



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 11 March 2010.

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DÁIL ÉIREANN

Déardaoin, 11 Márta 2010.
Thursday, 11 March 2010.

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

Paidir.
Prayer.

Requests to move Adjournment of Dáil under Standing Order 32.

An Ceann Comhairle: Before coming to the Order of Business I propose to deal with a number of notices under Standing Order 32. I will call on the Deputies in the order in which they submitted their notices to my office.

Deputy Finian McGrath: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance and concern, namely, the need for the Government to make addressing the jobs crisis a priority by supporting the plans to create 120,000 new jobs as a result of the recommendations of the innovation taskforce, and to support the introduction of bonus CAO points for mathematics and science in the leaving certificate while at the same time developing education and skills for the vast majority of people. I call for an end to all of the talk about jobs and for us to focus on supporting people with new ideas and sensible plans for job creation as a matter of urgency.

Deputy Arthur Morgan: I wish to seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the need for the Taoiseach and Minister for Finance to explain to the people the reason they are paying the chairperson of the NAMA credit committee €150,000 per annum for a three day week, and the reason the chairperson of the NAMA board is being paid €170,000 per annum, particularly at a time when the Government is cutting the salaries of nurses, schoolteachers, gardaí and other hard-working public servants.

Deputy Finian McGrath: Hear, hear.

Deputy Arthur Morgan: Is their critical work not at least as important as that of NAMA? Why, at the time when pay cuts for public sector workers were announced, did the salaries of the chairperson and board members of NAMA increase substantially? Within weeks, the salary of the chairperson rose from €100,000 per annum to €170,000 per annum. The increase for the board members was from €38,000 per annum to €50,000 per annum, all within weeks of being appointed. The Minister should try explaining that to hard-working public servants whose wages are being and have been slashed on foot of budget 2010. I hope we will have a debate on that very important matter.

Deputy James Bannon: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national and local importance, namely, the latest cuts to Bus Éireann services that

[Deputy James Bannon.]

will be a huge blow to rural areas, which already lack a viable transport infrastructure. It is probably the worst in Europe. The total withdrawal of the Galway-Athlone service and the curtailment of 18 other services, including the Mullingar-Ballivor-Dubin service, which has been cut by 50%, will leave many customers without essential transport. The cutbacks will also result in 250 redundancies.

Deputy Martin Ferris: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the failure of the Department of Agriculture, Fisheries and Food to pay money due under REPS 4, as promised before Christmas; the fact that the failure to fill the position of district superintendent in Kerry has meant the process of assessing applications has been slowed down; and the need to make the payments to farmers immediately and ensure the vacant position is filled.

Deputy Frank Feighan: Once again, I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the continuing recruitment embargo by the HSE, which is affecting services and putting lives at risk. It is affecting day-care services for elderly people who sacrificed so much for this country and contributed so much thereto. They are now losing their very much-needed care. In my area, 50 elderly people lost day-care services provided by Plunkett Home in Boyle due to this embarrassing embargo. I call on the Minister for Health and Children to show some compassion and flexibility with a view to addressing the recruitment ban from her foreign office in New Zealand and to reflect on the plight of the elderly on St. Patrick's Day from so far away.

An Ceann Comhairle: Having considered the matters raised, I do not believe they are in order under Standing Order 32.

Deputy Frank Feighan: The Minister is to be in New Zealand for two weeks and 50 people are out of work.

Deputy Arthur Morgan: On a point of order——

Deputy Frank Feighan: Two weeks first class. Mighty mouth——

(Interruptions).

Deputy Arthur Morgan: Generally speaking, the Ceann Comhairle is a very reasonable person, but I am after raising a matter whereby a wage increase of 70% has been granted at a time when public sector workers are having their wages cut——

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

Deputy Arthur Morgan: Surely some time can be put aside to debate that matter.

An Ceann Comhairle: If the Deputy comes forward with a reasonable alternative proposal, we will consider it. We must move on. The Deputy had a good airing, a good innings, this morning.

Order of Business.

The Tánaiste: It is proposed to take No. 20, Inland Fisheries Bill 2009 — Order for Report, Report and Final Stages; No. 19, Road Traffic Bill 2009 — Second Stage (resumed); No. 21 — statements on the final report of the Joint Committee on Constitutional Amendment on Children, to be taken not later than 1.30 p.m. today and the order shall not resume thereafter. It

is proposed, notwithstanding anything in Standing Orders, that (1) the following arrangements shall apply in regard to No. 21: (i) the statements of the Chairman of the Joint Committee on the Constitutional Amendment on Children and of the main spokespersons for Fine Gael, the Labour Party and Sinn Féin, who shall be called upon in that order, shall not exceed 15 minutes in each case; (ii) the statements of each other member called upon shall not exceed ten minutes in each case; (iii) members may share time; and (iv) a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed ten minutes; (2) the Dáil on its rising today shall adjourn until 2.30 p.m. on Tuesday, 23 March 2010.

An Ceann Comhairle: There are two proposals to put to the House. Is the proposal for dealing with No. 21, statements on the final report of the Joint Committee on the Constitutional Amendment on Children agreed to?

Deputy Enda Kenny: I propose an amendment to the Order of Business that the Dáil shall sit until 6.45 p.m. to allow for statements and questions in regard to the latest catastrophe that has befallen us in the area of health. Yesterday we had priority questions and statements and comments in the House about the situation whereby X-rays were not read by radiologists in Tallaght hospital, with the possibility that a small number of those may have a significant impact on patient medical health. We now understand that this situation is far worse, with reports of thousands of letters unopened from GPs in referral of patients to consultants in Tallaght hospital. This goes beyond the reading of X-rays by radiologists. These referrals may refer to much more serious or prevalent conditions for those concerned. For example, they could refer to bowel cancer, cardiac conditions, analysis in respect of tumours——

An Ceann Comhairle: We discussed this matter at length yesterday and I am sure there will be other opportunities to do so.

Deputy Olivia Mitchell: We did not discuss this issue yesterday because we did not know about it.

Deputy Alan Shatter: Thousands of letters were unopened.

Deputy Enda Kenny: The Ceann Comhairle said to Deputy Morgan——

An Ceann Comhairle: We are on the Order of Business.

Deputy Paul Kehoe: The Deputy is proposing an amendment to the Order of Business.

An Ceann Comhairle: Deputies cannot make a Second Stage contribution on the Order of Business.

Deputy Enda Kenny: I am proposing an amendment to the Order of Business and I want to explain why. The Ceann Comhairle said to Deputy Morgan that if he comes up with a reasonable proposition, he will give him his say. The Inland Fisheries Bill 2009 is important but nothing is more important than the life and death and healthy condition of our people.

Deputies: Hear, hear.

Deputy Enda Kenny: For the people who have had letters of referral left unopened in bags in Tallaght hospital, this is a crisis. The Minister for Health and Children will not return from New Zealand until 22 March. This is another catastrophe. Deputy James Reilly, on behalf of the Fine Gael Party, has already said that if the Taoiseach decides to reappoint this Minister

[Deputy Enda Kenny.]

to the Department of Health and Children, we will move a motion of no confidence against her. The Labour Party has indicated it will do likewise.

I am concerned that we have clarity from the Tánaiste in the absence of the Minister for Health and Children as to what the facts are in this matter. Are we to understand that there are thousands of letters unopened — many of them letters of referral by GPs — in Tallaght hospital? As I said, these letters of referral may refer to serious conditions, whether tumours, cardiac problems, bowel cancer or whatever.

An Ceann Comhairle: The Deputy will have to find an alternative way if he wants to have a lead-on debate to what went on yesterday. We are on the Order of Business and I have allowed him considerable latitude.

Deputy Fergus O'Dowd: We are talking about letters, not X-rays.

Deputy Alan Shatter: Does the Ceann Comhairle know what is going on outside this House?

Deputy Thomas Byrne: It is a matter for the Health Service Executive.

Deputy Enda Kenny: This is the ultimate example of lack of accountability in the political process. This is hands-off Government, hiving off issues to bureaucratic and administrative entities. The Minister for Health and Children should be in the House today but she is not. I want confirmation from the Tánaiste of the validity of the reports in today's newspapers that there are thousands of people walking around who may have serious medical conditions because the relevant GP referral letters are lying unopened in Tallaght hospital.

For that reason, I propose that the Dáil sit until 6.45 p.m. to allow statements from the Minister and from the Opposition and that there be time for questions and answers. This is much too serious for flippant responses. It is a matter of life and death. We in this House should put ourselves in the position of those patients who went to their GP more than a year ago and were told that a letter of referral would be written on their behalf to a consultant in Tallaght hospital only to find this morning that these letters lie unopened. We can imagine the crisis in those people's minds this morning. That is why it is important that we have accountability in this House and that the House sit until 6.45 p.m. to allow time for statements and questions so that we can get answers and get the truth. There must be no more of this lack of accountability in the forum of the people. This is another catastrophe brought down on us by a Government that has lost touch with reality, with the result that thousands of people may well have serious ailments that have not been diagnosed or are not being diagnosed.

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

Deputy James Reilly: Patients are being abused. This is worse than the situation in Portlaoise where 97 files were thrown out until a cohort was reached.

An Ceann Comhairle: I have called Deputy Gilmore.

Deputy James Reilly: How many files are needed for a cohort? Is it 20,000?

An Ceann Comhairle: Deputy Reilly must stop interrupting.

Deputy Eamon Gilmore: I support Deputy Kenny's proposal that the House sit until 6.45 p.m. in order to hear from the Minister for Health and Children, or some other Minister, and to have questions answered about the additional information we received since yesterday about what has happened in Tallaght hospital. I am supporting this proposal in the first instance

because the Government has a separate proposal on the Order of Business today to close down the Dáil until Tuesday week. Therefore, today is our last opportunity as representatives of the people to question Ministers in the Chamber about the situation at Tallaght hospital. We have heard much over the years about things going wrong in the health service, about misdiagnoses, tests that were not followed up, various cutbacks that have taken place and so on. However, of all the issues I have heard about, there is nothing as incredible as the idea that somebody goes to the doctor complaining of something, the doctor decides that he or she needs an X-ray and writes a letter to Tallaght hospital to arrange it, but the letter is never opened.

Deputy Simon Coveney: There were 20,000 letters.

Deputy Eamon Gilmore: It is incredible. What is going on there? It is one thing to have queues and waiting lists and the worry associated with that, but that a GP's letter should go to the hospital and nobody opens the envelope is utterly incredible. We must have answers to this. I see in news reports——

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

Deputy Joan Burton: It is relevant.

Deputy Michael D. Higgins: Yes, it is. It is a question of accountability.

An Ceann Comhairle: Lengthy statements are not contemplated on the Order of Business, that is my difficulty. I have allowed considerable latitude to both Deputies.

Deputy Joan Burton: The Ceann Comhairle should listen a little more and he might learn something.

Deputy Eamon Gilmore: I have a question for the Ceann Comhairle. Am I out of order?

An Ceann Comhairle: The Deputy is out of order in the sense that Second Stage-type statements on the Order of Business are not contemplated.

Deputy Eamon Gilmore: There is no Second Stage statement.

An Ceann Comhairle: We will have to change Standing Orders if we are to accommodate those types of statements.

Deputy Eamon Gilmore: I am not making a Second Stage speech.

An Ceann Comhairle: However, I have allowed the Deputy some latitude and will continue to allow it provided that he is reasonable and truncates his contribution.

Deputy Eamon Gilmore: I am not asking for latitude, I am asking for my rights as a Member and I will insist on my rights as a Member.

Deputies: Hear, hear.

Deputy Eamon Gilmore: I am entitled to make a comment and to make an observation on the Government's proposal for the ordering of business in the House today and that is what I am doing. To underline it, I am not making a Second Stage speech because there is no Second Stage.

An Ceann Comhairle: For clarity, Standing Order 26 states that in the case of a proposal to oppose the Order of Business, the Chair shall permit a brief statement from each party in Opposition. What is contemplated is a brief statement.

Deputy Eamon Gilmore: I am making a brief statement and I will make no apology to the Ceann Comhairle or anybody else for underlining the seriousness of this situation——

Deputies: Hear, hear.

Deputy Timmy Dooley: The Ceann Comhairle does not want an apology.

Deputy Eamon Gilmore: ——where people go to their doctor, the doctor refers them to a hospital and no one at the hospital even opens the letter, and, moreover, even when they do get an X-ray, the consultant radiologist does not see it. There are 14,000 patients whose X-rays have still not been looked at by a consultant radiologist in that hospital and we do not know when they will be looked at. Where is the Minister for Health and Children? She is on a two-week trip to New Zealand to celebrate St. Patrick's Day.

An Ceann Comhairle: Another option for the Deputy is to raise this matter on the Adjournment.

Deputy Eamon Gilmore: It is an absolute scandal.

Deputy Caoimhghín Ó Caoláin: I too support the proposition put forward by Deputy Kenny but with no disrespect to the proposition, it does not go far enough. The Minister should be recalled. There can be no other answer in this situation. Have no doubt about it, if the host people in New Zealand were aware of the backdrop to her presence in that country, they would be incredulous that she was there at all.

Deputy Arthur Morgan: They would chase her home.

Deputy Caoimhghín Ó Caoláin: They would never tolerate a similar situation in regard to a member of Government with responsibility for health in their country, who was off doing business somewhere else when the situation at home was in total disarray.

Make no mistake about it — this is a very serious matter. The fundamental basis of the relationship between general practitioners and consultants in our acute hospital sites is in tatters due to this revelation. I made reference to this yesterday in the course of the private notice question, HIQA indicated it had been brought to its attention that referral letters from GPs had remained unopened in Tallaght hospital. We have now learned there could be of the order of 30,000 unopened referral letters, as a GP claimed this morning on “Morning Ireland”

This is an incredible situation. The cry again of the people is: “Is this being investigated?” Who is carrying out the investigation? What are the terms of reference of that investigation? Is a thorough examination under way to confirm or assuage the fears of the people that this is not also the case applying in other hospital sites across the State? These are the critical issues.

We need to know what are the terms of reference of any investigation or inquiry into this matter before we leave this House today. Where were the consultants who have not carried out their work? What were they doing when they were not reading 58,000 X-rays or reading letters of referral from general practitioners? We are paying them. We want to know what they have been doing. What were they doing when they were supposed to be carrying out their duties? Who has oversight of their day's work?

An Ceann Comhairle: We will have to let it rest at that.

Deputy Caoimhghín Ó Caoláin: Who has oversight of their responsibilities?

An Ceann Comhairle: I have a proposed amendment with which I must deal.

Deputy Caoimhghín Ó Caoláin: You have, a Cheann Comhairle. I am suggesting there are further matters that need to be addressed.

An Ceann Comhairle: I am sure the opportunity will arise.

Deputy Caoimhghín Ó Caoláin: This House should be recalled next week with the Minister present before the Dáil. The matter is of such gravity——

An Ceann Comhairle: The Deputy's co-operation would be appreciated——

Deputy Caoimhghín Ó Caoláin: A Cheann Comhairle, I am not being flippant about this. The matter is of such gravity that the Minister has every right to make her way back home to face the questions of the Members of this House and to answer the questions that were not answered yesterday, with no disrespect to the Minister of State with responsibility for children, who was not informed enough to answer the questions. That question list has grown——

An Ceann Comhairle: The Deputy has had a very good innings.

Deputy Caoimhghín Ó Caoláin: It has grown overnight.

An Ceann Comhairle: Will the Deputy resume his seat?

Deputy Caoimhghín Ó Caoláin: I ask the support of the House to bring home the Minister so she would be accountable to this House and to the people of Ireland.

Deputy Arthur Morgan: Or cancel her passport and leave her out there altogether.

Deputy Fergus O'Dowd: She should send home the Government jet.

An Ceann Comhairle: Deputy Enda Kenny has moved an amendment——

Deputy James Reilly: A Cheann Comhairle, before the Government——

An Ceann Comhairle: Will Deputy Reilly resume his seat?

Deputy James Reilly: Before the Government exercises its majority, which is pretty perilous at the minute——

An Ceann Comhairle: The Deputy should resume his seat while the Chair is on his feet.

Deputy James Reilly: I want them to consider, if it was one of their relatives, one of their children, wives or husbands that was waiting for an appointment based on one of those letters——

An Ceann Comhairle: The Deputy must resume his seat.

Deputy James Reilly: Think of the absolute disdain they have been treated with, the total lack of trust and the betrayal——

An Ceann Comhairle: When the Chair is on his feet, Deputy Reilly should resume his seat.

Deputy James Reilly: I respect that, but if it is not for this House to look after the welfare of our people in our health service, we may all just go.

Deputy Dermot Ahern: It is as if Deputy Reilly's profession has nothing to answer for in all of this. This is complete hypocrisy.

Deputy Emmet Stagg: A Cheann Comhairle——

An Ceann Comhairle: Deputy Reilly must resume his seat and Deputy Stagg should do the same.

Deputy Emmet Stagg: A Cheann Comhairle, I have a point of order.

An Ceann Comhairle: Deputy Stagg should resume his seat until I have clarified the position in regard to the amendment.

Deputy Emmet Stagg: On a point of order——

An Ceann Comhairle: I must inform the House as to the position with the amendment. The amendment is not in order because it introduces a new matter. It is a matter for the Taoiseach and it is his prerogative to list the business to be taken today.

Deputies: Where is he?

An Ceann Comhairle: We will now deal with the first proposal on the Order of Business. I must put the question. Is the proposal for dealing with No. 21 agreed to?

Deputy Emmet Stagg: A Cheann Comhairle, may I make a point of order?

Deputy Jan O'Sullivan: There is a point of order.

An Ceann Comhairle: Tá an rún rite.

Deputy Emmet Stagg: No, a Cheann Comhairle——

Deputy Enda Kenny: A Cheann Comhairle, while I respect your position, this is a classic example of where life and death——

Deputies: Votáil.

Question put: "That the proposal for dealing with No. 21 be agreed to."

The Dáil divided: Tá, 66; Níl, 62.

Tá

Ahern, Bertie.
Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Andrews, Chris.
Ardagh, Seán.
Aylward, Bobby.
Blaney, Niall.
Brady, Cyprian.
Brady, Johnny.
Browne, John.

Byrne, Thomas.
Carey, Pat.
Collins, Niall.
Conlon, Margaret.
Connick, Seán.
Coughlan, Mary.
Cregan, John.
Cuffe, Ciarán.
Curran, John.
Devins, Jimmy.
Dooley, Timmy.
Fahey, Frank.

Tá—*continued*

Fitzpatrick, Michael.
 Flynn, Beverley.
 Gogarty, Paul.
 Grealish, Noel.
 Haughey, Seán.
 Healy-Rae, Jackie.
 Hoctor, Máire.
 Kelly, Peter.
 Kennedy, Michael.
 Killeen, Tony.
 Kitt, Michael P.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 McEllistram, Thomas.
 McGrath, Mattie.
 McGrath, Michael.
 McGuinness, John.
 Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.

Nolan, M.J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 Brien, Darragh.
 Connor, Charlie.
 Donoghue, John.
 Flynn, Noel.
 Hanlon, Rory.
 Rourke, Mary.
 Sullivan, Christy.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Ryan, Eamon.
 Sargent, Trevor.
 Scanlon, Eamon.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Mary.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Bannon, James.
 Barrett, Seán.
 Behan, Joe.
 Breen, Pat.
 Broughan, Thomas P.
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Byrne, Catherine.
 Carey, Joe.
 Connaughton, Paul.
 Coonan, Noel J.
 Costello, Joe.
 Coveney, Simon.
 Creed, Michael.
 Creighton, Lucinda.
 Arcy, Michael.
 Deasy, John.
 Doyle, Andrew.
 Enright, Olwyn.
 Feighan, Frank.
 Ferris, Martin.
 Flanagan, Charles.
 Gilmore, Eamon.
 Hayes, Brian.
 Higgins, Michael D.
 Hogan, Phil.
 Howlin, Brendan.
 Kehoe, Paul.
 Kenny, Enda.
 Lynch, Ciarán.

McCormack, Pádraic.
 McGinley, Dinny.
 McGrath, Finian.
 McHugh, Joe.
 McManus, Liz.
 Mitchell, Olivia.
 Morgan, Arthur.
 Naughten, Denis.
 Neville, Dan.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 Donnell, Kieran.
 Dowd, Fergus.
 Keefe, Jim.
 Mahony, John.
 Shea, Brian.
 Sullivan, Jan.
 Sullivan, Maureen.
 Perry, John.
 Quinn, Ruairí.
 Reilly, James.
 Shatter, Alan.
 Sheahan, Tom.
 Sheehan, P.J.
 Sherlock, Seán.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Tuffy, Joanna.
 Upton, Mary.

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

Question declared carried.

An Ceann Comhairle: On No. 2, is the proposal that the Dáil on its rising today shall adjourn until 2. 30 p.m. on Tuesday, 23 March 2010, agreed to?

Deputy Enda Kenny: It is not agreed. Why did the Ceann Comhairle not ask the Tánaiste to respond to the legitimate proposal I made for an extension of time of the Order of Business? I am not objecting to the contents of the Order of Business, rather I am objecting to the timescale for it. I would like the Tánaiste to respond on behalf of the Government. The Ceann Comhairle said that my proposal and that of Deputy Gilmore and Deputy Ó Caoláin introduced new matter to the Order of Business and, as such, was a matter for the Taoiseach. The Tánaiste represents the Taoiseach who does not want to be here on Thursday mornings. I ask the Ceann Comhairle to ask the Tánaiste to respond to the proposition. Surely a matter where potentially serious medical ailments could arise for patients whose letters of referral have not been opened in Tallaght Hospital is a matter the House should consider?

When responding to the first case I raised in this House with the Taoiseach about the medical condition of an elderly lady, he said these cases are too facile to raise in the Parliament. I remind the Ceann Comhairle this is the most important element of who we are and what we do — the life and good health of our people. This is a matter of the most serious concern and I would like the Tánaiste to respond to the legitimate proposition I made here.

Deputy Pádraic McCormack: Hear, hear. Let us have it, Mary.

Deputy Eamon Gilmore: I oppose the Tánaiste's proposal that the House should adjourn until 23 March. This adjournment, we are led to believe, is to facilitate Government Ministers travelling abroad to represent Ireland on St. Patrick's Day. It is a good thing that Ministers represent Ireland on St. Patrick's day and that we maximise the opportunities it gives us to promote the country.

Deputy Charles Flanagan: Who will be travelling to Angola?

Deputy Eamon Gilmore: St. Patrick's Day, however, is one day and at best, St. Patrick's Day events are organised for a couple of days around it. We now have a Minister, however, who is on a visit to New Zealand for two weeks on an itinerary that according to the newspapers today reads more like "The Lord of the Rings" trail than it does like a State visit; the only thing missing is dinner hosted by Bilbo Baggins. Meanwhile, the health service for which she is responsible is falling apart.

We have already had the episode in Tallaght hospital. There is a also report, that has not been officially published but which has been leaked, on the organisation of the Department of Health and Children that states, according to *The Irish Times*, "The Department of the Taoiseach has run its rule over health and found a department under siege from the seemingly endless crises afflicting the sector. Staff are frustrated and disillusioned, morale is at rock bottom and leadership is uneven at best"

Deputy Pádraic McCormack: Leadership is missing in action, like the Minister.

Deputy Eamon Gilmore: In another report it is stated that some staff in the Department have little or nothing to do while colleagues are overwhelmed with work but management appears reluctant to deal with the problems.

It is one thing to have the country represented abroad on St. Patrick's Day but the abuse of that on this occasion is not acceptable and it is not acceptable to the Labour Party that the House should adjourn until 23 March when there are serious matters, including the problem in Tallaght, that need to be addressed and that the Government has insisted we cannot discuss today.

Deputy Caoimhghín Ó Caoláin: I propose that the Dáil sit for one full day in the coming week, either Thursday 18 March or Friday 19 March, to accommodate the return of as many Ministers and Ministers of State from wherever they may be over the St. Patrick's Day period. It is imperative that the Minister for Health and Children is recalled to face the serious crisis presenting in our health service, a crisis built on crises over the years. There can be no doubt in anyone's mind about the real fears and the public disquiet over this matter. It is most likely that the issue is not unique to Tallaght hospital. It beggars belief that Tallaght hospital would be a unique aberration within the network of acute hospital sites across this State.

An Ceann Comhairle: This is serious repetition. We had this on the previous point.

Deputy Caoimhghín Ó Caoláin: I am stating clearly that we require a full investigation to establish all of the facts, to assuage people's fears by addressing the failures within the current system and to restore confidence by taking the appropriate steps to ensure this never happens again. There are core questions in this issue, the Minister's accountability being one, but there is also the accountability of those we pay within the health services. I want to know what these consultant radiologists are doing if they are not reading X-rays.

An Ceann Comhairle: Standing Order 26 allows for brief statements on the Order of Business and the Deputy has gone beyond that, much beyond it.

Deputy Caoimhghín Ó Caoláin: I have not gone beyond it, this is a hugely important matter. If they are not reading the X-rays and ignoring referral letters——

An Ceann Comhairle: Please, Deputy.

Deputy Caoimhghín Ó Caoláin: With respect, I am an elected Member of this House.

An Ceann Comhairle: I respect that.

Deputy Caoimhghín Ó Caoláin: I am also a spokesperson on this issue and I insist on my right to explain why I am opposed to the Order of Business.

An Ceann Comhairle: Must I explain that Standing Order 26 does not contemplate long contributions on the Order of Business?

Deputy Caoimhghín Ó Caoláin: I am stating clearly that we need to know what is at the base of the systems failure within the Tallaght experience and if the same exists in other hospital sites, that the difficulties are being addressed and that steps are being taken to ensure this does not recur.

It is now beholden on any Opposition party that is providing pairs for Government Ministers, specifically in the case of the Minister for Health and Children, to withdraw from those arrangements.

An Ceann Comhairle: The Deputy is going off on a tangent.

