commission for the scheme in the next few weeks. The new scheme will focus on the priority objectives of biodiversity, climate change and water management. The scheme will be launched once formal Commission approval has been obtained. It will provide for a five year contractual period and the number of participants will depend on the level of interest among farmers, the number of applications received and, ultimately, the funding provided for my Department in the annual Estimates process.

Provision of Allotments.

139. **Deputy Lucinda Creighton** asked the Minister for Agriculture, Fisheries and Food if he will introduce a national policy on the promotion of allotments; if funding is available for the promotion of allotments; and if he will make a statement on the matter. [3853/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Acquisition of Land (Allotments) Act 1926 enables local authorities to let allotments in urban areas to an individual for the specific purpose of cultivating vegetables mainly for consumption by that individual "or his family", if that local authority is satisfied that a demand exists. The Act comes entirely within the remit of the Minister for Environment and Local Government and I have no function in relation to it. However, I and my colleague Minister Sargent, who has had discussion with other Departments, do welcome initiatives by local authorities in this area.

Fishing Industry.

140. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food his views on the introduction of an ombudsman for fisheries; and if he will make a statement on the matter. [3804/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Ombudsman's staff examine complaints concerning the administrative actions of all Government Departments including my own. Consequently, I do not see the necessity for a distinct Ombudsman for fisheries at this time.

Grant Payments.

141. **Deputy Seymour Crawford** asked the Minister for Agriculture, Fisheries and Food the number of REP scheme four applicants that have to be paid on a county basis; if his attention

has been drawn to the importance of these payments in view of the difficulties being experienced by some farmers; and if he will make a statement on the matter. [3547/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The first payments for the 2009 scheme year issued on 18 December 2009, and payments have continued to issue in the meantime. To date, 9,823 REPS 4 participants have been paid in full. A further 4,508 have received the first phase of 75% of their payments and are due to receive the balance shortly. Payments will issue this week to approximately 1,300 participants. My Department continues to process payments as a matter of priority with a view to completing all payments due as quickly as possible and, in this context, may be in contact directly with participants to resolve queries arising.

25/01/2010

County	REPS 4 applicants 2007 2008 and 2009	Payments for 2009 scheme year
Carlow	302	176
Cavan	1,099	462
Clare	1,332	1,002
Cork	3,216	1,015
Donegal	1,897	1,381
Dublin	51	18
Galway	2,753	1,279
Kerry	2,039	476
Kildare	374	267
Kilkenny	830	425
Laois	761	496
Leitrim	879	570
Limerick	1,345	738
Longford	680	410
Louth	217	88
Mayo	2,695	1,055
Meath	561	181
Monaghan	893	390
Offaly	704	287
Roscommon	1,395	871
Sligo	917	544
Tipperary Nth	855	534
Tipperary Sth	1,004	539
Waterford	671	133
Westmeath	709	400
Wexford	800	499
Wicklow	407	95
Totals	29,386	14,331

Common Agricultural Policy.

142. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food his position, as conveyed to his EU colleagues, in the context of the common agricultural policy review and world trade talks; his position in such discussions; the countries within the European

[Deputy Bernard J. Durkan.]

Union most closely aligned to this position; the countries opposed; the degree to which he will identify with, support and receive support from in this context; if he will ensure that Ireland's position as a food producer and an exporter is not jeopardised having particular regard to the need for each country within the European Union to maximise its potential in economic terms with specific reference to the need for a coordinated economic recovery throughout Europe; and if he will make a statement on the matter. [3898/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My overarching view is that future EU agricultural policy must adhere closely to the original objectives of the Common Agricultural Policy as set out in the Treaty of Rome and reiterated in the Lisbon Treaty. It must contain elements that protect farmers' incomes and thus maintain family farming in Europe. It also needs to ensure security of food supply and the delivery of quality products to consumers at reasonable prices.

Essentially future EU agricultural policy must be based on the twin goals of competitiveness and sustainability; it must have sufficient resources to meet these goals and it must be simple to justify, understand and operate. These objectives apply equally whether the discussion concerns the future of the Common Agricultural Policy or the WTO Trade talks. They are points that I have pressed strongly in discussions to date with other Member States and in the Council and I am pleased that there is strong support for my views with my Ministerial colleagues.

By way of illustration of that support, last month a group of 22 Member States, including Ireland, agreed a common declaration regarding the future of agricultural policy within the EU. The declaration included the following collective commitment from the 22 Ministers, that *“together we are convinced that agriculture is central to the core issues for our society: food, preservation of natural resources, job creation, public goods, the economic vitality of rural areas and more generally the rural development. Agriculture is a key asset for Europe and its political and economic development, notably in the context of the future EU 2020 strategy”*. The declaration went on to affirm that *“we must have resources for action commensurate with our ambitions”*.

It is early days in the negotiations on the future of the CAP and it would be premature to predict a final outcome at this point. My aim in the negotiations is to ensure that we have a robust and properly funded CAP into the future that underpins Ireland's position as a food producer and exporter and that maximises our potential in economic terms.

It is essential therefore in my view that we maintain coherence between our policy decisions on the future of the CAP and the negotiating process in the WTO talks. We must ensure that we do not undermine the competitiveness and sustainability of European and Irish agriculture by decisions taken in the context of the WTO negotiations and we need to adopt a coherent and co-ordinated approach to both policy dossiers.

Dairy Sector.

143. **Deputy John Cregan** asked the Minister for Agriculture, Fisheries and Food when he will pay out Ireland's proportion of the €300 million EU dairy fund; and if he will make a statement on the matter. [3689/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The EU dairy fund was part of a package of measures agreed at the Council of Agriculture and Fisheries Ministers last October. The Commission made available a fund of €300 million to support dairy farmers across the EU who were severely affected by the fall in prices. Each Member State's share was calculated based on their milk production in the 2008/2009 year within national quotas, and

Ireland received €11.5 million. Member States must make the payments by the end of June 2010, and are required to notify the Commission of the method of allocation.

I have decided to allocate Ireland's share of the money on a flat-rate basis to dairy farmers active in the 2008/2009 year. I made this decision after consulting with the dairy organisations, and it is seen as a fair and reasonable mechanism for determining the allocation to each individual. The payment will be made to eligible farmers using the Single Payment system of my Department. In order to ensure that dairy farmers receive the support as soon as possible, producers will not be required to submit an application. Eligible cases will be identified on the Department's database and payment will issue to them accordingly. Arrangements are being made to facilitate this and payment will be made as soon as possible.

Food Security.

144. **Deputy Ciarán Cuffe** asked the Minister for Agriculture, Fisheries and Food if, in view of his recent statement to the world food summit that one person in every six is now food insecure and that the current situation means the achievement of the millennium development goals on poverty and hunger face complete failure, he will state his long term solutions to remedy this situation; and if he will make a statement on the matter. [3552/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Currently 1 billion people in the world are food insecure. This is an ongoing tragedy, which was made worse by global food price rises in 2008. People need safe, nutritious, affordable food. Across the globe, countries need to sustainably increase agriculture production to improve food availability and most importantly locally resilient food systems must increase access for the poor and the vulnerable. There is full agreement that agricultural productivity must be increased and that greater resources must be directed towards smallholder farmers in developing countries, and in particular towards women farmers, on whom the greatest burden often falls.

There is an increasing awareness that food security cannot be taken for granted in a world where demand is rising rapidly. There have been increased demands on the agriculture sector to examine the growing pressure between food, feed and fuel in terms of production. As an export and market orientated industry with high standards of food safety and quality, Ireland has an important role to play in contributing to the international security of food supply.

Resolving hunger requires a global approach. Ireland has supported the development of a global partnership, which will see long-term sustained effort by both donors and recipient governments, and the UN agencies and other stakeholders on this matter. Ireland has taken a leading role in continuing to bring a global focus on hunger, and combating hunger is now a key component of Ireland's foreign policy and overseas aid programme.

The Government's 2006 White Paper on Irish Aid identified hunger and food security as fundamental elements of the global development challenge. A Hunger Task Force (HTF) report was launched in 2008 and its recommendations to focus on:

- increasing smallholder agricultural productivity in Africa, rightly underlining that the vast majority of African smallholders are women
- targeting under-nutrition (especially maternal and infant), and
- taking governance/leadership action on tackling global hunger (including by making hunger a priority at both national and international levels and ensuring that donor and recipient governments fulfil their commitments to its eradication).

have been accepted by the Government.

[Deputy Brendan Smith.]

A Special Envoy for Hunger has been appointed and an Inter-Departmental Hunger Task Team, which my Department is a member of, has been established. Combating hunger is an on-going task that will require sustained effort, but it is a task that this Government is fully committed too.

Sheep Sector.

145. **Deputy Bobby Aylward** asked the Minister for Agriculture, Fisheries and Food the value of the new grassland sheep scheme over the period 2010-2012; and if he will make a statement on the matter. [3685/10]

168. **Deputy Bobby Aylward** asked the Minister for Agriculture, Fisheries and Food when he will announce the final details of the new grassland sheep scheme; and if he will make a statement on the matter. [3684/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 145 and 168 together.

I am mindful of the particular difficulties being experienced by the Irish sheep sector and I decided late last year on a two-fold approach to address the situation.

In the first instance, I decided to allocate approximately €7 million from the Single Payment National Reserve to 14,000 sheep farmers, these being the only funds to which I had access to in 2009. Subject to a maximum payable area of 15 hectares, this Aid was payable to farmers who declared their sheep under the 2007 and 2008 Sheep Census, declared Mountain Type Grazing under the 2009 Disadvantaged Areas Scheme and who were eligible for, and were in receipt of payment under, the 2009 Disadvantaged Areas Scheme. Payments began on 9 December 2009 and, to date, payments worth in excess of €4.7 million have issued to in excess of 13,000 farmers.

Secondly, I decided to use €18 million of the €25 million in additional funding, for each of the years 2010, 2011 and 2012, to which we gained access following the agreement reached under the CAP Health Check, on a Grassland Scheme to support incomes in the sheep sector. The details of this Scheme are currently being finalised and I expect shortly to be in a position to make an announcement in this regard.

Road Repairs.

146. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food his views on the instigation of a grant system to encourage landowners to drain water from public roads. [3883/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Repair works to drain water from public roads are the responsibility of the Local Authorities, who are under the remit of my colleague the Minister for Environment, Heritage and Local Government.

Agri-Food Industry.

147. **Deputy Edward O’Keeffe** asked the Minister for Agriculture, Fisheries and Food when will his Department’s 2020 Strategy be finalised; and if he will make a statement on the matter. [3693/10]

187. **Deputy Edward O’Keeffe** asked the Minister for Agriculture, Fisheries and Food the progress that has been made in the development of his 2020 Strategy; and if he will make a statement on the matter. [3692/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 147 and 187 together.

For some months now, my Department has been working on the development of a new strategy for the period up to 2020 to ensure that the full potential of the agri-food and fishing sector is realised, as economic recovery proceeds. The preparatory work for this strategy is at an advanced stage as the Department in conjunction with relevant state bodies has completed a comprehensive series of papers on the main sectors. Consequently, I will be in a position to initiate, very shortly, a web based public consultation and submission process. The prepared papers will be used to provide an informed basis for discussion and to assist targeted submissions from interested parties.

I am anxious that the 2020 Strategy will maintain the impetus gained from the very successful Agri Vision 2015 Report and Action Plan. The new strategy, which I anticipate will be completed in the second half of 2010, will take full account of new global and market realities, where agriculture and food are central to the major global challenges of food security and climate change. The plan will focus on the critical issue of competitiveness and how best to maximise the opportunities arising from a growing international food and energy crops market.

Farm Waste Management.

148. **Deputy Thomas Byrne** asked the Minister for Agriculture, Fisheries and Food the proportion of the total funding in respect of the farm waste management scheme that has been paid to date; and if he will make a statement on the matter. [3683/10]

161. **Deputy Thomas Byrne** asked the Minister for Agriculture, Fisheries and Food the amount of the second phase of the farm waste management scheme grants that have been paid; when the final phase will be paid; and if he will make a statement on the matter. [3682/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos.148 and 161 together.

The first and second instalments of 40% under the farm waste management scheme have been paid or authorised for payment to all farmers who have been approved for payment under the scheme, to date. In the case of the second instalment of grant-aid paid to farmers under the scheme, this amounts to €239.6 million. The final instalment of 20% due to farmers under the scheme will be paid in early 2011.

In a small number of cases, grant payment has not yet been approved to applicants under the scheme (i) as applicants have either not yet submitted the necessary tax clearance documentation or have not provided the required documentary proof of payment of the contractors concerned, or (ii) due to technical issues having arisen in relation to the standard of the completed buildings.

Common Fisheries Policy.

149. **Deputy Christy O’Sullivan** asked the Minister for Agriculture, Fisheries and Food if he has approved Ireland’s submission to the EU Commission, regarding the reform of the common fisheries policy; and if he will make a statement on the matter. [3703/10]

171. **Deputy Christy O’Sullivan** asked the Minister for Agriculture, Fisheries and Food when Ireland’s submission, regarding the reform of the common fisheries policy, will be submitted to the EU Commission; and if he will make a statement on the matter. [3702/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 149 and 171 together.

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 ten years, the most recent in 2002 and the next is formally scheduled for 2012.

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.

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.

In May, the Minister of State, Deputy 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.

All of the submissions received by Dr. Noel Cawley have now been evaluated in order to compile a detailed and informed submission to the EU Commission. Dr. Cawley is currently in the process of finalising the wording of this document with Minister Killeen and aims to submit a final version to Minister Killeen for approval and onward transmission to the EU Commission within the next fortnight.

Dairy Sector.

150. **Deputy Mary Upton** asked the Minister for Agriculture, Fisheries and Food his views on the high level group on dairying; and his further views on whether a voluntary contract will stabilise milk prices. [3890/10]

169. **Deputy Niall Collins** asked the Minister for Agriculture, Fisheries and Food the progress made by the high level group of representatives of EU member states, established to review the dairy sector; and if he will make a statement on the matter. [3695/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 150 and 169 together.

The EU Commission set up the high level expert group on milk last October, following a special Council of Ministers meeting 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. The group is being chaired by the Commission’s Director General of Agriculture, and is examining the type of arrangements that might be put in place. I welcome its establishment.

More specifically, the group will examine medium term and long term ways of stabilising dairy farmers’ incomes and improving market transparency and it has been 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.

The work programme of the high level group has been divided into four discussion blocks. Block 1 deals with contractual relations, the bargaining power of producers and price transparency taking into account the experience of systems in place outside the EU. Block 2 examines the appropriateness of existing market instruments and the possibility of a futures market for dairy, again in the context of experiences in third countries. Block 3 covers information on markets and products (quality, health and labelling issues). Block 4 deals with innovation and research with a view to improving competitiveness.

There have been four meetings to date out of a total of about ten planned and these have focused on the block 1 issues. In addition to exchanges of views between member states, the group has heard presentations from representative organisations for producers, processors, distributors, retailers and consumers. It has also had exchanges with leading academics and with representatives from DG Competition and national competition authorities. In the last meeting the group heard presentations from four non-EU countries outlining their experiences of dairy market systems.

With regard to contractual relations, all member states are agreed on the benefits of contracts between producers and processors to underpin stability and certainty. However, there are marked differences between member states on the level of intervention required by the EU. Ireland, along with others, can accept a legal framework of guidelines at EU level but only if it is voluntary and flexible.

Grant Payments.

151. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Fisheries and Food when all REP scheme four payments will be awarded; and if his attention has been drawn to the hardship endured by delays in payments. [3856/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): REPS 4 is a measure under the current Rural Development Programme 2007–13 and is subject to EU Regulations which require detailed administrative checks on all applications to be completed before the first payments issue. Payments issued in 2009 to those whose applications required no further examination following the administrative checks. However, queries arose on a significant number of applications, in the course of the administrative checks. My Department is continuing to process the applications to payment stage as a matter of priority with a view to payment as soon as possible and, in this context, will be in touch with the applicants where necessary, to resolve outstanding issues.

Common Agricultural Policy.

152. **Deputy Margaret Conlon** asked the Minister for Agriculture, Fisheries and Food his views on the way in which greater simplification can be brought to the common agricultural policy in the context of the post-2013 negotiations; and if he will make a statement on the matter. [3691/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I want to see simplification of measures and systems as a key plank in the CAP after 2013. I must be absolutely clear that this is about increased efficiency and does not involve any weakening of financial controls or reduced accountability. However, I believe there is too much bureaucracy and complexity in the CAP at present. Everyone, and most of all farmers, wants to see a CAP that

[Deputy Brendan Smith.]

is much more straightforward to understand and implement. This should be one of the drivers of our policy deliberations on the CAP after 2013. We need a simple EU agricultural policy — simple to justify to EU taxpayers, simple for farmers to understand and operate and simple for member states to implement and enforce.

I have been pressing the need for policy simplification for some time. I raised it at last month's Council of Ministers meeting and I was pleased with the level of support received from colleagues. I also want to see more in the way of technical simplification coming from Brussels. A good start was made last year when some 39 concrete suggestions from member states for simplification were brought to the Council's attention. I was satisfied with the positive and open response of the Commission to the suggestions, many of which either came from or were supported by Ireland and I will do my utmost to ensure that these initiatives continue.

Grant Payments.

153. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food the number of farmers paid for REPS 4 on a county basis. [3889/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The first payments for the 2009 scheme year issued on 18 December 2009, and payments have continued to issue in the meantime. To date, 9,823 REPS 4 participants have been paid in full. A further 4,508 have received the first phase of 75% of their payments and are due to receive the balance shortly. Payments will issue this week to approximately 1,300 participants. My Department continues to process payments as a matter of priority with a view to completing all payments due as quickly as possible and, in this context, may be in contact directly with participants to resolve queries arising

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Wexford	800	499
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Totals	29,386	14,331

154. **Deputy Pat Rabbitte** asked the Minister for Agriculture, Fisheries and Food if farmers will be eligible to apply for the EU Solidarity Fund; and if so, the number of applications received from farmers to date in 2010. [3880/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Mindful of the hardship and distress caused by the recent widespread flooding, on 27 November 2009 I announced the introduction of the Fodder Aid Scheme, targeted directly at those farmers who encountered damage to fodder in the affected areas. While I was very anxious that the funding reach the affected farmers as quickly as possible, it was essential that farmers demonstrate that their fodder was damaged and to what extent. To this end, therefore, it was necessary that each claim be verified by an on-the-spot inspection.

I had initially set the closing date for receipt of applications as 11 December, but subsequently extended it by one week. Immediately applications began to be received by my Department, the necessary inspections were begun, following which the applications were further processed for payment. I am pleased to say that payments commenced issuing on 18 December and, to date, payments worth €504,074 have issued to 237 applicants. Payments continue to issue as individual cases are confirmed eligible.

I am aware that due to the recent severe frost conditions a proportion of the total national area of potatoes remained unharvested at the end of 2009. The very severe frost conditions have resulted in losses to potatoes and other crops. The extent of losses is difficult to quantify at this stage. It would be influenced by the nature of the crop, its location and the extent to which it was exposed.

I have received representations on behalf of growers in relation to the losses incurred and the matter is currently being considered by officials in my Department.

155. **Deputy Michael D. Higgins** asked the Minister for Agriculture, Fisheries and Food if he will extend the fodder aid scheme to losses associated with the recent very cold weather. [3865/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Mindful of the hardship and distress caused by the recent widespread flooding, on 27 November 2009 I announced the introduction of the fodder aid scheme, targeted directly at those farmers who encountered damage to fodder in the affected areas. While I was very anxious that the funding reach the affected farmers as quickly as possible, it was essential that farmers demonstrate that their fodder was damaged and to what extent. To this end, therefore, it was necessary that each claim be verified by an on-the-spot inspection.

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[Deputy Brendan Smith.]

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Agri-Food Sector.

156. **Deputy Ciarán Cuffe** asked the Minister for Agriculture, Fisheries and Food the impact he envisages that the new EU Commissioner Designate for Agriculture will have on the 5% land area target for organic agriculture by 2012; and if he will make a statement on the matter. [3553/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The 5% land area target is a national objective as part of the Programme for Government. I have taken various initiatives, and there are a number of measures in place, with a view to achieving this objective. The appointment of a new EU Commissioner for Agriculture will not impact directly on these initiatives. Nevertheless, I look forward to working closely with the new Commissioner on the future development of all aspects of the agrifood sector, including the organic sector.

Rural Development.

157. **Deputy Johnny Brady** asked the Minister for Agriculture, Fisheries and Food when he will announce details of a new agri-environment scheme; and if he will make a statement on the matter. [3678/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Ireland's amended rural development programme, including a new agri-environment scheme, was presented to the EU Rural Development Management Committee in Brussels on 20 January. This followed detailed and protracted discussions with the Commission. The committee agreed the programme and the Commission will now proceed to take a formal decision to approve it. This procedure is expected to take a number of weeks.

The new agri-environment scheme is focused on the priority areas of biodiversity, water management and climate change. It will offer a menu of measures addressing these priorities from which farmers may choose, provided they complement the environmental profile of the holding. Details on the operation of the new scheme are currently being finalised and I intend to launch the scheme once the formal Commission approval has been received.

Grant Payments.

158. **Deputy Margaret Conlon** asked the Minister for Agriculture, Fisheries and Food the amount paid to farmers under the fodder aid scheme announced in November 2009; and if he will make a statement on the matter. [3690/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Mindful of the hardship and distress caused by the recent widespread flooding, on 27 November 2009 I announced the introduction of the fodder aid scheme, targeted directly at those farmers who encountered damage to fodder in the affected areas. While I was very anxious that the funding reach the affected farmers as quickly as possible, it was essential that farmers demonstrate that their fodder was damaged and to what extent. To this end, therefore, it was necessary that each claim be verified by an on-the-spot inspection.

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Department, the necessary inspections were begun, following which the applications were further processed for payment. I am pleased to say that payments commenced issuing on 18 December and, to date, payments worth €504,074 have issued to 237 applicants. Payments continue to issue as individual cases are confirmed eligible.

159. **Deputy Liz McManus** asked the Minister for Agriculture, Fisheries and Food the average grant available per acre for miscanthus growers. [3871/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My Department introduced a pilot bioenergy scheme in 2007 to grant aid the cultivation of miscanthus and willow crops to produce feedstock for use in the bioenergy market. The maximum grant available to miscanthus growers is €1,450 per hectare (€587.04/acre) up to a ceiling of 30 hectares per applicant. The average payment made to miscanthus growers under the scheme was €9,800. In addition to establishment grants, areas planted with miscanthus also qualify for the single farm payment.

Dairy Sector.

160. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the outlook for the price of milk in 2010; and if he will make a statement on the matter. [3888/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The international dairy industry continues to face serious challenges at present. Over the past couple of years we have witnessed extremes of volatility in dairy product prices on an unprecedented scale. Markets for dairy products remain fragile, primarily due to a collapse in demand caused by the global economic downturn. During 2007 dairy prices reached record high levels during the international commodity price boom. In 2008 world dairy markets returned to far lower levels and this continued into early 2009, before gradually improving later in the year. We have seen the effect of these international low level prices finding their way back through the milk chain to primary producers.

In recent months, there has been an improvement in prices on dairy markets and it is hoped that this will continue in 2010. However, it is not possible to predict exactly what milk price farmers can expect to get this year.

While the immediate outlook remains somewhat uncertain, it is important to remember that the medium term prospects for global dairy markets are good. Growth in wealth and 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 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.

Question No. 161 answered with Question No. 148.

Question No. 162 answered with Question No. 114.

Organic Farming.

163. **Deputy Paul Gogarty** asked the Minister for Agriculture, Fisheries and Food his plans for farmers here in view of the continued growth in domestic demand for organic products and

[Deputy Paul Gogarty.]

the scale of the €2.1 billion UK and €4.6 billion German markets; and if he will make a statement on the matter. [3549/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The renewed programme for Government includes a commitment to meeting the growing demand for domestically produced organic produce by providing adequate resources and supports for the achievement of the target of 5% land area in organic production, with a focus on import substitution in areas where Ireland is under-producing at present. The organic farming scheme, which was reopened at the beginning of the year, will provide for payments to farmers and the capital schemes of grant aid provides support for both on-farm and off-farm investment. This commitment will encourage farmers whomight be considering the organic option for the first time to take it a step further and prepare to apply for support in 2010.

Following a review of the organic farming scheme during 2009, applicants will now be required to submit a business plan and, if they have not previously taken part in the organic supplementary measure in REPS, to undertake an approved training course. These changes in the scheme are designed to ensure that the farmers joining it are those who have most to offer to the growth of the organic sector so that it can meet the increasing demand from consumers for organic produce.

The grant schemes, which support investment by both producers and processors, have been successful since their launch in 2007. They were closed temporarily in mid-2009 because applications on hands at that point were enough to use up the funding provided for the year. These schemes were reopened at the beginning of this year.

My Department will continue to support initiatives such as national organic week and Irish participation in Biofach, the largest international showcase for the organic sector. Forás Orgánach, the body which I established to drive forward the development of the organic sector in Ireland, will continue to review and advise on issues as they arise.

Rural Development.

164. **Deputy Eamon Gilmore** asked the Minister for Agriculture, Fisheries and Food when the investment schemes for conversion of poultry house, pig welfare, dairy hygiene and sheep fencing will be introduced. [3862/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The revised rural development programme setting out, *inter alia*, the details of the schemes referred to by the Deputy was approved by the EU Rural Development Management Committee at its meeting on 20 January 2010.

The revised programme must now be formally approved by the European Commission and this is expected by the end of February. The roll-out of the various investment schemes will be phased over the lifetime of the programme.

Grocery Industry.

165. **Deputy Mary Alexandra White** asked the Minister for Agriculture, Fisheries and Food if, in view of the commitment in the revised programme for Government to implement a code of practice to develop a fair trading relationship between retailers and their suppliers, it will be a mandatory code; the benefits it will accrue to primary producers and horticultural producers; and if he will make a statement on the matter. [3551/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): As signalled by the Tánaiste, the intention is to implement a national code of practice for doing business in the grocery goods sector with a view to ensuring a fair trading relationship between retailers and their suppliers. The code will be initially on a voluntary basis.