Deputy Caoimhghín Ó Caoláin: No, the Minister should be here. She has lost any right for corresponding support and I call on Opposition parties to withdraw any pairing arrangements during the Minister's absence from this Chamber and this country at this time.

The Tánaiste: These are serious issues. The practices are unacceptable. The most important people to be spoken of in this House are the patients. That is why the clinical review is hugely important and it is the patient care that must be addressed and that is exactly what is happening.

[The Tánaiste.]

We all agree that we must have the facts, we cannot form a judgment unless we have all the facts of the situation. New facts arose yesterday evening and they will have to be deciphered and that is why the independent investigation is being carried out by the HSE.

Deputy James Reilly: The letter must be read before it can be deciphered.

Deputy Fergus O'Dowd: Perhaps they should X-ray it.

The Tánaiste: This is an independent hospital and it will have an independent investigation.

Deputy Jan O'Sullivan: It is funded with public money.

Deputy Arthur Morgan: It is funded by the taxpayer.

Deputy Enda Kenny: It is funded by the Minister for Health and Children.

The Tánaiste: It is also appropriate to say that it is easy for Members to personalise issues and to use opportunities like this, unpalatable as they might like to hear it from me, to use the distresses of patients for political opportunism.

Deputy Alan Shatter: That is a shameful comment.

The Tánaiste: There are questions to be asked of management, of the board, of governance and questions will have to be answered.

An Ceann Comhairle: The Tánaiste must be allowed to continue without interruption. We proceed on the basis that whoever is in possession is allowed the floor while he or she speaks.

The Tánaiste: There are questions to be asked on governance and questions to be answered on why the service that is expected of those employed by the State was not provided for clients and their representatives, the GPs. All of that is being investigated. We will await the outcome of the investigation so we can establish the facts.

Deputy Caoimhghín Ó Caoláin: Are there terms of reference for any investigation?

Deputy James Reilly: The issue was raised in April 2009, 11 months ago.

An Ceann Comhairle: I will ask the Deputy to leave if he does not desist.

Deputy Paul Connaughton: We may as well all leave.

The Tánaiste: Clearly the clinical reviews are there to support patient care.

An Ceann Comhairle: Deputy Reilly must resume his seat. The Tánaiste must be allowed to speak without interruption.

The Tánaiste: All of the issues will be dealt with in the investigation. Once it has been completed, changes that must be made will be made and the Minister will deal with them when the full facts are available to her.

Perhaps someone might have listened to one of Deputy Reilly's colleagues, the GP who was bemused about why the Minister for Health and Children has been brought into this when the investigation is about the non-delivery of services to patients in that hospital.

Deputy James Reilly: There is one Minister without a party and one Minister without responsibility.

An Ceann Comhairle: The Deputy should resume his seat or leave the House.

Deputy James Reilly: That is what is wrong here.

An Ceann Comhairle: If he does not resume his seat, I will ask him to leave the House.

Deputy Michael Creed: She knew about it last year.

Deputy James Reilly: There is no accountability and no respect for the people.

An Ceann Comhairle: Deputy, resume your seat.

Deputy James Reilly: I will respect the Chair when this Government respects the people. It is outrageous.

Deputy Enda Kenny: There is a serious lack of accountability.

An Ceann Comhairle: I call the Tánaiste to reply.

Deputy James Reilly: All we are getting are facile comments.

An Ceann Comhairle: Deputy Reilly, please.

Deputy Johnny Brady: He is annoyed because NAMA is taking over his business.

The Tánaiste: It is on that basis that we await the investigation so that we can deal with the facts on the floor of this House if necessary.

Deputy Paul Kehoe: The Deputy should be made to withdraw that.

An Ceann Comhairle: Deputy Kehoe, please.

Deputy Paul Kehoe: Say it outside the House.

An Ceann Comhairle: The Tánaiste, without interruption.

The Tánaiste: Issues are emerging which will be dealt with by the investigation.

Deputy Aengus Ó Snodaigh: They were emerging for the last year.

The Tánaiste: The investigation will bring to light the reason the issues arose, how they will be addressed and why they should never happen again.

Deputy Dick Roche: If the Deputy knew about them, why did he not do something about them?

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

The Tánaiste: On the issue of St. Patrick's day——

Deputy Jim O'Keeffe: He would be ashamed of his country today.

Deputy Frank Feighan: He would be looking for an X-ray.

An Ceann Comhairle: Deputy Feighan——

Deputy Noel J. Coonan: He can come back again because there are a few Smithwicks left.

The Tánaiste: This is an occasion which is used by every Government to spread key messages abroad——

Deputy Aengus Ó Snodaigh: Sun yourselves on the beach.

The Tánaiste: ——attract foreign direct investment——

Deputy Paul Kehoe: Lie on the beach for two weeks.

The Tánaiste: ——and support our own industries abroad whether they be in tourism, food and beverage or whatever.

Deputy Michael Creed: How much foreign direct investment comes from New Zealand?

The Tánaiste: A substantial programme of work has been given to all Ministers and on that basis, unlike any other country in the world, we have an opportunity to sell Ireland as a place to do business and to support our indigenous industries. Ministers are travelling on that basis and the Taoiseach will take advantage of these opportunities when he travels to the United States to meet that country's President, seek out new foreign direct investment and support our indigenous industries. For that reason, I am not prepared to change the Order of Business.

Deputy Enda Kenny: I ask the Tánaiste——

An Ceann Comhairle: Deputy Kenny, we have spent one hour on the Order of Business.

Deputy Enda Kenny: I want to be helpful to the Tánaiste.

An Ceann Comhairle: Deputy Kenny, briefly.

Deputy Enda Kenny: The Tánaiste is incorrect with her facts. Other countries have special days, such as Bastille Day or the Fourth of July.

Deputy Noel Treacy: For God's sake.

An Ceann Comhairle: Deputy Kenny, please.

Deputy Dick Roche: Nonsense.

An Ceann Comhairle: He is completely out of order.

Deputy Enda Kenny: I want to be helpful.

Deputy Conor Lenihan: Is that the former Minister for Tourism and Trade who never travelled abroad?

An Ceann Comhairle: He will have to find an alternative way to pursue his argument because he cannot do so on the Order of Business.

Deputy Enda Kenny: I am trying to be helpful.

An Ceann Comhairle: I ask the Deputy to be very brief.

Deputy Dick Roche: He knows that is not true.

An Ceann Comhairle: Allow Deputy Kenny to make a brief contribution.

Deputy Enda Kenny: Deputy Roche is wearing his ministerial tie today.

Deputy Dick Roche: I thank the Deputy but he knows what he said was untrue.

Deputy Paul Connaughton: He was the only one to talk his way out of the job.

A Deputy: Withdraw that comment.

Deputy Enda Kenny: The Tánaiste referred to making judgments when the facts are known and spoke about emerging issues. One fact is that the Minister for Health and Children will be in New Zealand for a fortnight.

An Ceann Comhairle: Deputy Kenny, please, we have been dealing with this for the last hour.

Deputy Enda Kenny: The second issue I would like the Tánaiste to address, because I am sure the Government is anxious to ascertain the truth, concerns the reports that by last summer there were up to 30,000 unopened letters in Tallaght. The figure may have since decreased but given this is an emerging issue, what are the facts of the matter? Is it a fact——

An Ceann Comhairle: The Order of Business is not Question Time.

Deputy Enda Kenny: ——that there are thousands of unopened letters?

An Ceann Comhairle: It is not Question Time.

Deputy Enda Kenny: I am sorry, this is too serious.

An Ceann Comhairle: It is not possible to seek that kind of detailed information on the Order of Business. He could put a parliamentary question, a private notice question or a matter on the Adjournment. There are many alternatives.

Deputy Enda Kenny: I will sit down in a minute.

An Ceann Comhairle: I have allowed the Deputy significant latitude. He should be very brief.

Deputy Enda Kenny: I proposed that the Dáil should sit later this evening. In the interests of the thousands of people concerned, I would like the Government to tell us whether it is a fact that thousands of referral letters to Tallaght hospital lie unopened? Is that a fact, “Yes” or “No”? Can we take it as the truth?

Deputy Eamon Gilmore: A Cheann Comhairle——

An Ceann Comhairle: Deputy Gilmore, briefly.

The Tánaiste: The last thing I would do is mislead the House.

Deputy Tom Sheahan: Intentionally anyway.

The Tánaiste: I recall Ministers over many years being expected to establish facts without them being available.

Deputy Michael D’Arcy: The information is available.

The Tánaiste: There is a dispute at the hospital arising from the issues which came to light last night. These matters will be raised by the Department——

Deputy Michael Creed: In here at 5 p.m.

The Tánaiste: ——when it meets the CEO to establish the facts of the situation.

Deputy Enda Kenny: When is the meeting being held?

The Tánaiste: I will not pre-empt that meeting but the facts will be established following it and all the issues will be investigated. Arising from that investigation, judgments can be made one way or the other. At the end of the day, the protocol is in place, the matter is being dealt with, the clinical reviews are taking place and the practice whereby a consultant radiologist examines X-rays has been re-established.

Deputy Enda Kenny: Are there thousands of unopened letters at the hospital?

The Tánaiste: The matter of the letters of referral from GPs is being raised, probably at this moment, between the Department and the CEO——

Deputy Alan Shatter: There should be a statement to this House on the actions that will be taken.

The Tánaiste: ——and then the facts will be established.

An Ceann Comhairle: Deputy Shatter, allow the Tánaiste to continue without interruption.

The Tánaiste: I remind the House——

Deputy Alan Shatter: There should be a statement in this House on the investigation and its outcome.

Deputy Dick Roche: When the facts are available.

The Tánaiste: We have to establish the facts before we can comment further.

An Ceann Comhairle: We need to dispose of the Order of Business.

Deputy Eamon Gilmore: I have a question for the Tánaiste.

An Ceann Comhairle: Briefly.

Deputy Enda Kenny: The Tánaiste has said the facts——

An Ceann Comhairle: Deputy Kenny, please, you are making a mockery of the Order of Business.

Deputy James Reilly: This Government is making a mockery of the Order of Business.

Deputy Enda Kenny: The Tánaiste has said, and I thank her for it, that probably at this moment——

An Ceann Comhairle: The Order of Business is not Question Time.

Deputy Enda Kenny: ——these facts are being ascertained.

An Ceann Comhairle: There will be further opportunities to deal with these matters.

Deputy Enda Kenny: I want to know——

An Ceann Comhairle: Deputy Kenny, resume your seat.

Deputy James Reilly: Show some respect.

Deputy Bobby Aylward: Deputy Kenny is not showing much respect to the House.

Deputy Enda Kenny: —why the House cannot sit later this evening to respond to the meeting currently taking place.

An Ceann Comhairle: The Deputy is not being helpful.

Deputy Enda Kenny: Ceann Comhairle, I am being helpful.

An Ceann Comhairle: You are being quite disruptive.

Deputy Enda Kenny: These questions are being investigated to determine the facts. I want to know whether the House can sit for a further hour this evening for statements and a report on the meeting that is taking place at present so we can establish the truth.

Deputy James Reilly: I am sure Deputy O'Connor would like the House to discuss the matter.

Deputy Enda Kenny: It is in the interest of patients.

Deputy James Reilly: He is nodding his head in assent.

An Ceann Comhairle: Deputy Reilly, please. I call Deputy Gilmore on the Order of Business.

Deputy Eamon Gilmore: The country is scandalised by what has happened in Tallaght. We need to get answers on behalf of the people, including the patients involved, and accountability from the Minister for Health and Children. The proposal to adjourn the House until 23 March is causing considerable difficulty. We have already voted on an earlier proposal and the Ceann Comhairle told us that the proposal that the House should sit until 6.45 p.m. to hear from somebody regarding what went on is out of order. That is his call.

When Ministers go abroad for St. Patrick's Day, I understand it is normal practice to transfer ministerial functions to another Minister. I ask the Tánaiste to whom——

Deputy Dick Roche: Come on.

Deputy Jan O'Sullivan: There has to some accountability.

Deputy Eamon Gilmore: —has the Minister for Health and Children transferred her responsibilities while she is in New Zealand.

Deputy Paul Connaughton: I would say they do not know.

Deputy Eamon Gilmore: Who in the Government——

An Ceann Comhairle: I ask the Deputy to wind up his question. We want to deal with the Order of Business and I need to get a decision.

Deputy Eamon Gilmore: I will wind up when the Ceann Comhairle gets order for me. Who in the Government has responsibility for these matters and is answerable to this House for what happened in Tallaght while the Minister for Health and Children is in New Zealand? This is the issue on the Order of Business. It is not acceptable to the Opposition that the Dáil will be closed down now until 23 March, that no answers can be given about what went on and that no Minister is held accountable. There are people on the Government side desperately trying to find a doctor, a hospital manager, a porter or someone that this problem can be hung around the neck of.

An Ceann Comhairle: Deputy, please.

Deputy Michael P. Kitt: Come on now.

Deputy Eamon Gilmore: However, there is a matter of ministerial responsibility and I wish to know which Minister is responsible.

An Ceann Comhairle: I call Deputy Ó Caoláin very briefly because I am putting the question now.

A Deputy: We want a reply first.

Deputy Joan Burton: We deserve the courtesy of a reply.

Deputy Caoimhghín Ó Caoláin: The proposition before us now is to rise until Tuesday week next, 23 March. Will the Tánaiste consider what I have already put to the House, that is, we come back here for one day at the end of next week? I have no issue with and I wish well those Ministers who are going on various supportive visits, trade-related I would hope, that would be of benefit to the people at home and the Irish diaspora overseas. No one has suggested that should not happen. I proposed that we would sit either on the following day or the Friday. It is not a situation whereby every Minister must be here but I believe, given the great importance of what is involved, the Minister for Health and Children should be brought back earlier than she planned. This is something in keeping with all the wide, broad opinion of the people and it is what they would expect in this situation, as people in any other democracy would also expect. I believe it is a very reasonable request to make and, by the end of next week, there should be a good deal more information and certainty in respect of all these matters. Are terms of reference agreed in respect of the investigation currently under way? The Tánaiste stated they would address all of the questions. We posed questions here yesterday and this morning.

An Ceann Comhairle: A brief statement, please. I call on the Deputy bring it to a conclusion.

Deputy Caoimhghín Ó Caoláin: Without sight of the terms of reference we have no way of knowing if all our questions are indeed being addressed. Will the Tánaiste finally clarify if steps are being taken to establish whether these problems arise and apply at other hospital sites throughout the State? All of these points are pertinent to this matter.

An Ceann Comhairle: The Deputy has had a good innings.

Deputy Caoimhghín Ó Caoláin: I appeal to the Tánaiste to answer to all of these questions.

An Ceann Comhairle: A brief reply from the Tánaiste, please, because I need to get the Order of Business decided.

Deputy Charles Flanagan: The Minister for Health and Children can come back on Monday because St. Patrick's Day is on Sunday in New Zealand according to the Taoiseach.

An Ceann Comhairle: I call the Tánaiste.

The Tánaiste: We talk about efficiencies. It is now 11.35 p.m. and we still have not even started to do our business in this House. That being said——

(Interruptions).

An Ceann Comhairle: Deputy O'Sullivan should resume her seat.

The Tánaiste: With regard to the delegation orders——

(Interruptions).

An Ceann Comhairle: Deputy O’Sullivan should resume her seat, please.

Deputy James Reilly: The Tánaiste is more interested in talking about St. Patrick’s Day than the welfare and health of people in this country.

An Ceann Comhairle: Deputy Reilly, please. I call the Tánaiste without interruption, please.

Deputy Jan O’Sullivan: Such flippancy does no justice to the Tánaiste.

A Deputy: They are unprofessional people.

Deputy James Reilly: Regardless of who is responsible, they should be brought to book.

An Ceann Comhairle: Deputy Reilly, please.

The Tánaiste: There are no delegation orders on this occasion because a delegation order only takes place when the Minister for Finance is not here. The Minister will be here so there will be no delegation order. I have indicated *ad infinitum* what the situation is.

Deputy Emmet Stagg: That is a new procedure.

The Tánaiste: I cannot add anymore to what the House wishes to have, except the fact that I am not accepting a change to the order, which is, that the House on its rising will adjourn until 2.30 p.m. on Tuesday, 23 March.

A Deputy: We need to reform the institution.

(Interruptions).

Deputy Jan O’Sullivan: The Tánaiste is saying no one is responsible.

Question put: “That the Dáil on its rising today shall adjourn until 2.30 p.m. on Tuesday, 23 March 2010.”

The Dáil divided: Tá, 66; Níl, 62.

Tá

Ahern, Bertie.
 Ahern, Dermot.
 Ahern, Michael.
 Ahern, Noel.
 Andrews, Barry.
 Andrews, Chris.
 Ardagh, Seán.
 Aylward, Bobby.
 Blaney, Niall.
 Brady, Cyprian.
 Brady, Johnny.
 Browne, John.
 Byrne, Thomas.
 Carey, Pat.
 Collins, Niall.
 Conlon, Margaret.
 Connick, Seán.
 Coughlan, Mary.
 Cregan, John.
 Cuffe, Ciarán.
 Curran, John.
 Devins, Jimmy.

Dooley, Timmy.
 Fahey, Frank.
 Fitzpatrick, Michael.
 Flynn, Beverley.
 Gogarty, Paul.
 Grealish, Noel.
 Haughey, Seán.
 Healy-Rae, Jackie.
 Hoctor, Máire.
 Kelly, Peter.
 Kennedy, Michael.
 Kitt, Michael P.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 Lowry, Michael.
 McEllistram, Thomas.
 McGrath, Mattie.
 McGrath, Michael.
 McGuinness, John.
 Moloney, John.
 Moynihan, Michael.

Tá—*continued*

Mulcahy, Michael.
 Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 Brien, Darragh.
 Connor, Charlie.
 Donoghue, John.
 Flynn, Noel.
 Hanlon, Rory.
 Rourke, Mary.
 Sullivan, Christy.

Power, Peter.
 Power, Seán.
 Roche, Dick.
 Ryan, Eamon.
 Sargent, Trevor.
 Scanlon, Eamon.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Mary.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Bannon, James.
 Barrett, Seán.
 Behan, Joe.
 Breen, Pat.
 Broughan, Thomas P.
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Byrne, Catherine.
 Carey, Joe.
 Connaughton, Paul.
 Coonan, Noel J.
 Costello, Joe.
 Coveney, Simon.
 Creed, Michael.
 Creighton, Lucinda.
 'Arcy, Michael.
 Deasy, John.
 Doyle, Andrew.
 Enright, Olwyn.
 Feighan, Frank.
 Ferris, Martin.
 Flanagan, Charles.
 Gilmore, Eamon.
 Hayes, Brian.
 Higgins, Michael D.
 Hogan, Phil.
 Howlin, Brendan.
 Kehoe, Paul.
 Kenny, Enda.
 Lynch, Ciarán.

McCormack, Pádraic.
 McEntee, Shane.
 McGinley, Dinny.
 McGrath, Finian.
 McHugh, Joe.
 McManus, Liz.
 Mitchell, Olivia.
 Morgan, Arthur.
 Naughten, Denis.
 Neville, Dan.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 'Donnell, Kieran.
 'Dowd, Fergus.
 'Keeffe, Jim.
 'Mahony, John.
 'Shea, Brian.
 'Sullivan, Jan.
 'Sullivan, Maureen.
 Perry, John.
 Quinn, Ruairí.
 Reilly, James.
 Shatter, Alan.
 Sheahan, Tom.
 Sheehan, P. J.
 Sherlock, Seán.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Tuffy, Joanna.
 Upton, Mary.

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

Question declared carried.

Deputy Jan O'Sullivan: On a point of order, how can I, as a health spokesperson in this House and as a public representative, hold the Executive to account on the information that has come to light about bags of unopened letters from GPs to a major hospital in this country?

An Ceann Comhairle: As the Deputy will be aware, the Chair does not have a role in that matter. There are many other ways to raise it, such as parliamentary questions and the Adjournment.

Deputy Jan O'Sullivan: The Ceann Comhairle knows well that a parliamentary question will not be answered.

An Ceann Comhairle: There are many other ways.

Deputy Jan O’Sullivan: He knows if I put down an Adjournment matter, I will get a junior Minister. How can I hold the Executive to account, or is the Ombudsman correct?

An Ceann Comhairle: We will not have a debate on the matter at this stage. There is a committee dealing with Dáil reform and these are the sorts of issues it should be considering.

Deputy Jan O’Sullivan: This is the most important public issue in this country today.

Deputy Denis Naughten: It has been dealing with Dáil reform for a long time.

Deputy Jan O’Sullivan: Is the Ceann Comhairle telling me that as the spokesperson in the area, I cannot hold the Government to account?

An Ceann Comhairle: The Deputy could, for example, table a matter for the Adjournment.

Deputy Jan O’Sullivan: I did that last week when I tried to raise something and a junior Minister replied. I want to hold a senior Minister to account.

An Ceann Comhairle: The Chair does not have responsibility for the query Deputy O’Sullivan is raising.

Deputy Jan O’Sullivan: The Ceann Comhairle told us the Minister for Finance was in charge. How can I hold the Executive to account on this important issue?

An Ceann Comhairle: Deputy O’Sullivan will have to speak, through her party Whip, to the Government Whip and go through the consultative process.

Deputy Jan O’Sullivan: That is not acceptable.

An Ceann Comhairle: I do not have a role in advising Members as to how they hold——

A Deputy: Yes, you do.

An Ceann Comhairle: I must implement the Standing Orders here.

Deputy Jan O’Sullivan: The Government has just abdicated responsibility on this issue.

An Ceann Comhairle: I must implement the Standing Orders.

Deputy Jan O’Sullivan: The Government is abdicating its responsibility. It is not dealing with it.

An Ceann Comhairle: I am not abdicating responsibility.

Deputy Jan O’Sullivan: The Government has abdicated responsibility.

An Ceann Comhairle: I have no arbitrary powers to summarily change any of the rules in the House. I must implement them as per the Standing Orders as best I can on a daily basis, and I will try to do that.

Deputy Eamon Gilmore: On that, and following on from what Deputy O’Sullivan has said, one of our functions here is to hold the Executive to account. Here is the problem. The Ceann Comhairle suggests tabling a matter on the Adjournment, putting down a parliamentary question, etc. One cannot have an Adjournment debate or have a parliamentary question answered

[Deputy Eamon Gilmore.]

if the House is not sitting, and the House has just decided that it will not sit again until 23 March.

An Ceann Comhairle: There is the Adjournment today.

Deputy Eamon Gilmore: Bear with me, the House is not sitting until 23 March and parliamentary questions motions, etc., cannot be done that way.

Deputy Simon Coveney: Can I raise an issue on the Order of Business?

Deputy Eamon Gilmore: We could perhaps ask that the Minister come into the House to answer questions today as it is the only day now open to us to have that done. The problem with that is the Minister, Deputy Harney, is in New Zealand and the Tánaiste has just told us that before she left she did not transfer her functions to any other Minister.

The Tánaiste: There is no need for a delegation order.

Deputy Eamon Gilmore: The House is sitting today. We want answers as to what happened in Tallaght.

Deputy Bobby Aylward: There is no obligation on the Minister.

Deputy Eamon Gilmore: There is.

An Ceann Comhairle: Deputy Gilmore is gilding the lily somewhat.

Deputy Joan Burton: The 14,000 patients might think that Fianna Fáil has an obligation.

Deputy Eamon Gilmore: The House is sitting today——

Deputy James Reilly: On the same subject, how can the Tánaiste——

An Ceann Comhairle: I will have to suspend the House if the Members will not co-operate.

Deputy James Reilly: Then do so because this is outrageous. The Tánaiste tells us that there is no need to delegation the responsibility from the Minister for Health and Children, the country is left with no Minister for Health and Children, thousands of people have their letters lying in bags,——

An Ceann Comhairle: Deputy Reilly,——

Deputy James Reilly: Some 50,000 know their X-rays are not read.

An Ceann Comhairle: ——please resume your seat.

Deputy James Reilly: How many other hospitals are involved here?

An Ceann Comhairle: Deputy Reilly, will you resume your seat?

Deputy James Reilly: How many other people are at risk because of the ineptitude of this Government?

An Ceann Comhairle: I am suspending the House for 15 minutes.

Sitting suspended at 11.45 a.m. and resumed at 12 p.m.

An Ceann Comhairle: Can we move onto the Inland Fisheries Bill 2009 — Order for Report, Report and Final Stages?

Deputy Caoimhghín Ó Caoláin: I was the Member the Ceann Comhairle intended calling next before the suspension. When the Ceann Comhairle responded to Deputy Jan O’Sullivan that there were options to establish the information she and we collectively seek, he referred to parliamentary questions. On one day this week, I received six replies from the office of the Minister for Health and Children. Each brief reply states:

I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

It is the responsibility of the Minister to respond. All Ministers have a responsibility to respond to Deputies’ questions. A work to rule does not excuse that responsibility. Some other means and mechanism must be found to ensure the critical information required on behalf of constituents and community interest groups can continue to be fed.

This set of responses differs from the approach of other Ministers. On the same day I received these answers, I received answers from the Minister for Justice, Equality and Law Reform, who indicated in his reply that as soon as he was in a position to do so he would get back to me on the matter. There is a stark difference between the two. The Minister for Health and Children is putting the onus and responsibility on me to reinitiate my questions at some point in the future. The Minister for Justice, Equality and Law Reform has quite rightly, as a holding position, indicated he will revisit the question when the information flow resumes. This is indicative of everything we have been saying about the Minister for Health and Children. It is a “wash your hands” situation and nothing exemplifies it more than her approach in respect of replies to Members. Against the background of scandal on top of scandal and crisis on top of crisis——

An Ceann Comhairle: Deputy, we have spent an inordinate amount of time on the Order of Business this morning. I ask Members for some co-operation.

Deputy Caoimhghín Ó Caoláin: Where and how can we address these concerns as Members of this House? We are elected to carry out particular tasks and the first response of the Ceann Comhairle to Deputy O’Sullivan was to suggest this particular course.

An Ceann Comhairle: It was one of a number of options.

Deputy Caoimhghín Ó Caoláin: As another health spokesperson in this Chamber, I suggest this course is not open to us because the Minister will not respond, nor will she indicate her intention to reply.

An Ceann Comhairle: Deputy Ó Caoláin is abusing the Order of Business in pursuing this matter. There are so many other ways to deal with this. We have a Dáil reform committee and the inadequacy of Dáil replies is being considered there.

Deputy Caoimhghín Ó Caoláin: What will the Ceann Comhairle do?

An Ceann Comhairle: The Chair does not have a rights commissioner role in this matter. It is as simple as that.

Deputy Caoimhghín Ó Caoláin: Surely one of the functions of the Ceann Comhairle is to defend the rights of Members to have access to critical information as elected representatives.

An Ceann Comhairle: I simply implement Standing Orders as set down and agreed by the membership of the House.

Deputy Caoimhghín Ó Caoláin: That is most unsatisfactory.

Deputy Simon Coveney: Yesterday, I took the advice of the Ceann Comhairle and attempted to raise an issue involving the HSE during the Adjournment debate. The Ceann Comhairle kindly accepted the motion on the Adjournment, which relates to the latest child to go missing from HSE care, this time in Cork. She has been missing since 26 January and I raised the issue last night in order to establish some facts from a representative of the Minister of State, Deputy Barry Andrews, who was not able to be here. The response was that the HSE is not in a position to provide information in respect of the issue raised due to ongoing industrial action.

Have we reached a situation where a Member of this House cannot ascertain facts on an Adjournment debate about missing children who were in the care of the State, who are now on missing persons lists with their names and photographs on the *ie.missingkids.com* website? I believe this matter is in order. Is the Government putting a facility in place that will allow it to answer questions and provide satisfactory answers to Adjournment debates and motions before the House while there is industrial action so that we can get answers to serious issues like the one I raised last night?

The Tánaiste: In certain circumstances Ministers are not in a position to obtain facts. It is unfortunate but that is the current situation. The Taoiseach indicated that, in the context of the industrial dispute, he is open to examining avenues through which this matter can be dealt with. Until such time as the matters are resolved, people will be discommoded when seeking extensive replies. On the basis of what is happening, I am not aware of the Adjournment debate. I can ask someone at a senior level, such as at assistant secretary grade, to contact Deputy Coveney to deal with his query on behalf of the constituent.

Like the Taoiseach, and like leaders of both parties, we cannot afford to spend hours and hours in this House when we are getting nowhere. The Order of Business should have been completed an hour and a half ago and it is unfortunate that I have had to miss two important appointments, one of which was the launch of the innovation task force. I respect the House and I always will.

Deputy Enda Kenny: If the Tánaiste had conceded, it would have been over in five minutes.

The Tánaiste: On that basis, I beg the indulgence of the Ceann Comhairle to ascertain if we can deal with matters on the Order of Business that are in order, as the Ceann Comhairle alluded to on a number of occasions, with regard to legislation. On the personal issue raised by Deputy Coveney, of which I was not aware, I will try to facilitate him with a response as a matter of urgency.

An Ceann Comhairle: It is now 12.10 p.m. and we must move on.

Deputy Enda Kenny: The Tánaiste is a busy person and I respect she has responsibilities. This matter was in her hands. Had she conceded an hour at the close of business this evening to deal with the issues arising at Tallaght hospital, discussion on the matter could have ended within five minutes. The Tánaiste has been her own worst enemy in this regard this morning.

Deputy Fergus O'Dowd: Hear, hear.

An Ceann Comhairle: I call Deputy Reilly.

Deputy James Reilly: On the same and related matters, the Tánaiste needs to understand that there is huge anger on the streets, not alone on the part of the 30,000 people whose letters——

An Ceann Comhairle: Deputy, please.

Deputy James Reilly: If the Ceann Comhairle will allow me to proceed, I will be brief.

An Ceann Comhairle: I know exactly——

Deputy James Reilly: The Ceann Comhairle does not know exactly——

An Ceann Comhairle: I do.

Deputy James Reilly: Prescient and all as is the Ceann Comhairle, he does not know what I am going to say.

An Ceann Comhairle: I knew the Deputy had come in to generate a mood of positivity in the Chamber.

Deputy James Reilly: If the Ceann Comhairle will allow me to proceed, I will be brief.

An Ceann Comhairle: Proceed.

Deputy James Reilly: I am pointing out that the 58,000 people directly affected by this issue and many other people and families, including the 30,000 people whose letters——

An Ceann Comhairle: This point has been laboured since the commencement of the Order of Business this morning.

Deputy James Reilly: Millions of people are concerned about themselves and their families.

An Ceann Comhairle: Yes. Deputy, please.

Deputy James Reilly: The Tánaiste has important business to take care of and mentioned earlier the word “appointment”, which is——

Deputy Enda Kenny: Ironic.

Deputy James Reilly: Yes, ironic. What about the appointments which all of the people concerned did not get? Those appointments were important to them. In some cases, there may have been matters of life and death involved. We do not know. The reality is that had the Tánaiste afforded us an opportunity to discuss this matter the House would not find itself in this——

An Ceann Comhairle: We have dealt with that matter. I must ask the Deputy to resume his seat.

Deputy James Reilly: Is it in order for me to ask about promised legislation?

An Ceann Comhairle: Yes, a brief question.

Deputy James Reilly: Perhaps the Tánaiste will comment on the value of the proposed eligibility for health and personal social services Bill which is due to come before the House given that people cannot access health services and that letters forwarded to hospitals by GPs requesting care are simply thrown in a corner.

An Ceann Comhairle: Has legislation in this area been promised?

The Tánaiste: We are not in a position to indicate when the legislation referred to will be introduced.

Deputy Eamon Gilmore: I wish to raise three matters with the Tánaiste. The first relates to last year's St. Patrick's Day events on which occasion the Minister for Finance in an interview with *The Financial Times* stated that the Government intended to introduce as a matter of urgency legislation to deal with the problem of crony capitalism in Ireland. When will that legislation come before the House?

The European Court of Justice ruled last week that minimum pricing for tobacco products in Ireland is illegal. What plans, if any, does the Government have to deal with this matter?

My third question relates to an issue drawn to my attention by Labour MEP, Alan Kelly, namely, that the State aid rules in the European Commission are under revision and that proposals for changes in the thresholds for State aid rules must be submitted before the end of this month. Is this matter being addressed? Clearly, this is an issue which will impact on employment in this country.

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

The Tánaiste: I assume the first piece of legislation to which the Deputy refers is that dealing with the regulatory framework, appointments to boards and so on. That legislation is being worked on. The Deputy will be aware that the Minister was anxious, as we all were, to have the Finance Bill dealt with. The Central Bank legislation is also being worked on. I am not in a position to state when that legislation will be brought before the House. I will revert to the Deputy in regard to the other two issues raised by him.

Deputy P. J. Sheehan: Members of the House may not be aware that 11 March is the birth date of the Minister for Health and Children, Deputy Harney. Perhaps the Tánaiste will pass on my best wishes to the Minister on her birthday today.

An Ceann Comhairle: She will be delighted.

Deputy P. J. Sheehan: On the civil partnership Bill, does the Government have any plans to introduce amendments in respect of the breach of promise in regard to ministerial rotation? Will the Government be introducing legislation when the House next meets to allow public houses in Munster to open on Good Friday?

Deputy Timmy Dooley: They are the real issues.

Deputy P. J. Sheehan: I want answers from the Tánaiste to my questions.

An Ceann Comhairle: Not today. I call Deputy O'Dowd.

Deputy Fergus O'Dowd: In view of the fact that the chief executive officer of Iarnród Éireann misled a Dáil committee on the matter of the safety of the Malahide viaduct to the effect it had received a clean bill of health when in fact it had received a report in 2006 stating that the viaduct was dangerous and that its foundations were disappearing——

An Ceann Comhairle: The Deputy can raise this matter in so many other ways including by way of parliamentary question or on the Adjournment debate.

Deputy Fergus O'Dowd: Hundreds of people could have died as a result of the negligence of Iarnród Éireann. Is it acceptable that the chief executive of Iarnród Éireann can mislead a committee of this House on such a basic safety issue? We need reassurances that all reports in regard to safety, bridges and installations by Irish rail will be published in full by the company and made available us through the Library of the House.

An Ceann Comhairle: The Deputy will have to revisit that matter in another way.

Deputy Fergus O'Dowd: As regards unread X-rays at Tallaght hospital, an issue which has taken up so much time in this House this morning, is it a fact that some of the consultants involved—

An Ceann Comhairle: Deputy O'Dowd, please.

Deputy Fergus O'Dowd: —were working in private operated clinics in the city while this backlog of 54,000 X-rays were not read? Is that acceptable to the Department?—

An Ceann Comhairle: The Deputy's questions could be more appropriately addressed by way of parliamentary question. I call Deputy O'Sullivan.

Deputy Jan O'Sullivan: It is quite likely more information with regard to unread X-rays in Irish hospitals will be forthcoming this week.

An Ceann Comhairle: We have spent since 10.30 a.m. discussing this matter.

Deputy Jan O'Sullivan: I wish, as a public representative, to ask a simple question. To whom do I go, in terms of accountability, in this regard during the next week? Somebody must be in charge of the Department of Health and Children for the next week when issues arise.

An Ceann Comhairle: We had that question earlier.

Deputy Jan O'Sullivan: I do not know the answer.

Deputy Liz McManus: We did not get an answer.

Deputy Eamon Gilmore: What is the answer to the question?

Deputy Jan O'Sullivan: I know what the question is but I do not know the answer.

An Ceann Comhairle: The Deputy got a reply to that question earlier.

Deputy Jan O'Sullivan: I will be in the country—

An Ceann Comhairle: The Tánaiste provided an answer to the question earlier.

Deputy Jan O'Sullivan: —and I know I will be inundated with issues.

An Ceann Comhairle: I call Deputy Burton.

Deputy Eamon Gilmore: Is there an address in New Zealand we can write to?

An Ceann Comhairle: Deputy, please. We are becoming a little facetious.

Deputy Jan O'Sullivan: Whom do I contact?

An Ceann Comhairle: I call Deputy Burton.

Deputy Jan O’Sullivan: I take it then I should contact the Taoiseach.

An Ceann Comhairle: I call Deputy Bruton.

Deputy Jan O’Sullivan: He is gone too. Perhaps I should contact the Tánaiste or Minister for Finance.

An Ceann Comhairle: Deputy, please. We had answer to that question earlier.

Deputy Eamon Gilmore: We did not.

Deputy Simon Coveney: We cannot get answers.

Deputy Jan O’Sullivan: We do not know.

Deputy Eamon Gilmore: Who is in charge of the Department of Health and Children?

An Ceann Comhairle: The question was posed earlier. I call Deputy Burton.

Deputy Jan O’Sullivan: The answer is that we do not know. That is a lovely way to leave Parliament.

Deputy Joan Burton: This week marks——

Deputy Pat Rabbitte: I hope we will not be told the Minister of State, Deputy Conor Lenihan, is in charge.

The Tánaiste: No, he works for me.

Deputy Joan Burton: This week marks the end of the first 1,000 days of this Government, a Government that is clearly degenerating into a dysfunctional shambles.

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

Deputy Joan Burton: Yes, I have. I remind the Ceann Comhairle that there are fewer than 14% women in this House. The Ceann Comhairle is more than happy to recognise——

An Ceann Comhairle: We are delighted to have that 14%.

Deputy Joan Burton: ——the men in this House but not the women, for speaking purposes.

An Ceann Comhairle: That is not——

Deputy Joan Burton: I will defend my right as a woman to speak——

An Ceann Comhairle: And I will defend the Deputy’s right to speak.

Deputy Joan Burton: I will not be talked down to by the Ceann Comhairle. I will be recognised by the Ceann Comhairle in the same way as male colleagues are recognised.

An Ceann Comhairle: Yes.

Deputy Joan Burton: As asked by my colleague, Deputy Kathleen Lynch, is the Ceann Comhairle’s problem with women in general or just with women in the Labour Party?

An Ceann Comhairle: No. I must advise the Deputy that to speak on the Order of Business one is expected to be in order. Otherwise, the Deputy will set a trail of disorder in the House.

Deputy Joan Burton: I have waited patiently since 10.30 a.m.—

Deputy Timmy Dooley: That is a first.

An Ceann Comhairle: Yes and I have called the Deputy.

Deputy Joan Burton: I had my hand up so long I almost needed a prop under it to draw it to the Ceann Comhairle's attention.

An Ceann Comhairle: Deputy, please.

Deputy Joan Burton: I wear the colour red nowadays so that when the Ceann Comhairle looks this way he might see me.

An Ceann Comhairle: Deputy, please.

Deputy Joan Burton: The Ceann Comhairle appears to have—

Deputy Mattie McGrath: The Deputy should wear a high visibility vest.

Deputy Pat Rabbitte: Get an X-ray.

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

Deputy Joan Burton: —a serious problem of male onset blindness in relation to women in the Labour Party.

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

(Interruptions).

Deputy Joan Burton: Perhaps the former Ceann Comhairle will take the Ceann Comhairle out for a few lessons.

An Ceann Comhairle: Deputy Burton, please address the Chair.

Deputy Joan Burton: He, at least, seemed to be prepared to recognise women.

An Ceann Comhairle: Deputy Burton, please concentrate on the Chair.

Deputy Joan Burton: I accept the Tánaiste is perhaps angry having missed the innovation task force launch.

The Tánaiste: I am not angry at all.

Deputy Joan Burton: However, now that we have reached the end of the first 1,000 days of this dreadful, dysfunctional Government—

An Ceann Comhairle: Deputy that is not appropriate on the Order of Business.

Deputy Joan Burton: When Deputy Ó Caoláin speaks in paragraphs, it takes the Ceann Comhairle a while to even wake up. The Ceann Comhairle interrupts me almost immediately I complete two sentences.

An Ceann Comhairle: Deputy, please. I do not continually interrupt the Deputy. All I am doing—

Deputy Caoimhghín Ó Caoláin: Perhaps Deputy Burton should point her finger at some of her own male colleagues, rather than us.

An Ceann Comhairle: Deputy, please.

(Interruptions).

Deputy Joan Burton: It is to Deputy Ó Caoláin's credit that he can speak in paragraphs.

An Ceann Comhairle: We are moving on to the Inland Fisheries Bill.

Deputy Charles Flanagan: A Cheann Comhairle,——

An Ceann Comhairle: I call Deputy Charles Flanagan briefly.

Deputy Joan Burton: I want to ask the Tánaiste——

An Ceann Comhairle: We need to establish some order in the House and I would appreciate the Deputy's co-operation in the matter.

Deputy Joan Burton: What plans does the Government have to have a debate on the innovation task force? The innovation task force is producing a series of recommendations which have been doing the rounds consistently for the entire first 1,000 days of this Government.

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

Deputy Joan Burton: Nothing has been done about any of it while we have 400,000 people unemployed. I feel sorry for the Tánaiste——

An Ceann Comhairle: Deputy, please.

Deputy Joan Burton: —— because she inherited the mess from the now absent person in the South Island of New Zealand, the Antarctic or wherever she has gone to.

An Ceann Comhairle: The Deputy should ask questions on legislation on the Order of Business.

Deputy Joan Burton: Can we hear when the innovation task force——

An Ceann Comhairle: I call Deputy Charles Flanagan.

Deputy Joan Burton: ——will be debated in this House with a serious jobs plan? I am entitled——

An Ceann Comhairle: The Deputy will resume her seat, please.

Deputy Joan Burton: The Tánaiste is willing to answer. I am entitled to ask about it.

The Tánaiste: The situation is——

Deputy Joan Burton: Thank you, for defending my rights.

The Tánaiste: The innovation task force can be debated in the House when it can be facilitated by the Whips.

Deputy Joan Burton: Will that be any time soon? Will it be before or after St. Patrick's Day when we will have another 300 people a day unemployed?

Deputy Charles Flanagan: The Tánaiste will be aware of reports in yesterday's newspapers of the invalidation of hundreds if not thousands of marriages in the State. Would she consider introducing amending legislation as was done in 1972 when a number of what were called "Lourdes marriages" were validated by way of amending legislation? This is a serious issue. I have seen no commentary from any member of Government on the matter. I ask the Tánaiste to address it in a serious form.

Given that the Dáil will not sit until the week after next, what plans does the Government have to ensure that children, particularly those planning to go on school tours around Easter, can access passports? They cannot leave the State because of an industrial dispute, into which the Government has led us.

An Ceann Comhairle: We have a query on legislation. I ask the Tánaiste if we have——

Deputy Charles Flanagan: Such issues must be addressed by the elected representatives in this House.

An Ceann Comhairle: We will need to find another way.

Deputy Charles Flanagan: It is our job and duty.

An Ceann Comhairle: Not today, maybe tomorrow.

Deputy Charles Flanagan: I have no way of raising it; the Dáil will not be sitting next week. Ministers have no problems with their passports, diplomatic or otherwise; they will all be abroad.

An Ceann Comhairle: There is a query on legislation. Do we have promised legislation?

Deputy Charles Flanagan: What about the citizens of the State who cannot travel owing to the ongoing Government issue?

The Tánaiste: I was involved in the introduction of the Civil Registration Act 2004, which introduced new opportunities for solemnisers and also the dedication of particular buildings and areas for civil marriages to take place. I know that officials from the Department of Social and Family Affairs are liaising with the Department of Foreign Affairs with regard to these issues. I am not in a position to say as yet whether we actually would need to introduce any new legislation because unfortunately it may have been that embassies were not aware of the changes that took place arising from the 2004 Act. I will certainly inquire as to how this matter will need to be resolved.

Deputy Charles Flanagan: A simple amendment to the 1972 Act would do it. We did it for the Lourdes marriages. The issue is the same — the validation of marriages that have been declared invalid.

The Tánaiste: There has not been a final decision on this, but once that matter has been established I am sure we will be able to progress the issue.

An Ceann Comhairle: We are moving on to the Inland Fisheries Bill.

Deputy Charles Flanagan: What about the passport issue?

Deputy P. J. Sheehan: The Tánaiste did not answer my question.

An Ceann Comhairle: She has taken note of it.

Deputy P. J. Sheehan: Will the Government amend legislation for the opening of pubs on Good Friday?

Inland Fisheries Bill 2009: Order for Report.

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I move: “That Report Stage be taken now.”

Question put and agreed to.

Inland Fisheries Bill 2009: Report and Final Stages.

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Before proceeding, I would be obliged if, in accordance with Standing Orders, the Acting Chairman would direct the Clerk of the Dáil to make the following changes to the text of the Bill:

In page 12 of the Bill that the definition of the term “Joint Oireachtas Committee” be moved so that it falls within alphabetical order within the other definitions.

This is a technical drafting error and does not affect the interpretation of the Bill. I hope the Acting Chairman will be able to direct the Clerk in that regard.

Acting Chairman (Deputy Seán Ardagh): Agreed.

Amendments Nos. 1, 24, 26 and 33 to 39, inclusive, are related and may be discussed together.

Deputy Eamon Ryan: I move amendment No. 1:

In page 12, line 9, to delete “2009” and substitute “2010”.

These are technical amendments resulting from further work undertaken by the Office of the Parliamentary Counsel and address technical drafting matters. They do not represent a change in policy in the sections affected.

Amendment agreed to.

Acting Chairman: Amendments Nos. 2 and 3 are related and may be discussed together.

Deputy Simon Coveney: I move amendment No. 2:

In page 13, line 28, to delete “by order” and substitute “subsequent to approval by Dáil Éireann”.

It is unusual to have two different Ministers taking Committee and Report Stages of the same Bill, although I presume both Ministers have a good understanding of it. The Minister of State, Deputy Conor Lenihan, took Committee Stage and we had some very useful discussions at that stage. He accepted some of our amendments and the spirit of others. I have not experienced the practice of Ministers swapping around between Committee and Report Stages. However, they are both in the same Department.

I am happy to withdraw amendment No. 2 on the basis that the Minister is trying to facilitate the spirit of my amendment in his amendment No. 3. As we have spent considerable time on

the Order of Business this morning, I will be helpful in trying to speed things up so that we can get through as many amendments as we can.

Acting Chairman: Does the Deputy wish to speak to amendment No. 3 as we are taking both together?

Deputy Simon Coveney: My amendment is pretty self-explanatory and amendment No. 3 deals with the spirit of the amendment. I am happy to withdraw the amendment.

Amendment, by leave, withdrawn.

Deputy Eamon Ryan: I move amendment No. 3:

In page 13, between lines 35 and 36, to insert the following:

“(4) (a) An order made under *subsection (3)* shall be laid before each House of the Oireachtas as soon as practicable after it is made.

(b) Either House of the Oireachtas may, within 21 sitting days after the day on which an order was laid before it in accordance with *paragraph (a)*, pass a resolution annulling the order.

(c) The annulment under *paragraph (b)* of an order takes effect immediately on the passing of the resolution concerned, but does not affect anything that was done under the order before the passing of the resolution.”.

In response to Deputy Coveney, obviously I am familiar with the legislation. The Minister of State was obliged to attend the launch of the innovation task force, particularly owing to the absence of the Tánaiste. That explains the changing of the order of Ministers here.

The section to which the amendment refers is a restatement of the provisions contained in the Fisheries Act 1980 and ensures that Inland Fisheries Ireland maintains the same operational jurisdiction as the existing central and regional fisheries boards, which at present extend to the 12-mile limit — 12 nautical miles representing the outer limit of Ireland’s territorial seas. Subsection 3(b) provides that the Minister may by order amend the reference to the 12-mile limit if necessary. The Deputy proposes that such an amendment should be subsequent to the approval of Dáil Éireann.

Having discussed the matter with the Office of the Parliamentary Counsel, I am advised in the first instance that an amendment to the reference to the 12-mile limit must be done by way of a ministerial order. I am further advised that any order made under this section should be subject to the approval of both Houses of the Oireachtas. The legislative mechanism for achieving this is by making provision for the order to be laid before both Houses of the Oireachtas and to allow a 21-day period for either House to pass a resolution annulling the order.

While I am unable to accept Deputy Coveney’s amendment, the Deputy has indicated that my amendment alleviates his concerns.

Amendment agreed to.

Acting Chairman: Amendment No. 4 is in the name of the Minister. Amendment No. 5 is an alternative to amendment No. 4, therefore, amendments Nos. 4 and 5 will be discussed together.

Deputy Eamon Ryan: I move amendment No. 4:

In page 15, line 2, after “agencies” to insert the following:

[Deputy Eamon Ryan.]

“and such sectoral interests as IFI considers relevant”.

The amendment I propose follows on from the Committee Stage discussion of this section. As I indicated on Committee Stage, there is a practical difficulty with the amendment proposed by Deputy Coveney in that the term “sectoral interests” is open-ended and could cause difficulties for Inland Fisheries Ireland when operating under this section. Accordingly, as suggested by Deputy Coveney on Committee Stage, I propose that the amendment would read “and such sectoral interests as IFI considers relevant”. I ask that the amendment be accepted and for the reasons stated, I cannot accept amendment No. 5.

Deputy Simon Coveney: My amendment No. 5 is in regard to the responsibilities of the new IFI in supporting angling promotion and marketing activities, which I believe the Minister recognises. It requires it to co-operate with relevant State agencies and, as I proposed, other sectoral interests. In other words, the private sector here is hugely important to the promotion, marketing and development of this industry. I accept that the Minister has taken on board the point made on Committee Stage and on that basis and to be helpful I will not move my amendment No. 5 to allow acceptance of his amendment No. 4.

Amendment agreed to.

Amendment No. 5 not moved.

Acting Chairman: Amendment No. 6 is in the name of the Minister. Amendments Nos. 7 and 8 are related and are alternatives to amendment No. 6 and to each other. It is proposed to take amendments Nos. 6 to 8, inclusive, together. If amendment No. 6 is accepted, amendments Nos. 7 and 8 cannot be moved.

Deputy Eamon Ryan: I move amendment No. 6:

In page 15, to delete lines 6 to 8 and substitute the following:

“(4) (a) IFI shall establish and manage a forum (“national inland fisheries forum”) to facilitate stakeholder input into policy formulation. This forum shall consist of broad representation across such stakeholders of the inland fisheries sector as IFI considers relevant.

(b) The terms of reference, including membership, of the forum established under *subsection 4(a)* will be set by IFI with the agreement of the Minister.”.

The Deputies will recall that the amendments tabled by Deputies Coveney and McManus were discussed in detail on Committee Stage and that in the course of that debate an undertaking was given to review the subsection and bring forward a more detailed provision on Report Stage. The purpose of this subsection is to oblige Inland Fisheries Ireland to establish and manage a national inland fisheries forum, the terms of reference of which will be subject to the agreement of the Minister.

The amendment I propose seeks to clarify the role of the national inland fisheries forum without restricting the ability of Inland Fisheries Ireland to manage and operate the forum. This forum is seen as a means of formalising stakeholder input into policy formulations and will act as a conduit to provide advice and inform policy deliberation on the conservation, protection and management of all species of inland fisheries.

Deputies Coveney and McManus seek to have the terms of reference for this forum subject to consultation with the relevant joint Oireachtas committee. The establishment and management of this forum is primarily an operational matter for Inland Fisheries Ireland.

Given the Department's corporate governance role over this body, the legislation makes provision for the terms of reference to be subject to the agreement of the Minister. It is not appropriate or necessary for the Oireachtas joint committee to be part of that process. The agreement of the Minister should be sufficient to ensure that the terms of reference of the forum are fit for purpose. Any additional consultation requirements would unnecessarily delay or complicate the establishment of the forum.

There is nothing to prevent the Oireachtas joint committee making a submission to the Department or to Inland Fisheries Ireland on the operation of the forum and I assure the House that any submission received will be given due consideration.