The EU Commission has also issued a communication on a better functioning food supply chain in Europe. As I said at the recent Council of Ministers meeting, I believe there is also a need to look critically at EU competition law (or its interpretation) in so far as it can serve to militate against consolidation at producer level to achieve the scale necessary for optimum efficiency and international competitiveness. There is a need also to audit unfair contractual practices with a view to ensuring compliance with competition law. I am very pleased that the Spanish Presidency had committed itself to progressing the whole issue of improving the functioning of the food chain. There is a need for considerable improvement so that all players, including producers and consumers, receive fair treatment.

Question No. 166 answered with Question No. 121.

Horticulture Sector.

167. **Deputy David Stanton** asked the Minister for Agriculture, Fisheries and Food the extent of the damage caused to vegetable crops as a result of the recent cold weather; the impact of same; and if he will make a statement on the matter. [3855/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Since Christmas Ireland has experienced very severe frost conditions which have resulted in losses to vegetable crops. The extent of losses is difficult to quantify at this stage. It would be influenced by the nature of the crop, its location and the extent to which it was exposed.

My Department has received representations on behalf of growers in relation to the losses incurred and the matter is currently being considered by officials in my Department.

Question No. 168 answered with Question No. 145.

Question No. 169 answered with Question No. 150.

Dairy Sector.

170. **Deputy John Cregan** asked the Minister for Agriculture, Fisheries and Food when he will announce details of the €45 million investment support scheme aimed at helping young dairy farmers to adjust to expanding dairy opportunities and make their commercial operations more cost-effective; and if he will make a statement on the matter. [3688/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Ireland's revised Rural Development Programme provides a number of new on farm investment schemes, including a new €45 million investment support scheme for young dairy farmers. These will be co-funded by the National Exchequer and from additional modulation arising from the CAP Health Check and from the European Economic Recovery Package.

The Programme was approved by the EU Rural Development Management Committee on 20 January 2010. It must now be formally approved by the European Commission, which is expected by the end of February. The roll-out of the various investment schemes will then be phased over the lifetime of the Programme.

Question No. 171 answered with Question No. 149.

Cattle Prices.

172. **Deputy Willie Penrose** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the fact that cattle prices here are projected to fall this year; and if he will make a statement on the matter. [3877/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): As the Deputy is aware, cattle prices are a matter for the processing industry and the farmers who supply it. Cattle prices are influenced by a variety of factors and it is impossible to definitively forecast how all these factors will interact over a given period.

However, the key factors expected to influence the market environment for Irish beef in 2010 are the level of consumer demand and exchange rate developments. The outlook for the European beef market, according to Bord Bia, is that it will remain broadly stable in 2010, albeit with competitive pressures remaining.

In Ireland, some increase in cattle supplies at export meat plants is anticipated during 2010, given the fall in live exports in 2008. However, the strength of the weanling and store cattle trade in 2009 is expected to impact on finished cattle availability as the year progresses.

Rural Development.

173. **Deputy Johnny Brady** asked the Minister for Agriculture, Fisheries and Food the maximum payment per participant under the new agri-environment scheme; and if he will make a statement on the matter. [3679/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The amended Rural Development Programme which included proposals for the new agri-environment scheme, was agreed by the EU's Rural Development Management Committee on 20 January and I hope to secure formal approval from the European Commission for the scheme in the next few weeks. The new scheme will focus on the priority objectives of biodiversity, climate change and water management. The scheme will be launched once formal Commission approval has been obtained. It will provide for a five year contractual period for participants at a maximum payment of €5,000 per annum.

Grant Payments.

174. **Deputy Ruairí Quinn** asked the Minister for Agriculture, Fisheries and Food if he is satisfied that adequate funding has been made available to those farmers who were badly affected by the recent adverse weather conditions. [3879/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Mindful of the hardship and distress caused by the recent widespread flooding, on 27 November 2009 I announced the introduction of the Fodder Aid Scheme, targeted directly at those farmers who encountered damage to fodder in the affected areas. While I was very anxious that the funding reach the affected farmers as quickly as possible, it was essential that farmers demonstrate that their fodder was damaged and to what extent. To this end, therefore, it was necessary that each claim be verified by an on-the-spot inspection. I had initially set the closing date for receipt of applications as 11 December, but subsequently extended it by one week. Immediately applications began to be received by my Department, the necessary inspections were begun, following which the applications were further processed for payment. I am pleased to say that payments commenced issuing on 18 December and, to date, payments worth €504,074 have issued to 237 applicants. Payments continue to issue as individual cases are confirmed eligible. I am

particularly pleased at the speed with which these payments have been made directly to the affected farmers.

Crop Losses.

175. **Deputy Ciarán Lynch** asked the Minister for Agriculture, Fisheries and Food if supports will be put in place for potato farmers following the poor yield brought about by the recent bad weather. [3867/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I am aware that due to very wet conditions in November 2009 a proportion of the total national area of potatoes remained unharvested at the end of the year. Since Christmas Ireland has experienced very severe frost conditions which have resulted in losses to potatoes. The extent of losses is difficult to quantify at this stage. It would be influenced by location and the extent to which the potatoes were exposed.

I have received representations on behalf of growers in relation to the losses incurred and the matter is currently being considered by officials in my Department.

Sheep Losses.

176. **Deputy Mary Upton** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the heavy sheep losses in mountainous regions as a result of the cold weather; and if he will provide assistance. [3891/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I am aware that there have been some sheep lost due to the recent adverse weather conditions. This has also been brought to my attention by farmer representatives. However I have not been informed of any significant losses arising from the recent severe weather by individual farmers.

Rural Environment Protection Scheme.

177. **Deputy Joan Burton** asked the Minister for Agriculture, Fisheries and Food the amount of funding he will provide for the new REP scheme in 2010. [3859/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The proposed new agri-environmental scheme, which is part of the amended Rural Development Programme was agreed by the EU Rural Development Management Committee in Brussels on 20 January. The Commission will now proceed to take a formal decision to approve it. This procedure is expected to take a number of weeks. The new scheme will be focused on the priority areas of biodiversity, water management and climate change. It will offer a menu of measures addressing these priorities from which farmers may choose provided that they complement the environmental profile of the holding. Details on the operation of the new scheme are currently being finalised and I intend to launch the scheme once the formal Commission approval has been received. Funding for the scheme this year is provided within the overall allocation for the year of €330 million for REPS and related measures and expenditure will depend on the number of applications received, the numbers approved and the measures undertaken.

Farm Assist Scheme.

178. **Deputy Michael D. Higgins** asked the Minister for Agriculture, Fisheries and Food if he has a co-ordinating role with Department of Social and Family Affairs regarding farm assist. [3864/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Farm Assist is directly a matter for the Minister for Social and Family Affairs. However, my Department keeps in regular contact with the Department of Social and Family Affairs regarding developments of relevance to both Departments.

Question No. 179 answered with Question No. 121.

Rural Development.

180. **Deputy Noel Treacy** asked the Minister for Agriculture, Fisheries and Food the amount of funding that will be available in 2010 for those participating in the new agri-environment scheme; and if he will make a statement on the matter. [3681/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The proposed new agri-environmental scheme, which is part of the amended Rural Development Programme was agreed by the EU Rural Development Management Committee in Brussels on 20 January. The Commission will now proceed to take a formal decision to approve it. This procedure is expected to take a number of weeks. The new scheme will be focused on the priority areas of biodiversity, water management and climate change. It will offer a menu of measures addressing these priorities from which farmers may choose provided that they complement the environmental profile of the holding. Details on the operation of the new scheme are currently being finalised and I intend to launch the scheme once the formal Commission approval has been received. Funding for the scheme this year is provided within the overall allocation for the year of €330 million for REPS and related measures and expenditure will depend on the number of applications received, the numbers approved and the measures undertaken.

Common Fisheries Policy.

181. **Deputy Róisín Shortall** asked the Minister for Agriculture, Fisheries and Food the time-frame for the completion of the common fisheries policy review; and if he will make a statement on the matter. [3885/10]

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.

I welcome the Commission's Green Paper 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.

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.

All of the submissions received by Dr. Noel Cawley have now been evaluated in order to compile a detailed and informed submission to the EU Commission. Dr. Cawley is currently in the process of finalising the wording of this document with Minister Killeen and aims to

submit a final version to Minister Killeen for approval and onward transmission to the EU Commission within the next fortnight.

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.

Greenhouse Gas Emissions.

182. **Deputy Róisín Shortall** asked the Minister for Agriculture, Fisheries and Food if the agencies under his remit are working on scientific solutions to reducing methane emissions within the agricultural sector. [3884/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My Department continues to examine and advance understanding of various scientific solutions and abatement options in close liaison with Teagasc. There has been significant commitment of €15.5 million to climate change research projects since 2005 under the Research Stimulus Fund operated by my Department. This includes research into areas such as more efficient slurry application, increased use of clover, which would reduce nitrogen usage, methane reduction from enteric fermentation, non-inversion tillage and increasing the length of the grazing season.

I also announced last December that Ireland would participate in the initiative to establish a Global Alliance on research into the mitigation of agricultural greenhouse gas emissions. Ireland has consistently raised the urgent need to address the twin challenges of achieving food security and dealing effectively with climate change. World food production must be increased by 70% by 2050 (according to the Food and Agriculture Organisation of the UN) while at the same time there is also a need to reduce greenhouse gas emissions — reconciling these aims is a major challenge.

In Ireland, agriculture accounts for 26% of our greenhouse gas emissions. Without reducing production, experts say cost effective mitigation in the sector is limited to no more than 4%. Because of the relative importance of agriculture to Ireland, we are aware of the need for research into mitigation measures and look forward to working with the other participants in this global alliance which, to date, include Australia, Chile, Denmark, France, Germany, Ghana, Japan, Malaysia, Netherlands New Zealand, Sweden, Switzerland, Uruguay, UK, US and Vietnam.

Equine Registration.

183. **Deputy Brian O'Shea** asked the Minister for Agriculture, Fisheries and Food his views on submissions from a society (details supplied) in relation to the ownership of the stud book. [3873/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My Department is not in a position to comment on the submissions received to date from the Society in question.

Additional information requested from the Society, which was only received yesterday, has not yet been examined.

Milk Quota.

184. **Deputy Kathleen Lynch** asked the Minister for Agriculture, Fisheries and Food the number of new entrants into the dairy sector for the years 2008 to date in 2010. [3869/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): There are two schemes operating in my Department through which new entrants to dairying might acquire a milk quota. These are the Milk Quota Trading Scheme and the Scheme for the Allocation of Milk Quota to New Entrants.

Since 1 April 2008 to date, a total of 100 new entrants have purchased quota through the Milk Quota Trading Scheme. Quota purchased under this scheme is allocated to the new entrants on 1 April in the year following the purchase and they then have 15 months from that date in which to commence production.

The Scheme for the Allocation of Milk Quota to New Entrants was introduced in the 2009/2010 milk quota year when a total of 72 applicants each received allocations of 200,000 litres of milk quota. These new entrants have until 1 April 2011 to commence production.

Social Welfare Benefits.

185. **Deputy Eamon Gilmore** asked the Minister for Agriculture, Fisheries and Food if he has a co-ordinating role with the Department of Social and Family Affairs regarding family income supplement. [3863/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Family Income Supplement is directly a matter for the Minister for Social and Family Affairs.

Common Agricultural Policy.

186. **Deputy Niall Collins** asked the Minister for Agriculture, Fisheries and Food the discussions that have taken place at EU level on the future of the Common Agricultural Policy after 2013; and if he will make a statement on the matter. [3694/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): A first policy debate on CAP after 2013 took place at the Informal Agriculture Council in September 2008 under the French Presidency. The Czech Presidency continued the debate in the first months of last year, focusing, in particular, on the issue of direct payments to farmers. Following on from this, in the last six months of 2009, the Swedish Presidency concentrated its discussions on rural development issues. In addition to these discussions at Council, both I and my officials have engaged intensively with other Member States and the Commission bilaterally on the future of the CAP.

Notwithstanding these discussions, concrete proposals have yet to emerge on the shape of EU agriculture policy beyond 2013. The Commission is expected to bring forward a formal communication later this year on the future of the CAP, followed by legal proposals in mid 2011. A first round of formal negotiations will commence on the Communication, leading possibly to the agreement of Council Conclusions, while the more intense phase of formal negotiations will commence once the legal proposals are tabled.

My priority at present is to ensure that Ireland is at the centre of the informal negotiating process that is taking place in advance of the formal start of negotiations. It is at this stage in the informal negotiating period that the main policy options will be formulated in my view. It is important, therefore, that a single unified view is presented by Ireland that we want a robust agricultural policy in the future with resources commensurate with our ambitions.

My belief, which I have expressed at meetings of the Council and bilaterally to my Ministerial colleagues, is that we must maintain a strong agricultural production base in the European Union in the future to take account of the challenges ahead in meeting increased demands for

food. We must also undertake food production and distribution in a manner that is competitive and sustainable in all its dimensions — economically, socially and environmentally.

There will be major challenges ahead from climate change, increased competition on world and EU markets, the international economic crisis and other factors. We must ensure that we have the capacity to cope with the challenges and fully exploit the opportunities as they emerge. To do so, our whole sector, from farm to fork, must be highly efficient and competitive. It must also be innovative, producing the products that changing consumer tastes demand, and it must be relentlessly focused on quality and safety.

To achieve the objectives I have outlined, there is a continuing need for an active and appropriately resourced European agricultural policy and I am pleased to report that there is strong support for my views as is evidenced by the tone and text of the declaration agreed by 22 Member States, including Ireland, in Paris last month.

Question No. 187 answered with Question No. 147.

Fisheries Protection.

188. **Deputy Niall Blaney** asked the Minister for Agriculture, Fisheries and Food the position regarding the restrictions on whitefish fishing off County Donegal, introduced at the December 2008 fisheries council meeting; and if he will make a statement on the matter. [3701/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): A variety of new rules restricting fishing vessels' days at sea in the Irish Sea and the waters to the northwest of Ireland and Scotland were introduced as part of the EU's revised Cod Recovery Plan in December 2008.

The plan introduced a new system of effort management that sets effort ceilings (expressed in kilowatt-days) for groups of vessels or fleet segments. In addition to the restriction on the effort, there is also a restriction in relation to kilowatt capacity and the effect of this is to restrict the kw capacity of the vessels to be granted an authorisation in 2010 to the same level as the total kw capacity of those vessels that were active using the regulated gear and had an authorisation in 2006 or 2007.

The management of the fishing effort ceilings has been devolved to the national level. Member States have received annual allocations of fishing effort for the areas covered by the Plan, which include the Irish Sea (ICES area VIIa) and the waters to the northwest of Ireland and Scotland (ICES area VIa). The effort allocation levels were established by the EU Fisheries Council on the basis of an EU Commission proposal. They were calculated by averaging the fishing activity levels of each Member State in the areas during a reference period of 2004-2006 or 2005-2007 and then reducing that effort by 25% for 2009. A further reduction of effort by 25% is to be implemented in 2010. This methodology means there is now limited fishing effort available for all Community vessels, including Irish vessels, fishing in the designated areas.

Under the plan, each Member State was required to introduce a licensing regime to manage its effort allocations. Any vessel longer than 10 metres overall must have an authorisation from its Member State in order to operate in one of the designated areas using the fishing gears covered by the plan. Member States can decide on the method of allocating their national pools of fishing effort, which are broken down by fishing gear type. Following consultations with representatives of the Irish fishing industry, a pilot system of authorisations and allocations of fishing effort was introduced for the period from 1 February to 30 April 2009. Minister Killeen also established a Steering Group in February 2009 consisting of representatives of the Irish fishing industry, with input from the Marine Institute, the Sea Fisheries Protection Authority, Bord Iascaigh Mhara and the Department to advise on how the Pilot Scheme might be revised.

[Deputy Brendan Smith.]

Minister Killeen approved two further pilot schemes from 1 May 2009 – 31 October 2010 and from 1 November – 31 January 2010.

Following extensive consultations and meetings of the Steering Group since November 2009, I am pleased to confirm that a new pilot scheme for the period 1 February 2010 – 30 April 2010 has been agreed and approved by Minister Killeen.

I appreciate that the introduction of these new conservation measures are a challenge and present difficulties for fishermen. Bearing in mind the difficulties posed by this regulation, I can assure the house that Minister Killeen, the Department and its agencies will continue to provide support to the industry in relation to the practical implementation of these new measures. Minister Killeen regularly meets fishing industry representatives and fishermen and every effort is made to alleviate the impact of the Cod Recovery Plan in as far as practicable and within the legal framework that has been established.

Departmental Expenditure.

189. **Deputy Liz McManus** asked the Minister for Agriculture, Fisheries and Food if it is proposed to increase funding to Animal Health Ireland for its multi-annual programme.
[3870/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Animal Health Ireland (AHI) is a private company limited by guarantee and is not a public body under my control. My Department is committed to providing funding up to a maximum value of €0.5m per annum, for a period of 5 years, to AHI subject to matching contributions being provided by the industry.

Animal Feedstuffs.

190. **Deputy Ruairí Quinn** asked the Minister for Agriculture, Fisheries and Food his views on the inter-agency review group report on the dioxin contamination incident here in December 2006; and if he is satisfied with the role of his Department during this crisis.
[3878/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I established the inter-agency review of the dioxin contamination incident for the purpose inter alia of identifying any adjustments to official controls in the light of experiences gained from the incident. The report of the review concluded that once the incident was identified by my Department's residue monitoring programme it was handled well and all actions were proportionate and prompt.

Because of the speed and nature of the actions taken by the Irish public authorities and the industry, public confidence was restored quickly. The report also concluded that, in the management of the incident, the protection of consumer health was rightly the overriding priority. It did however point to weaknesses in the animal feed inspection system. My Department has already addressed these issues in the 2009 Animal feed Inspection programme whereby it assigned a higher risk category to the drying of feed and to grain drying operators placing greater emphasis on the checking of feed safety management plans, based on HACCP principles, which feed business operators are required to draw up and implement reminded operators involved in the drying of grain and feed that only particular fuels (gas, diesel & kerosene) should be used for such drying.

The report makes it very clear that under EU Food and Feed Hygiene legislation the primary responsibility to produce safe feed and food rests with the feed and food business operators. It specifically points out that the feed business operators should have identified the risk associated with the direct drying process in his feed safety management system based on HACCP

principle. In this context my Department has reminded feed business operators of their obligation, under the Feed Hygiene Regulations, to take all steps necessary to ensure the safety of the feed chain.

As I indicated when publishing the report I have undertaken to have all the recommendations by the Review Group pursued by the relevant authorities.

Food Labelling.

191. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which he directly or in conjunction with his EU colleagues will ensure rigorous enforcement of food traceability and quality standards throughout the European Union with particular reference to food imports and the need to ensure that traceability, labelling, hygiene, quality and husbandry standards for all imports are strictly in accordance with those applicable with the European Union without exception; if there is full co-operation to ensure that all products imported from third countries are not repossessed or relabelled to give a false impression of its origin or to undermine or underprice the quality and standards of products produced in Europe; and if he will make a statement on the matter. [3897/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): In general, responsibility for enforcement of labelling legislation rests with the Food Safety Authority of Ireland (FSAI) through its service contracts with my Department, the Sea Fisheries Protection Authority, the Health Services Executive, the Local Authorities and the National Consumer Agency.

My Department has responsibility for the operation of EU controls on imports of products of animal origin under its service contract and in compliance with harmonized Community rules on the hygiene of food and feed. These stipulate that food products of animal origin produced and traded 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 food products of animal origin must have originated in a country that has been approved by the EU for trade in the animal product in question and from an approved establishment, be labelled as to origin and be appropriately transported. Approval for export to the EU is continuously assessed by the EU's Food & Veterinary Office (FVO). This takes into account whether the controls operated by a third country on the production and processing of products of animal origin can offer equivalent guarantees as to food safety to controls that are operating in the EU. At importation consignments must be accompanied by a veterinary health certificate in accordance with the models laid down by Community legislation.

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.

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. Consignments of animal products 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.

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.

[Deputy Brendan Smith.]

L116 of 4.5.2007 which also provides an exemption from border inspection in the case of certain composite and specified food products comprising processed low risk animal products and plant products. These products however must comply with public health requirements for their placing on the market.

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.

Under Commission Regulation (EC) No 1580/2007, as amended, traders offering fresh fruit and vegetables for sale are responsible for ensuring the products meet minimum quality requirements and are correctly as well as clearly labelled including country of origin.

Under the EU's Hygiene of Food & Feed Regulations new harmonized import controls were introduced on 25 January on certain non-animal food products and animal feed ingredients coming from regions where risks to food safety have detected. These controls providing for pre-notification of import, inspection, sampling and analysis will be operated by the Health & Safety Executive and by my Department.

Under the current food labeling Directive 2003/13/EC the compulsory indication of the particulars of the place of origin or provenance is required where failure to give such might mislead the consumer to a material degree as to the true provenance of the foodstuff. Enforcement of this legislation is the responsibility of the Food Safety Authority of Ireland.

Food Imports.

192. **Deputy Chris Andrews** asked the Taoiseach the value of goods imported here from the West Bank during the period 2006 to 2009; and the main types of food produce that were imported from this region. [4081/10]

Minister of State at the Department of the Taoiseach (Deputy Pat Carey): Under EU legislation, Article 9 of Council Regulation (EC) No. 1172/95 of 22/05/1995 lays down the rules regarding the compilation of statistics for the trading of goods by the Community and its Member States with non-member countries.

Under this regulation, it has been possible since 2001 to record the trade of goods with what the UN defines as the Occupied Palestinian Territories. However, it is not possible to record trade in a manner that distinguishes between specific regions, such as the West Bank or the Gaza Strip.

This being the case, imports into the Republic of Ireland from the Occupied Palestinian Territories were of marginal value (less than €25,000) in each of the years 2006, 2007 and 2008 and in the period January to October 2009. The trade statistics do not indicate any imports of foodstuffs from the Occupied Palestinian Territories in 2006, 2008 or 2009 but do indicate small imports of olive oil and fresh or chilled tomatoes in 2007.

Grant Payments.

193. **Deputy Paul Gogarty** asked the Tánaiste and Minister for Enterprise, Trade and Employment if grants are available to unemployed persons seeking to set up businesses in the area of insulation and renewable energy; and if she will make a statement on the matter. [4173/10]

202. **Deputy Paul Gogarty** asked the Tánaiste and Minister for Enterprise, Trade and Employment the grants available to unemployed persons seeking to set up businesses in the area of insulation and renewable energy; and if she will make a statement on the matter. [4176/10]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I propose to take Questions Nos. 193 and 202 together.

My Department does not provide direct funding or grants to businesses but provides funding to a number of State Agencies, including the County and City Enterprise Boards (CEBs) and Enterprise Ireland, through whom assistance is delivered directly to businesses.

Subject to certain eligibility criteria new and developing micro-enterprises may qualify for financial support from the CEBs in the form of priming, expansion/development and feasibility/innovation grants. In addition, the CEBs deliver a range of non-financial supports to improve management capability development within micro-enterprises designed to help new and existing enterprises to operate effectively and efficiently so as to last and grow.

However, in order to more fully explore the range of options that may be available, potential entrepreneurs are advised to contact their local CEB to discuss their business needs with the relevant staff of the Board. Contact details for individual CEBs can be found by accessing the following website: www.enterpriseboards.ie.

County Enterprise Boards.

194. **Deputy Michael Ring** asked the Tánaiste and Minister for Enterprise, Trade and Employment the reason the chief executive officer of Mayo County Enterprise Board did not reply to correspondence (details supplied) sent to them. [3943/10]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): It is my understanding that the correspondence from the Deputy to Mayo CEB was in connection with a grant application query. My Department does not have any role in day-to-day operational matters of Mayo CEB or in any related follow-up correspondence.

I am advised that Mayo CEB have confirmed that your correspondence was received on January 7th 2010 and duly responded to on January 21st 2010.

Departmental Agencies.

195. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the location of the 12 companies in County Donegal that IDA Ireland supports; the number of jobs in each; and if she will make a statement on the matter. [4085/10]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The Forfás Annual Employment Survey reports on job gains and losses in companies that are supported by the industrial development agencies. Data is compiled on an annualised basis and is aggregated at county level. At present there are 1,683 employed in the 12 IDA client companies in County Donegal.

Enterprise Stabilisation Fund.

196. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of applications that were received from County Donegal for support under the enterprise stabilisation fund in 2009; the location of these companies; and if she will make a statement on the matter. [4086/10]

198. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of applications that were received for support under the enterprise stabilisation fund in 2009 on a county basis; and if she will make a statement on the matter. [4088/10]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I propose to take Questions Nos. 196 and 198 together.

The provision of grant assistance to individual companies is a matter for the development agency or body concerned, and not one in which I have any function.

However, I have been informed by Enterprise Ireland, that approximately €58m has been approved under the Enterprise Stabilisation Fund as at the 31st December 2009. Enterprise Ireland had received a total of 172 applications in 2009 of which 148 projects were approved for funding.

It would not be appropriate to disclose the exact locations of the grant-aided companies for reasons of commercial sensitivity. However, a break down of the successful 148 projects on a county by county basis is set out as follows in tabular format.

Approved Applications — Regional Breakdown

Approvals by County	Status
Carlow	3
Cavan	4
Clare	1
Cork	18
Donegal	7
Dublin	42
Galway	8
Kerry	3
Kildare	4
Kilkenny	1
Laois	2
Leitrim	1
Limerick	5
Longford	2
Louth	8
Mayo	7
Meath	4
Offaly	3
Roscommon	1
Sligo	4
Tipperary	4
Waterford	3
Westmeath	2
Wexford	4
Wicklow	7
Total	148

Employment Subsidy Scheme.

197. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of applications that were received from County Donegal for support under the employment subsidy scheme in 2009; the location of these companies; and if she will make a statement on the matter. [4087/10]

199. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of applications that were received for support under the employment subsidy scheme on a county basis; and if she will make a statement on the matter. [4089/10]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I propose to take Questions Nos. 197 and 199 together.

The objective of the Employment Subsidy Scheme (Temporary) is to provide an employment subsidy to vulnerable but viable enterprises in order to maintain as many jobs as possible within these enterprises. I launched the first call of the Scheme on the 6th August 2009.