The amendment tabled by Deputy McManus also refers to regional sub-fora. As has been maintained previously, the workings of the forum will be primarily a matter for Inland Fisheries Ireland and do not require to be enshrined in legislation. I would expect, however, that this forum would be managed on a regional basis. It is clearly in the nature of inland fisheries that regional as well as sectoral input is vital in the operation of such a forum. A country-wide input is critical to the successful operation of the forum.

The Deputies will recall that an undertaking was also given to make a copy of the draft terms of reference for the forum informally available to members of the committee to illustrate how it is envisaged that the forum will operate. For the reasons I have set out, I cannot accept the amendments tabled by Deputies Coveney and McManus and ask that amendment No. 6 be accepted.

Deputy Liz McManus: I welcome the Minister to the House. It is unusual for the senior Minister to come in to deal with this legislation when the Minister of State, Deputy Conor Lenihan, had been dealing with it. The Minister is welcome, and what I said is not a criticism, but it would have been appropriate if the Minister of State, Deputy Lenihan, had been here because I want to acknowledge in the Visitors Gallery the presence of Mr. Edward Power, who was secretary of the Federation of Salmon Anglers in 1980 when the Minister of State's father introduced the legislation at that time. It would have been nice if the young Minister, Deputy Lenihan could have been here to participate in this debate.

I appreciate some progress has been made on these amendments. I regret that the idea of the regional sub-fora has not been adopted as policy and written into the legislation but it is also a matter of regret that the Oireachtas joint committee, the Oireachtas itself, does not have at least the position of being consulted on this area of the Bill.

The Minister should not exaggerate the way things are done and that we should be reassured. The way things are done led to a fiasco regarding the setting up of the Broadcasting Authority and the consequent budget that was drawn up. An unaccountable system was put in place. We know where the money is coming from but we still do not know to where it goes.

Having an oversight or at least a consultative role for an Oireachtas committee is a useful safeguard but it also provides accountability. I know and appreciate that the Minister, Deputy Ryan, has shown a certain progressiveness in terms of the role of the committee in recommending appointments to various boards. Obviously, the Minister is going as far as he intends to go and therefore there is no point in me pressing my amendment but it is a pity he would not accept the two principles in my amendment that I believe would make for better legislation.

Deputy Simon Coveney: What the Minister is attempting to do in this amendment does not address the points Deputy McManus is making in her amendment No. 7 and that I am trying to make in my amendment No. 8. We propose that the Oireachtas joint committee will have a say on the make-up of the board of the IFI but that we will have no say in the make-up of the inland fisheries forum, which is where most of the stakeholders and interested parties involved in the inland fisheries will have their say.

Deputy McManus is not seeking much in her amendment No. 7. She proposes that the Minister would be required to consult the Oireachtas committee. She does not propose that the Oireachtas committee will make the decision but that before the Minister approves the make-up of a stakeholders forum he would consult the Oireachtas committee to get views to help him ensure that the approved stakeholders forum is balanced and that it represents the interests of all of the relevant parties.

When we have gone to the trouble of trying to ensure there is Oireachtas input in the choosing of board members, it is not consistent to then make the case that it would be too complex a structure or may delay the process to simply consult the Oireachtas joint committee on the forum. I welcome the wording that “This forum shall consist of broad representation across such stakeholders of the inland fisheries sector as IFI considers relevant” but there is not any safeguard or opportunity for members of the all-party Oireachtas committee to give an input or raise concerns. While my amendment is somewhat more limited, it is more directly to the point and would have the net effect Deputy McManus is trying to achieve in her amendment. They make better law than what the Minister proposes.

Deputy Eamon Ryan: The real power of the committee is in the ability to appoint and recommend for appointment members of the board. We then have to let it get on with its work. It would not be wise to bring it in on a legislative basis to consult on this type of work, which the board then has to do. The committee can make its views known and make a submission; it has done so on numerous issues on which it has commissioned reports and has done its work in that way. Nothing is stopping the committee from making its views known. If we legislated for the committee to take on some of the work, we would undermine some of the boards we are putting in place. I do not agree with the Deputies opposite but I am happy we are tabling an amendment which reflects some of their views on the Committee Stage debate on the nature of the forum.

Amendment agreed to.

Amendments Nos. 7 and 8 not moved.

Acting Chairman: Amendments Nos. 9 and 10 are related and will be discussed together.

Deputy Simon Coveney: I move amendment No. 9:

In page 15, line 35, after “relevant” to insert the following: “and make the results of all research publicly available”. This amendment concerns research which is being done. It is an issue about which the Minister cares because he makes decisions, in this area at least, on the basis of the scientific information available to him on the management of fish stocks and so on. That is appropriate. I made the case on Committee Stage that if research is done on, for example, a stock take or the success or otherwise of a stock management programme or some form of stock promotion programme on rivers, lakes or whatever, it should be made available to the public. Amendment No. 10 tabled by the Minister, which attempts to deal with the issues I am raising, states:

“(c) IFI shall, unless it considers that it is not in the public interest to do so, make the results of any research carried out in accordance with *subsection 7(a)* available

I would like some examples from the Minister of cases in which it would not be in the public interest for IFI to publish the results of its research. I do not want information that requires us to shut down fisheries on rivers to be used on the one hand, while on the other we do not use information that suggests we should encourage more fishing on a river because of restocking success. In other words, I do not want any agendas, in terms of how we use the scientific research available to us. I want complete transparency. When research is done, it should become publically available as a matter of course. I do not see how that information could or would be abused by IFI or anybody else. Surely research done and paid for through the public purse should be made publically available to all interested parties. I am open to persuasion on this matter but I do not understand why the Minister is being cautious regarding whether IFI should have the powers to determine that it may not be in the public interest for it to release the results of research it has done on the waterways for which it is responsible.

Deputy Eamon Ryan: I propose to speak on amendments Nos. 9 and 10. The subsection in question concerns the functions of IFI to carry out research or experimental work considered necessary for the performance of its functions. As indicated on Committee Stage, most of the work undertaken by central fisheries boards on initiatives under the European Union water frameworks directive, the habitats directive and other regulations requires reports which are published on an annual basis. Furthermore, research summaries have been published annually by the Central Fisheries Board on its website in recent years. I see no reason for this practice to change with the move to the new structures. In fact, I encourage as much open publication of information as possible.

However, the arguments made by Deputy Coveney during the debate on Committee Stage have been taken on board. While I cannot impose a blanket rule on publication, I am willing to make provision for the publication of the results of research. One must be cognisant of the fact that there may be some instances, which is the reason there is different wording, where it may not be appropriate or necessary to public the results of research, for example, instances where doing so would expose vulnerable fish populations or where analysis may be partial or misleading. An example could be publication of research which showed an approach to a weir or another point on a river which has a huge blockage in which fish are backing up and a large population exists. It would be very useful information for poachers to then go in and take them out. Instances like that exist, where it is not in the public interest to have information in the public domain as it might lead to the stock being wiped out in a short period.

Accordingly, I propose to make provisions in the Bill whereby the results of research undertaken are published within six months after they have been fully completed, with the proviso that IFI shall not publish results if it is not in the public interest to do so. I hope the Deputy will find the amendment satisfactory and understand that the public interest is the only reason some information is not being provided.

Acting Chairman: Is amendment No. 9 agreed to?

Deputy Simon Coveney: For the Minister’s sake, I hope it is not. I tabled amendment No. 9 and I will withdraw it.

Deputy Liz McManus: That was done yesterday.

Deputy Simon Coveney: I could have made life difficult if I accepted it quickly. I withdraw it on the basis of what the Minister has said.

Deputy Eamon Ryan: We shall go back to the Clerk.

Amendment, by leave, withdrawn.

Deputy Eamon Ryan: I move amendment No. 10:

In page 15, between lines 35 and 36, to insert the following:

“(c) IFI shall, unless it considers that it is not in the public interest to do so, make the results of any research carried out in accordance with *subsection 7(a)* available, within 6 months after it has been fully completed.”.

Amendment agreed to.

Acting Chairman: Amendments Nos. 11 to 13, inclusive, are related and may be discussed together. Is that agreed? Agreed.

Deputy Simon Coveney: I move amendment No. 11:

In page 17, to delete lines 12 to 27.

I understand the Minister is trying to deal with an issue I raised on Committee Stage in amendment No. 11. On that basis, I will not prolong the discussion.

Deputy Eamon Ryan: I will speak on amendments Nos. 11 to 13, inclusive. While the legislation provides that IFI must report and manage its business on the basis of the river basin districts, one must be cognisant that policy in this area is ever evolving. As a consequence, there may be a time when it is not appropriate for the new body to manage its operations precisely on this basis. Based on discussions with the Office of the Parliamentary Counsel, subsections (2) and (3) were included to allow the Minister to amend this arrangement, by order. Either House of the Oireachtas can annul an order made under this section within 21 days of it being laid before it.

If we removed this provision, which was originally suggested by Deputy Coveney, the only way the reporting and management arrangements could be amended in the future would be by means of new primary legislation. This could be unnecessarily cumbersome if a minor adjustment for operational reasons was required. It is an important provision and one which needs to be retained in legislation. However, I have taken Deputy Coveney’s comments on Committee Stage on board and I propose an amendment to provide that the Oireachtas Joint Committee shall be consulted before such an order is made.

Amendment No. 13 is a technical drafting amendment which has been suggested by the Office of the Parliamentary Counsel. For the reasons outlined, I understand Deputy Coveney is happy to withdraw his amendment but I ask that amendments Nos. 12 and 13 be accepted.

Deputy Simon Coveney: I was caught off guard on amendment No. 11, although I stand over what I said about the Minister partially addressing the issue. I am concerned that under this section the Minister has the power to change radically by ministerial order the way in which inland fisheries are managed. All we are doing in this Bill by way of setting up a new inland fisheries management structure and creating six river basin districts can be set aside by the Minister under this section if he chooses to do so for any reason. My concern was that this power should not be in legislation without there being some form of check on the process. That is why the Minister of State, Deputy Conor Lenihan, recognised on Committee Stage that if a decision of the magnitude I describe were to be made, thereby ditching the rest of this Bill,

the Minister would at least be required to consult the joint committee beforehand. That is the background to the amendments.

Acting Chairman: I am glad there is clarity on that.

Amendment, by leave, withdrawn.

Deputy Eamon Ryan: I move amendment No. 12:

In page 17, line 12, after “IFI” to insert “, the Joint Oireachtas Committee”.

Amendment agreed to.

Deputy Eamon Ryan: I move amendment No. 13:

In page 17, line 16, to delete “shall” and substitute “does”.

Amendment agreed to.

Deputy Liz McManus: I move amendment No. 14:

In page 18, line 16, after “nomination” to insert the following:

“being 1 representative of anglers and 1 representative of the commercial sector”.

I tabled this amendment on Committee Stage because there were concerns over the make-up of the board. It is a question of different approaches, one of which involves enabling the different sectors to have a member to represent their interests and to have an input because of their unique involvement. When this was raised on Committee Stage, the Minister of State, Deputy Conor Lenihan, rejected that approach. I am not really sure what he meant when he talked about “dual expertise”. Perhaps the Minister, Deputy Ryan, will elaborate on that.

It seems there is a lack of trust in terms of people who are directly involved, be they on the angling side or commercial side, in that it is believed that if they have a representative on the board, it will not function because of their input. That is a pity. I do not expect to win this argument.

The Minister of State’s answer was interesting and there seemed to be great emphasis on having people on the board who can read financial statements and who have business acumen. That seems to be a little fashionable at present on State boards, and perhaps this says something about how State enterprises are run. That said, the natural resources sector has considerable possibilities, yet the role of those with expertise in this area is not recognised in any formal way in the board make-up, bearing in mind that, at times, the views of the commercial and angling sectors are opposed to each other. I tabled this amendment on Report Stage not in the expectation that the Minister will accept it but because a question arises as to participation in and ownership of the structure on the part of those people who have been operating in the sector for many decades.

Deputy Eamon Ryan: From the very outset of our consideration of this legislation, I had a real sense that we did not want boards that would rule anyone in or out. One of the difficulties we had with the outgoing boards concerned the representative nature of some of them. While the individuals thereon did very useful and honourable public service in all the cases of which I am aware, the boards’ interests were not served well by having people appointed thereto on a representative basis.

[Deputy Eamon Ryan.]

From the outset, it has been maintained that the board of Inland Fisheries Ireland should be small and should contain a strong focus relevant to its business and to the general issue of good corporate governance, but which would not be representative *per se*. This is of particular importance given the significant annual budget for which the new body will be responsible. The Bill provides that potential appointees to the board must have had experience of or have shown capacity in one or more of a number of areas, including recreational fisheries, commercial fisheries and ownership of fisheries. These competencies are no more or less important than the others listed in the Bill, such as competencies associated with business or commercial affairs, environmental or biodiversity matters, and legal or regulatory affairs, all of which are essential to the effective stewardship of a State-sponsored body. It is my intention that members appointed to the board will have among them the necessary expertise and competencies to lead Inland Fisheries Ireland to fully deliver on its potential.

It is not necessary, nor would it be fair, to restrict any potential appointees to the board to particular criteria. Aside from being appointed to the board of Inland Fisheries Ireland, representatives of the angling and commercial sectors who have a genuine interest in inland fisheries and who wish to make a legitimate contribution to the future development of the resource will have the opportunity to participate in the new inland fisheries forum. Accordingly, I cannot accept the proposed amendment.

I would imagine that the comment of the Minister of State, Conor Lenihan, on dual competency refers to the fact that one often meets people who do have dual competency. One may be a very keen angler and also a lawyer or accountant. One may have a competency in industrial relations in addition to legal affairs. We all hold dual competencies and I presume it was in that regard that the Minister of State referred to them.

Amendment, by leave, withdrawn.

Acting Chairman: Amendments Nos. 16 and 17 are related to amendment No. 15 and they are to be discussed together.

Deputy Liz McManus: I move amendment No. 15:

In page 18, line 30, after “persons” to insert “proposed to be”.

While the system that is now being put in place with regard to appointments to the board is very welcome, the board on which the committee made recommendations in the past was subject to a difficulty in that the Minister makes appointments and the joint committee must determine what gaps must be filled. This has not been resolved to this day in regard to the Broadcasting Authority of Ireland. We propose that the Minister list the names of those individuals he proposes to appoint and that there be some connection between his doing so and the work to be done by the joint committee. The committee does not want to take over the role of the Minister because, ultimately, he has complete power in this matter. He should, therefore, not feel in any way threatened but we certainly need to learn from the experience we had. The system would be better and much more transparent and efficient if the Minister informed the committee of the individuals he proposed to appoint rather than having a *fait accompli* in respect of which the committee would have to determine how to proceed.

Deputy Simon Coveney: The Minister received some recognition for being the first Minister in a very long time to try to amend the system for making State appointments, certainly in regard to the broadcasting sector. That principle is welcome. We have learned some lessons from the process, however. One lesson is that there needs to be proper interaction between

the Minister who will be making the appointments and the all-party Oireachtas committee being asked to make recommendations to the Minister. The committee's job is to ensure balance on the board and that the team of representatives is appropriate in terms of its skill set, motivation and sectoral interest in the case of this legislation.

We should not forget that this is an even more complex process than that associated with making appointments to the board of the Broadcasting Authority of Ireland. Three Ministers will be responsible for appointing people to the board of Inland Fisheries Ireland, namely, the Minister for the Environment, Heritage and Local Government and the Minister for Community, Rural and Gaeltacht Affairs, who will each nominate one member; and the Minister for Communications, Energy and Natural Resources, who will nominate two. The Oireachtas committee will then be asked to make its recommendations, presumably on the basis of what has come through this ministerial appointments process. Amendments Nos. 15 and 16 seek to ensure that the consultation process between the Minister for Communications, Energy and Natural Resources and the committee is a full and detailed one and that it will be the committee which makes an informed and proper choice on the basis of the information it has obtained from the Minister.

While I am on the subject, I do not understand the rationale for tasking the Minister for Community, Rural and Gaeltacht Affairs with the appointment of one member of the board. Instead, it would be far more suitable to assign this function to the Minister for Arts, Sport and Tourism. I made this case to the Minister of State, Deputy Conor Lenihan, on Committee Stage, but he did not deem it possible to make the change at this stage. However, the involvement of the Minister for the Environment, Heritage and Local Government surely means that all environmental and rural issues will be covered. The balance of interests in terms of the Ministers charged with powers to make appointments would be better served by having the Minister for Arts, Sport and Tourism rather than the Minister for Community, Rural and Gaeltacht Affairs as one of the three. However, that is an aside. The main issue is that the relationship and co-operation between the committee and the Minister for Communications, Energy and Natural Resources is such that the committee can be sure of having all the facts it needs in order to make an informed choice in terms of appointments to the board.

Deputy Eamon Ryan: The paragraph under discussion obliges the Minister for Communications, Energy and Natural Resources to provide the joint Oireachtas committee with a statement indicating the relevant experience and expertise of persons appointed to the board of Inland Fisheries Ireland on the nomination of the Minister himself, the Minister for the Environment, Heritage and Local Government and the Minister for Community, Rural and Gaeltacht Affairs. The purpose of this provision is to ensure that the committee is fully informed as to the qualifications and experience of the persons appointed to the board so that it can ensure an appropriate balance of skill sets in making its nominations.

It is the intention under the legislation that the persons in question will be identified and announced at the earliest date possible so that Inland Fisheries Ireland can be established without delay. Deputy McManus's amendment No. 15 would only serve to delay these appointments to the board and, accordingly, I cannot accept the amendment. Having taken on board Deputy Coveney's remarks on Committee Stage, I am proposing to amend this section to ensure that the joint Oireachtas committee has an input into the statement to be provided by the Minister on his or her appointees. While I cannot accept Deputy Coveney's amendment No. 16, I trust he will find my amendment No. 17 satisfactory.

The arrangement for appointments to the board is complex, certainly more complex than the old fashioned process where it was for a Minister alone to make all appointments to a board. However, it is right that there should be a combination of Ministers involved because

[Deputy Eamon Ryan.]

it is important that we stitch in community development and environmental assessment. We must learn the lessons of our experience in regard to the Broadcasting Authority of Ireland, the chief of which are the need for much greater communication from all sides so that there is clear understanding as to the reasons for appointments, as well as the need for particular skills so that we have a balanced board. The communication I am proposing here is between the Minister in this Department and the committee rather than a four-way dialogue which would also include the Minister for the Environment, Heritage and Local Government and the Minister for Community, Rural and Gaeltacht Affairs; that would be excessively complicated. It is a bilateral dialogue between the committee and the Minister for Communications, Energy and Natural Resources. The process in regard to the broadcasting authority has taught us valuable lessons and has been very positive. We can use some of the experience we have gained from that process for the selections in this case. I look forward to engaging with the committee in this regard.

Amendment, by leave, withdrawn.

Amendment No. 16 not moved.

Deputy Eamon Ryan: I move amendment No. 17:

In page 18, line 32, after “Minister” to insert the following:

“, after consultation with the Joint Oireachtas Committee,”.

Amendment agreed to.

Acting Chairman: Amendment No. 19 is logically alternative to amendment No. 18 and both amendments may be discussed together.

Deputy Eamon Ryan: I move amendment No. 18:

In page 19, line 16, after “fisheries” to insert “(including river and sea angling)”.

These amendments concern the list of areas in which potential appointees to the board of Inland Fisheries Ireland must have had experience or shown capacity. Having taken on board the arguments put forward by Deputy Coveney on Committee Stage, I am pleased to include river and sea angling in the specified list of criteria. I am advised by the parliamentary draftsman that the appropriate way to include reference to these two activities is by way of the amendment I am proposing. Accordingly, while I cannot accept Deputy Coveney’s amendment No. 19, I trust that my amendment will address his concerns.

Deputy Simon Coveney: I thank the Minister and in particular his Department for genuinely seeking to deal with many of the concerns we raised on Committee Stage. This is another example of that. Having said that, I would rather see the sectoral interests of sea angling and river angling — which are two very different sports — being dealt with in their own right in new subsections (*m*) and (*n*) as set out in my amendment No. 19. However, I see that I am unlikely to get my way in this because the Minister has drafted his own amendment. It is a reasonable fallback position.

However, if the Minister speaks to a person who runs a sea angling business versus somebody who is engaged in trout fishing on a river, he will see that they are entirely separate businesses, industries and sports. They are as different as tennis and squash. Among the areas of expertise already included are fish processing, commercial fisheries, fisheries ownership and legal or

regulatory affairs. I was determined to ensure that angling, which is an industry with enormous potential in terms of the tourist industry, in terms of developing a domestic industry on inland waterways and in terms of sea angling, which is an area that has not been properly regulated or promoted, was included. Moreover, I wanted river and sea angling treated separately and in their own right. However, I see where the Minister is coming from and, on balance, I am willing to accept his proposal.

Amendment agreed to.

Amendment No. 19 not moved.

Deputy Simon Coveney: I move amendment No. 20:

In page 23, to delete line 38.

I raised this issue on Committee Stage because it is a provision that did not sit comfortably with me from the first time I read the Bill. The Department has provided me, and presumably Deputy McManus, with a note on this issue but I remain concerned. This section sets out the circumstances in which a person may be disqualified from membership of the IFI board or an existing member shall have his or her membership rescinded. One of these circumstances is where a person “makes a composition or arrangement with creditors”. My reading of this is that it would apply to anybody who makes legal arrangements to repay money they owe. For example, it would apply where a person is having difficulty meeting mortgage repayments and thus makes arrangements to move to interest-only repayments for a time or to have a repayments holiday for six or eight months while looking for a job. I would have thought this was a very unreasonable reason for disqualifying somebody from board membership.

The note from the Department does not really address the issue. The note states that the definition of an arrangement with creditors is that, without becoming bankrupt, a debtor may seek the protection of the court while he makes an arrangement with his creditors under Part V of the 1988 Act. It adds that the person asks the court to protect his property and person against the claims of his creditors until he submits an offer to his creditors. The note continues by stating the debtor would have to make a statement of affairs and so on.

If a person is in that position, should we just require the person to step down from the board, particularly given the context is the current economic climate in Ireland? I seek clarification on that. I have received partial clarification but I am not totally happy that this would be a reasonable requirement for people having to step down from a board of this type, when there are all sorts of circumstances whereby a person may find himself or herself having to put an arrangement in place with creditors on a temporary basis while getting his or her life in order. It does not necessarily mean the person is dishonest or a crook.

I would like to have the Minister’s view, and I am reasonably happy to accept his recommendation, one way or the other. However, just because this was the way it was always done is not justification for doing it again in regard to conditions around board membership.

Deputy Liz McManus: While I do not want to delay the discussion, I too am concerned. I am surprised this issue has not been addressed because it was raised previously by Deputy Coveney. My concern is also due to the current climate. It is not as if there is any room for manoeuvre. According to the legislation, the person “shall” cease to hold office. Yet, as any of us who run clinics will know, there are many people, very often the self-employed, who are in difficulties. I know of a particularly sad case which is directly related to serious illness. That person is in a terribly difficult situation through no fault of his own, yet such people will be treated in this way, as if they were culpable. It astonishes me that, even though this was raised

[Deputy Liz McManus.]

on Committee Stage, there was no genuine effort to have some kind of amelioration of a situation that is, unfortunately, arising more and more frequently.

Deputy Eamon Ryan: This is a standard provision which applies in the case of a majority of appointees to State boards. Appointees to State organisations must be upstanding in all matters, including financial matters. If an individual is financially compromised, he or she could be open to undue influence. This provision is, therefore, designed to protect the integrity of the board.

Following the concerns voiced on Committee Stage in regard to this provision, advice was sought as to the precise meaning of this term. I am advised the phrase is a technical term which is borrowed from the bankruptcy code. It refers to an arrangement made with creditors under the Bankruptcy Act 1988 or a composition made with creditors under that Act. A note on the matter was forwarded to Deputy Coveney.

This is the provision we have included in the Broadcasting Act 2009, the Dublin Transport Authority Act 2008, the Consumer Protection Agency Act 2007 and the Sustainable Energy Act 2002, so it is a standard provision. I agree with the Deputies that we will have to consider the whole issue of debt, insolvency and mortgage protection. I welcome the appointment of a specific group within Government which is considering this issue and seeking to implement the very progressive measures set out in the Law Reform Commission report. The group will seek to amend the Bankruptcy Act 1988, which I consider Dickensian and ineffective in its use and which does not provide us with the flexible conditions we need at this time.

As this is a technical provision and as it all relates to the Bankruptcy Act 1988, it is for us to seek changes in that Act through the group which is coming back to Government with specific recommendations to legislate to change that Act. This will change the import of what we are doing in this House in a way we are not able to do. Following the legislative changes I expect to come out of that process, we will be much better placed to adjust the effect of these terms accordingly.

Deputy Liz McManus: It would be wrong not to note that the serious venality we have witnessed in recent years was not the responsibility of people who were broke but the responsibility of those who had an awful lot of money.

Deputy Eamon Ryan: I agree.

Deputy Simon Coveney: I do not agree that this is the way we should do it because this is the way we have just done it in the broadcasting legislation and other legislation. It was not raised then but it is being raised now. The way in which we do our work is that, when issues are raised, it is the job of the Minister and his Department to try to answer them satisfactorily or else to try to solve problems, if they are genuine.

I ask the Minister to examine this issue so we can address the likelihood of somebody on a State board facing a potential arrangement with creditors. We should deal with that person in a fair manner and, if necessary, make amendments to legislation or to the conditions around board membership.

A distinction needs to be made between a composition with creditors and an arrangement with creditors. A composition with creditors, from the definition which the Department has provided to me, comes after somebody has been declared bankrupt. If somebody is bankrupt, the person should not be on a State board, which I accept. However, the arrangement with creditors comes before somebody is bankrupt, when the person is making genuine efforts, consistent with the law and through a court, to put arrangements in place whereby the person

can pay their debts. Somebody who is going through that process in an honest and proper way should not be removed from a board for doing it.

It is simply an issue we have not thought of because we have not had to deal with a country which had the sheer numbers of people who are now facing decisions around issues such as arrangements with creditors. It is an issue we need to consider now.

Deputy Eamon Ryan: I understand that a person who is working to reorganise the terms of his mortgage or other debt with the lender would not be caught by this provision. I understand also that this was debated in the context of the appointment of the board in the NAMA legislation, so it has been discussed elsewhere. While I agree there is an issue, we do not have the facility or ability to amend the 1988 Act here. While that needs to be done, maintaining the technical terms means that, when that Act is subsequently amended, it will change the import and effect of this Bill. That change will come, and I believe it will meet the Deputy's concerns.

Amendment, by leave, withdrawn.

Acting Chairman: Amendments Nos. 21 and 22 are related and may be discussed together, by agreement.

Deputy Simon Coveney: I move amendment No. 21:

In page 24, line 11, after "Minister" to insert "with the approval of the Dáil".

I have just been reminded by my colleague that the time remaining to deal with the legislation is very short. Therefore, I will withdraw my amendment and accept the Minister's amendment No. 22, which does not give everything I seek but certainly goes a long way.

Amendment, by leave, withdrawn.

Deputy Eamon Ryan: I move amendment No. 22:

In page 24, between lines 21 and 22, to insert the following:

"(2) Where the Minister removes all the members of IFI from office in accordance with *subsection (1)*, he or she shall, as soon as practicable, provide to the Joint Oireachtas Committee an appropriate statement indicating the circumstances of the removal of the members."

I will deal with amendments Nos. 21 and 22 together, although I realise Deputy Coveney has withdrawn amendment No. 21. Section 18(1) provides that the Minister may in certain circumstances remove all the members of Inland Fisheries Ireland. Deputy Coveney sought to have such removal subject to the approval of the Oireachtas. The Minister is primarily responsible for the corporate governance of Inland Fisheries Ireland, including its board, and it must be open to him to decide to remove the entire board if the specified circumstances occur.

Following the Committee Stage debate on the section, however, I am prepared to include a provision whereby the Minister will provide the Joint Committee with the appropriate statement indicating the circumstances of the removal of all members of the board under this provision. I hope the Members opposite will accept amendment No. 22 on that basis.

Amendment agreed to.

Amendment No. 23 not moved.

Acting Chairman: Amendment No. 24 was already discussed with amendment No. 1.

Deputy Eamon Ryan: I move amendment No. 24:

In page 33, line 13, to delete “2009” and substitute “2010”.

Amendment agreed to.

Acting Chairman: Recommittal is necessary in respect of amendment No. 25 as it does not arise out of committee proceedings.

Bill recommitted in respect of amendment No. 25.

Deputy Eamon Ryan: I move amendment No. 25:

In page 45, to delete lines 11 to 17.

This amendment concerns section 54 of the Bill which sets out transitional provisions to apply for the changeover to the new structures. The Department has been advised by the Office of the Parliamentary Counsel that subsections (2) and (3) which deal with the preservation of rules should be deleted as they are inconsistent with the powers conferred on Inland Fisheries Ireland under existing statute. These provisions are therefore redundant and should not be included in the Bill. Accordingly, I move that amendment No. 25 be accepted.

Deputy Liz McManus: This problem is arising more and more with the Minister’s Department and the legislation that comes through. This sort of thing should have been sorted out before the Bill was published. With all due respect to the Minister, I think he really needs to take a very close look. The Minister of State, Deputy Conor Lenihan, has agreed there is a problem there. I do not mean any disrespect to any civil servants. It seems to me it is with the Parliamentary Counsel but I urge the Minister to sort it out so we do not have this ridiculous situation arising.

Deputy Eamon Ryan: We had a similar debate in the Seanad recently about changes and amendments to legislation. I made the point that the legislative process is deliberately designed to give us the ability to make amendments and to go back and check again. We deal with a large body of legislation in our Department with very limited resources. I prefer officials to come to me and say they have examined the legislation and tweaked it and improved it even on Report and later Stages.

Deputy Liz McManus: The Minister has a duty to do that.

Deputy Eamon Ryan: That is the benefit of our multistage system and rather than civil servants staying quiet and not trying to improve legislation, I would always prefer if they showed initiative and say they have given it further thought and made further amendments.

Deputy Liz McManus: That is not the issue and I would be surprised if any civil servant actually did not come forward.

Amendment agreed to.

Bill reported with amendment.

Deputy Eamon Ryan: I move amendment No. 26:

In page 47, line 36, to delete “or” and substitute “in it or,”.

Amendment agreed to.

Deputy Liz McManus: I move amendment No. 27:

In page 47, line 44, to delete “(if any)”.

I note in other legislation a requirement to provide a website. When I raised this with regard to this authority, it was left as “if any”, which implies that the Inland Fisheries Ireland can choose whether to have a website. I would have hoped it would be guaranteed that there would be an official website. I will withdraw the amendment.

Amendment, by leave, withdrawn.

Acting Chairman: Amendments Nos. 29 and 30 are related to amendment No. 28 and they may be discussed together. I ask the Minister to move the recommittal of amendments.

Bill recommitted in respect of amendments Nos. 28 and 29.

Deputy Eamon Ryan: I move amendment No. 28:

In page 48, lines 10 to 14, to delete all words from and including “The judge” in line 10 down to and including “annulment.” in line 14 and substitute the following:

“Any appeal does not effect the operation of the bye-law pending the outcome of the appeal.”.

These amendments concern section 57 of the Bill which makes provision regarding the making of by-laws for inland fisheries. These are primarily drafting amendments required to bring clarity to the provisions in question. The second amendment is required to ensure that any appeal against a by-law does not affect the operation of the by-law pending the outcome of the appeal. It is also proposed to make provision to ensure that all existing by-laws made under section 9 of the Fisheries Consolidation Act 1959 will continue in force, notwithstanding the repeal of that section. While the Office of the Parliamentary Counsel has advised that this is covered by the Interpretation Act 2005, in the interests of better regulation and clarity of the statute, it is proposed to include this provision in this Bill. I move that amendments Nos. 28 to 30, inclusive, be accepted.

Amendment agreed to.

Deputy Eamon Ryan: I move amendment No. 29:

In page 48, between lines 14 and 15, to insert the following:

“(b) The judge hearing the appeal may confirm or annul the bye-law but if the bye-law is annulled, the annulment shall be without prejudice to the validity of anything done under or in pursuance of the bye-law before its annulment.”.

Amendment agreed to.

Bill reported with amendments.

Deputy Eamon Ryan: I move amendment No. 30:

In page 48, between lines 35 and 36, to insert the following:

[Deputy Eamon Ryan.]

“(9) Any bye-law made under section 9 (repealed by *section 4*) of the Principal Act which is in force immediately before the establishment day continues in force as if made under this section.”.

Amendment agreed to.

Acting Chairman: Amendments Nos. 31 and 32 are related and may be discussed together.

Deputy Simon Coveney: I will withdraw amendment No. 31 in favour of amendment No. 32.

Amendment No. 31 not moved.

Deputy Eamon Ryan: I move amendment No. 32:

In page 59, between lines 7 and 8, to insert the following:

“(3) The Minister shall, as soon as practicable, notify the Joint Oireachtas Committee of the details of any sale completed in accordance with *subsection (1)*.”.

This amendment concerns section 65 of the Bill which is a restatement of section 45 of the Fisheries Act 1980. It allows the Minister, with the consent of the Minister for Finance, to sell certain fisheries, fishing rights and businesses vested in him or her. Deputy Coveney was seeking to have any such sale subject to the approval of Dáil Éireann. Such restrictions are not applied to other agencies or Ministers and I do not think it necessary, particularly as the provision is safeguarded by the required approval of the Minister for Finance. Nevertheless, having taken on board the points made during the Committee Stage debate on this section, I am proposing to include a provision whereby the Minister will notify the Oireachtas joint committee of the details of any sale completed under this section. which I trust will alleviate the Deputy's concerns. I trust that amendment No. 32 will be accepted on that basis.

Amendment agreed to.

Deputy Eamon Ryan: I move amendment No. 33:

In page 64, line 26, to delete “and”.

Amendment agreed to.

Deputy Eamon Ryan: I move amendment No. 34:

In page 81, line 24, to delete “1. (a) References to” and substitute “(1) References to”.

Amendment agreed to.

Deputy Eamon Ryan: I move amendment No. 35:

In page 81, line 26, to delete “*subparagraph (b)*” and to substitute “*subparagraph (2)*”.

Amendment agreed to.

Deputy Eamon Ryan: I move amendment No. 36:

In page 81, line 29, to delete “(b) The provisions” and substitute “(2) The provisions”.

Amendment agreed to.

Deputy Eamon Ryan: I move amendment No. 37:

In page 81, lines 29 and 30, to delete “*subparagraph (a)*” and to substitute “*subparagraph (1)*”.

Amendment agreed to.

Deputy Eamon Ryan: I move amendment No. 38:

In page 81, line 35, to delete “(c) References in” and substitute “(3) References in”.

Amendment agreed to.

Deputy Eamon Ryan: I move amendment No. 39:

In page 81, line 44, to delete “2009” and substitute “2010”.

Amendment agreed to.

Acting Chairman: Amendments Nos. 40 and 41 are related and may be discussed together. I ask the Minister to move that they be recommitted.

Bill recommitted in respect of amendments Nos. 40 and 41.

Deputy Eamon Ryan: I move amendment No. 40:

In page 89, to delete lines 13 to 38.

These amendments delete two parts from section 3 of the Bill which deals with consequential amendments of certain statutory instruments. I am advised by the Office of the Parliamentary Counsel that the regulations to which Parts V and XVI of the Schedule refer have been revoked and, therefore, there is no need to amend them. Accordingly, I move that amendments Nos. 40 and 41 be accepted.

Amendment agreed to.

Deputy Eamon Ryan: I move amendment No. 41:

In page 92, to delete lines 30 to 35.

Amendment agreed to.

Bill reported with amendments.

Bill, as amended, received for final consideration.

Question proposed: “That the Bill do now pass.”

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): It is regrettable that the Minister of State, Deputy Conor Lenihan, was not able to take Report and Final Stages because, as Deputy McManus said, it would have shown a connection from his father’s time and I think that should be marked.

[Deputy Eamon Ryan.]

Like Deputy McManus, I too wish to acknowledge the presence in the Visitors Gallery of people who have spent significant amounts of time on a voluntary, non-paid basis in the protection and development of our fisheries, for community benefit and gain. I thank my officials. We have a very small Department with very limited resources which have been significantly cut back in recent years as budgetary constraints have come into play. My officials have shown outstanding public service and have done very good work in getting this Bill through the House, considering the limited resources at their disposal, and I commend and thank them.

This is a good piece of legislative work. I am glad we are able to accept amendments arising out of the Committee Stage debate as this is the appropriate way of using the legislative process to fine-tune and improve legislation. The amendments show that the attitude in our Department is progressive and positive and open to listening and, where it is possible and correct, to make amendments. I commend and thank the Deputies opposite for their work in that regard and I wish the new authority well when it is established.

Deputy Simon Coveney: I thank the Department for its co-operation on this Bill. I thank in particular the Minister of State, Deputy Conor Lenihan, who listened to the concerns we raised on Committee Stage. I thank the Minister who has also shown the capacity and willingness to accept ideas and concerns from the Opposition.

The inland fisheries sector, generally, is a significant resource which is not utilised or sustainably exploited to the extent that it deserves. We have a real jewel in Ireland in the form of our inland waterways and fisheries. I hope the Minister and his Department will be determined to develop this resource. It is not necessarily an untapped resource but its potential is not being maximised. The same applies to our inland sea fisheries in terms of sea angling and so on. I encourage the Department and the Minister to look on this sector as providing a significant opportunity for growth and jobs and development as well as being a sector that needs to be managed in a very responsible way with respect to fish stocks and sustainability. The interaction I have had arising from this legislation has involved the opportunities that have been untapped in this sector so I hope the Department will be ambitious for the inland waterways and can strike the balance between commercial fishing, angling and the tourism potential the sector needs.

Deputy Liz McManus: I acknowledge the role of the Minister, the Minister of State and the Department for successfully working through this legislation with the Opposition. It has been fruitful. I also pay tribute to those who have displayed commitment over decades to ensure our inland waterways, both in terms of capacity as well as resources, are looked after, as well as being the subject of great enjoyment. I hope this day augurs well for the future and I hope regional voices will still be heard in these new structures.

Question put and agreed to.

Report of Joint Committee on the Constitutional Amendment on Children: Statements.

An Ceann Comhairle: I call on Deputy Mary O'Rourke, Chairman of the Joint Committee on the Constitutional Amendment on Children, to make a statement pursuant to today's order. The following arrangements applying pursuant to today's order of the Dáil: the statements of the Chairman of the Joint Committee on the Constitutional Amendment on Children and of the main spokesmen for Fine Gael, the Labour Party and Sinn Féin, who shall be called upon in that order, shall not exceed 15 minutes in each case; the statement of each other Member called upon shall not exceed ten minutes in each case; Members may share time; and a Minister

or Minister of State shall be called upon to make a statement in reply that will not exceed ten minutes.

Deputy Mary O'Rourke: I welcome this opportunity to speak. Little did I think in the early days that we would be able to give Dáil Éireann our final report on the job we were given to do.

When we were getting ready for this, I remembered the remarks of Ms Justice Catherine McGuinness, chairman of the Law Reform Commission, in 1993 in her capacity as chairman of the Kilkenny incest inquiry. She stated then that a constitutional amendment to protect the rights of children would change the atmosphere in which child care cases would be approached as it would create an atmosphere of putting the child's rights first rather than considering first the rights of parents and the family. The committee strongly agrees with this statement. It has taken 17 years for agreement to be reached, a long time in legislative and Dáil terms.

The constitutional question of the rights and protection of children, which was the central focus of the committee's work, has come very much to the fore in recent months. Children are our future, we say it all the time. When we go to cumann meetings or visit schools, we talk about children being our future. It sounds trite when it is overused but it is true. All children should have a right to live a childhood that protects them, provides for them and prepares them for adult life. Sadly, as we are all too well aware, this is not always the case. Our legal framework, therefore, must be tailored and applied to protect the unique interests, needs and vulnerabilities of children.

The committee, which I had the honour to chair, was established to consider and report to the Houses of the Oireachtas, and we are now fulfilling that part of our mandate, on the proposals for constitutional reform contained in the Twenty-eighth Amendment of the Constitution Bill 2007. Speaking on the publication of the Bill, the former Taoiseach, Deputy Bertie Ahern, said: "It appears increasingly clear that the inadequate recognition in our constitutional law of the rights of children as individuals has to be addressed. That is an essential first step in creating a new culture of respect for the rights of the child". This overarching principle was at the heart of the work of the committee.

The committee's final report considers the proposed constitutional amendment concerning the acknowledgement and protection of the rights of children, the best interests of the child, the power of the state to intervene in the family, and adoption. The committee's first, and most important, recommendation is that a proposal for an amendment to the Constitution to enshrine and enhance the protection of the rights of children is submitted by referendum to the decision of the people. The committee then presented a wording for this amendment. I am pleased that we were able to reach cross-party consensus on the proposed wording. While it is true that seeking full consensus can take some time, that time was well spent in getting a better decision for children. There were some rocky moments, it was not all sweetness and light because we were talking about children. However, they were the one totem around which we could gather when times got difficult. We were then able to readdress the issue.

I would like to take this opportunity to thank the Vice Chairman of the committee, Deputy Michael Noonan, and all members of the committee for their commitment and dedication to our work under the leadership of their spokesmen, Deputy Alan Shatter of Fine Gael, Deputy Brendan Howlin for the Labour Party, Deputy Caoimhghín Ó Caoláin of Sinn Féin and members of my own party, Fianna Fáil. I also thank the Minister of State, Deputy Barry Andrews, for participating and contributing to our deliberations throughout the two years that we sat. The current Minister for Agriculture, Fisheries and Food, Deputy Brendan Smith, also played a role for a short period in our early deliberations. The Minister of State, Deputy Anderws, attended all but one of our meetings. Attendance is a prerequisite, whether a person

[Deputy Mary O'Rourke.]

is a school teacher, a pupil or whatever. Those who turn up, deliberate and contribute are playing a full role.

I also wish to acknowledge the many individuals and organisations who took the time to contribute their views and expertise to the committee in the form of written submissions and briefings at meetings. These have been most helpful in informing our deliberations. In all, we had 62 meetings with 178 submissions, both written and oral. It was a vast amount of work and I pay tribute to our legal teams for preparing our interim and final reports. They are fine people who gave of their professionalism and expertise. It is routine to thank such people but they played a fine role in advising those of us who are not legal experts.

The committee's starting point was to endorse the principles identified by the UN Committee on the Rights of the Child. These are non-discrimination in enjoyment of convention rights; that the best interests of children are a primary consideration in all actions concerning children; the right of the child to life, survival and development; and the right of the child to be heard in all matters concerning him or her. Reading such principles out, they sound right but I remember meeting after meeting in which one line of one clause would take up all of our deliberations at the meeting.

To implement these principles, the committee recommends that a new Article 42, entitled "Children", be inserted in the Constitution to replace the current Article 42. The new article contains an express acknowledgement of the rights of children, as individuals, including the right to have their welfare regarded as a primary consideration, while also expressly recognising that the primary and natural carers, educators and protectors of the welfare of a child are the child's parents.

We know from case law that differences remain in the treatment of children based on the marital status of their parents. The amendment proposed by the committee addresses this by providing constitutional recognition of the principles of non-discrimination and equality between children, irrespective of the marital status of their parents.

The amendment also requires that the child's voice is heard in any judicial and administrative proceedings affecting him or her, having regard to his or her age and maturity. The committee goes on to recommend that where parents fail in their responsibilities, the State will either supply or supplement the place of the parents in a manner that is proportionate. In presenting this wording the committee was concerned that parents would be assured that their rightful authority and pivotal role in relation to their children would not be undermined. It is not intended that the role of parents would be lessened or diminished in any way. The continued existence of Article 41 concerning the family will provide this assurance. There was considerable debate on Article 41 and how we could resolve what appeared to be its overriding prescriptions with what we wanted to achieve for children. In addition, any intervention in the family must be proportionate with a preference at all times for the preservation of the family.

In regard to adoption, the amendment would allow for the adoption of any child from a marital or non-marital family where his or her parents have failed in their responsibility for such a period of time as may be prescribed by law and where the best interests of the child require this. This would be a most important development for those children of married parents who are in long-term foster care but cannot be placed for adoption under our current constitutional framework. Under this amendment, these children would be eligible for adoption.

The committee considers that the wording it has presented for a constitutional amendment will ensure that the rights of children are given the strongest protection in the Constitution as well as advancing their best interests. If this amendment is passed, any future cases affecting

children will be determined within a judicial framework that expressly recognises the constitutional rights of all parties concerned, namely, parents, the family and children.

This is the committee's third report and it brings to a conclusion our deliberations on the Twenty-eighth Amendment of the Constitution Bill 2007, in the course of which we held 62 meetings, received over 177 written submissions and heard evidence from persons and bodies whose expertise included the constitutional, criminal and family law, child protection, psychology, children's rights, child welfare and other fields of direct relevance to the matters under consideration. In September 2008 we presented our first interim report to the Houses of the Oireachtas. That report addressed the proposal to give legal authority for the collection and exchange of information on the sexual abuse of children. The committee recommended that legislation should be introduced to permit the exchange of soft information by the Garda Síochána and other statutory agencies for the purpose of child protection. I am pleased to note that the Minister for State, Deputy Barry Andrews, will publish the national vetting bureau Bill, which is a rather grand title, this year to implement our recommendations. When Archbishop Diarmuid Martin recently stated that he believes legislation is needed in this area, I felt like ringing him because I wrote to him previously to inform him that we had considered the issue and included a copy of our report. However, it appears that a lot of letters have been lost in recent times.

In May 2009 the committee presented a second interim report on the proposal to give legal authority to the creation of offences of absolute or strict liability in respect of sexual offences against children. I understand work is in progress on implementing the recommendations put forward in that report. I look forward to hearing the views of colleagues on the proposed amendment.

Having expressed my heartfelt thanks to all who have helped the committee in its deliberations, I feel deprived because I do not know what we will do at 5 p.m. on Wednesdays.

Deputy Brendan Howlin: The Deputy can speak for herself.

Deputy Mary O'Rourke: Somebody told me to go to the bar but that would be very different to what we had been doing. The time used to fly by because our work was intense and consumed all our attention.

This report is leaving our hands, having been debated in the Seanad and now the Dáil. We have fulfilled our responsibility to report to both Houses of the Oireachtas. The report will now come before the members of the Cabinet, including the Taoiseach and the Attorney General, who is as omni-present, omni-wise and omni-cautious as one would expect. The Government would be in more difficult straits if that was not the case. There will never be a better opportunity for holding a referendum on a form of wording that has cross-party support and resonates with the people who deal with children in difficult circumstances. I advise the Government not to prevaricate or put the report on a shelf and cover it with a dust cloth until another eminent judge calls for a referendum on children.

An article in *The Irish Times* last week stated that the report is not a panacea but such was never our intention. The rights of and protection for children will never be addressed forever and a day just because we arrive at what we think is the correct wording. However, even though it is not a panacea, it nevertheless represents a way forward for children. Allowing the voice of children to be heard would be the most wonderful result we could hope for.

I ask Members' forgiveness for reverting to my days as a schoolteacher, when I taught Latin. It is terrible that nobody learns Latin anymore. I am reminded of the old adage by Horace, *carpe diem*, because the day should be seized. I fear that with all the pressing tribulations that Governments face, our proposals on the rights of the child will be allowed to slip. I am sure

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that the Minister of State, Deputy Barry Andrews, will keep it to the fore of the Cabinet's agenda. I advise the Government not to delay but to move as quickly as possible. I commend these reports to the House.

Deputy Alan Shatter: I join Deputy O'Rourke in thanking all those who made presentations to the committee, both written and oral, and the committee's staff and legal advisers. The Deputy set out clearly the way in which we went about our deliberations. I welcomed the participation of the Minister for Agriculture, Fisheries and Food, Deputy Smith, during the brief period in which he was Minister of State at the Office of the Minister for Children. The current Minister of State, Deputy Barry Andrews, and I have had several heated exchanges during our sessions. However, it is only fair to say, as Deputy O'Rourke noted, that he came to the meetings, he participated, he was involved with us as we teased out the problems and as we brought about what we believe are cross-party solutions in the best interests of children, which is the primary focus of the committee.

I refer to someone that Deputy O'Rourke omitted, I am sure, by accident, that is, Deputy Brian Lenihan, now the Minister for Finance. When he was the Minister for Justice, Equality and Law Reform, the Minister for Justice, Equality and Law Reform and the Minister of State with responsibility for children were *ex officio* members of the committee. Despite all the pressures he was under as Minister for Justice, Equality and Law Reform during this period, Deputy Lenihan participated actively in the work of the committee, he engaged in the exchanges and, as the Minister who originally launched the Bill in 2007, took a very genuine interest in what we were doing. I regret that the interest shown by Deputy Lenihan was not similarly reflected in the approach shown by the present Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern. He popped into meetings on three or four occasions and I have no wish to do him down by suggesting it was too few meetings. Perhaps he was at two or three more than that, but the truth is he did not participate in a meaningful way in the discussions in the manner that Deputy Andrews has done, in fairness to him. I am not interested in scoring any silly political points. I agree with Deputy O'Rourke that this article is a unique opportunity to effect a major change in our Constitution on an agreed cross-party basis, which reflects today's values and priorities.

With every new revelation of things that have detrimentally impacted on the lives of children, whether clerical sexual abuse, institutional abuse or the failings of our social services, on a daily not only a weekly basis, the need to reset our constitutional priorities and ethos in a manner that will impact on Government and its agencies and the approach taken by them, especially towards children in trouble or at risk families who have difficulties and need supports such that their children can have good lives within those families, is highlighted. That is very important.

My concern with regard to the report thus far is what I describe as the deafening silence from Government. We started this process from the Opposition side of the House on the basis that the committee sought to bring about an agreement between the Oppositions parties and Government on an appropriate wording for a children's rights referendum and to change the Constitution. The committee evolved and this resulted in an agreement essentially between members of the committee. The Government is not yet committed to holding a referendum on the wording proposed by the committee.

I do not mean to put the Minister of State, Deputy Andrews, down and I realise he holds the super-duper position as Minister of State who attends at Cabinet meetings, but he is not one of the 15 Ministers with constitutional recognition. Ultimately, he would acknowledge he is not the final decision maker in these things; rather, it is the Cabinet. There has been a deafening silence from all members of Cabinet to the production of this report. No Minister,

whether from the Green Party, the Fianna Fáil party or Deputy Harney, who is the Minister for Health and Children and represents no party now but who has been in Cabinet for many years, has stated they agree with this report, they accept the recommendations or that they favour holding a referendum this year. That is the commitment following the work undertaken by everyone on the committee including members of Fianna Fáil, the Labour Party, Sinn Féin and Fine Gael. We should get the required response not for our sake, but for the sake of the children. We must bring about a constitutional sea change. I call on the Cabinet to give to this issue the priority it deserves.

How many more scandals and problems must we have, with regard to the manner in which children have been badly treated, for us to give the same priority to the protection of children and children's rights as we have given to the disastrous economic issues that we have had to confront? I am not making a political point in the sense of trying to have a go at people for the sake of it, but this is also about politics. When people say to me that this is about children and that we should not politicise it, I do not buy it. The decisions we make, including whether to hold a referendum, to provide better children's services, to allow the HSE to continue to run dysfunctional child care and protection services or to take those away from the HSE, are political decisions. They are about making political judgments based on one's values and priorities, the way in which this society works and in which the State agencies function. These are all political decisions.