Eligible enterprises had to submit an application by the 4th September 2009 to Enterprise Ireland who is administering the Scheme. 620 companies applied for the first call of the Scheme. The breakdown of these applicants by county is given in the following table. As can be seen from this table 35 applications were received from enterprises in County Donegal.

Last month, I launched a second call under the Scheme, with a closing date of 23rd December 2009. Enterprise Ireland are currently assessing the applications they received under this call and detailed information on these applications is currently unavailable.

Applicants for Employment Subsidy Scheme (Temporary) — First Call

County	Applicants
Carlow	12
Cavan	19
Clare	26
Cork	71
Donegal	35
Dublin	170
Galway	36
Kerry	11
Kildare	16
Kilkenny	6
Laois	6
Leitrim	7
Limerick	18
Longford	9
Louth	25
Mayo	8
Meath	21
Monaghan	18
Offaly	6
Roscommon	6
Sligo	8
Tipperary	15
Waterford	16
Westmeath	14
Wexford	18
Wicklow	23
Grand Total	620

Question No. 198 answered with Question No. 196.

Question No. 199 answered with Question No. 197.

Trade Relations.

200. **Deputy Billy Timmins** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will respond to a query (details supplied); and if she will make a statement on the matter. [4099/10]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): Over the last decade in particular, the Government has devoted considerable effort to developing enhanced links with Asia, and China in particular, in order to engage more productively with that region, in view of its growing economic power and the consequent opportunities for Ireland. The Asia Strategy was launched in 1999 and the second phase, from 2005, set key specific targets to be achieved. I am happy that most of these have been exceeded. During that 10-year period, merchandise exports to China rose from €119m in 1999 to €1.609bn in 2008 (final figures are not yet available for the full year 2009 but are likely to very similar). In addition, Services exports have grown from a negligible level in 1999 to €1.423bn in 2008. These achievements have reduced our trade deficit from €2.9bn some years ago to just €1.3bn in 2008. In fact when the data for Hong Kong, where we already have a surplus, is added, the deficit for greater China, is reduced further.

In addition to trade, the Asia Strategy has resulted in 103 Irish companies having established a presence in China, significant high-level visits between the two countries have been organised, tourism, educational and cultural links have been deepened and a range of other initiatives pursued.

My Department drives and chairs a Joint Economic Commission Agreement with China in which diverse issues are pursued with a view to promoting closer and deeper economic contacts. This is a very useful mechanism to advance a range of initiatives that can be mutually beneficial. The next formal session of this forum is due later this year.

Enterprise Ireland now has four offices in China to assist Irish companies developing exports there. The Department of Foreign Affairs have opened a Consulate in Shanghai, the main commercial centre, in addition to the existing embassy in Beijing. Outside of China, both Enterprise Ireland and the Department of Foreign Affairs have expanded their network of offices and missions in the South-East Asian region over recent years. The most recent new Embassy established was in Hanoi, Vietnam, in 2005. Also, Bord Bia have established an office in Shanghai to develop Irish food exports to the region.

In response to the Smart Economy Framework, my Department is both reviewing the achievements of the Asia Strategy, as well as working with the Development Agencies and other Departments to develop a new Strategy and Action Plan for Trade, Investment and Tourism. This will focus on high growth emerging markets such as China, as well as on our existing key trading partners. The aim is to bring further focus and coherence to Ireland's single-minded pursuit of our international economic and commercial interests. I am satisfied that the Government is fully engaged to seize the opportunities in these markets.

Job Losses.

201. **Deputy Michael Noonan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the way in which persons who were made redundant by a company (details supplied) can avail of funds being provided by the EU Globalisation Fund; the activities and programmes she considers eligible for the receipt of payments from this fund; if, in respect of

training programmes, there is a requirement that the programmes are new rather than existing programmes being provided by FÁS; and if she will make a statement on the matter. [4123/10]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I refer to the answer to Parliamentary Questions No. 189 and 192 of 19 January 2010. Details of all eligible guidance, training, educational and entrepreneurial measures available with the assistance of the European Globalisation Adjustment Fund (EGF) for those workers made redundant at the DELL plant in Raheen, Co. Limerick and at ancillary enterprises since 8 January 2009 will be provided at the public information event being hosted at the South Court Hotel in Limerick on 11-12 February 2010 by the FAS EGF Coordination Unit. A number of complementary and innovative measures are included in addition to the range of current courses and programmes available across a wide range of service providers, both public and private.

Question No. 202 answered with Question No. 193.

Job Creation.

203. **Deputy Paul Gogarty** asked the Tánaiste and Minister for Enterprise, Trade and Employment the grants and other assistance available to unemployed persons seeking to set up their own business; if situations exist in which they can continue to claim welfare and start a self employed enterprise for a defined period; and if she will make a statement on the matter. [4177/10]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): My Department provides funding to a number of State Agencies, including the County and City Enterprise Boards (CEBs) and Enterprise Ireland, through whom assistance is delivered to businesses. Subject to certain eligibility criteria, new and developing micro-enterprises may qualify for financial support from the CEBs in the form of priming, expansion/development and feasibility/innovation grants. In addition, the CEBs deliver a range of non-financial supports to improve management capability development within micro-enterprises designed to help new and existing enterprises to operate effectively and efficiently so as to last and grow.

However, in order to more fully explore the range of options that may be available, potential entrepreneurs are advised to contact their local CEB to discuss their business needs with the relevant staff of the Board. Contact details for individual CEBs can be found by accessing the following website: www.enterpriseboards.ie.

In addition to the CEB provision, FÁS offers a range of courses through daytime and evening/part-time provision for people who have an interest in establishing their own business. Some courses are exclusively aimed at business start-up and enterprise development training, while broader based courses contain elements or modules that are enterprise related. From a financial assistance perspective, the Department of Social and Family Affairs operates two schemes to assist people on social welfare who wish to become self-employed; namely the Short Term Enterprise Allowance (STEA) and the Back to Work Enterprise Allowance (BTWEA).

The short-term enterprise allowance, introduced from 1st May 2009, provides immediate access to support where people who have lost their jobs and qualify for Jobseekers' Benefit wish to set up a business. Payment under the scheme is at the same rate and for the same duration as their entitlement to Jobseeker's Benefit.

The Back to Work Enterprise Allowance is designed to provide a monetary incentive for people who are dependant on social welfare payments to develop a business while allowing

[Deputy Dara Calleary.]

them to retain a reducing proportion of their qualifying social welfare payment, plus secondary benefits, over two years; 100% in year 1 and 75% in year 2. In the case of jobseekers, the qualifying period required for access to the Back to Work Enterprise Allowance is 12 months, provided a person has an underlying entitlement to Jobseeker's Allowance.

Flood Relief.

204. **Deputy Brendan Kenneally** asked the Minister for Finance the details of the various flood alleviation measures that are taking place in County Waterford; the measures that will be included in phases one, two, three and four; the date when phase one of the works will be completed; the date when phases two, three and four will have their detailed designs completed; the length of time it will take to proceed to construction; and if he will make a statement on the matter. [3924/10]

Minister of State at the Department of Finance (Deputy Martin Mansergh): All phases of the flood relief scheme are being implemented by the Waterford City Council with OPW funding and expertise. Phase 1 of the Waterford City Flood Alleviation Scheme consists of flood protection works (a) on the River Suir upstream of its confluence with John's River near Adelphi Quay, along the length of the South Quays to Rice's Bridge, and (b) on John's River from its confluence with the River Suir near Adelphi Quay, along its route through the Court House grounds to Hardy's Bridge, Catherine Street. The flood protection works include for the replacement of the existing railings along the south quays with a glass floodwall system and a combination of reinforced concrete walls and flood embankments on the John's River to Hardy's Bridge. These works under the Phase 1 Contract are expected to be completed in April, 2010.

Grattan Quay Works comprises the construction of a reinforced concrete floodwall along the quay from Rice's Bridge to the existing wall north of Grattan Quay. These works are now part of the Phase 1 contract and are expected to be completed by May 2010.

Phases 2 & 3 Advance Works contract consists of the construction of masonry faced reinforced concrete floodwalls and glass floodwalls along the southern bank of the John's River in Scotch & George's Quay and along the northern bank of the John's River in Waterside. The work under this contract is expected to be completed by May 2010.

Phases 2, 3 & 4 (The remaining phases under the Waterford City Flood Alleviation Scheme) consist of proposed flood protection works in the form of masonry faced reinforced concrete floodwalls and flood embankments on the southern bank of the River Suir south of its confluence with the John's River and on both banks of the John's River up to the Tramore Road.

The proposed works under these phases will be submitted for Part 10 Planning in February 2010 and it is hoped that the detailed design will be completed by Autumn 2010 (dependent on how long it takes to receive planning approval) with construction commencing in early 2011.

205. **Deputy Pat Breen** asked the Minister for Finance his plans to introduce flood prevention measures along the River Fergus and in the vicinity of the town of Ennis, County Clare, in order to prevent a repeat of the flooding which affected the town in November 2009; and if he will make a statement on the matter. [3956/10]

Minister of State at the Department of Finance (Deputy Martin Mansergh): Following severe flooding on several occasions, a Flood Relief Scheme was approved for the town of Ennis. The scheme was divided into two parts — Upper Ennis (Phase 1) and Lower Ennis (Phase 2). Works on the Upper Ennis Scheme, which include Island Car Park, Mill Bridge, Wood Quay

to Parnell Street, and Mill Road are substantially complete and are expected to be completed by the end of March 2010. Works on Ennis Lower (Phase 2) are currently at detailed design stage, and tender documents will issue shortly. It is envisaged that this phase will commence in late Summer 2010 with works being completed in late 2012.

In November 2009, OPW became aware of flooding in Ennis, which occurred in areas that were developed since the Flood Relief Scheme was designed. These include Fíor Uisce and The Watery Road. The area around St Flannan's College also flooded. The Local Authority have agreed to gather and submit information in respect of these flood events to OPW and, subject to technical, economic and environmental factors, these areas will be considered for flood alleviation works.

Tax Code.

206. **Deputy Jack Wall** asked the Minister for Finance the liability for a sibling who inherits a family home; if there are circumstances in which such a tax would not apply; and if he will make a statement on the matter. [3967/10]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that for the purposes of Capital Acquisitions Tax (Gift and Inheritance Tax), the relationship between the person who provided the gift or inheritance (i.e., the disponer) and the person who received the gift or inheritance (i.e., the beneficiary), determines the maximum tax-free threshold — known as the “Group threshold” — below which gift or inheritance tax does not arise. There are, in all, three separate Group tax-free thresholds based on the relationship of the beneficiary to the disponer.

Group A: €414,799 — applies where the beneficiary is a child (including adopted child, step-child and certain foster children) or minor child of a deceased child of the disponer. Parents also fall within this threshold where they take an inheritance of an absolute interest from a child.

Group B: €41,418 — applies where the beneficiary is a brother, sister, a nephew, a niece or lineal ancestor or lineal descendant of the disponer.

Group C: €20,740 — applies in all other cases.

When calculating whether a beneficiary has received benefits in excess of his or her Group tax-free threshold, any other gifts and inheritances received by that beneficiary since 5 December 1991 from within the same Group are also taken into account. A sibling who takes an inheritance from their brother or sister falls into the Group B threshold above.

Apart from the tax-free Group thresholds available to a beneficiary, the Capital Acquisitions Tax code also exempts a gift or inheritance of a dwelling-house completely from gift or inheritance tax in certain circumstances. The main conditions attaching to the exemption are that the beneficiary of the dwelling -house must have resided in the dwelling-house for a minimum of three years prior to the gift or inheritance and must not have an interest in any other dwelling-house. In addition, the beneficiary must continue to occupy that dwelling-house as his or her only or main residence for a period of six years from the date of the gift or inheritance.

The exemption ensures that what may be the family home for many people will not be the subject of gift or inheritance tax when it is transferred. The dwelling-house exemption is available to any beneficiary who meets the conditions for the exemption irrespective of whether or not they are related to the disponer of the gift or inheritance and irrespective of the value of the dwelling-house being transferred.

Fiscal Policy.

207. **Deputy Mary Wallace** asked the Minister for Finance the percentage savings, in view of public service reforms, that have been achieved by the public service recruitment moratorium in 2009; if 3% expected savings has been achieved; if the continuing moratorium is expected to provide the same level of savings over the next 12 months; his views on the suggestion from civil servants that a 40 hour week, providing all staff with the same 20 day holiday, might be worthy of consideration; and if he will make a statement on the matter. [4084/10]

Minister for Finance (Deputy Brian Lenihan): Budget 2010 provided for a reduction of €1.48 billion in the public sector pay bill of which €1 billion related to pay rates and the remainder to the Public Sector Moratorium and other schemes including the *Incentivised Scheme of Early Retirement*. This €1.48 billion represents 8.5% of the expected pay bill for 2009 as published in the *Revised Estimates for the Public Services 2009*. Further details on the public service pay bill for 2010 as well as the provisional outturn for 2009 will be available in the *Revised Estimates for the Public Services 2010* which will be published next month. I note the proposal mentioned by the Deputy in relation to civil service working time and annual leave. The Government is open to considering all reasonable and practicable proposals that improve the efficiency and effectiveness of, and help transform the delivery of, public services.

Tax Code.

208. **Deputy John Cregan** asked the Minister for Finance the way mortgage relief at source is applied; and the number of years a householder can claim this relief on their mortgage. [4091/10]

Minister for Finance (Deputy Brian Lenihan): The position is that tax relief in respect of mortgage interest paid on a qualifying home loan, i.e. a loan used for the purchase, repair, development or improvement of an individual's principal private residence, is paid through the tax relief at source (TRS) system. The mortgage provider or lender gives the relief, which applies to first-time buyers and non-first time buyers, at source. The mortgage lender is reimbursed with an amount equivalent to the relief by the Revenue Commissioners who are responsible for the overall administration of the TRS system.

In my Supplementary Budget 2009, I announced that mortgage interest for first-time buyers and non-first time buyers was being limited to the first seven tax years for which an individual has entitlement to relief. In Budget 2010, I announced that I would be extending mortgage interest relief up to the end of 2017 for those whose entitlement to relief would end in 2010 or after. This means those who took out qualifying loans from 2004. Mortgage interest relief will be abolished completely by the end of 2017. Full details will be provided in the forthcoming Finance Bill.

Financial Services Regulation.

209. **Deputy Michael Noonan** asked the Minister for Finance if he has reached an agreement with the banks to allow persons to alter the terms of their mortgage to interest-only repayments for periods of 12 months; the way a person should proceed to avail of this agreement; and if he will make a statement on the matter. [4122/10]

Minister for Finance (Deputy Brian Lenihan): There is no agreement in place or being discussed as the Deputy suggests. The Deputy will be familiar with the Financial Regulator's Code of Conduct on Mortgage arrears which applies to all regulated lenders on a statutory basis. This Code applies only to mortgage lending activities to consumers in respect of their principal

private residence in Ireland. The main features of the Code are early recognition of problems, active management of problems, examination of alternative solutions and repossession as a last resort. In addressing an arrears problem, the lender may explore alternative repayment measures with the borrower which can include deferring payment of all or part of the amounts due, extending the term of the mortgage, or changing the type of mortgage for example to an interest only mortgage for a period of time.

The Code will ensure that mortgage lenders can only commence legal action for repossession at least six months from the time arrears first arise. The two recapitalised banks, AIB and Bank of Ireland, have each committed that they will not commence court proceedings for repossession of a principal private residence until after 12 months of arrears appearing, where the customer continues to cooperate reasonably and honestly with the bank. As a further measure, I have written to the Financial Regulator requesting that consideration be given to extending the moratorium on mortgage arrears from 6 months to 12 months for all mortgage lenders.

In addition, the Irish Bankers Federation, representing the mainstream lenders, published a Statement of Intent in November 2009 which provides further reassurance to homeowners who find themselves genuinely unable to maintain repayments on their principal private residence. This Statement of Intent provides that the goal of IBF mortgage lenders is to work with their customers who face genuine difficulties in order to find solutions that do not involve legal action. The basis for such solutions is for the customer to talk to their lender at the earliest opportunity so that a mutually acceptable arrangement can be agreed, implemented and reviewed thereafter on a six-monthly basis. Provided the customer maintains this arrangement, IBF mortgage lenders will not initiate any form of legal action against them in relation to their mortgage. The Statement of Intent has been agreed and supported by all IBF members and is a welcome development. It is also welcome that the IBF Oversight Committee on the implementation of the Statement of Intent will also include a representation from the Money Advice and Budgeting Service.

EU Funding.

210. **Deputy Pat Breen** asked the Minister for Finance if he has made an application for emergency funding under the EU solidarity fund for persons affected by flooding here; and if he will make a statement on the matter. [4169/10]

Minister for Finance (Deputy Brian Lenihan): My Department is currently working with the EU Commission on making an application for funding under the EU Solidarity Fund.

Tax Code.

211. **Deputy Bernard J. Durkan** asked the Minister for Finance when a tax refund will issue in the case of a person (details supplied) in County Kildare who has submitted all relevant and requested information to the Revenue Commissioners; and if he will make a statement on the matter. [4209/10]

Minister for Finance (Deputy Brian Lenihan): I have been advised by the Revenue Commissioners that the person concerned has not to date submitted all relevant and requested information to enable a review of his tax liability to be carried out. Accordingly, it is not possible to complete a review of the taxpayer's liability.

212. **Deputy Bernard J. Durkan** asked the Minister for Finance when capital gains tax refund for the year ending 2008 will issue in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [4211/10]

Minister for Finance (Deputy Brian Lenihan): I have been advised by the Revenue Commissioners that a capital gains tax refund for the year ending 2008 issued to the person concerned on 14 January 2010.

Departmental Staff.

213. **Deputy Joan Burton** asked the Minister for Finance the number of whole time equivalents serving in the Houses of the Oireachtas in the grades of Secretary General, Deputy Secretary General, Assistant Secretary General, Higher Principal Officer, Principal Officer, Higher Assistant Principal Officer, Assistant Principal Officer, Higher Executive Officer, Executive Officer, Staff Officer and Clerical Officer on 1 January 1998 and 1 January 2007, and the latest date for which figures are available in 2009 or 2010. [4241/10]

Minister for Finance (Deputy Brian Lenihan): Section 12 of the Houses of the Oireachtas Commission Act 2003 gave the Commission the power to determine its staff requirements and to appoint staff members except for staff at or above the grade of Principal (Higher), for which the consent of the Minister for Finance is required. The figures available to my Department for Oireachtas staff in the named grades are as follows:

Grade	End December 1997	End December 2006	End December 2009
Secretary General	0.00	0.00	0.00
Assistant Secretary	0.00	1.00	1.00
Principal Officer	0.00	3.00	8.00
Principal Officer (Higher)	1.00	4.00	2.00
Assistant Principal	1.00	0.00	5.00
Assistant Principal (Higher)	0.00	2.00	1.00
Higher Executive Officer	8.00	7.00	2.00
Executive Officer	0.00	5.00	8.00
Staff Officer	5.00	5.00	3.00
Clerical Officer	49.50	72.00	73.20
Total	64.50	99.00	103.20

Food Safety.

214. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the extent to which traceability standards are applied throughout the catering industry; and if she will make a statement on the matter. [4207/10]

Minister for Health and Children (Deputy Mary Harney): Responsibility for the enforcement of traceability legislation rests with the Food Safety Authority of Ireland (FSAI) and its official agents, which in the case of the catering industry is the Health Service Executive (HSE). Traceability of foodstuffs is covered by Article 18 of Regulation (EC) No 178/2002 on general food law which provides that food business operators (FBOs) should be able to identify from whom, and to whom, a product has been supplied. This requirement relies on the “one step back” — “one step forward” approach. The Regulation also requires that FBOs have systems and procedures in place that allow for this information to be made available to the competent authorities on request. Regulation (EC) No 178/2002 has been transposed into Irish Law by the European Communities (General Food Law) Regulations 2007 S.I. No. 747/2007. The inspection of catering premises is carried out by environmental health officers of the HSE and inspec-

tions would ordinarily examine the food safety management system and the traceability system in place in a food business.

Health Service Staff.

215. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if a person (details supplied) in County Meath can avail of early retirement or retire on ill-health grounds, if offered, without loss of benefit; and if she will make a statement on the matter. [4210/10]

Minister for Health and Children (Deputy Mary Harney): The Minister for Finance introduced an Incentivised Scheme of Early Retirement (ISER) across the public sector in 2009. Circular 8/2009 from my Department outlined that the purpose of the scheme was to facilitate a permanent, structural reduction in the numbers of staff employed in line with the 2009 Employment Control Framework for the Public Health Sector. The HSE informed my Department that the health service trade unions issued a directive instructing their members not to cooperate with redeployment and reassignment requests from management. This instruction from the unions which remains in place, severely restricts the ability of management to organise/restructure work practice and contravenes the qualification criteria for the scheme. As a result, the HSE suspended the scheme in June but continued to accept applications, up to the closing date of 23 October 2009.

I understand from the employer that the individual concerned applied to retire under the ISER Scheme but that her application was refused by the employer. The employer also states that, while the individual initially appealed this decision, she then went on to withdraw her application under the Scheme. With regard to retirement on the grounds of ill health, I should like to assure the Deputy that, subject to certain conditions being met, retirement on the grounds of ill health is provided for under the superannuation scheme in her place of work. However, as of 26th January, the employer has informed me that, in the case of this individual, there is no record of an application having been made on these grounds.

Medical Aids and Appliances.

216. **Deputy Billy Timmins** asked the Minister for Health and Children the position regarding the case of a person (details supplied) in County Wicklow who applied to the Health Service Executive in Naas, County Kildare for medical equipment; if this will be supplied; and if she will make a statement on the matter. [4244/10]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Hospital Services.

217. **Deputy Charlie O'Connor** asked the Minister for Health and Children if her attention has been drawn to the concerns being expressed that the transfer of cancer services from Tallaght Hospital, Dublin 24 will leave other hospitals overwhelmed; his views on the need to ensure that proper resources are provided to deal with the situation; and if she will make a statement on the matter. [3904/10]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive's National Cancer Control Programme successfully completed the transfer of all surgical and initial diagnostic breast cancer services from 33 hospitals to the eight designated cancer centres by the end of last year (2009). This was achieved in a seamless manner that was only possible

[Deputy Mary Harney.]

through the significant planning and preparatory efforts of all the hospitals, medical, nursing and administrative personnel, working closely with the NCCP.

The transfers occurred in a phased manner and the NCCP consistently stated that no transfer would take place until it was satisfied that the necessary resources were in place to deliver a quality assured service to all patients.

This phased approach ensured that the NCCP satisfied itself that each transfer was carried out in a planned, coherent manner. In relation to the transfer of initial diagnostic and surgical services from Tallaght Hospital, the NCCP engaged in a comprehensive and detailed manner with Tallaght, St James's and St Vincent's Hospitals in advance of the transfer last year. That engagement explored and agreed the necessary resources that would be required for the two relevant designated cancer centres at St James's and St Vincent's. The NCCP was in a position to provide significant extra resources through the provision of funding, medical, nursing and support service appointments and the transfer of appropriate resources from Tallaght.

The NCCP was satisfied in advance that the appropriate services were in place and remains satisfied that both St Vincent's and St James's are providing quality assured services to all their patients.

The most recent statistics available regarding patient access demonstrate that both hospitals are exceeding independently established standards. The HIQA standards require all eight designated centres to see 95% of urgent patients within two weeks and to see 95% of non urgent patients within twelve weeks.

The most recent data available demonstrates that in relation to urgent cases, both St. Vincent's and St. James's Hospitals are now seeing 100% of patients within two weeks. In relation to non urgent, routine cases, St Vincent's is now seeing 100% of non urgent cases within twelve weeks and St James's is also exceeding the target as it is currently seeing 96% of patients within twelve weeks.

HSE Expenditure.

218. **Deputy Charlie O'Connor** asked the Minister for Health and Children if a directive has been issued, or is proposed to be issued, to the Health Service Executive as to the way certain bodies assisted with funding under section 39 of the Health Act 2004 will differ from bodies assisted under section 38 in relation to budgeted salary and other cost reductions; and if she will make a statement on the matter. [3905/10]

Minister for Health and Children (Deputy Mary Harney): The Government's decision to reduce its payroll costs in various ways — principally by reducing the salaries paid to public servants and reducing the numbers employed — was deliberately designed to protect existing levels of public services and to provide a more sustainable payroll cost base into the future.

I understand that the HSE issued an early warning notice to its grant aided voluntary agencies anticipating (incorrectly) that the pay reduction for public servants under the Financial Emergency Measures in the Public Interest (No 2) Act 2009 would automatically apply to the agencies. In fact, grant aided agencies (funded under Section 39 of the Health Act 2004) are not directly affected by the pay adjustments provided for under the Financial Emergency Measures in the Public Interest (No 2) Act 2009. Section 39 agencies are not public service bodies as defined in that Act and their employees are not public servants.

However, the grant funding of Section 39 Agencies is subject to the general efficiency savings for the health sector provided for in the Budget. Accordingly, it is entirely appropriate that Section 39 Agencies and other HSE funded voluntary providers take appropriate measures to

ensure that they continue to provide the same level of service in 2010 as previously, notwithstanding the reductions in their funding. It is the responsibility of each individual employer to decide exactly what mix of actions should be taken to achieve this goal, to take appropriate legal and other advice, to consult and inform its employees/trade unions as necessary and to manage the HR and industrial relations implications of its decisions.

I further understand that the HSE is in the process of confirming this position to the bodies concerned on foot of clarification in the matter from my Department.

Budget 2010 requires the HSE to generate non-pay savings of €394m, €106m of which is to be met through economies. It is a matter for the HSE to determine how these non-pay savings are to be met, but it is likely that grant-funded agencies will bear some proportion of the savings.

Hospital Services.

219. **Deputy Martin Ferris** asked the Minister for Health and Children if a person (details supplied) will be given a date for an MRI scan. [3919/10]

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.

220. **Deputy Michael Creed** asked the Minister for Health and Children when a decision will issue on an application for a medical card in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [3928/10]

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.

221. **Deputy Seán Power** asked the Minister for Health and Children the support available to cancer patients in accessing treatment in view of the transport costs incurred; and if she will make a statement on the matter. [3945/10]

Minister for Health and Children (Deputy Mary Harney): The matter raised by the Deputy relates to the provision of healthcare services and accordingly, I have asked the Health Service Executive (HSE) to respond directly to the Deputy.