Having welcomed very much the involvement of Deputy Andrews in this committee, I deplore the conduct of the Green Party. Deputy Paul Gogarty's picture adorns the report but it came as a surprise to some members of the committee that he was a member at all. Deputy O'Rourke stated that we held 62 meetings. I understood we held 63, but I will certainly defer to her expertise on that matter.

Deputy Mary O'Rourke: It is written down.

Deputy Alan Shatter: Of the 62 meetings, I believe Deputy Gogarty appeared four times and not at all in the years 2009 or 2010. He is the Chairman of the Joint Committee on Education and Science. The article we propose should be included in the Constitution is new and it addresses children's rights, including the right of children to education, a matter of unique concern to a chairman of an education committee. It touches briefly on the education articles already in the Constitution. If education is about anything it is the future of our children. Essentially, Deputy Gogarty either boycotted the committee or simply did not regard it as sufficiently important to participate in. It is quite extraordinary and I cannot fathom it. It seems the Green Party is more obsessed about saving the corncrake than protecting our children. Perhaps its members are so consumed by rotating proposals that they cannot get their head around other issues of greater importance to the outside world.

I refer to the Minister, Deputy Gormley, who received great headlines in the *Irish Times* calling for a children's rights referendum at the time of the publication of the Murphy commission report or the Ryan commission report — I may have the dates confused. I could not fathom the difference between the public presentation and the private contribution of the Green Party on this issue. In addition to calling on the Cabinet to state where it stands on this proposal, I call on the Green Party, as a separate party in Government, to clarify if it has any interest in it. Does it support the report or does it disagree with it? If it disagrees, it should inform us.

Deputy O'Rourke may find it surprising or she may simply find it alarming but there is nothing she said today with which I disagree. No one should suggest this proposal is the panacea to all our problems. There is a great deal we can do to protect children by reforming the way

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our child care services work and by addressing issues to which we have referred in the House during the course of the past ten days. That can be done without constitutional change. If constitutional change were effected along the lines we propose without these other issues being addressed or reforms introduced, children would not get the care and protection now recognised as their right in this proposal, children's voices would not be heard and their welfare would not be protected.

We must radically change our approach. The Minister of State should not be sanguine in informing the House or people outside that the world has changed. I have no wish to revisit the tragic cases that we have heard about in recent days and which have been discussed at great length. All one need do is pick up today's *Irish Examiner* or *Irish Daily Mail*, two papers which highlight major deficiencies in our child care system. Both newspapers document the case of a young Chinese girl who came to this country at the beginning of this year but who has since disappeared. She was put in foster care for one day, then a bed and breakfast and there is concern now that she is being sexually trafficked. What has happened to this girl? She is one of more than 500 young people who have come to this country and who have disappeared. If they were Irish there would be a furore about it, but because they are not, this issue is not getting the attentions it deserves. Shocking revelations about continuing failure in our foster care system are disclosed in the *Irish Examiner*, indicating quite clearly and confirming that assurances given by the HSE about the future vetting and assessment of foster parents were not implemented despite those undertakings being given to HIQA. The Minister of State, Deputy Barry Andrews, needs to take a more dramatic and direct involvement in this than he has to date. I do not want to come into this House to raise the case of more young people who have died because they have been failed by the child care services.

I draw the attention of the Minister of State to the case of a young man of 16 years who is currently the responsibility of Bridge House, Ballyfermot region — care area 5 within the HSE. He is a 16 year old child who has been going through the care system for approximately two and a half years. He is awaiting psychiatric assessment, but he has fallen into an age band where he is not considered either a child or an adult because he is between 16 and 18. He is no longer in the education system, he is becoming drug dependent and he is falling into a street life where he will be exposed to drug running and prostitution. On Tuesday night of this week this young man was left in an Internet café all night by the HSE because there was no suitable location to accommodate him. This young man could potentially be another Tracey Fay.

I ask the Minister of State to intervene to find out what is happening with regard to this young man, and how any 16 year old could be left overnight in an Internet café. This is a troubled young person who needs serious coherent co-ordinated intervention and who is being failed, and emergency social workers who are dealing with this young man are at their wits' end to get a response from management within the HSE.

I want to give the Minister of State a second example — I can give him in private the names of the individuals to whom I refer. A 17 year old child with severe mental health difficulties, he has been known in the emergency care services for four weeks. A psychiatric assessment took place in St. James's Hospital a couple of weeks ago but there has been no follow-up. Essentially, this young man is floating between two social work areas, Naas and Tralee, neither of which will take responsibility for dealing with him. There is no communication between the two areas that matters, which makes it impossible to co-ordinate the care response or even to access basic information. He comes from a background in which, it is believed, he has been seriously sexually abused and this young man is exhibiting behaviour that has been a cause of difficulty to social work personnel. Essentially, he is cut loose.

These are two young persons who are, perhaps tonight, still wandering our streets. There is also the case of Danny McAnaspie, a 16 year old boy with severe problems. This young boy, who has disappeared now for eight days, is also in care. This is in the newspapers this morning and I am not revealing any confidences in this House that I should not reveal.

We have a grossly dysfunctional unco-ordinated child protection service which continues up to today to fail our young people. Constitutional amendments are not required to address the tragic difficulties of these young persons. What is needed is to actively resolve the systemic failures and structural difficulties within the HSE that the Minister is struggling to resolve.

I want to see amending legislation brought into this House. I want to see the Health Act 2004, which created the HSE, amended. I want to see the HSE under a direct obligation to furnish information to the Minister of State with responsibility for children and youth affairs. I want the Minister of State with responsibility for children and youth affairs made a senior Cabinet post, not some sort of supernumerary who is sort of half-way in and half-way out. I want to ensure that policy directives from the Minister of State with responsibility for children and youth affairs are implemented by the HSE and that there is accountability where things go wrong.

An Ceann Comhairle: Deputy Shatter's time has expired.

Deputy Alan Shatter: I want to ensure that there is accountability to the extent that persons in managerial positions while supposed to be running a service, co-ordinating a service and protecting our children, first, have the resources to carry out their duties and, second, have the expertise to do so, but where they fail to the extent that young persons lose their lives, or are left in circumstances in which they remain seriously at risk and, ultimately, are the victims of abuse, those persons who take the responsibility for managing the system must be accountable when the system fails.

I welcome the fact that this report has been complete. I thank Deputy O'Rourke for putting up with some of the vigorous debate and exchanges that took place. I thank Deputy Howlin, his colleague, my colleague in Dublin South, Senator Alex White, who was a member of the committee also, and indeed, Deputy Ó Caoláin. We all, I hope, have made some contribution to achieving what I believe to be a very important constitutional proposal, which is balanced and which seeks to ensure that the rights of children are protected while at the same time recognising that the most important people in the lives of any child are the child's parents, and the parents are the ones who have the primary duty to ensure children are properly cared for and looked after.

However, where there is a parental failure, this amendment ensures that there is proportionate intervention by the State to support families where required, to avoid taking children into care where it can be avoided and to try to ensure that where matters are going wrong they are rectified within the family. Nevertheless, it ultimately recognises that the State has a duty that where children are totally failed by parents and need to be protected, the State will intervene.

I await a response from the Cabinet to accept this proposal. I would hope, if there is not a referendum on this issue in June of this year, that by the very latest we have it in October next. I ask the Minister of State with responsibility for children and youth affairs, when he speaks on this debate, to advise this House where matters stand with the Government, and whether we can expect that the referendum will take place this year and whether it will take place with the wording proposed by the committee being put to the people.

Deputy Brendan Howlin: I am pleased to have the opportunity to speak in this debate. No more than the committee's distinguished former Chair, sometimes my party doubted during

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our deliberations whether we would reach this point. I am glad we not only reached it but did so on the basis of a consensus.

Important work was done. The fact that we in the committee met every Wednesday almost always in private so there was no reporting of the work afforded us the opportunity to engage in a vigorous, open and realistic way. It did not afford us any credit for that in the press or anywhere else, but that does not matter if we have done our job well.

Before I address the background to the establishment of the committee that has now concluded its work, it is great for a committee to be established in the lifetime of a Dáil—

Deputy Mary O'Rourke: And be gone.

Deputy Brendan Howlin: —and to fulfil its mandate to completion and have itself abolished. In and of itself, that is novel. The background dates back as far as, and probably much further than, the starting point instanced by the Chairman of the committee, Deputy O'Rourke, that is, the report on the Kilkenny incest case by Ms Justice Catherine McGuinness, then a senior counsel. I was Minister for Health at that time and I asked Catherine to take on the difficult job of looking into the aftermath of the Kilkenny incest case.

Deputy Mary O'Rourke: I forgot Deputy Howlin was Minister for Health.

Deputy Brendan Howlin: She was part of a team that produced an effective and compelling report in a short period of time. That put the requirement for constitutional change on the agenda for the first time, and we have been debating it in some shape or form since. I hope we are now getting to the final stages of the debate so that we can get to a point of engaging with the people because their sovereign decision will determine whether our words become part of the Constitution. I hope we will shortly have that opportunity.

I want to make mention briefly of the two previous reports. The work of the committee had three milestones in its journey. The first was the report on the so-called soft information. I am heartened to hear, as reported by Deputy O'Rourke, that there will shortly be legislation on this matter. This also goes back a while. The recommendations were compelling in the Ferns report which, unfortunately, I read with more than a degree of local interest in that it pertained to my constituency.

One of the real difficulties in protecting children is the lack of ability to alert people to significant suspicions that a sexual predator has access to children. Unless the person in question has a conviction, that information cannot be passed on. In the past few days we have heard of people, not on the sex offenders register because their convictions predate its establishment, who can set up home in neighbouring jurisdictions and no one is aware of it. That is not good enough. It will not be resolved by the proposals in the first report but it is a matter of which we should be mindful. I look forward to the publication of the legislation in this area. It has been a long time coming because one of the committee's decisions was to extract that early on as there was consensus on it.

The second, and probably much more difficult, issue the committee tackled in its second report was the issue of strict liability and a detailed examination of the aftermath of the CC case. I was a member of the first all-party committee that examined this issue and I must confess that I changed my views on it because of the debate the committee had on it. It is good that we listen to practitioners in the field and legal advice to assist us in shaping our attitudes and laws.

While not a consensus report, it was a good one. The majority recommended a legislative role in addressing the aftermath of the CC case. I did not hear Deputy O'Rourke say legislation was imminent in this area, so I hope the Minister of State will refer to it. I would not want that work to fall off the agenda or be left on the shelf in the interim.

The committee's third report deals with the need for a constitutional amendment to strengthen children's rights. The calls for an amendment go back some time. In 1996, the Constitution review group recommended the Constitution be amended to include the welfare principle and provide an express guarantee of certain other children's rights, deriving from the United Nations Convention on the Rights of the Child. The Committee on the Constitution published its report in January 2006. Its relevant recommendations concerned amending Article 41 which did not find great favour with many external commentators at the time.

Subsequent to that, in November 2006 the then Taoiseach, Deputy Bertie Ahern, said there would be a referendum on children's rights. At the time it was agreed there was a need to strike a balance between the rights of the family and the child. On the direction of the Government, proposals were brought to the Cabinet by the then Minister of State with responsibility for children, Deputy Brian Lenihan, for a referendum to amend the Constitution in respect of children's rights. In February 2007, the Twenty-eight Amendment of the Constitution Bill was published.

The committee was seized of this issue and asked to examine if the wording of the constitutional amendment was fit for purpose. A consensus emerged early on that it needed to be strengthened. It was going to be a tough task. I do not think I would be telling tales out of school if I said there was vigorous debate in the committee on whether this could be done by amending Article 41 or Article 42. The committee debated in some detail the interplay between the two articles as they stand and if they were amended.

It was a difficult balance to strike. The consensus in the committee was that the family is the bedrock of our society, the building block of our community. The committee did not want to dislodge the rights of the family in any way. At the same time, it wanted children's rights to be vindicated on their own rather than through the family provisions.

In the end it was decided a new Article 42, entitled "Children", would be recommended. That was one of 14 recommendations as contained in the report. I recommend all 14 are read because they are all interlinked and stand together. Recommendation No. 14, raised by a Fianna Fáil Member and supported by all others, states:

During its deliberations the committee noted that there is a lack of access to source information relating to cases under the Child Care Act 1991. These cases are heard in the District Court where judgments are rarely written and there is no facility for recording such judgments. The committee did not have access to any records that could assist in ascertaining how these cases are decided in normal situations. The committee therefore recommends that facilities are established to enable reporting of District Court cases on the same basis as is available in general family law cases.

It is an important issue that should not fall off the agenda.

The third report comes to 178 pages and is recommended reading for all Members and those others interested in children's welfare. Not only does it deal with its recommendations and the background history, but also with recent case law and real issues with which Members often have to grapple.

The committee proposed a new Article 42.1^o that, "The State shall cherish all the children of the State equally". Many believe this, or something akin to it, is already in the Constitution which is wrong. Let us not gild the lily but some would argue that a provision with such wording

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may not have profound legal effect. However, it has a clear guiding principle for the Legislature and the Judiciary that all children have rights in and of themselves.

It was the committee's consideration to ensure any proposed amendment would establish the interests and welfare of the child as paramount, as a person in his or her own right, separate from the welfare of his or her natural or adoptive parents and other parties, including the State. It would also see, in so far as we could, a child having rights that are their own and could not be trampled on because of the welfare interests of a third party, even if that were the State itself.

The Guardianship of Infants Act 1964 established in law that a child's welfare is paramount. It was the objective of all committee members to take that legislative principle and turn it into a constitutional one. Various wordings were worked on to achieve this.

Under Article 40, the personal rights of all citizens, every child in the State enjoys constitutional rights that accrue to every citizen. Article 41 delineates the rights of the family and the child's rights are mediated through that. Article 42, which we seek to amend, sets out the child's rights in respect of education. Article 43 sets out the rights in respect of private property and Article 44 in respect of religion. There is a corpus of rights that exist and these have often been argued and vindicated in the courts. Our job was to go beyond that and see if we could give the principle in the Guardianship of Infants Act of the paramountcy of children's rights a constitutional status. It was a balancing act and whether we have got the balance right will be determined by the assent of the people in a referendum and by judicial case law when the exact meaning of the provision, should it become part of the Constitution, is tested in subsequent court cases. I am strongly of the view, shared by those who have spoken, that this will be a substantial step forward in a long journey to deal with the issue of the rights of children.

I thank the Chair of the committee, Deputy O'Rourke, for her tolerance of us and our vagaries. She steered us to a safe port, with a few storms *en route*, with her usual grace and charm. I thank the colleagues who worked in a very open way, all contributing to the best of our capacity, to achieve a common objective. This is not always the case in the way we do business here. I should also mention the staff of the committee and our legal advisers, to whom we are really grateful, but also the Minister of State at the Department of Health and Children, Deputy Barry Andrews, whose attention to the committee is to be applauded and welcomed. I am arguing in a different forum to re-establish the strength and authority of this House. It goes a long way when Ministers of State involve themselves in the committee work of the House. I hope this will bear fruit.

What now? Where do we go from here?

Deputy Mary O'Rourke: *Quo vadis?*

Deputy Brendan Howlin: I can inform the House that the report has been fully debated by the Labour Party. It has been tabled, debated and endorsed by the parliamentary party. I can end my contribution by giving a commitment that if the Government brings forward this wording in a constitutional Bill, we will support the Bill and campaign for the enactment of these provisions in our Constitution. I sincerely hope that will be done as soon as possible.

Debate adjourned.

Adjournment Debate Matters.

An Ceann Comhairle: Before calling Deputy Ó Caoláin, I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the

name of the Member in each case: (1) Deputy Joe McHugh — the need to establish community employment schemes in advance of the impending tourism season; (2) Deputy Leo Varadkar — the construction and completion of the N2-N3 link road; (3) Deputy Andrew Doyle — the need to obtain EU assistance to aid the food export sector; (4) Deputy Trevor Sargent — the need to enforce prompt payment legislation; (5) Deputy James Bannon — the regulation of field sports including stag hunting; and (6) Deputy Róisín Shortall — the proposed abolition of the supply panel and the negative implications of this for school children in disadvantaged areas.

The matters raised by Deputies Trevor Sargent, Andrew Doyle, Leo Varadkar and James Bannon have been selected for discussion.

Report of Joint Committee on the Constitutional Amendment on Children: Statements (Resumed).

Deputy Caoimhghín Ó Caoláin: I commend the Chair of the committee, Deputy Mary O'Rourke, Deputies Shatter and Howlin and their respective party colleagues and the Minister of State, Deputy Barry Andrews, for the commitment to the project entrusted to us by the Houses of the Oireachtas. I wish to record my thanks to Anne-Marie Fahy, the secretary to the committee, and our legal advisers over the past number of years. I thank all who engaged with us over that period through oral presentations and written submissions. They have contributed to what is a worthwhile result and outcome.

Sinn Féin welcomes the publication of the final report of the Joint Committee on the Constitutional Amendment on Children. The timely publication of this report presents an important opportunity to strengthen children's rights in this State. It took 62 meetings of the committee to reach a cross-party consensus on the wording of an amendment that, if passed, will enshrine children's rights in the Constitution. The representatives from each of the political parties on the committee agreed that it is time for a referendum that will give children rights as individuals, above and beyond those derived from their status as mere members of a family unit and only a family unit based on marriage as defined in the Constitution. The proposed wording in this report is an important step on the road to cherishing all children of the nation equally. It is now up to the Government to take the wording offered and hold a referendum that will afford children specific rights to care and well-being, as well as the right to be heard in matters concerning them.

The amendment should also go some way to addressing some of the legal obstacles affecting the child protection system. If an amendment such as the one contained in the report was enshrined in the Constitution, the State would have the sufficient legal power to intervene on behalf of all children at risk regardless of their parents marital status. Some of the wording in this amendment was inspired by the UN Convention on the Rights of the Child, which Sinn Féin believes should be the absolute minimum in standards for children's rights. The principles in the UN Convention on the Rights of the Child have been reiterated in numerous international and national treaties and it is now time the State took a rights-based approach to how children are treated in our laws and policies. Sinn Féin is calling on the Government to table legislation to hold a referendum on the issue of children's rights as a matter of urgency.

While Sinn Féin has been a long-time advocate of enshrining children's rights, we must remember that there are not only legal issues to be resolved in order to enhance the rights of children. We have recently seen the admission by a senior HSE representative that there are more than 20 reports on the deaths of children in State care awaiting publication. Despite repeated questions on these reports that I put to the HSE via the Minister for Health and Children, which went repeatedly unanswered, it took the publication of a report by another

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member of the joint committee, Deputy Shatter, for a representative from the HSE to acknowledge these reports existed. Information was wilfully withheld by someone in the HSE who stated that the information I was seeking was difficult to collate. I sought this information over an eight month period. There is no room for any more cover-ups on children in State care and there is no valid excuse for the delay in publishing such reports. The HSE and the Department must be answerable to elected representatives in this House and the Upper House.

If we as Members of the Oireachtas, as parents, and as people residing in this State are to entrust the care of children whose families can no longer care for them to the State, the State care regime must be accountable and fit for purpose. At the moment, the law and policy governing children's rights and child protection is not only unsatisfactory, it is archaic and verging on the disgraceful. The Minister for Health and Children and the HSE hide behind the excuse of protecting the identity of the children who died in their care. This is a sad reflection of the reality that the HSE's care for these children only began when they died. Conducting an inquiry and writing a report containing recommendations on the plethora of inadequacies throughout the State's care system is too little too late if the recommendations are never published let alone implemented. That has been the sorry state of affairs to this point.

This is not just an issue of referendums and changes in law. An amendment that does not provide for adequate increases in resources for child services will be utterly meaningless. The State is dysfunctional when it comes to children's rights. We only have to look at the Tracey Fay report for a horrifyingly graphic illustration of that. It is only now the HSE is admitting that not all children in State care have an allocated social worker. Some children that have social workers might not see them for years at a time. The Roscommon child abuse case showed us that even where social workers for children are allocated, terrible abuse and neglect will continue. Relatives who become foster carers for children are not always vetted. The HSE could not even give me a straight answer when I asked if all of its employees who worked with children are vetted.

A clause in the Constitution for children will be toothless if there is not large-scale reform of child policy. In my view, enshrining children's rights in this manner will, nevertheless, ensure that the best interests of the child will be paramount in matters concerning custody and guardianship. This will provide a valuable platform as, collectively, we of all political views and one, work towards ensuring the best interests of the child becomes paramount in all matters concerning the child, a cornerstone of the United National Convention on the Rights of the Child. This legal change will mean that social services will have the capacity to intervene where parents are married and that children's rights will be viewed, not secondary to the rights of the marital family, but rights in their own right.

Sinn Féin pressed for the insertion in the proposed wording of a commitment to have children's voices heard. This is integral to the rights of the child. Acknowledging that particular right is imperative to the wider rights of children. The Child Care Acts 1991 and 1997 permit the appointment of, at the discretion of a judge, a guardian *ad litem* for a child involved in court proceedings. We must look to international best practice in this area to reform the current processes. In Scotland, a guardian *ad litem* is automatically appointed unless there is a major reason this should not happen. Sinn Féin believes we should be aiming for the highest standards for our children. Much can be learned from the approach of other jurisdictions in this area.

It is a shame that it has taken almost two decades for us to arrive at a cross-party agreement on children's rights. Consistently, this and previous Governments have failed to acknowledge the deficiencies in child policy and law. At last, we are getting there. The rights children will be now given must be, as I have repeatedly stated in my contribution today, complemented with sufficient resources. Teenage mams and dads, themselves children, must be supported to

continue, if at all possible, in education while parenting. Children with cystic fibrosis must have the right to adequate and appropriate health care. Social worker posts must be filled and resourced. Children with mental health issues must be seen and supported immediately and not forced into adult wards. Parental support mechanisms must be in place. Children at risk must be listened to before it is too late and they too become the subject of yet another internal HSE report. Crisis management cannot be the cornerstone of how children are dealt with in this State.

There needs to be joined up thinking when it comes to policies affecting children. On housing policy, for example, is geared towards purchasing homes, and those who cannot afford housing are left to the mercy of a local authority waiting list, often for as long as five or six years, depending on the local authority in which one lives. In reply to a question I put to the Minister for Health and Children, I learned that in 2007, 1,342 children were placed in care under the heading “Family Unable to cope/Family Difficulty Re Housing/Finance.” Let us consider this. Some 193 families, 6%, of those reported to be having difficulties had children placed in care as a result of their having housing or finance difficulties. That is a shocking fact. It is dreadful that 1,342 children of 193 families were placed in State care because their families were experiencing housing or finance difficulties. It is unacceptable that a child may be removed from the home because of housing or finance difficulties when to do so is not in their best interest. Some 25% of all children placed in care enter this system because the State has failed to provide their family with the support they need. These children are not in care because they are being abused; they are in care because the State, we collectively, have not provided their families with adequate homes or the means to support themselves. This must be addressed. We must never again allow children to be removed from their homes under those headings.

Would the State not be better off ensuring such children remain with their families, if it is in the child’s best interests do so — I emphasise, therefore, that the child’s best interests must be the absolute measurement point in this regard — and provide them with an appropriate home rather than put them in care? Why is the State willing to give a foster parent an allowance of €325 per week but will not provide financial support to keep a family together when it is, in most if not all cases, in the child’s best interests to do so? This is unacceptable. When a child enters the care system the State will, as we have all too sadly witnessed, fail them again unless the Government holds this referendum and provides the resources to make the new constitutional rights to children meaningful. A new approach is clearly needed. This is only one aspect of the children’s rights debate.

There remains more than 76,000 children living in consistent poverty in this State, with almost 20% of all children at risk of poverty. It is claimed that there are hundreds of children, across all 26 counties, sleeping on our streets at night and that there are thousands of children residing within a care system that is not resourced to the level required to meet their needs. A substantial number of children of the 59,000 families languishing for years on end on social housing waiting lists are living in substandard accommodation that is damp, over-crowded and of general poor quality, which exacerbates the detrimental effects on a child’s well-being. Children continue to go to school hungry and to go missing from HSE care. A case in this regard was outlined to the House during the course of this debate this afternoon. Sadly, some of these children are never found. That this remains the case in this State in 2010 is reason in itself to enshrine children’s rights in our Constitution and to take a proactive approach to address all other weaknesses within the care and support systems.

Sinn Féin welcomes this report. We fully appreciate the importance of enshrining in the Constitution the rights of children and do not believe that making a symbolic statement within the Constitution is enough. We believe in cherishing all the children of the nation equally and for us this means all children regardless of their family background, whether their parents are

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married, their economic status, gender or ethnicity. This will not be achieved by the insertion of a mere statement of intent into the Constitution. We believe that all children have a right to education, a home, to play, to be healthy and to feel safe and be heard. The proposed constitutional amendment that we have collectively recommended has in my opinion the potential to affirm those rights.

I am happy to advise the House, as did Deputy Howlin on behalf of the Labour Party, that at last weekend's Sinn Féin Ard-Fheis in the RDS a motion commending the work of the Oireachtas Joint Committee on the Constitutional Amendment on Children and committing our party to proactively encourage the electorate's support for a referendum proposal along the lines recommended was unanimously adopted. I welcome that endorsement and end my contribution by urging Government to bring forward at the earliest date possible the natural outworking of our efforts, namely, a referendum proposal that will enshrine the rights of children in our Constitution.

Minister of State at the Department of Health and Children (Deputy Barry Andrews): I am delighted to be discussing this important issue today.

I wish to make some comments about the statements made by previous Deputies. I agree with Deputy O'Rourke that we will never have a better opportunity to transpose into the Constitution what represents the clear consensus and political will in this House and I am ambitious that we would do that. As she said, it is not a panacea and other reforms need to take place. Deputy Shatter made reference to these other reforms and I agree with him. The shortcomings are there for all to see and that is why I consider child protection to be my priority. It is why we promulgated the implementation plan following the Ryan report and backed it up in the budget. While we are trying to reach our targets, there are still shortcomings and some individuals are falling between the cracks. We need to be honest with ourselves. There is no point in trying to be overly defensive. I have never said we have moved from a period of oppression into liberation and it is not as if that can happen by acknowledging what happened in the Ryan report. That does not happen. This is a reform that will need to take place in partnership with and with the support of Members of this House.

Regarding specific issues from previous reports, the national vetting bureau Bill has not been presented to Government yet. The heads of the Bill should be presented to Government very soon. However, the general framework is broadly agreed by the crucial Departments involved, namely, the Departments of Justice, Equality and Law Reform, Education and Science, and Health and Children. It provides a very good framework. It was very important to get that agreement between the various Departments before we proceeded further. We have got over the most difficult barrier to transpose that first report of the committee into legislation. The second is the criminal justice (sexual offences) Bill, the heads of which have been presented to Government. Progress is being made on the drafting of that Bill which is to transpose the second report into legislation.

Deputy Howlin made the point about sourcing information regarding the Child Care Act and how it plays out in the District Court in particular. Valuable work similar to that was done by Carol Coulter regarding the family law courts. The work recommended by the report will give us a much better idea of how care orders are sought, the circumstances in which they are given, how they are followed up and the care plans that are reviewed by the courts. We can look at that element of child protection which is properly prevented from publication in normal circumstances. We can find the same mechanism and that is a recommendation I would very much support.

Deputy Howlin also emphasised the individual nature of the rights of children proposed in this recommendation. It is important to note that under Article 40.3 individual rights are protected in so far as they are protected for all citizens. The Constitution undertakes to vindicate, protect and guarantee those rights. Equally we need to do that specifically for children. I do not see why there should be any difference between adults and children in that respect.

Deputy Ó Caoláin raised a number of other issues and talked about the balancing of rights, which is very important. It also applies to the publication. He was talking about the publication of reports regarding child protection. There is a real consideration of the balancing of rights. It is not a screen behind which to hide reputations. It is a genuine balancing exercise that needs to be done. I hope the independent review group we announced earlier in the week together with the HIQA guidance that was announced yesterday will ensure that in future these reports are done expeditiously in such a way as will restore public confidence in our capacity to face up to the realities of failures that occur from time to time.

I acknowledge the work done by Deputy O'Rourke as Chair. I believe the other speakers articulated her great work and her ability to bring together all of us. We worked well together and enjoyed it up to a point. I also acknowledge the Vice Chairman, Deputy Noonan, who stepped into the breach from time to time. He also provided a steadying hand when we occasionally lost the run of ourselves.

Reference has been made to the time it has taken to get to this point. We are not talking of just this committee but of previous Oireachtas committees, the constitutional review group and the Kilkenny recommendations going back over almost 20 years. The UN Committee on the Rights of the Child, in examining Ireland's first report on the implementation of the convention in 1998, stated that "Ireland's approach to the rights of the child appears to be somewhat fragmented". The committee further reiterated the need for constitutional change having outlined its concern that Ireland's "welfare practices and policies do not adequately reflect the child rights-based approach enshrined in the Convention". It recommended in favour of the accelerated enactment of the constitutional review group's recommendations.

The committee that looked into family rights between 1997 and 2002 recommended an amendment to Article 41 to include a new section on the rights of children. It was in this context that the then Minister of State with responsibility for children, Deputy Brian Lenihan, undertook an article-by-article review of the Constitution to examine the status of children. From this emerged the Twenty-Eighth Amendment to the Constitution Bill, which, for the first time, sought to enshrine in the Constitution rights that would accrue to children as a distinct group and not simply as human beings and individuals or members of a family unit. This article, for the first time, singled out children as a discrete group possessing rights.

The Government's policy intent in pursuing an amendment to the Constitution was threefold. It sought to provide a clearer and more direct acknowledgement of the rights of children, a restatement of Article 42.5 which would, *inter alia*, extend the provision to all children, and a statement which would permit the adoption of marital children and children in care. It was accepted that if the amendment was to have any chance of passing in a referendum, political consensus was essential. Consequently, the 2007 programme for Government contained a commitment to "establish an all-party Committee to examine the proposed constitutional amendment with a view to deepening consensus on this matter".

I have already referred to the previous reports. In addressing the specific issue of children's rights, the committee faced a challenge to balance the rights of families, children, marital and non-marital parents. This delicate balancing act took place against the background of the debate over whether barriers to State intervention in support of children should be altered. The new provision begins with a restatement of the oft quoted phrase from the 1916 Procla-

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mation that we should “cherish all the children of the nation equally”. Ironically, the signatories to the Proclamation were not referring to “children” as we understand the term but to the need to recognise and be tolerant of minorities — religious and political.

The newly proposed Article 42.1.2 ° clearly states that the State has a duty to vindicate the rights of children and affirms that children enjoy human rights that the State is obliged to uphold. The provision reads:

The State recognises and acknowledges the natural and imprescriptible rights of all children including their right to have their welfare regarded as a primary consideration and shall, as far as practicable, protect and vindicate those rights.

Reflecting wording included in section 3 of the Guardian of Infants Act 1964, the newly proposed article incorporates the right of children to have their welfare regarded as a primary consideration. It has been said that the requirement to take a child-centred approach to such issues is strengthened by this article, which requires that the welfare and best interest of the child must be the first and paramount consideration in areas concerned with family law decision making, such as guardianship, adoption, custody, care or the upbringing of a child.

One of those who commentated on the publication of the report, Dr Ursula Kilkelly, has stated that when these two provisions are taken together they will ensure that “decisions affecting children are focused, first and foremost, on their rights and interests. This mandates a genuinely child focused approach to the treatment of children by all organs of the State”.

Article 42.2 steers a new course by proposing to require the State to recognise and vindicate the rights of all children as individuals. Under the terms of the proposed wording, children accrue rights as individuals independent of adults. Some experts who made presentations to the committee advocated a full incorporation into the Constitution of the United Nations Convention of the Rights of the Child. The committee took the approach that it did not want to recommend inserting in the Constitution provisions that the State was not in a position to guarantee.

Where criticisms of the report have been aired, attention has been drawn to the newly proposed Article 42.4. Some have suggested that any reduction in the threshold that allows for State intervention in the family should be resisted. This is construed as an attack on the integrity of the family — that in some way by giving rights to children they are being taken away from the family. This was not the intention of the 2007 Bill nor is it the intention of the current proposal. The newly proposed Article 42.4 sets a new threshold, based on proportionality. It is not a case of granting the State extra powers enabling social workers to wade into a family and remove the child or children. Dr. Geoffrey Shannon stated last week that the wording contained in the proposal makes clear that removal of the child from the family is a last resort and by providing for early intervention the likelihood of the child being taken into care is significantly reduced.

The time available to me is very short. The rest of my prepared speech is available for Members. Members will also want to know when we will proceed with this proposal. It took two years for the committee to put together its recommendations. It is now up to the Departments to look at the committee’s recommendations. I am determined that we will bring it to Government at the earliest possible opportunity and that the Attorney General will give his view. We may have to discuss that matter further. I look forward to any further discussions about the wording and how we can ensure we get full Government support because it is a very significant achievement to get political support on this issue. It is not easy to do that at the

best of times but the motivation behind the committee was to focus on the best interests of children. I thank all of the committee members for their co-operation on this crucial matter.

Deputy Charles Flanagan: I was not a member of this committee but I compliment its Chairman, Deputy Mary O'Rourke, and the members of the committee on their important work.

Campaigners for children's rights in this country have long sought a constitutional amendment to protect children. My colleague, Deputy Shatter, has been lobbying for such an amendment since the 1970s. Those campaigners have been subject to a number of unsavoury accusations over the years, mostly suggesting that giving children rights would somehow damage the family or would not be in the best interests of families. The theory appeared to be that children's rights constituted a zero-sum game — the family had to lose if the children were to win. That can only be true in circumstances where the parent abuses the child, for example, where children are beaten, sexually abused, raped or bullied. In those circumstances it would be abhorrent to seek to trap a child within the family when they clearly need to be removed for their own protection. Families within which a child is abused do not deserve the protection of the State or the law.

Until very recently we had not accepted the need to protect children in the manner in which it is now proposed. For example, social workers were traditionally painted as Orwellian figures intent on snatching children from the hands of loving families. They were figures to be feared and were viewed as people in society who were in some way distrusted. That must be the reason there is so little outcry at the dire shortage of social workers in the State and the extremely restrictive hours they work. Generally, we hear about these issues in the context of systems failures. The question is asked: where was the social worker? Why was the social worker not present? Why was the social worker not informed? I would prefer to ask the question: why does the Government believe social workers are only required during office hours? Why are social workers regarded as not being needed at weekends? Similarly, foster families were not given the credit they deserved. For some reason there appears to be very little effort to encourage foster care in the State.

In the past 18 months I have asked parliamentary questions about specific care plans for foster children. The figures I received clearly show that in areas such as Dún Laoghaire, Dublin south east, Dublin south city and Dublin west, the Health Service Executive currently has care plans for less than 50% of children. Undoubtedly, there should be care plans for all children in care. Foster children are often in a vulnerable position and need that basic right.

Regarding the court orders granted to facilitate children entering care, where a court order fails to specify visiting arrangements regarding supervised access by parents, those in *loco parentis* or other parties the HSE tends to allow access in an almost *ad hoc* way which is often detrimental to the child's interests and a cause of great distress for them.

I regret the Minister of State, Deputy Andrews, has left the Chamber but I will have another opportunity to inform him that we should be careful about the way section 37 of the Child Care Act 1991 is applied, which deals with the manner in which court orders are granted. The interpretation of such court orders by the HSE often works in a way that is detrimental to the child and that is not specifically intended when the case is initially heard before the sitting judge. The manner in which these orders are interpreted, or the manner in which silence with regard to a specific aspect of care is interpreted by the HSE, can cause some distress for those *in loco parentis*.

I am aware of a case where a child would begin bed-wetting when a parental access visit was upcoming, such was the distress caused by such visits. The mother would constantly threaten to take her away from the safe and loving foster home in which she resided. The mother

[Deputy Charles Flanagan.]

threatened to come to the child's school to embarrass her and to appear at her First Holy Communion to spoil her day. The visits were harrowing for the child who was a vulnerable victim of psychological abuse arising out of inept and abusive parenting, yet those visits were allowed because the law is currently balanced in favour of the parent, often to the detriment of the child.

The Joint Committee on the Constitutional Amendment on Children has done major work on this issue in the past three years. I commend the members for their role in what is undoubtedly an historic political development. I specifically compliment the enthusiasm and tenacity of the former Minister, Deputy Mary O'Rourke.

Since 2007 the committee has met on 62 occasions in 15 public sessions and 47 private sessions. It published two interim reports as well as a lengthy, well-researched final report. My colleague, Deputy Shatter, using his vast expertise as a family lawyer and his sincere personal commitment to protecting children's rights, has played an important role in the committee and has represented our party extremely well.

The amendment proposed by the committee is clearly imbued with an ethos of child welfare. It strikes an appropriate balance between child welfare on the one hand and parental rights on the other. In respect of parents, it refers to both rights and responsibilities, for example, the right and responsibility of parents to provide according to their means for the physical, emotional, intellectual, religious, moral and social education and welfare of their children.

The suggested amendment also provides that where the parents of any child fail in their responsibility towards the child the State, as guardian of the common good, shall, by proportionate means, as shall be regulated by law, endeavour to supply or supplement the place of the parents, regardless of their marital status.

Should this amendment be passed, and I sincerely hope it will be at the earliest opportunity, I expect the State will honour its new constitutional responsibilities by providing adequate resources to ensure that children's rights are protected, that social workers are available around the clock and that children in the State's care are placed in secure foster homes, where possible, and not dumped casually in hostels or bed and breakfast accommodation.

In recent times we have encountered a catalogue of horrors when it comes to child abuse. The first scandal to emerge concerned the church. It emerged that children in industrial institutions and in residential care had been abused by some clergy for decades. The State has faced up to some of its responsibilities in this context by establishing a compensation fund for some of those victims, yet it continues to dodge its responsibilities when it comes to educational settings. The Murphy report revealed a litany of abuse in educational settings, including in my own constituency. I have repeatedly referred in this House to abuse in primary schools. Although the State continues to be the paymaster of teachers and those who have been shown by the courts to have abused young children in care, it washes its hands of responsibility, sheltering under a legal loophole that allows it to blame the shallow-pocketed boards of management rather than acknowledge its own culpability.

If we are truly to protect and cherish children's rights, the legal position that allows the State to pick and choose what it takes responsibility for in educational contexts must be closed.

I wish to refer to the closing comments of the Minister of State, Deputy Andrews, who acknowledged the report and its all-party content. We now await the date or the machinery to facilitate the referendum. As a Member of the House, I and others would be most disappointed if the momentum which has now been gathered on the publication of the committee's report is lost. The momentum must give rise to a situation whereby the referendum Bill is introduced at the earliest opportunity. We should hold the constitutional referendum in the summer, at

the earliest. It should take place by September or October at the latest. A commitment must be forthcoming from the Government, which I ask for at the end of this debate, on when this important constitutional referendum will be held.

Deputy Charlie O'Connor: I welcome the opportunity to make a brief contribution to this important debate. I am delighted to acknowledge the presence of my colleague, Deputy O'Rourke. I deliberately sat on the benches which she controls on our behalf. She looked very well on the front bench. I am not being patronising. I have known the Deputy for a long time and she has always taken a particular interest in this area. I share a constituency with a close relation of hers, which has not affected our relationship, which tells one a lot about the Deputy. In my early days as a community worker and politician she always showed an interest in what I was doing, in particular during her term as Minister for Education. It is relevant to make those comments because the debate is about children.

I have often said I came from a generation, as did others in the House, where life in school was much more difficult than it is nowadays. I went to Synge Street and Drimnagh Castle at a time when children were disciplined in a particular way. I remember a famous broadcaster, whom I will not name in case I get into trouble, said he left a particular school early because he perceived the regime as being brutal. I can look back on my school days. I went to the nuns in Clarendon Street, the Loretto Convent on the Crumlin Road, Synge Street and Drimnagh Castle. I look back on my school days in a positive way and have nothing to be upset about.

I came from a generation which, as one went around the streets, one always heard people saying that if a child did something wrong he or she would end up in some terrible institution. We now know that the gossip on the street among very young children was a reality. The Murphy report was mentioned; I have read recent reports. The situation was horrific. During my time as a politician, like everybody in the House, I have experienced people who come to clinics and advice centres, and whom I meet in my constituency. They come to us with all sorts of stories, issues and problems. I am based in Tallaght and there are many things happening in my constituency which upset me deeply.

People came to me who were victims of abuse and wanted to tell their story. I told them I was no expert and that I am a back bench Deputy. As all Members of the House will know, the people who were badly hurt just want to talk to somebody. They trust people. I am not being virtuous, but in any work I did with a number of people I tried to help them in a positive way. Some of the stories were very upsetting. On the report, it is important that we understand we cannot return to the same place. People in the House have different political perspectives and views on this issue, but I applaud the publication of this report. I complement all my colleagues. Deputy O'Rourke is on record as complimenting all of her committee colleagues on the manner in which the report emerged. There may have been some dotting the i's and crossing the t's, but it is important that the report has been published, and we should do something about it.

On a day in which the business of the Dáil has been dominated by other issues which upset people, it is important to discuss this issue. I will have other opportunities to discuss Tallaght hospital. I wish to refer to the meeting of the Joint Committee on Education and Science, of which Deputy Gogarty is Chairman, which was held today. An all-party approach was taken in the discussions with representatives from the NCSE regarding the proposed cuts in the numbers of special needs assistants in various schools. A number of schools were highlighted and gave evidence, included St. Joseph's Special School in Tallaght. It is relevant to discuss it in a debate on the rights on children and the importance of children in our lives.

I watched the committee meeting today and compliment my party colleague, Deputy Flynn, and my constituency colleague, Deputy Hayes, and other colleagues who made strong points

[Deputy Charlie O'Connor.]

on this issue. It is about protecting children and the rights of children. I hope these issues continue to get attention. Like everybody else, I try to bring my life experiences to politics. Like other Members of the House, I have had children and am now a grandfather. I am not being virtuous or patronising. It is important to try to understand that people are upset about the report which was released and the manner in which it was dealt with. One hears different views on the content of the Murphy report, how it affected people and the response of the Church.

Tallaght was in the eye of that storm because the Tallaght-based bishop, Dr. Eamon Walsh, offered his resignation to the Pope. It is an issue which is of concern to people. We are in a time when, politically, there are many issues to be addressed. This week there are many pertinent issues in my constituency to be addressed, but the rights and protection of children must be uppermost in everyone's mind. It is important to do that. I hope the Government is examining carefully the report of the committee of which Deputy O'Rourke was Chairman.

Colleagues have different political perspectives. I have listened to the Minister of State, Deputy Andrews, speaking a number of times on these issues. He was in my constituency last Tuesday to launch an initiative with South Dublin County Council and the HSE on the protection of young people who, for one reason or another, might find themselves homeless. It is important that we support them. I am glad Minister of State, Deputy Moloney, and Minister of State, Deputy Haughey, are in the House. I hope they convey my regard for the job the Minister of State, Deputy Andrews, is doing. It is important that the public have confidence in the system and be comfortable about what is being suggested.

When the Joint Committee on the Constitutional Amendment on Children was established by both Houses of the Oireachtas in November 2007, Deputy O'Rourke was appointed as its Chairman. I understand due to the complexity and sensitivity of the work of the committee, it had to extend the time-frame for its work on a number of occasions. I understand it met on 62 different occasions. I know from community groups that the committee sought submissions from interested bodies and members of the public, and advertised publically for such submissions.

I was told by Deputy O'Rourke that 175 written submissions were received, which dealt with some or all of the issues which arose from within the remit of the committee. In September 2008 it presented its first interim report to the Houses of the Oireachtas on the proposal to give legal authority for the collection and exchange of information concerning risk or the occurrences of endangerment, sexual exploitation or the sexual abuse of children. Work in this regard was ongoing.

The opportunity to make a brief contribution on these statements is welcome. I have listened to many of the comments of my colleagues. It is important that Dáil business be ordered such that these matters can be discussed. I hope the all-party approach evident in regard to this business continues. I congratulate all members of the committee under the chairmanship of Deputy O'Rourke and wish them well. I expect that they will want to see progress in this matter. They have my strong support in that regard.

Deputy Simon Coveney: I want to raise an issue I raised last night concerning the case of a young 16 year old Chinese girl who came to Cork on 22 January on a flight from Barcelona. She had false documentation and the Garda and immigration officers at the airport correctly stopped her and put her into HSE care. She spent her first two nights, which were over a weekend, in what has been described as emergency foster care in Carrigaline, County Cork. A social worker with the HSE and the children's services were supervising and supporting her over that weekend. She was then removed to what are referred to as "supported lodgings" in

Carrigaline for 25 and 26 January and then she disappeared. This is the most recent case of a child disappearing while in the care of the State and the first time this has happened to a foreign national in my constituency or Cork city.

I examined this particular case and asked how it could be allowed to happen, the lessons that could be learned and what is being done to find the girl. I looked at websites such as *www.missingkids.com*. One should consider the number of young Chinese girls who have gone missing. The Minister of State, Deputy Moloney, acknowledged this problem last night. Seven girls, who were 16 or 17 when they came to Ireland, have gone missing from their accommodation, mostly in Dublin. The case of Ms Li Chen, which occurred in Cork, is the most recent. On 25 December 2009, a 17 year old girl, again from China, went missing from her accommodation in the Dublin area. A 17 year old girl, now 18, went missing from her accommodation in Dublin 6 on 20 August 2009. A girl, again a Chinese national, went missing from her accommodation in Dublin 7 on 20 June 2009. A 16 year old Chinese national, now aged 17, went missing from her accommodation in north Dublin city on 7 June 2009. On 18 April 2009, a 17 year old from China went missing from her accommodation in the Dublin 7 area. On 13 March 2009, Ms Ai Jiao, a 16 year old girl, now 17, left her accommodation at 6 p.m. and never returned.

I have serious concerns about the support structures and procedures in place for taking into care unaccompanied minors, or children, who come to Ireland, illegally or legally. So many 15 year olds, 16 year olds and 17 year olds, and younger children, have gone missing while in the care of the state, and not just in the past 12 months. From the figures I received last night, I understand 47 minors disappeared from State care last year. Only 13 of these have been located since.

Irrespective of whether a missing child is a 16 year old from China or a 16 year old from Cork or Roscommon, that we can stand over his or her literally disappearing into what is potentially an underworld, be it the sex industry or a kitchen or restaurant for the purpose of work, is totally unacceptable. It is unacceptable that the State and the agencies operating under the control of the Government which are responsible for children cannot put procedures in place that are more effective than those in place at present.

I spent quite some time yesterday talking to the HSE about the Li Chen case. It was open regarding all the procedures that were put in place and maintains it met the standards expected of it on the basis of the protocols and procedures that are in place. If this is the case, the procedures need to be reviewed. We need to learn lessons from what has happened and, most important, ensure everything is being done to locate the children.

In the Li Chen case, the Garda applied all the standard protocols that apply when children go missing and has done all that can be expected of it. However, that is not really the issue; the issue is that we do not know what has happened to dozens of missing children. They may have been exploited, advantage may have been taken of them or perhaps they have simply run away. That we do not know is not acceptable.

There would be a political outcry if we could not answer hard questions as to what happened an Irish child who went missing. How someone can simply vanish from State care on the main street of Carrigaline when she does not speak English, has no money and no official identity documents is simply beyond me. This is not a question of blaming anybody but about trying to establish what happened and learn lessons from it. It is a matter of putting new procedures in place to ensure it will not recur and, most important, doing everything we physically can to establish the location of the children. Many of them are now 18 because they came to Ireland at the age of 16 or 17 but that is not the point. The point is that they may well be in the basement of a brothel or have been trafficked to another destination.

[Deputy Simon Coveney.]

I do not want to exaggerate for effect but really believe the Government must take this issue very seriously. We need to examine how we protect, support and defend the interests of children that enter this State, as well as our own children, in a way that is consistent and far more effective than that evident at present.

Minister of State at the Department of Education and Science (Deputy Seán Haughey): I thank Members for their contributions to this constructive and well informed debate. It is a timely discussion given the many issues that have arisen in the past two weeks in respect of children and their care. I thank the Chairman of the Joint Committee on the Constitutional Amendment on Children, Deputy Mary O'Rourke, and the other committee members for the hard work and expertise they have brought to bear in the past two years in the preparation of this report and the previous two reports. As other speakers said, Deputy O'Rourke has brought great skill and compassion to this task, as is evident in the final report.

I am pleased to have this opportunity to address the initial response of the House to the third and final report. The two interim reports, on soft information and absolute and strict liability, respectively, made recommendations in regard to legislative solutions to those issues. Both the Office of the Minister for Children and the Department of Justice, Equality and Law Reform are in the process of bringing forward legislation in respect of the first two reports. In regard to the third and final report of the committee, this House and the Seanad have indicated that time will be required for a full consideration of the family law issues raised in the proposed amendment, namely, the rights of children; intervention of the State on a proportionate basis where the parents have failed in their responsibility towards children; involuntary and voluntary adoption of children; and children's interests to be paramount not just in judicial proceedings but in "the resolution of all disputes", including determination of the broad issues of "care" and "upbringing".

The committee considered that the current constitutional framework creates, in certain cases, a difference in treatment between children of marital and non-marital families. The committee was also concerned that where parents were found to be experiencing difficulties in regard to the care and upbringing of their children that there should be proportionate intervention by way of assistance and support. The committee is of the view that it is only in cases where there is a genuine threat to a child's safety or welfare that the courts or the State should be entitled to intervene and that such intervention should be proportionate.

The committee considers that there should be specific rights attributed to children in the Constitution, including the right to such protection and care as is necessary for their safety and welfare, the right to an education and the right to have their voice heard in any judicial and administrative proceedings affecting them, having regard to their maturity. With regard to adoption, the committee took the view that the proposals set out in the Bill currently before the Oireachtas are helpful. However, it voiced its concern that children who are currently in long-term foster care may be precluded from adoption by their foster family where it would be in their best interest to be adopted.

The Minister for Health and Children presented a copy of the committee's third report to the Cabinet last week. Ministers were asked to consider the content of the report and to revert with opinions and comments on the various recommendations. The Taoiseach has outlined to the Dáil that the Attorney General will be asked to examine the constitutional ramifications arising from the proposals contained in the report. There have been calls to commit immediately to a timeframe for a referendum. We must bear in mind that the committee took more than two years to get to its current position, after much discussion, debate and consideration of submissions from interested parties. It has taken time to get to where we are and we should

not now rush into a referendum without considering the various issues that have been drawn to our attention. As such, the Government intends to proceed cautiously in considering the full import of the proposal before committing to any timeframe.

Further work is required before this referendum is ready to be presented to the electorate. Elements of the proposal, for example, those related to adoption, require legislation to be drafted prior to the holding of a plebiscite. Other aspects of the proposed wording may or may not require draft legislation, depending on the advice of the Attorney General. It is the Government's intention to ensure that clear and intelligible information is provided to the public in any referendum campaign. All of us in this House have learned from past mistakes in terms of the conduct of certain referendum campaigns. These are complex issues and it is important that the public has as much information as possible. The House might give some time and reflection to considering how the referendum campaign can be promoted and support won for the proposal. We are all aware from experience that certain issues need to be teased out comprehensively if we are to be confident that the electorate will accept a proposal put forward by the Government and the Oireachtas. All of these elements of the staging of a referendum will require time and planning. The Oireachtas carries a significant responsibility in seeking to ensure that children are properly valued and protected in our society.