Hospital Accommodation.

222. **Deputy Noel J. Coonan** asked the Minister for Health and Children her plans to relocate the Mid-Western Regional Maternity Hospital, Limerick to the Dooradoyle site; the timeframe for same; if her attention has been drawn to the poor infrastructural situation at the hospital and health and safety issues at the establishment; and if she will make a statement on the matter. [3949/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Hospital Services.

223. **Deputy Jack Wall** asked the Minister for Health and Children when a person (details

[Deputy Jack Wall.]

supplied) in County Kildare will receive an appointment date for an operation at Tallaght Hospital, Dublin 24; and if she will make a statement on the matter. [3964/10]

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.

Medical Cards.

224. **Deputy John Perry** asked the Minister for Health and Children the status of a medical card application in respect of a person (details supplied) in County Sligo; the reason for the delay in processing this application; and if she will make a statement on the matter. [3965/10]

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.

225. **Deputy Emmet Stagg** asked the Minister for Health and Children further to Parliamentary Question No. 171 of 21 October 2009, the reason correspondence (details supplied) has not been responded to by the audiology section of the hearing aid board. [3968/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Mental Health Services.

226. **Deputy Jan O'Sullivan** asked the Minister for Health and Children if her attention has been drawn to the establishment of a new children's mental health coalition; if she will act on their recommendation that a national directory of children's mental health services be set up providing information on the types of services available and the services each provides; and if she will make a statement on the matter. [3984/10]

227. **Deputy Jan O'Sullivan** asked the Minister for Health and Children if her attention has been drawn to the establishment of a new children's mental health coalition; if she will act on its recommendation that no child should be on a waiting list for mental health services for longer than six weeks; and if she will make a statement on the matter. [3985/10]

228. **Deputy Jan O'Sullivan** asked the Minister for Health and Children if her attention has been drawn to the establishment of a new children's mental health coalition; if she will act on their recommendation that community mental health teams must be available nationally for children in need, that these teams should have a full complement of multidisciplinary staff; and if she will make a statement on the matter. [3986/10]

229. **Deputy Jan O'Sullivan** asked the Minister for Health and Children if her attention has been drawn to the establishment of a new children's mental health coalition; if she will act on its recommendation that there should be a national framework for mental health assessment of children in care, including monitoring that the necessary follow up services are delivered; and if she will make a statement on the matter. [3987/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): I propose to take Questions Nos. 226 to 229, inclusive, together.

As these are service matters the questions have been referred to the HSE for direct reply.

Medical Cards.

230. **Deputy John McGuinness** asked the Minister for Health and Children if a medical card will be approved in respect of a person (details supplied) in County Kilkenny. [4094/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

National Drugs Strategy.

231. **Deputy Paul Kehoe** asked the Minister for Health and Children the steps she will take to address the legal loophole which allows so called head shops to sell products with serious psychiatric side effects; her views on the need for urgent regulation in this area; and if she will make a statement on the matter. [4096/10]

233. **Deputy Deirdre Clune** asked the Minister for Health and Children when the research advisory group on head shops was set up under the aegis of the national advisory committee on drugs; the number of members of this group; when the group will report; and if she will make a statement on the matter. [4128/10]

234. **Deputy Deirdre Clune** asked the Minister for Health and Children when the research advisory group on head shops, set up under the aegis of the national advisory committee on drugs, will report; the length of time it will take her Department to bring in regulations once this report has been made; and if she will make a statement on the matter. [4129/10]

235. **Deputy Deirdre Clune** asked the Minister for Health and Children if she has plans to regulate the head shops that exist; if she will take action before the research advisory group on head shops, set up under the aegis of the national advisory committee on drugs, reports; and if she will make a statement on the matter. [4130/10]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 231 and 233 to 235, inclusive, together.

The Misuse of Drugs Act 1977 and its associated regulations control the import, export, production, supply and possession of a range of named narcotic drugs and psychotropic substances listed in the Schedules to the Act. Substances are scheduled under the Act in accordance with Ireland's obligations under international conventions and/or where there is evidence that the substances are causing significant harm to public health in Ireland.

The list of scheduled substances is kept under ongoing review. For example, in 2006 psychotropic ('magic') mushrooms were banned and their possession and sale is now illegal. On 31 March 2009, BZP was similarly subjected to legislative control measures and criminal sanctions.

In the light of the health risks associated with some of the products being sold in so-called 'head shops', my Department is in the process of drafting regulations which will introduce controls, similar to those introduced recently in the UK, on a range of substances which are currently on sale in head shops. These regulations will make the possession and sale of these substances illegal and subject to criminal sanctions.

Some of the substances in question have legitimate uses — for example, in the production of plastics and industrial solvents. It will be necessary to assess the level of use of these substances by industry in Ireland and the implications for industry of placing these substances under the ambit of Misuse of Drugs legislation. In accordance with EU law, it will also be necessary to notify the Commission of any restrictions which may impact on legitimate indus-

[Deputy Mary Harney.]

trial activities. It will be appreciated, therefore, that it is likely to be some months before the regulations can be implemented.

Minister of State John Curran, who has responsibility for co-ordinating the National Drugs Strategy, has identified head shops as an area of concern, and is currently considering the options available to more effectively control the activities of head shops.

A Research Advisory Group (RAG) has been established to identify possible options for the regulation of head shops. The RAG held its first meeting on 13 January 2010. It has representatives from the National Advisory Committee on Drugs, the Departments of Community, Rural and Gaeltacht Affairs, Justice, Equality and Law Reform, Health and Children, the Health Research Board, Revenue Custom's Service, the Forensic State Laboratory and other relevant stakeholders. The RAG will report incrementally until its work is complete.

Care of the Elderly.

232. **Deputy Liz McManus** asked the Minister for Health and Children if, in view of the fact that a nursing home (details supplied) closed down almost a year ago and the commitment given that a review of the needs of older people in the area would be carried out, this review has being undertaken; when the review will be completed and the findings made known; and if she will make a statement on the matter. [4118/10]

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. 233 to 235, inclusive, answered with Question No. 231.

Nursing Homes Support Scheme.

236. **Deputy Pat Breen** asked the Minister for Health and Children the waiting time for financial assessments under the fair deal nursing scheme on county basis, as of the 8 January 2010; and if she will make a statement on the matter. [4171/10]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Medical Cards.

237. **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. [4214/10]

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.

238. **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. [4215/10]

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.

239. **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. [4216/10]

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.

240. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a medical card will issue to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [4217/10]

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.

Nursing Homes Support Scheme.

241. **Deputy Seán Ó Fearghaíl** asked the Minister for Health and Children the number of applications made under the fair deal nursing home support scheme since its commencement; the number of such applications which have been finalised; the length of time taken to process an application; and if she will make a statement on the matter. [4238/10]

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.

Departmental Staff.

242. **Deputy Joan Burton** asked the Minister for Transport the number of whole time equivalents serving in his Department and the Road Safety Authority in the grades of Secretary General, Deputy Secretary General, Assistant Secretary General, Higher Principal Officer, Principal Officer, Higher Assistant Principal Officer, Assistant Principal Officer, Higher Executive Officer, Executive Officer, Staff Officer and Clerical Officer on 1 January 2002. [4242/10]

Minister for Transport (Deputy Noel Dempsey): As my Department and the Road Safety Authority were not established until 6 June 2002 and 13 September 2006 respectively, there are no figures available for 1 January 2002.

Road Network.

243. **Deputy Charlie O'Connor** asked the Minister for Transport if he has offered any additional assistance to South Dublin County Council to deal with road issues throughout Dublin south west following the recent weather conditions; and if he will make a statement on the matter. [4189/10]

Minister for Transport (Deputy Noel Dempsey): The improvement and maintenance of regional and local roads is a statutory function of each road authority in accordance with the provisions of section 13 of the Roads Act 1993. The carrying out of works on these roads is a matter for the relevant local authority to be funded from its own resources supplemented by State road grants. The initial selection and prioritisation of projects to be funded is also a matter for the local authority.

When Exchequer grants for regional and local roads are allocated each year, my Department does not hold back a reserve allocation, at central level, to deal with weather contingencies. Holding back such an allocation would mean a reduction in the road grant allocations made to all local authorities at the beginning of each year.

The allocations made to local authorities are inclusive of a weather risk factor. Local authorities are expressly advised in the annual road grants circular letter that they should set aside contingency sums from their overall regional and local roads resources to finance necessary weather related works. The amount of money provided in the 2010 Estimates for funding

[Deputy Noel Dempsey.]

regional and local roads is €411.177 million and this year's allocation will be based on that amount.

I have, however, asked local authorities to provide details of exceptional road related costs associated with the recent flooding and prolonged severe weather, which fall outside the normal financial provision for winter maintenance. I will announce the 2010 regional and local road grant allocations by mid February 2010 at the latest.

Asylum Applications.

244. **Deputy Martin Ferris** asked the Minister for Justice, Equality and Law Reform the position regarding an asylum application (details supplied). [3926/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): If an application for asylum has been made by the person concerned the Deputy will of course be aware that it is not the practice to comment on asylum applications that are pending.

Garda Investigations.

245. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform the position regarding the re-opening of the investigation into the death of a person (details supplied); and if he will make a statement on the matter. [3957/10]

247. **Deputy Joe Behan** asked the Minister for Justice, Equality and Law Reform if he supports the re-investigation of the death of a person (details supplied); the progress there has been on this matter to date in 2010; and if he will make a statement on the matter. [4110/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 245 and 247 together.

I am informed by the Garda authorities that the investigation into the death of the person referred to by the Deputies was the subject of an intensive review in 2004. I am further informed that the Garda Commissioner appointed the Assistant Commissioner, Northern Region, to examine the investigation file, which remains open and is under the supervision of the Assistant Commissioner. Liaison is being maintained with the family of the person referred to.

The Deputies will appreciate that, as the investigation is ongoing, it would be inappropriate for me to comment further at this time.

Firearms Certificates.

246. **Deputy John Deasy** asked the Minister for Justice, Equality and Law Reform the number of legally held handguns that have been licensed since the enactment of the Criminal Justice (Miscellaneous Provisions) Bill 2009. [3990/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): As the Deputy is aware, the Criminal Justice (Miscellaneous Provisions) Act 2009, which was commenced last August introduced changes to the procedures for the certification of firearms. The remaining sections of the Criminal Justice Act 2006 relating to firearms licensing were also commenced at that time and introduced the distinction between a Firearm Certificate and a Restricted Firearm Certificate.

It is important to realise that under the new legislation, arising from both statutes, which created the three year licence and placed additional requirements on applicants, that all applications for Firearm Certificates are regarded as new applications and not renewals. However,

persons who already held certificates for handguns were entitled to apply for a new certificate under the stricter licensing regime. In addition, since 19 November 2008, handguns have been generally banned with exceptions for Olympic style target shooting.

The Garda Authorities have informed me that, since the introduction of the new licensing regime, there have been approximately 450 Firearm Certificates granted for handguns to date. This figure includes both unrestricted and restricted categories but I do not have a precise breakdown at this time. I am also informed that a similar number of applications were refused.

Question No. 247 answered with Question No. 245.

Commissions of Investigation.

248. **Deputy Joe Behan** asked the Minister for Justice, Equality and Law Reform the reason for deciding not to make available to the public any further copies of the Murphy Report; if his attention has been drawn to the continued strong public interest in acquiring printed copies of this report; if he will arrange for reprinting sufficient copies of the report to be available for purchase at the Government Publications Office; if he will also make copies of the report available to unemployed and senior citizens free of charge; and if he will make a statement on the matter. [4111/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am aware of the level of public interest in the report referred to by the Deputy. A total of 1,400 copies of the three volume report were printed and made available for purchase through the Government Publication Sales Office. Additional copies of the report are currently being printed and will shortly be available for purchase from the Government Publication Sales Office. The report can also be accessed on my Department's website (www.justice.ie) and that of the Dublin Archdiocese Commission of Investigation (www.dacoi.ie).

Visa Applications.

249. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform the reason a person (details supplied) was refused a visa to visit here when they had previously visited on a visa without problems; and if he will make a statement on the matter. [4184/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The application referred to by the Deputy was received in the Consulate General, Chicago on 23 November 2009. The decision of the Visa Officer to refuse this application was taken on 12 January 2010. The applicant was informed in writing of the reasons for the refusal of this application.

Each application for a visa to enter the State is considered on its own merit and the relevant documentation which is submitted with each application. The granting or refusal of a visa in relation to one application from an individual does not automatically guarantee that subsequent applications will be similarly granted or refused.

It is open to the applicant to appeal this decision; however, to date, no appeal has been received. All appeals must be submitted within two months of the initial refusal decision, in this case before 12 March 2010. Comprehensive information relating to all aspects of the visa process, including the appeals process is available on the website of the Irish Naturalisation and Immigration Service (www.inis.gov.ie).

Residency Permits.

250. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding a residency status and the right to work without a work permit in the case of persons (details supplied); and if he will make a statement on the matter. [4221/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): In relation to the first named person, I understand that his leave to remain has recently been renewed until 12 December 2012. The position in relation to the second named person, who has applied for long term residency, is as set out in my response to Question No. 192 of 17 December 2009. While matters related to work permits are a matter for the Minister for Enterprise, Trade and Environment, I understand that persons who have been working lawfully in the State and who have held an employment permit for five consecutive years, are not required to have a work permit to remain in employment. The Department of Justice, Equality and Law Reform will give such persons immigration permission to reside in the State and to work without the need for an employment permit.

Asylum Applications.

251. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for asylum in the case of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [4222/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 18 April 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 14 August 2008, 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.

Residency Permits.

252. **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 Wicklow; and if he will make a statement on the matter. [4223/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Question No. 676 of Wednesday, 16 September, 2009, and the written Reply to that Question. As stated in my last Reply, the person concerned has submitted an application

for Subsidiary Protection in the State which 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.

Departmental Staff.

253. **Deputy Joan Burton** asked the Minister for Foreign Affairs the number of whole time equivalents serving in the his Department in the grades of Secretary General, Deputy Secretary General, Assistant Secretary General, Higher Principal Officer, Principal Officer, Higher Assistant Principal Officer, Assistant Principal Officer, Higher Executive Officer, Executive Officer, Staff Officer and Clerical Officer on 1 January 1998 and 1 January 2007 and the latest date for which figures are available 2009 /2010. [4241/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The following table gives details of the number of staff in my Department in each of the grades concerned on 1 December 2002, 1 January 2007 and 1 January 2010. We have also included a number of Departmental and specialist grades. The figures include officers from other Government Departments serving in our missions abroad, most notably, Ireland's Permanent Representation to the EU in Brussels. Since January 2009, there has been a net reduction of 54 in staffing levels in my Department. The information sought by the Deputy is not available for the period prior to the inauguration of the present electronic human resources management system in December 2002.

Grade	Number 1 December 2002	Number 1 January 2007	Number 1 January 2010
Secretary General	1	1	1
Second Secretary General	4	4	2
Deputy Secretary General	5	4	5
Assistant Secretary General / Legal Adviser / Chief Medical Officer	47	47	43
Principal Development Specialist	3	3	4
Higher Principal Officer / Counsellor	6	7	24
Principal Officer / Counsellor	76	82	68
Senior Development Specialist	0	14	19
Accountants	0	5	4
Higher Assistant Principal Officer / First Secretary	24	13	16
Assistant Principal Officer / First Secretary / Assistant Legal Advisers / Translator	148	164	171
Development Specialist	3	24	28
Higher Executive Officer / Third Secretary / Administrative Officer / Librarian	158	166	169
Executive Officer	89	93	100
Staff Officer	36	34	42
Clerical Officer	400	441	460

Diplomatic Representation.

254. **Deputy Billy Timmins** asked the Minister for Foreign Affairs if he will respond to a query (details supplied); and if he will make a statement on the matter. [4082/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The Government has built strong links with China, and last year celebrated the thirtieth anniversary of diplomatic relations. China is a priority country under the Government's Asia Strategy, which was established in 1999 to develop closer economic and political relations with certain countries in the Asian region. Since the Asia Strategy was launched, there has been a significant increase in high-level political contacts, and an intense focus on economic interests and activities, including through a number of very successful trade delegations. In addition to our Embassy in Beijing, a new Consulate General was opened in Shanghai in 2000. Bilateral merchandise trade increased from €714 million in 1998, to €5.5 billion in 2008; while total trade in services in 2007 was €2.2 billion. Over 300 Irish companies now operate in China in a range of sectors, including education; electronics; engineering equipment; health care; financial services; and food and drink products.

My Department allocates special funding to our Embassies and Consulates under the Asia Strategy with a view to raising awareness of Ireland in the region. Activities funded have included awareness-raising visits and presentations within China by our Ambassador and Consul General, which have opened doors for Irish companies and semi state bodies; promotional programmes in sectors such as science and technology, tourism and education; and the Shanghai Internship Programme, which enables Chinese and Irish officials to learn about the political and administrative systems in each other's countries and develop important contacts for the future.

Our strong, friendly and mutually beneficial relations with China are characterised by a high level of inward and outward visits. The Taoiseach led an important trade mission to China in October 2008, while his predecessor led one in 2005. These were the two largest trade missions ever from Ireland. There have been several other significant official visits to China, including four Ministerial visits in the last two years. I myself plan to visit China later this year, and a high-level representative will also visit Expo 2010 in Shanghai, where Ireland will have a substantial pavilion.

Our relations extend beyond trade and there has been a strengthening of our interactions in the important human, sporting and cultural areas. We now have St. Patrick's Day festivals in Beijing and Shanghai, as well as Chinese New Year celebrations in Dublin.

There has also been a blossoming of contacts, exchanges and relationships in education, tourism, agriculture, and in new areas of cooperation such as financial services and the environment. Today, there are over 3,000 Chinese students in higher education in Ireland, and many more in English language schools. Increasingly, Irish students are choosing to study Chinese language and culture, and even to complete part of their studies in China.

As we come to the end of the second phase of the Asia Strategy, we are examining the most effective way to continue developing our relations with China, which has experienced spectacular economic growth and is now the world's third largest economy. I can assure the Deputy that these relations will continue to be a high priority for my Department and our diplomatic and consular missions in China into the future.

Security of the Elderly.

255. **Deputy Charles Flanagan** asked the Minister for Community, Rural and Gaeltacht Affairs the funding allocated in 2009 under the community support for the elderly scheme in tabular form on a county basis; and if he will make a statement on the matter. [3971/10]

256. **Deputy Charles Flanagan** asked the Minister for Community, Rural and Gaeltacht Affairs the funding allocated under the community support for the elderly scheme in 2009; the budget allocated for 2010; and if he will make a statement on the matter. [3972/10]

Minister of State at the Department of Justice, Equality and Law Reform (Deputy John Curran): I propose to take Questions Nos. 255 and 256 together.

As the Deputy is aware, the Scheme of Community Support for Older People (CSOP) is a demand-led initiative to help community groups address issues of isolation and the security fears of older people. Expenditure in each county is directly related to the number of applications received from community groups operating in support of older people. My Department does not set county allocations under the Scheme.

The following table shows the expenditure made in each county in 2009. Data in respect of each year 2004 to 2009 is available on my Department's website, as are the names of the community groups in receipt of grants

(<http://www.pobail.ie/en/CommunityVoluntarySupports/CommunitySupportforOlderPeople/>).

Expenditure on Scheme of Community Support for Older People

County	2004-2009	2009
	€	€
Carlow	201,106	28,297
Cavan	236,445	36,440
Clare	474,549	61,877
Cork	1,625,299	252,782
Donegal	662,526	56,587
Dublin	4,336,711	495,293
Galway	1,112,628	131,943
Kerry	652,989	105,774
Kildare	378,355	40,930
Kilkenny	270,688	29,293
Laois	337,860	43,364
Leitrim	220,337	36,904
Limerick	715,618	113,799
Longford	100,112	26,780
Louth	459,226	56,742
Mayo	687,456	79,845
Meath	433,938	52,777
Monaghan	138,766	30,787
Offaly	326,364	22,703
Roscommon	237,910	57,431
Sligo	180,703	48,778
Tipperary	615,791	74,813
Waterford	352,327	43,481
Westmeath	612,832	56,678
Wexford	587,245	94,190
Wicklow	617,666	60,301
	16,575,444	2,138,589

[Deputy John Curran.]

My Department continues to receive and process applications under the Scheme and, following a review of it in 2009, my hope is to announce revised arrangements for the CSOP in the coming weeks. The budget for the Scheme in 2010 will be decided following publication of the REV.

Rural Development.

257. **Deputy Willie Penrose** asked the Minister for Community, Rural and Gaeltacht Affairs the steps he will take to expand the rural social scheme, which has been important in helping to deal with the problems of rural isolation; and if he will make a statement on the matter.

[4186/10]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): There is currently provision for 2,600 participant places and 130 supervisor positions on the Rural Social Scheme.

While the Government has no immediate plans to expand the Scheme, I am determined to ensure that it continues to deliver valuable services for our rural communities and also provides meaningful work experience for the participants.

The value of the Scheme was very evident during the recent difficult weather conditions, when participants from around the country assisted many vulnerable and isolated people within their localities, in particular, the elderly.

Social Welfare Appeals.

258. **Deputy James Bannon** asked the Minister for Social and Family Affairs the position regarding an application for disability allowance in respect of a person (details supplied) in County Longford who applied for same over three years ago and for which they have submitted all necessary documentation; and if she will make a statement on the matter. [4124/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I am advised by the Social Welfare Appeals Office that a claim for Disability Allowance by the person concerned was disallowed by the Deciding Officer on the grounds that means were not disclosed. The person concerned appealed the decision and an oral hearing of this case took place on 26 March 2009. In the light of all the evidence submitted, including that adduced at the oral hearing, the Appeals Officer returned the case to the Social Welfare Inspector for further investigation regarding means.

I am also advised by the Social Welfare Appeals Office that the Social Welfare Inspector currently dealing with the case is trying to establish financial details going back several years. The Chief Appeals Officer will write to the Deputy when the appeal has been determined.

The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

Money Advice and Budgeting Service.

259. **Deputy Brendan Kenneally** asked the Minister for Social and Family Affairs the number of persons who availed of the services of the Money Advice and Budgetary Service in County Waterford in 2009; and if she will make a statement on the matter. [3920/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The number of people in Waterford who have availed of the services of the Money Advice and Budgeting Service in 2009 is outlined in the table.

Year	Amount of people who availed of the services of MABS in Waterford
2009	1,135

An additional full-time money advisor was appointed in the Waterford City MABS on 19 October 2009. I am satisfied that the additional resources provided to MABS in County Waterford will assist them in meeting the demand for their services.

Pension Provisions.

260. **Deputy Michael Creed** asked the Minister for Social and Family Affairs her plans to investigate the administrative mistake made in her Department and reported in a newspaper (details supplied); and if she will make a statement on the matter. [3929/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Spouses who are actively engaged in a commercial partnership, including the operation of a farm, as opposed to simply being the joint owners of a property, are treated as individual self-employed contributors. In these cases, both spouses are liable to pay PRSI (Class S) contributions in a timely manner.

On foot of a Programme for Government commitment an information leaflet, 'Working with your spouse: how it affects your social welfare contributions and entitlements', has been developed between the Department of Social & Family Affairs and the Revenue Commissioners to set out the social welfare and tax implications of families co-working in a shared business. It was published on the 25th of June, 2008. The leaflet clarifies that spouses who operate in a commercial partnership may be brought into the social insurance system, subject to certain criteria. In this way, both spouses incur a liability to pay self-employed PRSI and build up entitlement towards a contributory state pension and other social welfare benefits. It is open to any person to apply for recognition of a commercial partnership.

The qualifying conditions for State Pension (Contributory) require the applicant to: have entered insurable employment before attaining the age of 56 years; have at least 260 paid contribution weeks since entry into insurance; and satisfy the yearly average condition.

In addition, Section 110(1) of the Social Welfare (Consolidation) Act 2005 provides that a self-employed contributor shall not be regarded as satisfying the qualifying conditions unless:

- a. the person has paid self-employment contributions in respect of at least one contribution year before attaining pensionable age, and
- b. all self-employment contributions payable by him or her have been paid.

This legislative provision has been on the statute books for over fifteen years and there has not been a change in policy in relation to the requirement to have paid at least one year's self employment contributions prior to reaching age 66 in order to qualify for a State Pension (Contributory).

It should be noted that while the publication of the leaflet 'Working with your spouse: how it affects your social welfare contributions and entitlements' clarified existing procedures in relation to the recognition of commercial partnerships between husbands and wives for social insurance purposes, including retrospective payment of social insurance, it did not involve a change in existing policy or administration. In particular, the clarification of the position did not alter people's potential entitlements and all applicants for the state pension (contributory) must continue to satisfy the eligibility conditions as contained in legislation, and outlined above.

[Deputy Mary Hanafin.]

Approximately 1,000 people applied for recognition of a commercial partnership with their spouses. Of these, 579 cases have been decided on the basis of whether or not they qualify as a partnership. Some 508 of those were deemed to have a partnership in existence. Of these 268 have applied for a State Pension (Contributory). However, following a review of pension claims, it was found that in certain cases, the self-employment contributions were all paid after the persons concerned had passed their 66th birthday. They therefore had no entitlement to a State Pension (Contributory), and should not have been paid under this scheme. 85 claims for State Pension (Contributory) which were in payment have been disallowed and 16 customers have had their rates reduced. A further 46 customers failed to satisfy the qualifying conditions for State Pension (Contributory) and accordingly their claims have been refused.

There are 121 additional applications for commercial partnerships currently being processed by Scope Section of the Department where the persons concerned have not paid any self employment contributions prior to reaching age 66. If a favourable partnership decision is reached the person(s) may incur a PRSI liability for the years in question. These customers will not satisfy the condition that they had paid self employment contributions prior to reaching age 66. Procedures are now in place whereby applicants will be given the option to reconsider their application for commercial partnership on the basis that the approval of a commercial partnership may result in a potential PRSI liability, which they are legally obliged to discharge, but due to the fact that they have not paid any self-employment contributions before reaching 66 years of age, they would not qualify for a pension.

The Department understands and apologises for the upset and distress caused to all persons concerned and regrets the administrative error involved.

261. **Deputy Michael Creed** asked the Minister for Social and Family Affairs the number of recipients of the contributory State pension, who qualified by means of the establishment of the existence of a farm partnership, who have been requested to refund their pension to her Department; and if she will make a statement on the matter. [3933/10]

262. **Deputy Michael Creed** asked the Minister for Social and Family Affairs the monetary figure that is outstanding from recipients of the contributory State pension who were awarded payments having proven the existence of a farm partnership and reconciling their PRSI record despite passing the age of 66; and if she will make a statement on the matter. [3936/10]

265. **Deputy Michael Creed** asked the Minister for Social and Family Affairs if her Department has stopped direct debit payments to recipients of the contributory State pension who qualified having established the existence of a farm partnership retrospectively having passed the age of 66; and if she will make a statement on the matter. [3939/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Numbers 261, 262 and 265 together.

Spouses who are actively engaged in a commercial partnership, including the operation of a farm, as opposed to simply being the joint owners of a property, are treated as individual self-employed contributors. In these cases both spouses are liable to pay PRSI (Class S) contributions in a timely manner.

On foot of a Programme for Government commitment an information leaflet, 'Working with your spouse: how it affects your social welfare contributions and entitlements', has been developed between the Department of Social & Family Affairs and the Revenue Commissioners to set out the social welfare and tax implications of families co-working in a shared

business. It was published on the 25th of June, 2008. The leaflet clarifies that spouses who operate in a commercial partnership may be brought into the social insurance system, subject to certain criteria. In this way, both spouses incur a liability to pay self-employed PRSI and build up entitlement towards a contributory state pension and other social welfare benefits. It is open to any person to apply for recognition of a commercial partnership.

The qualifying conditions for State Pension (Contributory) require the applicant to:

- have entered insurable employment before attaining the age of 56 years;
- have at least 260 paid contribution weeks since entry into insurance;
- satisfy the yearly average condition.

In addition, Section 110(1) of the Social Welfare (Consolidation) Act 2005 provides that a self-employed contributor shall not be regarded as satisfying the qualifying conditions unless:

- (a) the person has paid self-employment contributions in respect of at least one contribution year before attaining pensionable age, and
- (b) all self-employment contributions payable by him or her have been paid.

Section 110(1)(a) of the Social Welfare Consolidation Act, 2005, has been on the statute books for over fifteen years and there has not been a change in policy in relation to the requirement to have paid at least one year's self employment contributions prior to reaching age 66, in order to qualify for a State Pension (Contributory).

Approximately 1,000 people applied for recognition of a commercial partnership with their spouses. Of these, 579 cases have been decided on the basis of whether or not they qualify as a partnership. Some 508 of those were deemed to have a partnership in existence. Of these 268 applied for a State Pension (Contributory).

However, following a review of pension claims, it was found that in certain cases, the self employment contributions were all paid after the persons concerned had passed their 66th birthday. They therefore had no an entitlement to a State Pension (Contributory), and should not have been paid under this scheme. 85 claims for State Pension (Contributory) which were in payment have been disallowed and 16 customers have had their rates reduced. A further 46 customers failed to satisfy the qualifying conditions for State Pension (Contributory) and accordingly their claims have been refused.

The total amount of overpayments arising in these cases has not yet been determined. However, overpayments will be determined in the above cases and the customers will be notified and requested to repay the amounts involved. A Recovery Officer may reduce or cancel an overpayment based on the circumstances of an individual case, in line with the governing legislation.

There are 121 applications for commercial partnerships recognitions currently being processed by Scope Section of the Department where the persons concerned have not paid any self employment contributions prior to reaching age 66. If a favourable partnership decision is reached the person(s) may incur a PRSI liability for the years in question.

These customers will not satisfy the condition that they had paid self employment contributions prior to reaching age 66. Last week, the Department contacted each applicant and advised them of the position and to consider if they wish the Department to continue its investigation or to withdraw their application.

[Deputy Mary Hanafin.]

The Department understands and apologises for the upset and distress caused to all persons concerned and regrets the administrative error involved.

263. **Deputy Michael Creed** asked the Minister for Social and Family Affairs if she has received legal advice regarding her decision to seek refunds on contributory State payments to farm spouses that claimed the pension retrospectively having passed the age of 66; and if she will make a statement on the matter. [3937/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Spouses who are actively engaged in a commercial partnership, including the operation of a farm, as opposed to simply being the joint owners of a property, are treated as individual self-employed contributors. In these cases, both spouses are liable to pay PRSI (Class S) contributions in a timely manner.

On foot of a Programme for Government commitment an information leaflet, 'Working with your spouse: how it affects your social welfare contributions and entitlements', has been developed between the Department of Social & Family Affairs and the Revenue Commissioners to set out the social welfare and tax implications of families co-working in a shared business. It was published on the 25th of June, 2008. The leaflet clarifies that spouses who operate in a commercial partnership may be brought into the social insurance system, subject to certain criteria. In this way, both spouses incur a liability to pay self-employed PRSI and build up entitlement towards a contributory state pension and other social welfare benefits. It is open to any person to apply for recognition of a commercial partnership.

Approximately 1,000 people applied for recognition of a commercial partnership with their spouses. Of these, 579 cases have been decided on the basis of whether or not they qualify as a partnership. Some 508 of those were deemed to have a partnership in existence. Of these 268 have applied for a State Pension (Contributory).

However, following a review of pension claims, it was found that in certain cases the self employment contributions were all paid after the persons concerned passed their 66 birthday. They therefore had no entitlement to a State Pension (Contributory), and should not have been paid under this scheme. 85 claims for State Pension (Contributory) which were in payment have been disallowed and 16 customers have had their rates reduced. A further 46 customers failed to satisfy the qualifying conditions for State Pension (Contributory) and accordingly their claims have been refused.

The total amount of overpayments arising in these cases has not yet been determined. However, overpayments will be determined in these cases. The persons concerned will be notified and requested to repay the amount involved. However a Recovery Officer may reduce or cancel an overpayment based on the circumstances of an individual case, in line with governing legislation.

The qualifying conditions for State Pension (Contributory) as set out in the Social Welfare (Consolidation) Act 2005 require the applicant to:

- have entered insurable employment before attaining the age of 56 years;
- have at least 260 paid contribution weeks since entry into insurance;
- satisfy the yearly average condition.

In addition, Section 110(1) of the Social Welfare (Consolidation) Act 2005 provides that a self-employed contributor shall not be regarded as satisfying the qualifying conditions unless:

- (a) the person has paid self-employment contributions in respect of at least one contribution year before attaining pensionable age, and
- (b) all self-employment contributions payable by him or her have been paid.

It is open to any person to apply for recognition of a commercial partnership. However, to be eligible for State Pension, the legislation stipulates that at least 52 self-employment contributions must be paid by a person before they reach 66 years of age. Contributions paid by a pension applicant's spouse do not satisfy this condition.

This legislative provision has been on the statute books for over fifteen years and therefore, there has not been a change in policy in relation to the requirement to have paid self-employment contribution prior to reaching age 66 in order to qualify for a State Pension (Contributory).

It should be noted that while the publication of the leaflet 'Working with your spouse: how it affects your social welfare contributions and entitlements' clarified existing procedures in relation to the recognition of commercial partnerships between husbands and wives for social insurance purposes, including retrospective payment of social insurance, it did not involve a change in existing policy or administration. In particular, the clarification of the position did not alter people's potential entitlements and all applicants for the state pension (contributory) must continue to satisfy the eligibility conditions as contained in legislation, and outlined above.

The Department understands and apologises for the upset and distress caused to all persons concerned and regrets the administrative error involved.

264. **Deputy Michael Creed** asked the Minister for Social and Family Affairs if her Department has threatened to deduct payments from the spouses of those from whom her Department has requested the refund of their contributory State pension, based on the fact the pension was awarded retrospectively due to the applicant having passed the age of 66 at the time of application; and if she will make a statement on the matter. [3938/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Spouses who are actively engaged in a commercial partnership, including the operation of a farm, as opposed to simply being the joint owners of a property, are treated as individual self-employed contributors. In these cases both spouses are liable to pay PRSI (Class S) contributions in a timely manner.

The qualifying conditions for State Pension (Contributory) require the applicant to:

- have entered insurable employment before attaining the age of 56 years;
- have at least 260 paid contribution weeks since entry into insurance;
- satisfy the yearly average condition.

In addition, Section 110(1) of the Social Welfare (Consolidation) Act 2005 provides that a self-employed contributor shall not be regarded as satisfying the qualifying conditions unless:

- (a) the person has paid self-employment contributions in respect of at least one contribution year before attaining pensionable age, and
- (b) all self-employment contributions payable by him or her have been paid.

Section 110(1)(a) of the Social Welfare Consolidation Act, 2005, has been on the statute books for over fifteen years and there has not been a change in policy in relation to the requirement

[Deputy Mary Hanafin.]

to have paid at least one year's self employment contributions prior to reaching age 66, in order to qualify for a State Pension (Contributory).

Approximately 1,000 people applied for recognition of a commercial partnership with their spouses. Of these, 579 cases have been decided on the basis of whether or not they qualify as a partnership. Some 508 of those were deemed to have a partnership in existence. Of these 268 have applied for a State Pension (Contributory). However, following a review of pension claims, it was found that, in certain cases, the self employment contributions were all paid after the persons concerned had passed their 66th birthday. They therefore had no entitlement to a State Pension (Contributory), and should not have been paid under this scheme. 85 claims for State Pension (Contributory) which were in payment have been disallowed and 16 customers have had their rates reduced. A further 46 customers failed to satisfy the qualifying conditions for State Pension (Contributory) and accordingly their claims have been refused.

The total amount of overpayments arising in these cases has not yet been determined.

However, overpayments will be determined in the above cases and the customers will be notified and requested to repay the amounts involved. A Recovery Officer may reduce or cancel an overpayment based on the circumstances of an individual case, in line with governing legislation.

The responsibility for repayment of any overpayments arising from these reviews is a matter for the individual customers concerned.

The Department understands and apologises for the upset and distress caused to all persons concerned and regrets the administrative error involved.

Question No. 265 answered with Question No. 261.

266. **Deputy Michael Creed** asked the Minister for Social and Family Affairs if a person (details supplied) in County Cork will be entitled to a contributory State pension on reaching 66 years on the basis of the existence of a farm partnership and the payment of appropriate PRSI contributions; and if she will make a statement on the matter. [3951/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Spouses who are actively engaged in a commercial partnership, including the operation of a farm, as opposed to simply being the joint owners of a property, are treated as individual self-employed contributors and are thus liable to social insurance contributions. In these cases, both spouses are liable to pay PRSI (Class S) contributions in a timely manner.

On foot of a Programme for Government commitment an information leaflet, 'Working with your spouse: how it affects your social welfare contributions and entitlements', has been developed between the Department of Social & Family Affairs and the Revenue Commissioners to set out the social welfare and tax implications of families co-working in a shared business. It was published on the 25th of June, 2008. The leaflet clarifies that spouses who operate in a commercial partnership may be brought into the social insurance system, subject to certain criteria. In this way, both spouses incur a liability to pay self-employed PRSI and build up entitlement towards a contributory state pension and other social welfare benefits. It is open to any person to apply for recognition of a commercial partnership.

The qualifying conditions for State Pension (Contributory) require the applicant to:

- have entered insurable employment before attaining the age of 56 years;
- have at least 260 paid contribution weeks since entry into insurance;

— satisfy the yearly average condition.

In addition, Section 110(1) of the Social Welfare (Consolidation) Act 2005 provides that a self-employed contributor shall not be regarded as satisfying the qualifying conditions unless:

- (a) the person has paid self-employment contributions in respect of at least one contribution year before attaining pensionable age, and
- (b) all self-employment contributions payable by him or her have been paid.

Section 110(1)(a) of the Social Welfare Consolidation Act, 2005, has been on the statute books for over fifteen years and there has not been a change in policy in relation to the requirement to have paid at least one year's self employment contributions prior to reaching age 66, in order to qualify for a State Pension (Contributory).

It should be noted that while the publication of the leaflet '*Working with your spouse: how it affects your social welfare contributions and entitlements*' clarified existing procedures in relation to the recognition of commercial partnerships between husbands and wives for social insurance purposes, including retrospective payment of social insurance, it did not involve a change in existing policy or administration. In particular, the clarification of the position did not alter people's potential entitlements and all applicants for the state pension (contributory) must continue to satisfy the eligibility conditions as contained in legislation, and outlined above.

An application for the recognition of a commercial partnership between the person concerned and their spouse is currently under examination in the Department. The person concerned will be advised of the outcome of this investigation in due course.

I have arranged for a copy of this person's PRSI contribution record and a 'Work it out' guide, which explains how the State Pension (Contributory) is calculated, to be issued to her home address, to assist her in assessing her pension entitlement.

Social Welfare Benefits.

267. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the projected savings from the decision to ask all child benefit and one parent family payment claimants who live here but work in Northern Ireland to apply for child benefit and the child tax credit in Northern Ireland; the projected cost of the administration of applications for top-up payments from such parents; if she will give assurances that applications for top-up payments due to such parents are processed before Irish child benefit is cut off or reduced; the location where affected parents may obtain further information on these changes; the telephone number for direct queries; and if she will make a statement on the matter. [3955/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): There have been no recent changes to the manner in which Child Benefit and One Parent Family claims are processed. Cases such as those described are processed in compliance with Article 73 of EU Regulation 1408/71, and are not intended to yield savings.

Under Article 73 of EU Regulation 1408/71, where a parent is employed in one Member State, but resident in another, the Member State in which the employment takes place is the competent authority for payment of family benefits. If the total amount of those benefits is less than the entitlement would have been in the State in which the customer resides, then that customer is paid a supplement equal to the difference by the State of residence. One Parent Family Payment was designated to be a family benefit by means of Regulation (EC) No 647/2005 (the 2003 Miscellaneous Amendment Regulation), which came into force on 5 May 2005. Hence the supplement is calculated as follows:

[Deputy Mary Hanafin.]

- ROI benefits (Child Benefit + One Parent Family + any other family benefit), less the UK benefits (Child Benefit + Child Tax Credit) = supplement payable.

The procedure in place for such cases is as follows:

When notification is received in Child Benefit section advising that there is employment in the United Kingdom, a letter is sent to the customer advising her of the EU Regulations and that:

- The United Kingdom is the competent State for payment of family benefits
- This Department may be competent to pay a supplement
- Child Benefit will be paid for the month following the date of letter and will then be suspended
- She should forward her Child Tax Credit award notice so that her supplement entitlement can be established.

Contact details for both the United Kingdom Child Benefit office and the Child Tax Credit office are included in the letter, as are contact details for DSFA Child Benefit.

Child Benefit remains in payment for an average of 6 weeks after receiving notification. This allows the customer time to lodge a claim for Child Benefit in the United Kingdom.

When the Child Tax credit award notice is received from the customer, the supplement entitlement is calculated. At that point, One Parent Family Payment is suspended in favour of the supplement payment. A letter issues to the Customer advising her of the position. The supplement payment is issued to the customer from the Child Benefit office every 3 months.

While there are currently a total of approximately 800 supplements in payment to customers, only three of these are in payment to lone parents (i.e. people previously in receipt of One Parent Family Payment) who are employed in Northern Ireland.

Civil Registration.

268. **Deputy Michael Creed** asked the Minister for Social and Family Affairs her views on amending the Civil Registration Act 2004 to facilitate the registration of deaths of Irish citizens who died abroad; the reason it is disallowed in the legislation; and if she will make a statement on the matter. [3970/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The provisions and procedures governing the registration of deaths in Ireland are contained in Part 5 of the Civil Registration Act, 2004.

Where a death occurs in the State it is the duty of a qualified informant (normally a relative of the deceased) to attend at a registrar's office and register the death on foot of a certificate of cause of death supplied by a registered medical practitioner.

Where a death is referred to a coroner, the death is registered by a registrar on foot of a coroner's certificate. In general, only deaths which occur within the State are registerable. Exceptions apply under the provisions of section 39 of the Act, concerning;

- deaths of members of the Garda Síochána or the Permanent Defence Force or of the spouse or specified members of the family of such a member outside the State while the member is serving outside the State as such member,

- deaths of persons on board an Irish aircraft or an Irish ship,
- deaths of Irish citizens on board a foreign ship or a foreign aircraft travelling to or from a port, or an airport, as the case may be, in the State.

Where the death of an Irish citizen domiciled in the State occurs abroad, the death may be registered here if there was not at the time of the death a system of registration of deaths in the place where the death occurred, or such a system that applied to such a death, or it is not possible to obtain copies of or extracts from civil records of the death.

Where an Irish citizen dies abroad and the death is registered by the civil authorities of the place where the death occurred, a certified copy of the death registration, translated, if necessary, is sufficient for all legal and administrative purposes here and there is no necessity for the event to be entered in the register of deaths in the State. Accordingly, it is not proposed to make any changes to the existing provisions at this time.

Pension Provisions.

269. **Deputy Jimmy Deenihan** asked the Minister for Social and Family Affairs when a decision will be made on a contributory pension application in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [4093/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The person concerned was awarded, a ('Pre-1953') State Pension (Contributory) in July 2005, with effect from May 2000, under the Bilateral Agreement on Social Security between Ireland and the United States of America.

In 2009, a request was received by the person concerned for a review of their pension, based on the recognition of a commercial partnership between the person concerned and their spouse.

The qualifying conditions for State Pension (Contributory) require the applicant to:

- have entered insurable employment before attaining the age of 56 years
- have at least 260 paid contribution weeks since entry into insurance
- satisfy the yearly average condition.

In addition, Section 110(1) of the Social Welfare (Consolidation) Act 2005 provides that a self-employed contributor shall not be regarded as satisfying the qualifying conditions unless:

- (a) the person has paid self-employment contributions in respect of at least one contribution year before attaining pensionable age,
- (b) all self-employment contributions payable by him or her have been paid.

Section 110(1)(a) of the Social Welfare Consolidation Act, 2005, has been on the statute books for over fifteen years and there has not been a change in policy in relation to the requirement to have paid at least one year's self employment contributions prior to reaching age 66, in order to qualify for a State Pension (Contributory).

According to the records of the Department, the self-employment contributions were all paid by the person concerned after their 66th birthday. The person concerned does not therefore satisfy the condition at (a) above and has no entitlement to a State Pension (Contributory) based on her self-employment contributions. The person concerned has been notified of this decision on the 25th January 2010. However her existing State Pension (Contributory 'Pre-

[Deputy Mary Hanafin.]

1953') payment rate has not been affected by this decision and will continue to be paid at the regular weekly amount. No overpayment has been incurred.

It should be noted that while the publication of the leaflet '*Working with your spouse: how it affects your social welfare contributions and entitlements*' clarified existing procedures in relation to the recognition of commercial partnerships between husbands and wives for social insurance purposes, including retrospective payment of social insurance, it did not involve a change in existing policy or administration. In particular, the clarification of the position did not alter people's potential entitlements and all applicants for the state pension (contributory) must continue to satisfy the eligibility conditions as contained in legislation, and outlined above.

Social Welfare Benefits.

270. **Deputy Jack Wall** asked the Minister for Social and Family Affairs if a person (details supplied) in County Kildare is in receipt of their full entitlement to a rent supplement; and if she will make a statement on the matter. [4117/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The supplementary welfare allowance scheme, which includes rent supplement, is administered on behalf of the department by the Community Welfare Service of the Health Service Executive.

The Executive has advised that the person concerned is in receipt of her correct entitlement to rent supplement. The Executive has further advised that if the circumstances of the person concerned have changed then she should contact the community welfare officer at her local health centre.

Social Welfare Appeals.

271. **Deputy John Deasy** asked the Minister for Social and Family Affairs if she is satisfied with the fact that even though the number of appeal decisions made by an appeals officer following an oral hearing has not increased much over the past five years, the length of time awaiting an oral hearing and the result has increased to an unacceptable level; the way this situation has developed over the past five years with no major increase in hearings by an increase in the number of appeals officers; and if she will make a statement on the matter. [4120/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Figures for the last 5 years are set out below.

Year	Appeals received	Appeals determined by AO's	No of oral hearings	Overall average processing time**
2009	25,963	10,027	5,914	16 wks
2008	17,833	9,423	5,599	15 wks
2007	14,070	8,738	5,538	14 wks
2006	13,800	9,100	5,901	14 wks
2005	13,797	8,484	5,645	13 wks

**Allowance is made in the average processing times shown above for the 25% most protracted cases.

As can be seen, the number of appeals received by the Social Welfare Appeals Office in 2009 increased by 46% in 2009 when compared to 2008 and by 85% when compared to 2007.

To deal with this increased workload, two additional Appeals Officers were appointed during 2009. However, the Chief Appeals Officer and 5 experienced Appeals Officers retired during

2009. Although their positions have now been filled, these retirements, when coupled with the serious increase in appeals received, have impacted on the processing of appeals. Because of the quasi-judicial nature and complexity of the work there can be a relatively long lead-in time before Appeals Officers become fully competent to deal with the full range of cases coming to the Office.

Nonetheless, the number of appeals determined by Appeals Officers in 2009 increased from 9,423 in 2008 to 10,027. The number of oral hearings during the same period also increased from 5,599 to 5,914.

In relation to processing times, I am advised by the Social Welfare Appeals office that these averages relate to all appeals disposed of. Given the logistics involved in organising oral hearings, including allowing sufficient advance notice to the appellant, it is estimated that the average time to finalise an appeal is increased by about 11 weeks when an oral hearing is involved.

In relation to the issue of decisions, I am advised that, following consideration of all the facts presented at an oral hearing, a decision is issued to the appellant within 4 weeks of the hearing in the vast majority of cases.

The matter of assigning additional Appeals Officers is kept under constant review but any consideration of extra assignments must be taken in the context of overall government policy on civil service numbers.

Also, as I advised in answers to previous questions, the Chief Appeals Officer is keeping current processes under continuous review with a view to achieving a more effective throughput of appeals, while ensuring that any progress does not conflict with due process in terms of the rights of appellants and adherence to the requirements of natural justice.

272. Deputy John Deasy asked the Minister for Social and Family Affairs the number of cancellations of oral appeal hearings in 2009; the number of these cancellations that were rescheduled; and if she will make a statement on the matter. [4121/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I am informed by the Social Welfare Appeals Office that the cancellation of oral hearings usually occurs when appellants request a cancellation or fail to show up for their hearings. In either event, it is usual to reschedule the hearing where the appellant indicates that they will be in a position to attend on a different date. Where an appellant indicates they do not wish to attend a hearing or repeatedly fails to attend a scheduled hearing, the Appeals Officer will decide the case on the basis of the information available to him.

In rare cases, hearings may be cancelled by the Social Welfare Appeals Office due to the unavailability of witnesses or other unexpected or unforeseen causes. The information requested by the Deputy with regard to the numbers of cases cancelled and re-scheduled during 2009 is not readily available and the assembly and collation of such information would take time and, of necessity, divert resources away from the processing of appeals which is the top priority of the Office.

273. Deputy Michael Ring asked the Minister for Social and Family Affairs the position regarding an appeal on jobseeker's benefit in respect of a person (details supplied) in County Mayo. [4187/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I am advised by the Social Welfare Appeals Office that the relevant Departmental papers and comments of the Department have been received and the case has been referred to an Appeals Officer for consider-

[Deputy Mary Hanafin.]

ation. 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.

274. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when mortgage support will be awarded in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [4212/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The position remains as advised in Parliamentary Question No. 262 which I answered for the Deputy on 17 December 2009. The Executive has advised that it has no record of an application for mortgage interest supplement from the person concerned. It is open to the person concerned to make an application for mortgage interest supplement to the community welfare officer in her area if she wishes.

275. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when rent allowance will be awarded to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [4219/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The supplementary welfare allowance scheme, which includes rent supplement, is administered on behalf of the department by the Community Welfare Service of the Health Service Executive.

The Executive has advised that there is no record of an application for rent supplement from the person concerned. If the person concerned wishes to make an application for rent supplement he should contact the community welfare officer at his local health centre.

Pension Provisions.

276. **Deputy Michael Ring** asked the Minister for Defence if he will increase the pension rank of former members of a unit to take into account a 2007 claim for payment which was awarded and backdated for five years; the amount such a pension increase would cost annually; and if he will make a statement on the matter. [3950/10]

Minister for Defence (Deputy Willie O’Dea): I understand that the claim processed under the C&A scheme in 2007 referred to payments for substitution. These payments are not pensionable in the case of the former personnel in question.

Overseas Missions.

277. **Deputy Finian McGrath** asked the Minister for Defence if the Irish Army will be used to assist the earthquake victims in Haiti. [4131/10]

Minister for Defence (Deputy Willie O’Dea): The question of Defence Forces participation in overseas missions is kept under regular review. Requests for Defence Forces participation in new missions are considered on a case by case basis within the context of the United Nations Stand-by Arrangement System (UNSAS) and this would be the case with any such request for Defence Forces assistance to the Haiti mission.

Currently the United Nations (UN) has a significant presence on the ground, which includes approximately 7,000 military and 2,000 police personnel serving with the United Nations Stabilization Mission in Haiti (MINUSTAH), which was established in 2004. The UN is currently in the process of augmenting the military element of this mission with a short-term deployment

(90 days) of an additional 2,000 military personnel. Countries currently contributing military personnel to the MINUSTAH mission are primarily drawn from South America, Canada and Asia. Obviously those countries already deployed on the ground are best positioned to provide additional support to the UN in Haiti and our current understanding is that those countries currently deployed plan to increase and augment their forces to meet the UN requirements.

As you will appreciate, the Defence Forces do not have a presence currently in theatre. As such, while they can deploy relatively quickly, there would be a significant effort involved in deploying a substantive contingent on the ground with the necessary accommodation, logistics, resupply and support. Having regard to these considerations and given the short-term requirement for these additional forces to stabilise and maintain security, I do not believe that the deployment of any substantive Defence Forces contingent would represent the best use of our resources at this point in time. That said, I would be disposed to considering positively the deployment of a small number of specialist logistics or engineering personnel of the Defence Forces who could have the potential to add significant value to the force on the ground, should this be identified as a requirement.

A three-person Irish Aid technical assessment team, which includes an officer of the Defence Forces, returned to Ireland earlier this week after conducting a week-long mission in Haiti. I understand that the team will report to the Minister for Foreign Affairs later this week, following which a decision will be taken on the appropriate measures Ireland should make to assist with the relief effort in Haiti. The question of what contribution the Defence Forces might make to the reconstruction and relief effort in Haiti will be considered further in the context of that report.

Local Authority Charges.

278. **Deputy Michael Creed** asked the Minister for the Environment, Heritage and Local Government if he will review the cost of water metering on farm families that use water from public water supplies; and if he will make a statement on the matter. [3931/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Government's Water Pricing Policy requires local authorities to recover the costs of providing water services from all non domestic users of these services. Cost recovery is without profit, with charges based on actual metered consumption. Typically, local authorities also recover the capital cost of the meter through an annualised meter charge.

As many farms involve a combination of domestic and non domestic use, a domestic allowance is currently provided by the local authority where appropriate.

Foreshore Licences.

279. **Deputy Pat Breen** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 1068 of 6 October 2009, when a foreshore licence will issue in respect of a project (details supplied) in County Clare; and if he will make a statement on the matter. [3960/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Following the enactment of the Foreshore and Dumping at Sea (Amendment) Act 2009, my Department assumed responsibility on 15 January 2010 for a range of foreshore functions including all foreshore energy-related developments (including oil, gas, wind, wave and tidal energy).

[Deputy John Gormley.]

The foreshore application made by Clare County Council in respect of the project referred to is at an advanced stage of consideration. My Department is awaiting confirmation that the valuation notified to the Council on 23 October 2009 is acceptable. Specific conditions for inclusion in the draft foreshore licence were also issued to the applicant for its agreement on 25 January 2010 and a response from the Council is awaited.

Farm Waste Management.

280. **Deputy Andrew Doyle** asked the Minister for the Environment, Heritage and Local Government his policy on the disposal of hedge clippings from agricultural holdings; and if he will make a statement on the matter. [3900/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The primary responsibility for the management of any waste, including costs for removal or disposal, lies with the holder of the waste, i.e. the natural or legal person in possession of the waste, or the producer of the waste. The Waste Management Acts 1996-2009 impose a general duty of care on holders of waste. A person may not hold, transport, recover or dispose of waste in a manner that causes or is likely to cause environmental pollution.

Under the Waste Management (Prohibition of Waste Disposal by Burning) Regulations 2009, a holder of waste shall not dispose of it by burning. An exception is provided in Regulation 5 of these Regulations for certain types of waste, such as tree trimmings, leaves or brush generated by agricultural practices, where burning is permitted provided it is done as a final measure following the application, where practicable, of the following waste hierarchy:

- i. waste arisings are reduced in accordance with best agricultural practice,
- ii. waste is reused,
- iii. waste is recycled through shredding and use as compost or wood chippings,
- iv. waste is salvaged for use as fuel.

Where none of the non-combustion disposal options are practicable or economically viable the waste may be disposed of by burning subject to certain conditions being fulfilled:

- i. the person carrying out the disposal must take all reasonable measures to limit the overall nuisance or possibilities for endangering human health or causing environmental pollution or damage to adjoining hedgerows or habitats,
- ii. no accelerants may be used when undertaking the disposal activity, and
- iii. the person carrying out the disposal must notify the local authority concerned in advance of the intention to dispose by burning.

Flood Relief.

281. **Deputy Brendan Kenneally** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 295 of 17 December 2009, when he expects to receive a report on the effects of the recent flooding from the local authority; if he will be making this report available; and if he will make a statement on the matter. [3921/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Department expects to receive a report shortly from Waterford County Council and I will have a copy sent to the Deputy when received.

Planning Issues.

282. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government his views on whether there should be restrictions on the right of persons to apply for retention when the practice is repeated or designed deliberately to frustrate planning conditions; and if he will make a statement on the matter. [3948/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to remove, through the Planning and Development (Amendment) Bill 2009, the possibility of retention permission for unauthorised development which would otherwise have been subject to environmental impact assessment, other than in exceptional circumstances. There are no proposals to remove the retention provision in its entirety from the planning process; retention permission provides a mechanism for regularising development that is not contrary to the proper planning and sustainable development of an area.

An application for retention permission is required to be assessed by a planning authority in the same way as any other application, that is, the planning authority is required to consider the proper planning and sustainable development of the area, having regard to the provisions of the development plan, any submissions or observations received, relevant Ministerial or Government policies, including any guidelines issued by my Department. There is also provision for appeal to An Bord Pleanála in the normal way in the case of a decision by a planning authority to grant retention permission. The fact that an application to retain unauthorised development is made, does not preclude a planning authority from taking a prosecution in respect of an unauthorised development.

The planning regulations also provide that the fee payable to a planning authority for an application for retention permission is a multiple of that for a “normal” planning application. I will be reviewing the retention permission fees following enactment of the Planning and Development (Amendment) Bill 2009.

Water and Sewerage Schemes.

283. **Deputy Dinny McGinley** asked the Minister for the Environment, Heritage and Local Government the position regarding a sewerage scheme (details supplied) in County Donegal; the stage the project is at; when work will commence on this project; and if he will make a statement on the matter. [3974/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Gweedore Sewerage Scheme was included in my Department’s Water Services Investment Programme 2007-2009. The planning phase of this scheme has progressed during this period and my Department is currently awaiting additional information from Donegal County Council in order to complete its examination of the most recent Design Review Report received.

Local authorities were asked in July 2009 to submit an assessment of needs for water and sewerage services to my Department by 23 October 2009. My Department is currently considering these assessments, which form a key input to the development of the 2010 to 2012 Water Services Investment Programme. In conducting their assessments, local authorities were asked to prioritise schemes and contracts for progression over the coming years based on key environmental and economic criteria. I expect to publish the Water Services Investment Programme 2010 to 2012 early this year.

Fire Stations.

284. **Deputy Dinny McGinley** asked the Minister for the Environment, Heritage and Local Government his plans to provide a new fire station at a location (details supplied) in County Donegal; the stage the project is at; if there is co-funding available from another Department; and if he will make a statement on the matter. [3975/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The provision of a fire service in its functional area, including the establishment and maintenance of a fire brigade, the assessment of fire cover needs and the provision of premises is a statutory function of individual fire authorities under section 10 of the Fire Services Act 1981. My Department's role is one of supporting and assisting local authorities in delivering fire services through the provision of funding under the fire service capital programme and through setting of general policy.

Further investment in the fire service in Donegal will be considered under future capital programmes and will have regard to the fire authority's priorities, the spread of existing facilities, and the totality of demands from other fire authorities for available funding. I understand that funding from the Department of Community, Rural & Gaeltacht Affairs is not currently available for this project.

Social and Affordable Housing.

285. **Deputy John Deasy** asked the Minister for the Environment, Heritage and Local Government the amount spent through his Department on the purchase of private residential properties for use as social housing in each of the past ten years; the number of such properties purchased by each local authority area; and if he will make a statement on the matter. [3988/10]

286. **Deputy John Deasy** asked the Minister for the Environment, Heritage and Local Government the amount spent through his Department on the construction of social housing in each of the past ten years; the number of such houses constructed by each local authority area; and if he will make a statement on the matter. [3989/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I propose to take Questions Nos. 285 and 286 together.

Since 2000, very significant levels of investment have been made available under the Social Housing Investment Programme. Since then, over €11.5 billion has been provided for the construction or acquisition of units by local authorities and approved housing bodies. Information is not available on the breakdown of expenditure between new build construction and acquisition of private housing units.

Activity under the range of housing programmes, including the number of social housing units constructed or acquired by each local authority, and the number of units provided by approved housing bodies under the voluntary and cooperative housing programmes in each of the past ten years, is set out in my Department's annual and quarterly Housing Statistics Bulletins. Copies of the Bulletins are available in the Oireachtas library and on my Department's website, www.environ.ie.

287. **Deputy John Perry** asked the Minister for the Environment, Heritage and Local Government if a person (details supplied) in County Sligo, who is in a shared ownership option with Sligo County Council, will be allowed to sell their house at current market value; and if he will make a statement on the matter. [4101/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I refer to the reply to Question No. 949 of 3 November 2009. Any person occupying a house under the shared ownership scheme can sell their house at any time provided they have bought out the local authority's share and have acquired full ownership of the dwelling.

Local Authority Staff.

288. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that there are a number of local authorities that do not have a heritage officer, in particular, north Tipperary, which has just lost their heritage officer due to early retirement; the action he proposes to take to address the situation; and if he will make a statement on the matter. [4102/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Since 1999, the Heritage Council, under the aegis of my Department, has developed a partnership programme with local authorities to facilitate the employment of heritage officers. Local authorities that participate in the programme are eligible for financial assistance from the Heritage Council towards the cost of employing a heritage officer.

There are currently twenty-seven local authorities with heritage officers in the programme. Twenty-eight heritage officers is the maximum number that have participated in the programme.

The heritage officer post in North Tipperary County Council has been vacant since the end of November 2009, when the officer who worked in the post for nine years retired.

The employment of heritage officers is a matter in the first instance for each local authority. Under the arrangements for the implementation of the general moratorium on the filling of public service posts which my Department issued to local authorities in August 2009, local authorities are expected to consider options for reorganisation and reallocation of work to meet requirements, where vacancies arise. Any exceptions to this principle, which will arise in very limited circumstances, require sanction from my Department. To date, no sanction requests have been made to my Department in respect of heritage officers.

Water and Sewerage Schemes.

289. **Deputy James Bannon** asked the Minister for the Environment, Heritage and Local Government if he will provide an additional €100,000 funding to a sewerage scheme (details supplied) in County Longford, to allow an extension of the sewerage scheme; and if he will make a statement on the matter. [4125/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Ardagh, Aghnacliffe and Ballinalee Sewerage Schemes were included in the Water Services Investment Programme 2007-2009. I understand that the Ballinalee Sewerage Collection Network is currently under construction. There are no proposals with my Department to extend the scope of the scheme.

Local authorities were asked in July 2009 to submit an assessment of needs for water and sewerage services to my Department by 23 October 2009. My Department is currently considering these assessments, which form a key input to the development of the 2010 to 2012 Water Services Investment Programme. In conducting their assessments, local authorities were asked to prioritise schemes and contracts for progression over the coming years based on key environ-

[Deputy John Gormley.]

mental and economic criteria. I expect to publish the Water Services Investment Programme 2010 to 2012 early this year.

Turbary Rights.

290. **Deputy James Bannon** asked the Minister for the Environment, Heritage and Local Government his plans to facilitate turf cutters on the 32 raised designated bogs; and if he will make a statement on the matter. [4126/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The ten year derogation that allowed the continuation of turf-cutting on 32 Raised Bog Special Areas of Conservation notified for designation in 1999 has now expired. In the coming weeks I expect to receive a report from the Working Group on the Cessation of Turf Cutting in Designated Areas including recommendations for managing the cessation. I will conclude my consideration of these recommendations as rapidly as possible.

Local Authority Housing.

291. **Deputy James Bannon** asked the Minister for the Environment, Heritage and Local Government the number of persons on local authority housing lists in counties Longford and Westmeath; and if he will make a statement on the matter. [4127/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The number of households on a local authority's waiting list continuously fluctuates as households on the list are allocated housing and new households apply for housing support. My Department does not hold information on waiting lists.

A statutory assessment of housing need is carried out every three years by all housing authorities in accordance with the terms of the Housing Act 1988. The last assessment took place in 2008. Further information regarding the assessments is available on my Department's website at www.environ.ie.

Building Regulations.

292. **Deputy Paul Gogarty** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that inadequate pipework installations routinely happened in the past and are continuing to happen in the absence of any regulations regarding same; if he will review the situation with a view to setting up an enforceable standard within a short period; and if he will make a statement on the matter. [4174/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply by the Minister for Communications, Energy and Natural Resources to Questions Nos. 295 and 301 on today's Order Paper which deals with grant assistance for heating control systems available through Sustainable Energy Ireland (SEI).

Part L — Conservation of Fuel and Energy — of the Building Regulations addresses energy efficiency in dwellings. The current requirement in this regard includes the provision and commissioning of energy efficient space and water heating systems with efficient heat sources and effective controls. This requirement applies to space heating and hot water systems in new dwellings and to the replacement of such systems in existing dwellings undergoing material alterations. Technical Guidance Document L further addresses the construction quality and commissioning of services. A further publication Heating and Domestic Hot Water Systems for dwellings — Achieving compliance with Part L 2008, produced jointly by my Department

and SEI, covers conventional means of providing space heating and domestic hot water for dwellings in Ireland.

Part D of the Building Regulations deals with Materials and Workmanship. It stipulates that all works are to be carried out with proper materials and in a workmanlike manner. It defines proper materials as those materials which are fit for the use for which they are intended and for the conditions in which they are to be used. This includes materials which:—

- bear a CE Marking in accordance with the EU Construction Products Directive; or
- comply with an appropriate harmonised standard, a European Technical approval or a national technical specification; or
- comply with an appropriate Irish Standard or Irish Agreement Board Certificate or with an alternative national technical specification of another State which provides an equivalent level of safety and suitability.

Building Regulations were first introduced in 1992 and have been, and continue to be, subject to review and improvement in the light of technical progress and developments generally within the construction industry. The Building Regulations requirement applying today would not, of course, have been in force at the time of construction of a considerable proportion of the current national housing stock.

I understand that the National Standards Authority of Ireland, which is under the remit of the Minister for Enterprise, Trade and Employment, set up an Expert Group to examine the area of heating and plumbing in December 2006. On foot of this, work has advanced on a Standard Recommendation for Heating and Plumbing, 'SR50, Code of Practice for Domestic Plumbing and Heating — Design, Implementation, Commissioning & Maintenance'. A public consultation on this Code of Practice is due to take place shortly. The Code of Practice will cover all types of domestic heating and hot and cold water services. It is also expected that a registration/certification system will be set up for installers of heating and plumbing systems.

293. **Deputy Paul Gogarty** asked the Minister for the Environment, Heritage and Local Government if an analysis has been carried out on the reason so many pipes leading into homes froze or cracked during the recent cold spell; if statistics exist regarding the percentage of damaged pipes that froze due to inadequate insulation, even though regulations provide for mandatory insulation of such pipework; if there are plans to provide funding to local authorities for retrofitting such pipes with insulation in view of the fact that it might save money in areas where large amounts of water were lost as a result of related issues; and if he will make a statement on the matter. [4175/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Standard construction contracts provide for the laying of local authority water mains at depths that provide for sufficient natural insulation cover. However, the movement of earth that can arise following a thaw from a prolonged cold weather spell can, and did, lead to burst mains.

There is a need to sustain our efforts in the provision of water services infrastructure and, in particular, the replacement and rehabilitation of older or damaged mains. A greater focus on such works will be a key priority of the Water Services Investment Programme 2010 — 2012, which I expect to publish early this year.

As to insulation standards for service pipes and other cold water services to homes, as stated in reply to Question Number 19 of 21 January 2010, my Department's policy guidance in relation to Taking in Charge of Residential Estates requires planning authorities to adopt

[Deputy John Gormley.]

construction standards for residential developments that are acceptable to the planning authority for taking in charge and long-term maintenance and states that it should be a condition of planning permission that such standards be adhered to.

The guidance also states that the construction standards adopted by planning authorities should at a minimum comply with those set out in my Department's Recommendations for Site Development Works for Housing Areas, which recommend standards for the diameter of pipes and the amount of cover, and make other relevant recommendations including a recommendation that watermain pipe size and layout should be designed in consultation with the local authority.

Technical Guidance Document G of the Building Regulations (Hygiene) provides that, in regard to bathrooms and kitchens in dwellings, the cisterns, service pipe and fittings and any associated cold water pipes should be adequately protected against damage by frost.

My Department's Taking in Charge Guidance also states that it is necessary for the planning authority to satisfy itself, when the developer of a residential estate has ceased construction or notified the planning authority that construction is complete, or after the planning permission has expired, that the development is properly completed in line with the planning permission and, where it is not properly completed, to take early and effective enforcement action.

Where an estate has yet to be taken in charge, the repair of a burst water main is a matter for the developer.

There are no statistics in relation to the number of water pipes that burst due to lack of insulation. I have no plans to provide funding for the retrofitting of such insulation.

Local Authority Funding.

294. **Deputy Charlie O'Connor** asked the Minister for the Environment, Heritage and Local Government if he will ensure that South Dublin County Council has support to deal effectively with issues relating to the aftermath of the recent weather conditions; the assistance that will be available to the council; and if he will make a statement on the matter. [4191/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): General-Purpose Grants from the Local Government Fund are the contribution that my Department makes to local authorities to meet the gap between the cost to them of providing a reasonable level of day-to-day services and the income they obtain from other sources. A total of €24,289,702 in General-Purpose Grants has been allocated to South Dublin County Council from the Local Government Fund in 2010, a reduction of 1.6% on the amount allocated in 2009.

The Local Government Fund is also providing significant funding to local authorities for the improvement and maintenance of local and regional roads. The allocation of local and regional road grants to individual local authorities is a matter for the Minister for Transport.

Local authorities now have access to an additional revenue stream, the €200 non-principal private residence (NPPR) charge. The total raised by South Dublin County Council from this charge in 2009 was some €2m. This charge is being collected and the income retained by local authorities.

In Budget 2010 the Government announced a reduction in pay rates across the public service. This will result in payroll savings accruing to the local government sector in 2010. Local authorities, including South Dublin County Council, are to retain 65% of the payroll savings to be realised in their authority in 2010.

It is a matter for each local authority to prioritise its spending, within the resources available to it, across the range of services it provides. Equally, local authorities must ensure full value for money for the resources invested, and seek the maximum efficiency across their operations. I am satisfied that the level of funding provided to South Dublin County Council for 2010 makes a significant contribution towards enabling it to deal with the aftermath of the recent weather conditions and continuing to provide a reasonable level of service to the public.

Building Regulations.

295. **Deputy Paul Gogarty** asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to the fact that many households are not benefiting from upgrades to their heating control systems grant aided by Sustainable Energy Ireland due to inadequate pipework fittings in their homes in terms of width and pressure; and if he will make a statement on the matter. [4174/10]

301. **Deputy Paul Gogarty** asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to the fact that many households are not benefiting from upgrades to their heating control systems grant aided by Sustainable Energy Ireland due to inadequate pipework fittings in their homes, leading to less than optimum heating of radiators; if he will have this issue assessed and convey any findings to the SEI with a view to providing grants for retrofitting or at least proactive advice regarding upgrades of same; and if he will make a statement on the matter. [4172/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 295 and 301 together.

I refer to the response given today by the Minister for Environment, Heritage and Local Government to Question No.29 which addresses the question of building regulations in relation to domestic heating and hot water systems.

All works carried out under the Home Energy Saving (HES) Scheme are underpinned by a comprehensive Technical Specification and Code of Practice for contractors, drawn up by Sustainable Energy Ireland (SEI), which ensure that works undertaken represent best value for both the homeowner and the Exchequer. In the case of heating system upgrades, the specification includes prescribed plumbing qualifications of registered contractors, defined standards for materials to be used and similarly defined best practice standards required for installation.

There is a highly diverse range of building types and build quality in the Irish residential building stock. Building Regulations were first introduced in 1992 and have been, and continue to be subject to review and improvement in the light of technical progress and developments generally within the construction industry. The standards that apply today would not have been in force for a considerable proportion of the existing housing stock. The HES scheme was designed to cater for the broadest possible range of build types. There are therefore a variety of reasons why existing domestic heating systems based on radiator distribution may result in less than optimum performance over their lifetime, including system layout and sizing, as well as more common factors such as pipe corrosion, which leads to sludge build-up.

The baseline performance level of any heating system will be improved by the installation of more sophisticated controls. In this regard, if a radiator system was struggling to adequately heat radiators prior to the installation of any heating controls, it will still struggle afterwards, but the level of control will be greater. The system's efficiency will also improve as a result of the installation of control measures, start and stop times will be controlled more accurately and room thermostats and thermostatic radiator valves (TRVs) will ensure the system can be shut off when preset temperatures have been reached.

[Deputy Eamon Ryan.]

I am advised by SEI that the appropriate upgrading of pipe work systems, where they are inadequate, outdated or under-performing, will improve the level of comfort and efficiency of a home. I understand that the National Standards Authority of Ireland (NSAI), which is under the remit of the Minister for Enterprise, Trade and Employment, set up an Expert Group to examine the area of heating and plumbing in December 2006. On foot of this, work has advanced on a Standard Recommendation for Heating and Plumbing — SR50 (Code of Practice for Domestic Plumbing and Heating — Design, Implementation, Commissioning & Maintenance). A public consultation on this Code of Practice is due to take place shortly. I understand that the Code of Practice will cover all types of domestic heating and hot and cold water services. It is also expected that a registration/certification system will be set up for installers of heating and plumbing systems.

I have asked SEI to consider how the adequacy of pipe work might be further addressed in future revisions of the Technical Specification for the HES scheme, having regard to developments on the NSAI Code of Practice and any revisions to building regulations.

Alternative Energy Projects.

296. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent of bio-fuel production in train throughout the country; the degree to which adequate processing and marketing facilities are in place; and if he will make a statement on the matter. [4204/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The production of biofuel in Ireland has been incentivised to date under the Mineral Oil Tax Relief Schemes, which have resulted in 18 projects being awarded excise relief on specified volumes of biofuel they produce. There have been at least five biofuels plants constructed or redeveloped on foot of excise relief granted under the schemes. A number of others are either at an advanced stage of planning, or have received planning permission.

Prior to the introduction of the Excise Relief schemes in 2005, market penetration of biofuels in Ireland was almost non-existent. While a figure for market penetration for 2009 is not yet available, it is expected to be in excess of 2%. The steady growth in indigenous biofuel production is reflected in the fact that it represents over 50% of biofuel production to date.

The schemes were designed as an interim measure to increase the level of biofuels in the fuel mix and to encourage the development of an indigenous biofuels industry in advance of the introduction of the National Biofuel Obligation this year, which will underpin the development of the Irish biofuels market.

The National Obligation will also integrate the EU Commission's guidelines on Sustainability Criteria as soon as these are finalised. The trading of certificates under the Scheme, will also act as an incentive for Irish producers. For each litre of biofuel sold in the market a certificate will be issued by the National Oil Reserves Agency as the Administrator of the scheme. Certificates will also be subject to verification by sellers to demonstrate that they meet the sustainability criteria. Biofuel obligation certificates may be traded among registered operators which will enable small indigenous producers, in particular, to enter the market and develop their businesses.

Under the Obligation fuel suppliers will be compelled to include 4% biofuels in their overall annual fuel sales. The National Obligation will incentivise and enable the sustainable growth of the Irish biofuels market and support indigenous biofuel producers and ensure that they are given every opportunity to ramp up sustainable indigenous production of biofuels. The EU

sustainability criteria will also provide some competitive advantage by ensuring that non-EU imports meet strict environmental guidelines.

Energy Conservation.

297. **Deputy Brendan Kenneally** asked the Minister for Communications, Energy and Natural Resources the number of households that participated in the warmer homes scheme during 2009 on a county basis; and if he will make a statement on the matter. [3922/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): To date, energy efficiency improvements in nearly 40,000 homes have been made under the Warmer Homes Scheme (WHS) and the ESB's associated Home Insulation Scheme which operates according to WHS specification. Some €20 million was provided for the scheme in 2009, which included €5 million provided by ESB and BGE. Structural improvements were made to over 19,000 homes in 2009. This represents a very significant up-scaling of the scheme and underlines the Government's commitment to improving energy affordability across the country.

The WHS provides energy efficiency improvements to homes in, or at risk of, fuel poverty and is primarily delivered by community based organisations (CBOs) of which 22 have, to date, been approved to provide this service. The CBOs work in partnership with their local network of poverty and community support organisations including public health nurses, MABS and the St. Vincent De Paul Society to identify and address vulnerable homes. Private contractors were also engaged in 2009 to address the increasing demand for the scheme. Through these mechanisms the Warmer Homes Scheme was delivered to 16,240 homes in 2009. A further 2,886 homes received the ESB's Home Insulation Scheme. For the first time since the WHS was introduced, 2009 saw homes in all 26 counties receiving measures under the scheme, or according to its specifications. Some of the delivery mechanisms in various counties are still in their infancy and a further significant up-scaling of output is targeted in 2010. The table below shows the county by county breakdown for 2009.

Counties	Total No. of Low Income Homes to receive EE upgrades from SEI & ESB in 2009
Carlow	521
Cavan	415
Clare	110
Cork	3,022
Donegal	573
Dublin	2,320
Galway	759
Kerry	808
Kildare	906
Kilkenny	829
Laois	387
Leitrim	218
Limerick	453
Longford	199
Louth	1,627
Mayo	384
Meath	851
Monaghan	373

[Deputy Eamon Ryan.]

Counties	Total No. of Low Income Homes to receive EE upgrades from SEI & ESB in 2009
Offaly	544
Roscommon	431
Sligo	47
Tipperary	203
Waterford	1,443
Westmeath	466
Wexford	595
Wicklow	642
Total	19,126

Gas Cylinders.

298. **Deputy Thomas Byrne** asked the Minister for Communications, Energy and Natural Resources the price regulations in place for bottled gas cylinders; and if prices of these cylinders are to decrease in line with price reductions in household gas bills. [3942/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The transportation and supply of domestic gas cylinders which contain liquid petroleum gas (LPG) is not licensed under the Energy Acts and neither my Department nor the Commission for Energy Regulation (CER) has any role in the regulation of LPG transportation or supply.

While the regulation of Bord Gáis Éireann natural gas tariffs is the responsibility of the CER, which is statutorily independent in the performance of its functions, the Commission has no function in regard to the setting of the retail price of LPG, which is a by-product of oil. The Irish oil industry is fully privatised, liberalised and deregulated. Accordingly, there is no price control on petroleum products in Ireland and my Department does not have details of retail prices charged in respect of LPG.

Telecommunications Services.

299. **Deputy Paul Connaughton** asked the Minister for Communications, Energy and Natural Resources the reasons a parish (details supplied) in County Galway has almost no broadband facilities; if such facilities will be made available; if it is possible to boost the signal in a nearby parish; if such a signal will cover this parish; and if he will make a statement on the matter. [4113/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Ireland's telecommunications market is fully liberalised and broadband services are provided by private service providers over various platforms including DSL (i.e over telephone lines), fixed wireless, mobile, cable, satellite and fibre.

I understand that mobile, fixed wireless and satellite broadband is available in the general area of Clonfert, County Galway.

300. **Deputy Paul Connaughton** asked the Minister for Communications, Energy and Natural Resources the reason an application for broadband facilities by a person (details supplied) in County Galway has been unsuccessful; the reason for the delay; if his attention has been drawn to the fact that the applicant has been informed by a company that it could take another two and half years for this to happen; and if he will make a statement on the matter. [4114/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Ireland's telecommunications market is fully liberalised and broadband services are provided by private service providers over various platforms including DSL (i.e. over telephone lines), fixed wireless, mobile, cable, satellite and fibre.

The issue raised is an operational one for the company concerned. I have no statutory function in relation to this matter.

Question No. 301 answered with Question No. 295.

EU Funding.

302. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if he has been involved in the compilation of an application to the EU Solidarity Fund in respect of compensation for farmers and growers who have suffered losses due to recent weather conditions; and if he will make a statement on the matter. [4248/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Mindful of the hardship and distress caused by the recent widespread flooding, on 27 November 2009 I announced the introduction of the Fodder Aid Scheme, targeted directly at those farmers who encountered damage to fodder in the affected areas. While I was very anxious that the funding reach the affected farmers as quickly as possible, it was essential that farmers demonstrate that their fodder was damaged and to what extent. To this end, therefore, it was necessary that each claim be verified by an on-the-spot inspection.

I had initially set the closing date for receipt of applications as 11 December, but subsequently extended it by one week. Immediately applications began to be received by my Department, the necessary inspections were begun, following which the applications were further processed for payment. I am pleased to say that payments commenced issuing on 18 December and, to date, payments worth €504,074 have issued to 237 applicants. Payments continue to issue as individual cases are confirmed eligible.

I am aware that due to the recent severe frost conditions a proportion of the total national area of potatoes remained unharvested at the end of 2009. The very severe frost conditions have resulted in losses to potatoes and other crops. The extent of losses is difficult to quantify at this stage. It would be influenced by the nature of the crop, its location and the extent to which it was exposed. I have received representations on behalf of growers in relation to the losses incurred and the matter is currently being considered by officials in my Department.

Poultry Industry.

303. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food when he will publish the results of the poultry meat analyses carried out in November 2009; and if he will make a statement on the matter. [3902/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I assume that the Deputy is referring to analyses conducted during 2009 in relation to the gas flushing of imported poultry meat.

Following receipt of the final elements of the results of these tests my Department has been in discussion with the Food Safety Authority of Ireland about the matter. The FSAI have organised a Forum, to be held on 2 February, for all interested stakeholders and invitations have issued.

[Deputy Brendan Smith.]

In this context, the FSAI circulated best practice guidelines to retailers on the setting of use-by dates for poultry taken from opened gas-flushed packs during 2009.

Grant Payments.

304. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will receive their payment under REPS 4; and if he will make a statement on the matter. [3906/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): REPS 4 is a measure under the current Rural Development Programme 2007–13 and is subject to EU Regulations which require detailed administrative checks on all applications to be completed before the first payments issue. Payments have issued to those whose applications required no further examination following the administrative checks. However queries arose on a significant number of applications, including that of the person named, in the course of the administrative checks. My Department is continuing to process applications with a view to payment as soon as possible and, in this context, will be in touch with the applicants where necessary, to resolve outstanding issues.

Direct Payment Schemes.

305. **Deputy Dan Neville** asked the Minister for Agriculture, Fisheries and Food if he will make a statement on the case of a person (details supplied) in County Kerry. [3907/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the 2008 Single Payment Scheme was received from the person named on 10 May 2008. The application was randomly selected for field inspection, at which it was found that the land declared had been over claimed by in excess of 50%, the penalty for which is that no payment issues for the year in question and an administrative fine amounting to the value of the Single Payment on the number of hectares over-declared being offset against payments due to the applicant during the course of the three calendar years following the year in which the determination was made, as provided for under the governing EU rules of the Scheme — Commission Regulation 796/2004 (Articles 49/50/51/53). The person named was advised of the position and of his right of appeal the decision to the Agricultural Appeals Office. An appeal was lodged and the person named had an oral hearing on 3 November 2009. In a decision dated 19 November 2009, the Agricultural Appeals Office upheld the decision of the Department. The person named was advised of his right to appeal the decision of that Office to the Office of the Ombudsman.

Proposed Legislation.

306. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if he will oppose the introduction of climate change legislation here which would increase costs to farmers and restrict opportunities for farm expansion; and if he will make a statement on the matter. [3930/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): To assist the Government in identifying the most appropriate means of achieving Ireland's greenhouse gas emission 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 opti-

mum alternatives to achieve this goal. In tandem, my colleague, the Minister for Environment, Heritage and Local Government is developing a national climate change adaptation framework strategy and a new climate change bill, which will include specific provisions on climate change adaptation. My Department was consulted on the drafting of the framework document and I expect ongoing consultation with the Department of the Environment, Heritage and Local Government as development of the Bill progresses through both the drafting and enactment stages. The planned Bill will provide a statutory framework for Ireland's long-term response to climate change. My priority will be to ensure that national policy on the future of the agriculture sector is taken into account.

Road Network.

307. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if he will seek the repair of rural roads which have become impassable and have prevented farm families from tending to livestock and accessing services; and if he will make a statement on the matter. [3932/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Repair works to rural roads are the responsibility of the Local Authorities, who are under the remit of my colleague the Minister for Environment, Heritage and Local Government.

Rural Environment Protection Scheme.

308. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if he will expedite a REPS 4 application in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [3954/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): REPS 4 is a measure under the current Rural Development Programme 2007–13 and is subject to EU Regulations which require detailed administrative checks on all applications to be completed before the first payments issue. Payments have issued to those whose applications required no further examination following the administrative checks. However queries arose on a significant number of applications, including that of the person named, in the course of the administrative checks. My Department is continuing to process applications with a view to payment as soon as possible and, in this context, will be in touch with the applicants where necessary, to resolve outstanding issues.

309. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food his proposals for a new REP scheme; and if he will make a statement on the matter. [3959/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Ireland's amended Rural Development Programme, including a new agri-environment scheme, was presented to the EU Rural Development Management Committee in Brussels on 20 January. This followed detailed and protracted discussions with the Commission. The Committee agreed the programme and the Commission will now proceed to take a formal decision to approve it. This procedure is expected to take a number of weeks. The new agri-environment scheme is focused on the priority areas of biodiversity, water management and climate change. It will offer a menu of measures addressing these priorities from which farmers may choose, provided they complement the environmental profile of the holding. Details on the operation of the new

[Deputy Brendan Smith.]

scheme are currently being finalised and I intend to launch the scheme once the formal Commission approval has been received.

Grant Payments.

310. **Deputy John Perry** asked the Minister for Agriculture, Fisheries and Food when a payment under REPS 4 will be awarded in respect of a person (details supplied) in County Sligo; and if he will make a statement on the matter. [3961/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): REPS 4 is a measure under the current Rural Development Programme 2007–13 and is subject to EU Regulations which require detailed administrative checks on all applications to be completed before the first payments issue. Payments have issued to those whose applications required no further examination following the administrative checks. However queries arose on a significant number of applications, including that of the person named, in the course of the administrative checks. My Department is continuing to process applications with a view to payment as soon as possible and, in this context, will be in touch with the applicants where necessary, to resolve outstanding issues.

Direct Payment Schemes.

311. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food when an application will be reviewed in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [3962/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The closing date for receipt of applications under the 2009 Single Payment Scheme was 15 May 2009. When the person named contacted my Department, he was informed that my Department had no record of receiving a 2009 Single Payment Scheme application from him. The person named was advised to submit a copy of the application form, together with proof of postage to my Department, showing the application was posted in sufficient time to reach my Department before the advertised closing date, as provided for under the terms and conditions of the Scheme.

While a 2009 Single Payment Scheme application form was subsequently received on 23 October from the person named, no evidence of proof of postage of the original application form was provided. In the absence of such evidence, the person named was advised, by letter dated 22 December 2009, that the application could not be accepted. However, the person named was also advised that, in the absence of the proof of postage, a sworn affidavit is also acceptable. To date there has been no reply from the person named.

Rural Environment Protection Scheme.

312. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when guidelines will issue on the way applications to REP scheme plans that cannot be progressed due to the biodiversity check coming under query, may be progressed; and if he will make a statement on the matter. [3963/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): REPS 4 is a measure under the current Rural Development Programme 2007–13 and is subject to EU Regulations which require detailed administrative checks on all applications to be completed before the first payments issue. Payments have issued to applicants whose applications cleared the admin-

istrative checks. However, queries arose on a significant number of applications in the course of the administrative checks, including queries relating to biodiversity issues. The Department is continuing to process such applications with a view to payment as soon as possible. In cases where outstanding issues can not be resolved by further review and detailed examination, the applications will be returned to the applicant requesting that an amended plan be submitted. Payment will issue without delay on receipt of the amended plans.

Grant Payments.

313. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food further to Question No. 391 of 8 December 2009, when an application will be finalised in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [3978/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): All applications received up to the closing date for the scheme of 30 October 2009, including the application from the person named, are being examined in my Department at present. I intend to make an early decision on all of the applications received and the person named will be notified once the decision has been made on his application.

314. **Deputy Jimmy Deenihan** asked the Minister for Agriculture, Fisheries and Food when an installation grant payment will be issued to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [4092/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Only fully completed applications made under the young farmers' installation scheme and received by my Department up to and including 14 October 2008 are being processed.

315. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork will receive payment in respect of their REP scheme 4 application; and if he will make a statement on the matter. [4107/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): REPS 4 is a measure under the current Rural Development Programme 2007–13 and is subject to EU regulations which require detailed administrative checks on all applications to be completed before the first payments issue. Payments have issued to those whose applications required no further examination following the administrative checks. However, queries arose on a significant number of applications, including that of the person named, in the course of the administrative checks. My Department is continuing to process applications with a view to payment as soon as possible and, in this context, will be in touch with the applicants, where necessary, to resolve outstanding issues.

316. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork will receive payment in respect of their REP scheme four application; and if he will make a statement on the matter. [4108/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): REPS 4 is a measure under the current Rural Development Programme 2007–13 and is subject to EU regulations which require detailed administrative checks on all applications to be completed before the first payments issue. Payments have issued to those whose applications required no further

[Deputy Brendan Smith.]

examination following the administrative checks. However, queries arose on a significant number of applications, including that of the person named, in the course of the administrative checks. My Department is continuing to process applications with a view to payment as soon as possible and, in this context, will be in touch with the applicants, where necessary, to resolve outstanding issues.

317. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork will be awarded their 2008 REP scheme payment; and if he will make a statement on the matter. [4112/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): REPS 4 is a measure under the current Rural Development Programme 2007–13 and is subject to EU regulations which require detailed administrative checks on all applications to be completed before the first payments issue. Payments have issued to those whose applications required no further examination following the administrative checks. However, queries arose on a significant number of applications, including that of the person named, in the course of the administrative checks. My Department is continuing to process applications with a view to payment as soon as possible and, in this context, will be in touch with the applicants, where necessary, to resolve outstanding issues.

318. **Deputy Billy Timmins** asked the Minister for Agriculture, Fisheries and Food the position regarding the case of a person (details supplied) in County Wicklow; if same will be awarded; and if he will make a statement on the matter. [4182/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Payment will issue to the person named within the next 15 days.

Agricultural Exports.

319. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent in value and volume of beef, lamb, pigmeat and dairy produce exported in each of the past five years to date in 2010; the markets that have grown in this period; the markets that have shown a reduction; and if he will make a statement on the matter. [4192/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):

Beef exports and outlook

The market performance of meat and dairy products is a function of supply and demand, and has of course been affected by the global economic downturn, exchange rates and other factors.

In relation to beef, despite the current difficult economic climate, Irish beef exports were relatively resilient in holding their position in European markets and over 200,000 tonnes of beef were destined for the higher value standard and premium retail and premium foodservice markets. More than 70 retailers across Europe now stock Irish beef, a position which is unequalled by any other beef exporting nation.

Exports to the UK fell in 2009 by an estimated 6% to 245,000 tonnes with trade valued at €660 million. Progress continues to be made in developing the market position of Irish beef, particularly in the multiple retail and higher value foodservice market segments.

The outlook for 2010 will hinge on an uplift in consumer demand and exchange rate developments. Lower availability of supplies in Continental Europe coupled with lower availability

from South American importers should strengthen the demand for Irish cattle. Little change is anticipated in UK prime beef supplies. With regard to Irish supplies, an increase during 2010 is to be expected as a result of the fall in live exports during 2008. However, the strength of the weanling and store cattle trade in 2009 is expected to impact on finished cattle availability as the year progresses.

Irish beef exports 2005-2009

Year	Volume (tonnes)	Value
		€bn
2005	489,000	1.3
2006	520,000	1.5
2007	523,000	1.6
2008	483,000	1.6
2009 (e)	461,000	1.4

Lamb exports and outlook

In relation to sheepmeat, France accounts for approximately half of all Irish sheepmeat exports. Over the past 5 years the breakdown of exports shows the impact of a concerted effort by An Bord Bia and the meat industry to reduce dependency on the French market and grow exports in higher value markets across Northern Europe such as Germany, The Netherlands and Sweden. Exports to the UK have also been growing in volume and value. However results for 2009 show how trade with this market struggled due to adverse currency fluctuations and the impact of the economic downturn on consumer demand. The latter also negatively affected trade in all main markets including the domestic market. On a more positive note, exports to the Mediterranean markets for 2009 showed a significant strengthening as a result of the contraction of domestic flocks in Spain, Portugal and Italy.

Tighter EU lamb supplies are anticipated in 2010 with both the UK and Spain predicting reduced production levels. This fall in supplies of lamb from key players across Europe in 2010 should help provide a reasonable market environment for Irish lamb, though this is contingent on the normal market factors, including currency fluctuations and general economic conditions.

Irish Lamb exports 2005-2009

Year	Volume (tonnes)	Value
		€m
2005	61,000	189
2006	57,900	180
2007	56,200	174
2008	47,800	161
2009*(e)	40,500	166

Pigmeat exports and outlook

Depressed global consumer demand affected Irish pigment exports during 2009, with lower exports to both EU and non-EU markets. The UK remains the principal for Irish exports with the value of trade estimated at €215 m last year.

The EU Continental trade for 2009 accounted for an estimated 34,000 tonnes, valued at €51 million. Trade to Germany, Italy, France and the Netherlands were at normal levels for most

[Deputy Brendan Smith.]

of the year. In terms of International markets, most countries that placed suspensions on Irish pigmeat have been lifted with the exception of China with progress expected to be made towards lifting suspensions in early 2010.

Exports of pigmeat to International markets are estimated to have reached almost 10,000 tonnes in 2009 with trade worth €24 million. The principal markets were the United States and Japan. Trade to Japan was adversely affected by a lower import requirement in response to slow market demand with shipments expected to stand at 1,500 tonnes for the year.

The return into production of herds destocked following the product recall in late 2008 is expected to boost pig supplies by 5,000 head per week by March 2010. On an annual basis this is expected to boost finished pig supplies by around 10%. Import requirements for Japan and South Korea are set to rise this coming year. This combined with a slight decline in European Pig supplies, should create a stronger global demand for Irish pigmeat.

Irish pigmeat exports 2005-2009

Year	Volume (tonnes)	Value
		€m
2005	129,000	329
2006	139,000	378
2007	142,000	370
2008	138,000	340
2009	127,000	290

Dairy exports and outlook

Irish dairy products are exported to other EU Member States and to over 100 countries worldwide. The amount of exports to any particular destination varies in accordance with changes in the supply/demand dynamics in particular regions of the world and in respect of the various dairy products involved. In overall terms in 2008, the UK represented the largest single share of dairy export sales with 32%, the rest of the EU accounted for 48%, while North America and Africa accounted for 6% and 7% respectively. As international demand changes there will be an increasing emphasis on consumer food markets, particularly in the EU, US and high growth emerging economies, together with strategically expanding marketing and distribution capability worldwide.

The table below shows the figures for total Irish exports of Dairy Products, Caseins and Ingredients from 2004 to 2008.

Dairy Products, Caseins and Ingredients Exports

Year	€000	Tonnes
2004	1,845,199	791,596
2005	1,997,051	832,058
2006	2,197,441	908,792
2007	2,609,797	979,075
2008	2,664,855	917,780

Food Industry.

320. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent of new markets established for Irish beef, lamb, pigmeat and diary products in 2009; the markets lost, if any, in the same period; and if he will make a statement on the matter. [4193/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Irish beef exports in recent years have been targeted at the high value UK and Continental EU markets, with these markets accounting for over 99% of exports in 2008 and 2009. Exports of Irish beef are estimated to have fallen by 8% in 2009, whereas exports of live cattle increased by 93%. Last year, access to new markets for Irish beef was secured in Indonesia and the United Arab Emirates, and for beef offals in South Africa.

The international trading climate for Irish pigmeat exports remained difficult during 2009, with exports declining in value by some 15%, partly caused by the Sterling differential. Following the disruption to trade caused as a result of the pork recall in 2008, export markets were recovered in the UK, Continental Europe, Japan and America. Yesterday the Russian authorities announced that the market for Irish pork would reopen with effect from 1 February. This leaves the Chinese market as the only one remaining closed but discussions are ongoing in attempts to have this market re-opened as soon as possible.

The French market again accounted for more than 50% of Irish sheepmeat exports in 2009. The UK, Northern European and Mediterranean countries accounted for the balance. 2009 saw an increase in shipments of light lamb to Mediterranean countries.

Irish dairy products are exported to other EU Member States and to over 100 countries worldwide. The amount of exports to any particular destination varies in accordance with changes in the supply/demand dynamics in particular regions of the world and in respect of the various dairy products involved. In overall terms, Ireland's dairy exports amounted to €2.2 billion in 2008. The UK represented the largest single share of export sales with 32%. The rest of the EU accounted for 48%, while North America and Africa accounted for 6% and 7% respectively. As international demand changes there will be an increasing emphasis on consumer food markets, particularly in the EU, US and high growth emerging economies, together with strategically expanding marketing and distribution capability worldwide.

Dairy product output from Ireland and the EU is of course constrained by the limits placed on milk output by the EU milk quota regime. The CAP Health Agreement raised these limits with a 1% increase in Member States' quotas from 1 April 2009, together with an adjustment to the butterfat calculation which will deliver the equivalent of a further 2% increase in quotas in the 2009/2010 quota year. These increases will provide Irish dairy farmers and processors with further opportunities to respond to global demand and to increase production and capture new market share.

My Department continues to work actively with Bord Bia, the Department of Foreign Affairs and the industry, to identify and develop other potential markets.

Sugar Beet Industry.

321. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the degree to which all those previously involved in sugar beet growing for sugar production purposes have been compensated following the closure of sugar production here; and if he will make a statement on the matter. [4194/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The total package negotiated in the context of the 2006 reform of the EU sugar regime, as modified in 2007, was worth about €353m to Ireland. All elements of the package have now been implemented.

The first element of the package was the compensation for the reduction in the minimum price of beet. This has been incorporated in the Single Payment with effect from 2006, with an estimated value of €123m to Irish beet growers over seven years.

The second element was the EU restructuring aid which, at the outset, was worth €145m to Ireland but an amending EU regulation in 2007 had the effect of increasing this to €186m. Three parties benefited from this aid: the sugar processor, the former sugar beet growers and the specialized beet machinery contractors. All of this restructuring aid has now been paid in full. The first instalment of €58m was paid to the beneficiaries in June 2007 with further payments of €87m in February 2008 and €41m in June 2008.

The third and final element of the package was the diversification aid worth almost €44m to the former beet growers. It was paid in two equal instalments in September 2007 and March 2008.

Food Industry.

322. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food his plans for the development and expansion of the fruit and vegetable industry here; and if he will make a statement on the matter. [4195/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My Department has contributed significantly to the support of the horticulture industry through its grant aid scheme of Investment Aid for the Development of the Commercial Horticulture Sector under the National Development plan 2007-2013. The scheme assists capital investment on farms to promote the specialisation and diversification of on-farm activities, improve the quality of products and facilitate environmentally friendly practices and improve working conditions on farms. The scheme has made an immense contribution to the growth and development of the horticulture sector across all areas- protected crops, field vegetables, nursery crops, mushrooms, soft fruit, apples and beekeeping.

Under the first two rounds of the scheme a total of €8m was paid out to 220 producers supporting investment of €20m. This year I am providing a further grant package of €4m which will fund projects to the investment value of some €10m. Indeed under the previous scheme 2000-2006 grant aid amounting to €18.5m was paid to 656 producers which supported investment of €53m.

Further aid for the horticulture sector is also available under the Capital Investment Scheme for the Marketing and Processing of Agricultural Products and in addition producers can also benefit from EU aid under the Producer Organisation (PO) Scheme.

Deer Farming.

323. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent of deer farming here in comparison with other EU member states; the way the price paid to the producer compares with those charged to the consumer throughout the EU; and if he will make a statement on the matter. [4196/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The number of deer slaughtered at plants approved by the Department during the period 2002 to 2009 is as set out in the following table. It should be noted that there is also a cross-border trade in deer with

Northern Ireland which is not reflected in these figures. According to the 2000 Census of Agriculture conducted by the CSO, there were 12,055 head of farmed deer on Irish farms in June 2000. There is no EU-wide system in place for the collection of data on deer prices and slaughterings so it is not possible to say how well developed the sector is in Ireland as compared with other member states. Venison remains very much a niche product within the Irish meat sector and it is fair to say that it falls into this category across the EU and, as a result, there is little or no data readily available on the sector.

Year	Deer slaughterings at approved plants
2002	1759
2003	1,278
2004	1,079
2005	957
2006	1,875
2007	1,443
2008	1,325
2009	1,247

Sugar Beet Industry.

324. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which sugar beet production continues in each of the EU member states including Ireland; and if he will make a statement on the matter. [4197/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The 2006-2009 scheme for the restructuring of the European sugar industry, which was implemented as part of the reform of the EU sugar regime, resulted in the EU sugar quota being reduced by 5.2 million tonnes to 13.3 million tonnes. EU sugar production is now concentrated in 18 Member States (as opposed to 23 before the reform) which enjoy favourable agronomic conditions. They are Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Italy, Lithuania, Netherlands, Poland, Romania, Slovakia, Spain, Sweden and United Kingdom. Over 75% of production is accounted for by 7 of these Member States, namely (in order of size of quota) France, Germany, Poland, UK, Netherlands, Belgium and Italy. In Ireland, the growing of beet for sugar processing ceased with the ending of the sugar industry in 2006 but a quantity of beet continues to be grown for fodder purposes.

Food Prices.

325. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which the prices paid to the producer and charged to the consumer here compare with the prices for milk and dairy products paid to producers and charged to consumers throughout each of the EU member states; and if he will make a statement on the matter. [4198/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Dairy farmers incomes are comprised of the market price paid for milk and direct income support from the EU. Market forces have a major influence on the price paid to farmers for milk. World market prices determine the returns received by dairy processors and these in turn are reflected in the price paid to farmers. In essence, farm gate prices normally reflect the returns from international markets of dairy product sales. Ireland's peripheral geographic location and highly

[Deputy Brendan Smith.]

seasonal grass based production curve has resulted in a dairy production profile heavily based on storable product. Those commodity products, such as butter and milk powders, are low margin products and this is reflected in the milk price.

My Department does not compile data on consumer prices paid for milk across the EU. The following table shows the producer milk prices (in € per 100kg) for the 27 EU member states in October 2009.

EU Country	Milk Price October 2009 €/100kgs
Cyprus	50.78
Finland	40.50
Greece	36.69
Netherlands	30.12
Italy	30.09
France	29.30
Luxembourg	28.25
Ireland	28.21
Austria	28.15
Spain	27.90
Portugal	27.60
Sweden	27.26
Belgium	26.85
EU 27 average	26.76
United Kingdom	25.91
Denmark	25.83
Bulgaria	24.92
Slovenia	24.69
Czech Republic	23.24
Slovakia	23.24
Poland	23.18
Germany	23.10
Hungary	23.00
Estonia	20.77
Lithuania	19.89
Romania	19.05
Latvia	18.31

326. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the way in which the price paid to the producer here for beef, lamb, pig meat and poultry, compare with those in each of the other EU member states; the way the prices charged to the consumer here for the same product compares with other EU member states; and if he will make a statement on the matter. [4199/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The price paid to meat producers is a function of supply and demand, which has of course been influenced by the global economic downturn, exchange rates and other factors. My Department does not compile data on consumer prices across Europe.

In relation to beef, officially recorded factory prices for R3 grade steer prices in 2009 averaged 287 cents per kilo liveweight. In 2007 and 2008 this price averaged 276 and 317 cents per kilogram respectively. So while the average steer price last year fell by 9% for the year, this still represented a net gain of 4% over the 2007 figure.

The main reason for these price decreases was slow market demand for beef, as reduced consumer spending had some effect on overall volumes, particularly at food service level.

Given the fact that 90% of our beef is exported, producer prices reflect returns available on our main export markets. It is understood from Bord Bia that average retail beef prices in Ireland are to the lower average end of prices in Europe.

Last year, average lamb prices were up one per cent on 2008 at €3.75 /kg dw excl. VAT, which is mainly due to the stronger prices for lamb between the November to December period.

Year to date Irish lamb prices are running 10% below average EU 25 prices. As Ireland exports two thirds of its production, producer prices are more exposed to international market forces than most of our sheep producing neighbours.

Lamb remains the most expensive of the proteins, and any increase in producer prices is dependent on an economic uplift, although the continued contraction in supplies across Europe should help strengthen the producer price this coming year.

The average producer prices received for pigs in Ireland, at 117.5 c/kg dw excl. VAT, are currently running at 90% of the EU average.

European broiler prices started the year reasonably well before dipping below 2008 levels from February and remained lower for the rest of the year. European broiler prices are estimated to have fallen by 6% in 2009, while reported broiler prices in Ireland show a more stable situation. The drop in feed prices also helped broiler producers.

Laboratory Testing.

327. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which the full scale of intended or expected laboratory facilities at Backweston, Celbridge, County Kildare has been achieved to date; if this now means that all laboratory testing previously referred overseas can take place within this jurisdiction; the exceptions to this, if any; the degree to which the facilities here are fully staffed in accordance with the normal staffing requirements; and if he will make a statement on the matter. [4200/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The vast majority of the buildings of my Department's Laboratories, at Backweston are completely operational and functioning as intended. Amelioration works on some areas of the laboratories are required prior to they coming on stream. These are expected to be completed during 2010.

As indicated in responses to Parliamentary Questions, the Irish multi-annual national control plan (MANCP) details the official controls of foodstuffs. My Department, in conjunction with, the Department of Health and Children and the Food Safety Authority of Ireland (FSAI) have the primary responsibility for planning and implementing this programme. The range of tests required to implement the MANCP are extensive, diverse and highly specialised and at this point some of the analytical needs are still being met by referrals to overseas laboratories. While some tests in the animal and plant health areas are also being referred to laboratories abroad it is envisaged that the need for such referrals will diminish in the future, as the Laboratories continue to introduce new analytical methods and technologies with the objective of meeting a higher proportion of our needs and thus minimising our dependency on external laboratories.

[Deputy Brendan Smith.]

Demands on laboratory resources are however, expected to further increase due to the introduction of new EU legislation and its associated analytical requirements and staff resources will continue to be reviewed in this context.

Food Labelling.

328. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food if he is satisfied that the enforcement of food labelling is sufficiently stringent to protect the integrity of the food production sector here and throughout the European Union; and if he will make a statement on the matter. [4201/10]

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.

I am not aware of any issues in relation to enforcement of current food labelling legislation. As I have indicated previously a number of matters in relation to origin labelling and substantial transformation are of concern and have been brought to the attention of the Department of Health and Children in the context of the review at EU level of the General Labelling Directive.

Food Safety Standards.

329. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which food imports here or to other EU member states are subjected to regular or spot checking to ensure compliance with national or EU standards; the number of breaches of such regulations in the of the past five years to date in 2010; the action taken, if any; and if he will make a statement on the matter. [4202/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My Department in co-operation with Customs service monitors and operates animal and public health controls at EU approved Border Inspection Posts (BIP) on all direct imports into Ireland of products of animal origin coming from non-EU (or third) countries. Controls are also carried out on postal parcels and passenger baggage coming from third countries.

EU rules stipulate that food products of animal origin traded 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. To be eligible for import from third countries products must be sourced from countries the EU regards as operating controls on production and processing that give equivalent guarantees to those in the EU. They must be accompanied with the appropriate EU model health certification provided by the competent authorities of the country of origin. Following prior notification to the BIP of import all consignments must be presented for veterinary examination which will include documentary, identity and physical checks in accordance with EU requirements. The EU Food & Veterinary Office (FVO) monitors and inspects each Member State's 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.

Any imports failing to comply with these veterinary control checks may be detained for further examination. Where non-compliance is established they may be returned to the exporting country or destroyed at the importers cost.

BIP controls on consignments of products of animal origin directly imported into Ireland for human consumption over the past 5 years are as follows:

Year	Total Number of import Consignments examined	Number Rejected	Returned to country of origin	Destroyed
2009*	966	7	7	—
2008	1,337	23	11	12
2007	1,573	19	15	4
2006	1,105	6	5	1
2005	648	5	5	0

*information available to 30 September 2009.

All Member States are required to carry out controls on imports from third countries along the same lines as those operating in Ireland.

Alternative Energy Projects.

330. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the areas of land under the various forms of bio-fuel production; the extent to which trends are monitored on an ongoing basis with particular reference to the need for viability; and if he will make a statement on the matter. [4203/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Less than 0.2% of the agricultural land in Ireland is under non-food crops made up of oilseeds, miscanthus, willow and small quantities of wheat and oats used for energy purposes. A table details the areas sown since 2005 in hectares.

Year	Willow	Miscanthus	Oilseed rape	Hemp & switch grass	Total Hectares
2005	13		2,577		2,590
2006	67	122	4,267		4,456
2007	65	630	7,959	90	8,744
2008	127	780	3,087	137	4,131
2009	170	740	2,300	100	3,310

As the table shows, production has concentrated on the cultivation of oilseeds, willow and miscanthus. Oilseed rape is traditionally grown in Ireland as a break crop in a one-in-four year rotation. Oilseeds are used in pure plant oil and biodiesel production or for use in the food and animal feed markets. High yields are required to make the crop economically viable in Ireland. Willow and miscanthus crops produce pellet and wood chip materials to generate heat and power in the domestic and commercial sectors. Yields vary according to crop management and environmental factors specific to any one particular site.

My Department continues to monitor trends in energy crop production. We are currently reviewing the operation of the Bioenergy Scheme, which grant aided the cultivation of willow and miscanthus crops on a pilot basis over the period 2007 to 2009. In general, the viability of

[Deputy Brendan Smith.]

non-food crops can only be sustained in the long-term if they generate profitable returns for farmers and if sustainable end use markets are developed.

Farm Waste Management.

331. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the range of incentives available to the agri-sector for pollution control here; the way this compares with the best and worst in other EU member states; and if he will make a statement on the matter. [4205/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Grant-aid was provided by my Department in regard to various investments in relation to agricultural pollution control by the Farm Waste Management Scheme which, under the revised version of the Scheme introduced in 2006, provided a standard grant-rate of 60 per cent (70 per cent in the four Zone C counties) for the construction of animal housing, slurry storage facilities and related items. In addition, a grant was available at a rate of 40 per cent for specialized on-farm equipment with specific environmental advantages such as decanter centrifuge systems, dry feeding systems for pigs and specialized slurry spreading tankers.

Total expenditure under the Scheme to date, since its introduction in 2001, is €1.098 billion and, when the final instalment of grant-aid payable under the Scheme is paid early next year, expenditure under the Scheme will exceed €1.2 billion. I am satisfied that the range of grants available under the Scheme bore favourable comparison with those made available in other Member States, particularly within the context of ensuring compliance with the requirements of the Nitrates Directive.

Food Security.

332. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which he has, at EU level, established the principle of self-sufficiency or food security within the EU; the degree to which this concept has been established and accepted throughout the Union; and if he will make a statement on the matter. [4206/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): “Food Security” is a concept that traditionally refers to the lack of access to food in developing countries due to poverty. People in poverty in developing countries are unable to buy or grow sufficient food. People are food insecure when they do not have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life. Because of European social welfare systems, which provide financial support to those in need, this concept, which refers to developing countries, is not so relevant.

However, a central issue for Europe is the overall security of food supply for Europe and indeed globally. There is an increasing awareness that the security of the global food supply cannot be taken for granted in a world where demand is rising rapidly, and where this is expected to require a 70% increase in global food supply by 2050. There have been increased demands on the agriculture sector to examine the growing pressure between food, feed and fuel in terms of production.

Ireland was among the first Member States to draw attention to this concern in ongoing discussions on the WTO, the CAP Health Check and the more recent debates on agriculture and climate change. The declaration of 22 Member States in Paris last month illustrates the extent to which this concept has been accepted within the EU. That declaration includes the commitment that “*we want a policy that assures the supply of food that is at the same time safe,*

healthy, balanced, of high quality and accessible to all. Europe must be able to respond to the needs of 500 million consumers and contribute to the world's food balance.”

As an export and market orientated industry with high standards of food safety and quality, Ireland has an important role to play in contributing to the international security of food supply for the millions beyond this island. There is tremendous potential for Ireland to act as a major food producer and exporter, but only if we have positioned ourselves to competitively increase our levels and range of production.

Farm Household Incomes.

333. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the steps he has taken or proposes to take to ensure that incomes to the farming sector are stabilised having regard to the need to withstand the pressure from the large supermarket chains from forcing producers here out of business and in turn be replaced by food imports from locations with an undesirable history in husbandry, hygiene and traceability; and if he will make a statement on the matter. [4208/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): All foodstuffs imported into Ireland are highly regulated and must meet minimum standards established in accordance with EU food safety and traceability regulations.

The increasing concentration of retail power in the hands of a few large supermarket chains is an international phenomenon, which has fundamentally changed the balance of market negotiating power in the food chain. I have emphasised at EU and national level the necessity for a reasonable balance between granting price reductions to consumers and giving a fair return to suppliers and producers to ensure fair play in trading conditions and sustainability of food supply within the EU.

At national level the Tánaiste intends to implement a national Code of Practice for doing business in the Grocery Goods sector with a view to ensuring a fair trading relationship between retailers and their suppliers. The code will be initially on a voluntary basis.

The EU Commission has also issued a Communication on a better functioning food supply chain in Europe. As I said at the recent Council of Minister's meeting, I believe there is also a need to look critically at EU competition law (or its interpretation) in so far as it can serve to militate against consolidation at producer level to achieve the scale necessary for optimum efficiency and international competitiveness. There is a need also to audit unfair contractual practices with a view to ensuring compliance with competition law. I am very pleased that the Spanish Presidency had committed itself to progressing the whole issue of improving the functioning of the food chain. There is a need for considerable improvement so that all players, including producers and consumers, receive fair treatment.

Alternative Farm Enterprises.

334. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the degree to which he has attempted directly or in conjunction with his EU colleagues to utilise set aside lands for alternative production purposes; the degree to which this has been successful here and throughout the EU; and if he will make a statement on the matter. [4224/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Part of the outcome of the CAP Health Check negotiations was the decision to abolish the compulsory set aside of tillage land, effective from the 2009 Scheme, thereby doing away with the complex management rules attached to it. I warmly welcomed the decision at the time, one of a number of changes

[Deputy Brendan Smith.]

introduced as part of the simplification process. Previously, agreement had been reached in Brussels on the introduction of a 0% compulsory set aside requirement for 2008.

Under the 2007 Single Payment Scheme, in excess of 28,000 hectares had been declared as set aside. Under the rules of that Scheme, land was set aside for the period 15 January to 31 August and, during this time, it was forbidden to use such land for any agricultural production, although during the period 1 September to year-end the land could be used for silage production or grazing. The abolition of the set aside requirement allows farmers the potential to alter their output to respond to market signals, which was particularly welcome in light of widespread cereal shortages in recent years.

Food Industry.

335. **Deputy Arthur Morgan** asked the Minister for Agriculture, Fisheries and Food when the €9.5 million allocated in budget 2010 to support the food industry to enhance the competitiveness of the industry will be made available; the way in which this money will be spent; his plans for this money; the way in which he expects this allocation to enhance the competitiveness of the sector; and if he will make a statement on the matter. [4243/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The €9.5 million provided in the 2010 Budget will be provided in the 2010 Revised Estimates and comprises €7 million to support a range of measures geared to improving the competitiveness of the food industry, which will be operated by Enterprise Ireland, and €2.5 million to support Bord Bia marketing initiatives.

Schools Building Projects.

336. **Deputy Andrew Doyle** asked the Minister for Education and Science the progress made on the tender for the construction programme in respect of a school (details supplied); and if he will make a statement on the matter. [3901/10]

Minister for Education and Science (Deputy Batt O’Keeffe): The project for the school referred to by the Deputy has been announced to progress to tender and construction. Stage 2(a) for the project was approved in late December and the Design team have been authorised to progress to stage 2(b) of architectural planning. Stage 2(b), which involves application for planning permission, fire certificate etc. and the preparation of tender documents, is the immediate precursor stage to tender and construction.

School Transport.

337. **Deputy Andrew Doyle** asked the Minister for Education and Science if the value for money on the school transport scheme report, due to be completed at the end of 2009, has been published; and if he will make a statement on the matter. [3903/10]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): As the Deputy is aware, School Transport was approved by Government as a topic for inclusion as part of the 2009-2011 round of Value for Money Reviews. This review is looking at the original objectives of the scheme, whether these objectives remain valid today, the extent to which the objectives are being achieved, and whether there are possibilities for economies or efficiencies that would improve the value for money of the scheme. In this context, the review is also looking at fundamental issues such as eligibility criteria and catchment boundaries, with a view to achieving efficiencies and value for money in the Scheme. The report of Value for Money Review of the School Transport Scheme is currently being finalised.

Higher Education Grants.

338. **Deputy Jack Wall** asked the Minister for Education and Science the position regarding an appeal against a decision to disallow an application for a third level grant in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [3913/10]

Minister for Education and Science (Deputy Batt O’Keeffe): On 16 September 2009 a reply issued to the candidate referred to by the Deputy in respect of his appeal.

339. **Deputy Noel Grealish** asked the Minister for Education and Science the breakdown of the amount of money allocated by him in 2007, 2008 and 2009 to each local authority and vocational education committee in each county for the processing of third level maintenance grants, including mature students grants; and if he will make a statement on the matter. [3918/10]

Minister for Education and Science (Deputy Batt O’Keeffe): The breakdown of money paid to each local authority and vocational education committee by my Department in respect of grants to eligible students in each county for 2007, 2008 and 2009 is set out in the following table. Staffing costs associated with the processing of grants are met by local authorities and vocational education committees within their overall resources and a breakdown of these in each case is not readily available.

Funding provided to awarding bodies for maintenance grants paid to eligible students

2007		2008		2009	
VEC	TOTAL	VEC	Total	VEC	Total
	€		€		€
Co. Carlow VEC	2,202,988.33	Co. Carlow PLC	2,211,101.97	Carlow	3,016,251.37
Co. Cavan VEC	2,909,643.41	Co. Cavan PLC	3,227,056.31	Cavan VEC	3,425,754.07
Co. Clare VEC	1,328,475.82	Co. Clare PLC	2,013,554.07	Clare	3,008,844.52
Co. Cork VEC	1,279,847.34	Co. Cork PLC	1,514,116.08	City Cork	4,809,259.54
City of Cork VEC	6,247,197.92	City of Cork PLC	6,475,269.75	Co. Cork VEC	3,493,899.53
Co. Donegal VEC	4,136,890.14	Co. Donegal PLC	4,111,568.47	Donegal	4,458,593.93
Dublin City VEC	6,857,306.79	City of Dublin PLC	7,089,195.16	Dublin City VEC	8,884,478.54
Co Dublin VEC	1,588,075.87	Co. Dublin PLC	1,939,992.94	Dublin County	2,166,021.50
Dun Laoghaire	1,573,708.60	Dun Laoghaire PLC	2,147,844.33	Dunlaoghaire	2,245,443.39
City of Galway VEC	2,265,097.16	City of Galway PLC	2,910,184.50	Galway City	3,241,718.01
Co. Galway VEC	2,523,904.71	Co. Galway PLC	2,981,094.95	Galway County	2,909,016.52
Co. Kerry VEC	3,497,493.77	Co. Kerry PLC	4,404,365.56	Kerry VEC	5,039,974.79
Co. Kildare VEC	1,198,862.32	Co. Kildare PLC	686,702.42	Kildare VEC	923,389.87
Co. Kilkenny VEC	1,876,972.95	Co. Kilkenny PLC	1,724,769.35	Kilkenny VEC	2,117,039.86
Co. Laois VEC	975,046.37	Co. Laois PLC	1,248,748.40	Laois	1,443,659.90
Co. Leitrim VEC	659,971.74	Co. Leitrim PLC	741,144.33	Leitrim VEC	911,913.01
City of Limerick VEC	2,018,009.22	City of Limerick PLC	2,374,242.14	Limerick City	3,022,867.52
Co Limerick VEC	1,785,383.11	Co. Limerick PLC	1,771,792.26	Limerick VEC	1,888,087.90
Co. Longford VEC	1,033,600.64	Co. Longford PLC	1,074,903.76	Longford	1,292,351.25
Co. Louth VEC	1,831,613.71	Co. Louth PLC	2,017,843.83	Louth	2,912,675.00
Co. Mayo VEC	3,210,992.94	Co. Mayo PLC	3,189,179.85	Mayo	3,489,380.69
Co. Meath VEC	1,077,354.43	Co. Meath PLC	1,345,517.56	Meath	1,642,388.16
Co. Monaghan VEC	1,301,236.80	Co. Monaghan PLC	1,418,295.11	Monaghan	1,759,431.39
Co. Offaly VEC	1,064,395.07	Co. Offaly PLC	1,058,971.68	Offaly	1,186,556.46
Co. Roscommon VEC	914,086.32	Co. Roscommon PLC	1,026,720.23	Roscommon VEC	1,209,692.78
Co. Sligo VEC	1,991,414.26	Co. Sligo PLC	2,076,166.00	Sligo VEC	2,977,183.18
Co. Tipp NR VEC	2,125,642.93	Co. Tipperary NR PLC	2,516,108.74	Tipperary NR	3,240,289.09

[Deputy Batt O’Keeffe.]

2007		2008		2009	
VEC	TOTAL	VEC	Total	VEC	Total
	€		€		€
Co. Tipp SR VEC	1,759,137.17	Co. Tipperary SR PLC	1,531,975.93	Tipperary SR	1,858,477.88
Co. Waterford PLC	1,359,319.22	Co. Waterford PLC	1,021,429.04	Waterford City	2,410,632.51
City of Waterford PLC	1,371,387.98	City of Waterford PLC	1,818,617.94	Waterford County	1,119,096.47
Co. Westmeath VEC	1,309,523.61	Co. Westmeath PLC	1,475,160.56	Westmeath VEC	2,144,444.68
Co. Wexford VEC	2,267,312.71	Co. Wexford PLC	2,519,193.73	Wexford VEC	3,436,365.30
Co. Wicklow PLC	1,610,169.78	Co. Wicklow PLC	2,369,244.96	Wicklow VEC	2,292,029.25
Total	69,152,063.14	Total	76,032,071.91	Total	89,977,207.86

H.E.G 2007		HEG 2008		HEG 2009	
County Council	Total	Local Authority	Total	Local Authority	Total
	€		€		€
Carlow Co. Council	1,364,232.56	Carlow Co. Co.	1,547,235.23	Carlow Co. Co.	2,041,601.95
Cavan Co. Council	2,267,810.13	Cavan Co Co	2,094,561.91	Cavan Co Co	2,336,945.23
Clare Co. Council	4,986,633.34	Clare Co. Co.	4,894,715.28	Clare Co. Co.	6,111,891.40
Cork City Council	4,384,351.23	Cork City Council	5,088,715.74	Cork City Council	5,320,958.70
Cork Co. Council	10,135,858.81	Cork Co. Co.	10,540,303.77	Cork Co. Co.	12,644,751.16
Donegal Co. Council	5,814,548.73	Donegal Co. Co.	6,320,567.64	Donegal Co. Co.	7,295,537.58
Dublin City Council	11,472,290.67	Dublin City Council	14,788,659.75	Dublin City Council	18,285,468.96
Dun/Rath Co. Council	4,121,901.46	Dun Laoghaire-Rathdown	3,801,862.75	Dun Laoghaire-Rathdown	3,271,028.41
South Dublin Council	3,441,429.28	South Dublin Co. Co.	3,874,163.58	South Dublin Co. Co.	4,626,513.02
Fingal Co. Council	3,635,979.06	Fingal Co. Co.	2,931,628.78	Fingal Co. Co.	4,456,233.09
Galway Co.Council	12,638,032.88	Galway Co. Co.	12,090,634.21	Galway Co. Co.	15,301,521.92
Kerry Co. Council	5,512,082.98	Kerry Co. Co.	6,185,082.58	Kerry Co. Co.	7,241,179.32
Kildare Co. Council	3,840,011.07	Kildare Co. Co.	5,138,300.20	Kildare Co. Co.	6,190,907.00
Kilkenny Co. Council	3,374,974.77	Kilkenny Co Co	3,510,155.94	Kilkenny Co Co	3,697,456.37
Laois Co. Council	2,030,648.58	Laois Co. Co.	2,401,254.54	Laois Co. Co.	2,548,127.60
Leitrim Co. Council	1,400,679.96	Leitrim Co. Co.	1,441,885.57	Leitrim Co. Co.	1,801,788.03
Limerick Co. Council	3,769,459.71	Limerick Co. Co.	4,069,994.09	Limerick Co. Co.	4,133,989.04
Limerick City Council	1,590,426.35	Limerick City Council	1,595,296.89	Limerick City Council	2,540,513.82
Longford Co. Council	1,322,828.07	Longford Co. Co.	1,552,543.62	Longford Co. Co.	1,602,425.84
Louth Co. Council	3,059,235.64	Louth Co. Co.	3,502,179.97	Louth Co. Co.	2,999,321.89
Mayo Co. Council	6,659,405.75	Mayo Co Co	7,218,719.20	Mayo Co Co	7,940,587.40
Meath Co. Council	2,992,380.06	Meath Co. Co.	3,399,208.74	Meath Co. Co.	3,109,611.40
Monaghan Co. Council	2,672,422.97	Monaghan Co. Co.	2,450,035.74	Monaghan Co. Co.	2,765,044.03
Offaly Co. Council	1,874,650.16	Offaly Co. Co.	2,272,822.81	Offaly Co. Co.	1,875,461.31
Roscommon Co.Council	2,477,957.88	Roscommon Co Co	2,954,440.71	Roscommon Co Co	3,155,517.47
Sligo Co. Council	2,151,018.46	Sligo Co. Co.	2,291,254.96	Sligo Co. Co.	3,598,764.52
Tipperary (NR) Council	2,429,973.98	Tipperary (NR) Co Co	2,677,539.00	Tipperary (NR) Co Co	3,120,942.52
Tipperary (SR) Council	2,715,934.64	Tipperary (SR) Co. Co.	2,522,654.20	Tipperary (SR) Co. Co.	3,278,837.61
Waterford City. Council	1,380,950.31	Waterford City Council	676,183.83	Waterford City Council	1,351,974.41
Waterford Co. Council	2,030,365.30	Waterford Co. Co.	2,494,997.38	Waterford Co. Co.	3,135,546.18
Westmeath Co. Council	2,540,110.00	Westmeath Co Co	2,998,341.00	Westmeath Co Co	3,689,416.25
Wexford Co. Council	3,359,320.56	Wexford Co Co	4,341,159.36	Wexford Co Co	3,883,528.00
Wicklow Co. Council	2,933,926.96	Wicklow Co Co	3,735,671.66	Wicklow Co Co	4,503,995.00
Total	126,381,832.31	Total	137,402,770.63	Total	159,857,386.43
2007 Total spend on TLT *	47,212,843.60	2008 Total spend on TLT *	50,097,869.17	2009 Total spend on TLT *	56,220,911.84

*Breakdown on a county basis is not included for students in receipt of the TLT Maintenance Grant as students are paid by the Institutes of Technology directly.

Schools Building Projects.

340. **Deputy Dinny McGinley** asked the Minister for Education and Science the position regarding the provision of a new school (details supplied) in County Donegal; if a site has been identified; if the site is being purchased; and if he will make a statement on the matter. [3976/10]

Minister for Education and Science (Deputy Batt O’Keeffe): I wish to advise the Deputy that a site has been identified and Contracts for the acquisition of the site are being exchanged.

341. **Deputy Ciarán Lynch** asked the Minister for Education and Science if, in view of the concerns highlighted to him by a school principal (details supplied), the steps he will take to ensure that work on the new school will commence in the future in order to ensure its completion by September 2010; if the acquisition of the site has been completed by the school patron; if his attention has been drawn to the fact that a further request for information has been issued recently; if his further attention has been drawn to the fact that decisions with social and financial consequences must be taken within the next month if there is any possibility that the September deadline will be missed; and if he will make a statement on the matter. [4109/10]

Minister for Education and Science (Deputy Batt O’Keeffe): I wish to advise the Deputy that officials in my Department are aware of the issues affecting delivery of this project. Unfortunately, the delay in receiving Planning Permission stands to impact the schedule for delivery. The first request by the Local Authority for further information pursuant to the Planning application involved certain issues which were not raised at my Department’s pre-planning discussions with the Local Authority.

These issues were addressed by my Department’s team and submitted to the Local Authority. However, I understand that some further issues have recently been raised by the Local Authority. While a reply to the further request for information will be prepared and submitted as soon as possible, it is not possible at this stage to know whether the new school can be delivered for September 2010.

Furthermore, the progression of the project is also contingent on completion by the school Patron of the acquisition of the site for the proposed new school building which is still outstanding. The Patron is, understandably, unwilling to proceed with the acquisition until Planning Permission is obtained. When these matters are resolved the progression of the project to construction can be given further consideration.

School Staffing.

342. **Deputy Paul Connaughton** asked the Minister for Education and Science the reason redundancy has not been awarded in respect of a person (details supplied) in County Galway; and if he will make a statement on the matter. [4115/10]

Minister for Education and Science (Deputy Batt O’Keeffe): Applications for redundancy are being received and processed in my Department on an ongoing basis. I can confirm that an application has been received from the Special Needs Assistant referred to by the Deputy and it is expected that any payment owed will issue in March.

Schools Recognition.

343. **Deputy Seán Ó Fearghail** asked the Minister for Education and Science his views on the circumstances of a school (details supplied) in County Kildare; if permanent recognition

[Deputy Seán Ó Fearghaíl.]

will be given to this school in view of the fact that it has achieved an increase in its enrolment in each of the seven years since its establishment; if he accepts that permanent recognition is necessary in this instance in order to achieve consistency, having regard to decisions made in respect of similar schools in County Monaghan and County Kilkenny; if his attention has been drawn to the efforts made by this school to maintain ongoing communications with the planning unit of his Department; and if he will make a statement on the matter. [4168/10]

Minister for Education and Science (Deputy Batt O’Keeffe): The school to which the Deputy refers is recognised by my Department. In common with all schools, when initially established, the school was granted temporary recognition to allow it to demonstrate its viability. Last year, the Department extended the school’s temporary recognition for a further three years to allow it the opportunity to develop its enrolments further and demonstrate its long term viability. The school authority has been informed that the situation will be reviewed at the expiration of that time.

I am aware that this matter has been the subject of discussions between officials in the Planning and Building Unit of my Department and the school authority at meetings and through other, including recent, contacts with the Patron. The Department is open to such contacts and it will take into account any material changes in support of the school’s application for permanent recognition, should they arise.