Deputy Coveney referred to the number of young Chinese girls who have gone missing in the State. The Minister is aware of the situation and has received a report in this regard from the Health Service Executive. The Garda National Immigration Bureau is investigating the case of Ms Li Chen as part of a broader review of the issue. An Adjournment debate on this matter took place last night during which reference was made to the specific issue of Chinese people entering the State. The age of these girls is not certain but will be investigated in the context of the investigation by the Garda National Immigration Bureau. I assure Deputy Coveney that this matter is being actively pursued.

As I said, we have had a constructive and timely debate on this issue. I thank the committee once again for its tremendous work in preparing its third report. There is a requirement for debate in the broader public domain in order to explain the complex issues and to advance this agenda. I am pleased to conclude the debate on behalf of my colleague, the Minister of State, Deputy Barry Andrews.

Ceisteanna — Questions.

Priority Questions.

Agri-Environment Scheme.

1. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the reason he has not included a significant premium payment in the new agri-environment scheme for farmers located in a special area of conservation, a special protection area, a natural heritage area or a commonage area; and if he will make a statement on the matter. [12145/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The rates of payment under the rural environment protection scheme included a premium over and above the basic REPS payment in respect of Natura, natural heritage areas and commonage land. The basic payment reflected the whole-farm approach of the scheme under which the same rate per hectare was paid to each participant regardless of the specific actions he or she had undertaken.

[Deputy Brendan Smith.]

To secure the agreement of the European Commission to the new agri-environment scheme, it was necessary to design the scheme as a menu of specific, closely-targeted actions which would contribute in a measurable and verifiable way towards the target objectives of biodiversity, water quality and climate change as identified in the CAP health check. It was not possible to negotiate a whole-farm approach for the proposed new scheme. There is a requirement under the new scheme to have sustainable management plans drawn up for Natura and commonage land in recognition of the particular environmental conditions of each such area and any restrictions on farming activity. The rate of payment for this measure under the new scheme is, in fact, very similar to the premium over the basic payment that applied to Natura and commonage land in REPS.

The situation in regard to the scheme is that the amendment to the rural development programme 2007–13, which includes the new agri-environment scheme, received a favourable vote at a meeting of the EU Rural Development Management Committee in January. I expect to receive the formal approval of the European Commission very shortly. I am planning to launch the new scheme as soon as the Commission approval has been received. The Minister for Finance has committed to provide funding for the acceptance initially of up to 10,000 participants into the new scheme at a maximum payment of €5,000 per participant. The level of payment available to each farmer who joins the new agri-environment scheme will depend on his or her particular circumstances and the actions he or she can or chooses to undertake. I am satisfied, however, that a payment of up to €5,000 can be achieved by a wide range of participants.

The decision to close REPS was taken in the context of the very difficult situation in the public finances and the rapidly escalating cost of the scheme. I firmly believe that the funding being provided for the new scheme represents a massive commitment by Government in very difficult times to a meaningful new scheme which will benefit farm incomes while delivering worthwhile environmental benefits.

Deputy Michael Creed: I thank the Minister for his reply. What the Minister has outlined confirms farmers' worst fears, namely, that this is, in effect, REPS light or Mickey Mouse REPS. Does the Minister accept that someone farming in one of these restricted areas, whether on commonage, in an SAC or in an NHA, carries additional responsibilities and, therefore, additional costs due to the restrictions on the manner in which the land can be farmed? Given the average farm size in Ireland, in order to attain the maximum payment of €5,000, such a farmer would have to have a holding of 66 hectares to reach the maximum of €5,000, and many farmers cannot attain this under the current scheme. Will the Minister revisit this issue and consider doubling the payment to €150 per hectare, which would raise the threshold to €8,000 per annum?

Is the ceiling of 10,000 participants absolute? If average payments are less than €5,000, which they obviously will be as it is the maximum, the Minister could finance far more than 10,000 applications.

Deputy Brendan Smith: It is not REPS light; it is a new scheme. As Deputy Creed will know from discussions he has had with me and the Oireachtas committee, the European Commission would not allow us to bring in a whole-farm-based scheme. In 2006, the European Court of Auditors was severely critical of agri-environment schemes in general, not just our scheme, and it stated that it was often not possible to measure what participants were doing for the money. The European Commission has been heavily influenced by the court's comments and is now

insisting on schemes like the agri-environment option schemes which we are introducing in the coming weeks.

We sought to introduce a scheme which had a whole-farm approach and a basic payment but that was not agreed to by the European Commission. We then put forward to the Commission a number of measures. While it would not agree to some of them, we still have a menu of measures which farmers can opt to use.

Deputy Creed is incorrect in regard to the hectareage a farmer would need to derive the maximum benefit from the scheme. There are a number of measures for which remuneration is obtained by participating and naming the specific measures the farmer will pursue.

Deputy Michael Creed: Question Time is becoming repetitive in that the Minister repeatedly makes the assertion that he puts a case to the Commission but loses. Farmers need income in their pockets. There is a whole section of our economy that is on its knees, namely, the farming community. Whether it is with regard to sheep tagging or REPS, we hear the same reply all of the time — the Minister put a case, the Commission said “No” and the Minister accepted that as the final word and came home. We need to win some battles in Europe. That is why the Minister is there. Unfortunately, in all of the major tests, he is losing.

With regard to the 17 May deadline, farmers will see their existing REPS payment, whether for REPS 2, REPS 3 or REPS 4, expire after that deadline. Under the scheme as envisaged, they will not be able to get into the new agri-environment scheme until the following year. Will there be a rolling date for applications so persons whose schemes expire will not be locked out for however many months apply for the remainder of 2010 and until May next year?

Deputy Brendan Smith: Deputy Creed is aware the Commission brought in some years ago a calendar date for farmers to participate in REPS. In the past, those participating in REPS 2 and REPS 3, by and large, made their applications in November and December and the anniversary date occurred, by and large, at that time of the year; 17 May has now become the closing date because it coincides with the single farm payment application.

I refute the allegation made by Deputy Creed in regard to our losing battles in Europe. There are many issues we brought to the European Commission. We were the first to outline the need to activate measures in regard to the necessary support for the dairy industry, which was going through a very difficult 2009.

Deputy Michael Creed: It was €500.

Deputy Brendan Smith: The whole-farm approach is not available to any country in regard to these measures.

Deputy Michael Creed: It was available under REPS 4.

Deputy Brendan Smith: REPS 4 was introduced——

Deputy Michael Creed: The Minister closed REPS 4.

Deputy Brendan Smith: I closed REPS 4 but I paid out the largest amount of money ever under that scheme. The reality is that 63,000 people are participating in REPS at the present time.

Deputy Michael Creed: There are not now 63,000 people in REPS.

Deputy Brendan Smith: This time last year, there were 46,000 in it.

Deputy Michael Creed: The Minister should not mislead the House.

An Leas-Cheann Comhairle: Allow the Minister to reply.

Deputy Brendan Smith: The Deputy should let me answer. I have not misled the House at any time. The Deputy is the one who continually misleads the House with his suggestions and inaccuracies.

Deputy Michael Creed: The Minister has——

An Leas-Cheann Comhairle: Deputy Creed should not shout down the Minister. Everyone will get a chance to speak.

Deputy Brendan Smith: The reality is that 17,000 new applications were received before 15 May last year and a further 1,600 before 8 July. All of those are being honoured. The highest level of funding for REPS was provided and paid out in 2009. That will be repeated in 2010.

Deputy Michael Creed: The Minister had a whole-farm scheme and he threw it away.

Alternative Farm Enterprises.

2. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food if he will provide greater financial incentives for the production of miscanthus; and if he recognises the potential of this crop to add value to the local economy. [12071/10]

Minister of State at the Department of Agriculture, Fisheries and Food (Deputy Tony Killeen): In 2007, the Department launched a bioenergy scheme on a pilot basis to encourage farmers to grow willow and miscanthus as a renewable source of energy up to the end of 2009. The legal basis for the scheme was Council Regulation 1782/2003 establishing common rules for direct support schemes under the Common Agriculture Policy. This regulation authorised member states to grant aid the production of miscanthus and willow on areas declared by farmers under the EU energy crops scheme in their single payment scheme application.

In accordance with the regulation, member states were authorised to grant aid 50% of the associated costs of establishment, and this was, therefore, the maximum level of aid permitted to establish willow and miscanthus crops. The Commission made this decision on the basis that both willow and miscanthus crops are classed as agriculture crops, not afforestation, which is longer term and where higher aid rates could be justified.

Under the bioenergy scheme, farmers were paid a once-off capital grant of up to €1,450 per hectare to cover 50% of establishment costs. Eligible costs included ground preparation operations, vegetation management, planting and the purchase of planting stock. Aid was paid in two instalments, namely, a maximum of 75% of the grant — €1,088 — in the first instalment following establishment of the crop, and the remaining 25% — €362 — in the year after establishment, provided the applicant had adequately established and maintained the crop. The pilot scheme generated considerable interest from farmers in growing miscanthus. Overall, 2,100 hectares of miscanthus were grant aided.

Drawing on the experience of the pilot scheme, the Department launched a new bioenergy scheme in February 2010 to grant aid miscanthus and willow planting to the end of 2012. A total of €1 million is available to support the planting of a further 1,000 hectares in 2010. The legal basis for the scheme has changed to Council Regulation (EC) No 1698/2005, on support for rural development by the European Agricultural Fund for Rural Development. Accordingly, the new bioenergy scheme will now be funded under the Department's revised rural

development programme. The new scheme will follow a similar format to the pilot scheme in terms of the application, pre-planting approval and payment process.

Approved costs will be grant aided up to 50%, subject to a maximum grant of €1,300 per hectare for both crops. The Department is precluded from increasing the 50% ceiling to grant aid establishment costs. The maximum payment per hectare has been reduced by €150 per hectare on the pilot scheme, to take account of lower establishment costs in 2010 and to comply with EU requirements that aid is based on the actual costs of establishment. The Department will continue to monitor the level of establishment grant over the lifetime of the scheme.

Additional information not given on the floor of the House.

In addition to establishment grants, areas planted with willow and miscanthus continue to qualify for the single farm payment and for payments under REPS and the disadvantaged areas scheme, subject to some restrictions on the areas planted.

It was evident from the response to the pilot bioenergy scheme that there is considerable interest in growing miscanthus. Ireland's climatic and soil conditions are very suitable for growing miscanthus and the sector has the potential to offer a new rural activity and provide farmers with added income streams. Miscanthus can also deliver positive outcomes in terms of reduced CO₂ emissions and contribute an increased supply of biomass to meet Government targets on bioenergy. My Department will continue to work closely with industry stakeholders to ensure the development of the sector.

Deputy Seán Sherlock: The reason I asked the question is because we have an opportunity in this country to phase out such fuels as coal and they can quite easily be replaced by miscanthus. Farmers tell me that the establishment costs are quite high and that the grant could be improved, if possible, to assist in that regard. Did I hear the Minister of State correctly when he stated that he is precluded by European Union rules from expanding or increasing that level of grant aid? I ask him to expand on that point. Once the crop has been established, is there any scope to improve the increments for weed control, the control of pests and also ploughing and cultivation? If he is unable to increase the grant for the establishment of the crop, perhaps he could consider an increase on the embedded side, if I could use that expression.

Deputy Tony Killeen: Deputy Sherlock is quite correct. The 50% maximum limit for grant aid continues but the level of grant aid is based on the establishment cost which is now estimated, under Teagasc figures, at €1,300 per hectare for the 50%.

The new scheme also has a number of new provisions in that unlike previous situations, it is not administered on a first-come, first-served basis; a number of criteria are attached. Deputy Sherlock is quite correct. In effect, the biggest difficulty facing people planning to grow miscanthus is the cost of the plant for establishment. It is particularly high because the level of take-up is relatively low here and the absolute imperative, in circumstances where we are not in a position to increase the grant above 50%, is to work to reduce the costs involved.

Deputy Seán Sherlock: Will the Minister of State agree there are many companies facilitating farmers in establishing the crop in the first instance and that the expertise exists? Will he acknowledge the potential for this crop and that perhaps the Government is under-valuing the potential of this crop in meeting an alternative energy need? Will he also acknowledge that there may be a reluctance on the part of farmers to switch into this crop because the scheme itself is undersold? The Government needs to do a marketing job to encourage more farmers to diversify into this crop, given the level of expertise, particularly in the east Cork and west Limerick regions where two companies who are market leaders are only itching to get more farmers under their ambit but they need a greater financial incentive.

Deputy Tony Killeen: It is interesting that the development of the crop has tended to be centred around the locations where those companies as described by Deputy Sherlock operate. Naturally, there is some reluctance on the part of farmers who are not familiar with the growth of these crops and there are some concerns in that area, although very good quality research has been carried out in Oakpark since 1993. In some instances, farmers have run into difficulty because these are new crops. Pest control and all kinds of issues arise but support has been made available to them. In general terms, the Government would be very supportive of this scheme and will be taking whatever measures are necessary or available to try to ensure that farmers, for whom it is a viable crop, have the opportunity to begin growing it.

Cattle Identification Scheme.

3. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if he has made submissions to the European Commission opposing the proposed electronic tagging of cows; and if he will make a statement on the matter. [12146/10]

Deputy Tony Killeen: The European Commission has made no proposal on electronic identification of cattle at this stage. My Department is represented on a working group set up by the European Commission to discuss developments on bovine identification. I understand that plans are being formulated for the introduction in 2011 of a regulation for the implementation of an electronic identification system for bovines on a voluntary basis.

In 2009, the European Commission Directorate General for Health and Consumers published a study on the introduction of electronic identification to identify bovine animals within the European Union. The report was prepared by consultants on behalf of the European Commission. A consultant visited Ireland, met officials from my Department and had discussions with the farm organisations as part of the consultation process in drafting the report.

The report established that electronic identification has the potential to reduce reading time, errors and administrative burden. At farm level, the use of electronic identification has definite advantages for management purposes where automated systems are used to record and utilise production records such as milk yield, feed consumption, fertility and weight gain. Benefits of electronic identification accrue for official controls in reduced labour costs, due to automatic reading.

Deputy Michael Creed: I cannot believe what I am hearing.

Deputy Tony Killeen: The benefits of an electronic identification system are significant when additional readings are required associated with the requirements of an eradication programme.

The introduction of an electronic identification system would lead to higher costs for identifiers and reading equipment. The report highlighted that the direct costs and benefits are not balanced all along the production chain. Costs are incurred by the keepers in the holding of birth while most of the benefits of an electronic identification system accrue to the stakeholders in downstream activities such as livestock marts and slaughter plants. Thus, the unbalanced distribution of costs and benefits may be considered as an obstacle to the compulsory introduction of electronic identification technology in the bovine sector.

I assure the Deputy that this Department will continue to be represented at the working group on bovine identification and we will participate fully in discussions on any proposals that may emerge to ensure that account is taken of Ireland's interests.

Deputy Michael Creed: I despair when hearing the Minister of State eulogising the benefits of electronic tagging, given what we have witnessed already in respect of sheep tagging which

is in danger of imploding an existing scheme. The Minister of State referred to the advantages such as increased efficiency. He fails to acknowledge that, in the case of sheep tagging, the Commission said that the error rate was in the region of 15%. This issue needs to be dealt with now and it needs to be taken off the agenda. We have a traceability system for beef and it was shown to work any time it was challenged and we do not need to satisfy some consultants' exercise an electronic identification system for cattle. The case of the sheep sector showed another instance of a Minister who went to Brussels and came home and said he lost. We need to have no truck with this issue of electronic tagging for bovines. The point was made in the context of the electronic tagging of sheep that the equivalent comparative cost for bovines would be in the region of €30 per head. The Minister of State should not participate. I ask him to advise the Commission that we will not co-operate on electronic tagging for bovines.

Deputy Tony Killeen: Deputy Creed is quite incorrect in saying I was eulogising the benefits of the scheme; in fact I gave a balanced account of the costs——

Deputy Michael Creed: He is entertaining it.

Deputy Tony Killeen: ——alongside the benefits and the drawbacks. It is well to bear in mind that whatever proposal may come from the Commission, it will, because of the new arrangements, have to be considered by the Council but also by the Parliament. One of the points emerging is the increasing number of people in this country who are seeking to be approved and some are already approved on a pilot basis for electronic identification of this nature. One of the difficulties with sheep tagging is that individual countries did about it their own way and ultimately there was not a harmonised system. At a minimum, it would be to the benefit of people in Ireland, who already want and have been seeking permission to use the system, to have a harmonised system.

Deputy Michael Creed: I ask the Minister of State to comment on a quotation attributed to a senior official in DG SANCO, which said that the Government did not object — this was carried in the *Irish Farmers' Journal* recently. It seems the Government did not lodge any objection to the electronic sheep tagging system. Is it a *fait accompli* that it is now Government policy to go ahead? Is it now Government policy, in view of the fact that it did not object to electronic tagging for sheep and in view of the Minister's remarks on the benefits of electronic tagging for cattle, to go along headlong in support of an EU proposal on electronic tagging for bovines?

Deputy Tony Killeen: It is not correct to suggest Ireland did not oppose the electronic tagging of sheep. The Minister did it on a number of occasions at Council meetings and I did it on one occasion myself at the Council meeting in Brussels and on another occasion in Luxembourg.

Deputy Michael Creed: Did the Minister do it in this House?

Deputy Tony Killeen: In the case of sheep tagging, a difficulty that has arisen, and that will undoubtedly arise in this instance, is that there are not harmonised processes, there are several systems in operation. A country like Ireland, that is ultimately required to export in excess of 80% of its product, has the potential to lose out badly if the system that is in operation here, albeit voluntarily and for a small number of people, is not harmonised with the system being used in the rest of Europe. That is the minimum we should ensure for those who want to participate.

Deputy Michael Creed: There is no market complaining about our traceability.

Deputy Tony Killeen: The Commission has not introduced any proposal and the report of the consultancy is balanced, setting out the drawbacks and costs alongside the potential benefits. It is clear to me that the Commission will not be bringing forward a proposal for compulsory tagging anyway.

Dairy Industry.

4. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food his views on including the milk rights group on the recently established dairy consultative group; and if he will make a statement on the matter. [12147/10]

Deputy Brendan Smith: In October 2009, I announced the establishment of a dairy consultative group so that I could ascertain the views of major stakeholders in the dairy sector on issues emerging at the EU Commission's high level group on the dairy sector.

The Commission established the high level group following a special meeting of the Council of Ministers on the dairy sector last October. It is chaired by the Commission's Director General of Agriculture, comprises representatives from all member states and is examining ways of stabilising dairy farmers' incomes and improving market transparency in the future. It will deliver a comprehensive report by the end of June this year.

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 six meetings to date out of a total of about ten planned. In addition to exchanges of views between member states, the group has heard presentations from representative organisations for producers, processors, distributors, retailers and consumers, and from non-EU countries. It has also had exchanges with leading academics and with representatives from DG Competition and national competition authorities. The next meeting on 16 March will look at block 3 issues.

The dairy consultative group is representative of the broad dairy sector in Ireland, and the organisations participating provide me with a wide range of views. In particular, the ideas, knowledge and expert opinion of the members will provide key perspectives on how the sector needs to be developed and supported into the future. The group is chaired by the Secretary General of my Department. It is following the progress of the Commission high level group and I welcome its constructive input.

For practical reasons there is a limit to how many organisations can be represented on a group such as this and all of the main farming organisations are included. I am confident therefore that the dairy consultative group as currently constituted provides a suitably broad range of views and will assist me in preparing the Irish dairy sector for its longer term future. I am satisfied that the concerns of all Irish dairy farmers are being considered in this process. However, interested parties are welcome to keep in contact with my Department on milk policy issues as they arise and to make submissions on these matters. Such submissions will be taken into account in this process.

Deputy Michael Creed: There is concern about the serious financial losses being suffered, particularly in 2009, by the dairy sector. The milk rights group is holding meetings all around the country and dairy farmers are flocking to those meetings in large numbers. They are

expressing a level of support for the agenda the milk rights group is advancing. Whether one agrees with the agenda or not, it is an important voice in the context of the CAP post-2013 and the critical months that lie ahead. To use the old maxim, when formulating a policy everyone can subscribe to, it is better to have the group inside the tent, where its ideas can be bounced off others and we can secure the distilled wisdom of all partners. I urge the Minister, even at this late stage, to take on board the criticisms. These people might be considered as mavericks but they represent a large number of disaffected dairy farmers who feel the current regime is not listening to them. The Minister is exposing himself to the marginalisation of a sector that enjoys increasing numbers and momentum and he should give these people a seat at the table so we can secure the distilled wisdom of all partners.

Deputy Brendan Smith: When a working group is being established, there are always more organisations and individual representatives seeking access and participating than it is possible to facilitate otherwise it would become unwieldy. Apart from the working group and the consultative group, the Department meets other groups. More than any other Department, it is open to meeting groups, consultation and policy input. The group mentioned can be facilitated with meetings at official level and its views will be considered, even if it does not participate in the working group's meetings. That group does not work on an ongoing basis. It has a number of meetings that coincide with developments following high level group meetings in Brussels.

Oireachtas Members from all parties come to me seeking the participation of various groups. There are often good reasons for their participation but it is not always possible to facilitate all groups. I can assure Deputy Creed, however, that because an individual or group does not participate in the working group, it does not mean its views will not be taken into consideration in the work of that group. There are disparate opinions in the dairy sector and we are listening to all sides about the particular issues and difficulties that have faced the dairy sector in the last 16 months.

Deputy Michael Creed: The Minister is missing my point about this group. It is gathering momentum and represents a significant and growing number of farmers who feel the current regime does not enable them to make a living in the dairy sector. It is in all of our interests to ensure the maximum possible number of family farm units remain involved in dairying. One more seat at the table is not going to make a difference. If the Minister, however, is not willing to change his mind, and I urge him not to be hasty today, will he meet the group in the coming days and will he organise a meeting between the group and the senior administrators in the dairy consultative group?

Deputy Brendan Smith: This group would have met people at official level, although I am open to correction on that. We may be blamed at times for being too accessible to groups. The other groups represented on the consultative group also have disparate opinions on the dairy sector but the one viewpoint shared by everyone around the table is that the dairy industry has been going through a difficult time. It has improved, although the markets are still fragile, and we want to be sure we have prepared the industry for the abolition of quota that will happen in 2015. There are many issues there and more than anything else, the thing we need for dairy farmers is stability in incomes and adequate anti-volatility measures.

Deputy Michael Creed: Will the Minister meet the group?

Deputy Brendan Smith: I have no problem with meeting groups, I am probably too accessible.

Fishing Industry Development.

5. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food if Bord Iascaigh Mhara returned funding to the Exchequer in 2009; if so, the level of funding that was unspent; the reason for same; and if he will make a statement on the matter. [12148/10]

Deputy Tony Killeen: As Bord Iascaigh Mhara, BIM, is an independent statutory agency, the internal financial management is a matter for the board exclusively and the Minister does not have a role in it.

In 2009 BIM showed a total spend of € 37.240 million, comprised of bi-monthly drawdowns totalling €34.932 million, a figure of €2.683 million brought forward from 2008 less €375,000 carried forward to 2010.

The revised Bord Iascaigh Mhara 2009 budget allocation amounted to a total of €40.8 million, comprising €17.2 million in current allocation and €23.7 million in capital allocation. In 2009 Bord Iascaigh Mhara achieved current savings of €2.4 million and the agency advises me that the savings were achieved through a reduction in the use of consultancies and contractors, legal and professional fees and travel, planning and communication costs. This reduction in spending was in response to the Government's efforts to reduce reliance on consultancies, contractors, external providers and measures to become as self-sufficient as possible using central, shared or managed services and procurements frameworks. BIM also advises that capital savings of €3.5 million resulted mainly from the delay in the adoption of the national seafood operating programme and also through information technology and training expenditure reductions. The level of savings was also achieved by ensuring that the operating surplus carried forward into 2010 was reduced to the lowest possible amount.

4 o'clock
Following a European Court of Justice judgement in December 2007 that Ireland was not in compliance with certain obligations under the EU birds and habitats directives, my Department and its agencies worked with the Department of Environment, Heritage and Local Government to develop a plan to deliver compliance with the directives for wild fisheries and aquaculture over a determined timeframe. This plan was submitted to the Directorate-General for the Environment for consideration and has been subject to detailed discussions. While the Directorate-General had indicated that it was in principle supportive of the plan, it has recently advised that it remains concerned about certain aspects of the planned approach to delivering compliance for aquaculture licensing. I will continue to work with the Department of Environment, Heritage and Local Government to address outstanding concerns.

In that regard, €1 million was secured for the collection of baseline data for assessment purposes in 2009 and a further €750,000 for 2010 in addition to funding provided by the Department of Environment, Heritage and Local Government. Following an EU tender, the Marine Institute appointed personnel to operate the data collection exercise. This process is ongoing and will support compliance of aquaculture and wild fisheries with the terms of the directives.

I met Minister of State at the Department of Communications, Energy and Natural Resources, Deputy Conor Lenihan, on the issue of sea lice on several occasions, most recently last November. I advised him on the significant progress that has been made on managing sea lice levels in salmon farms and the concerns of the fishery boards were also outlined. I am hopeful there is a better understanding of the issues involved from both Department's perspectives and that on this basis we can find a satisfactory resolution to the concerns raised.

The first set of guidelines on corporate governance in State bodies, entitled State Bodies Guidelines, was issued by the Department of Finance in March 1992 and updated in October 2001. To take account of recent developments and consultations the Department of Finance

issued an updated version of the code in 2009. The new code requires all State bodies to operate in an efficient and cost effective manner in order to make the most of constrained resources. With this objective in mind the board of BIM reduced the surplus of € 2.7 million brought forward from 2008 to €300,000 carried forward from 2009 to 2010.

Deputy Tom Sheahan: Is that it? My question was not answered in that load of waffle. The Minister of State has outlined his own competent incompetence. BIM, which is the statutory body to support the fishing industry, returned funds to the Exchequer because an operational programme has not yet been put in place by him even though he has been in his position for nearly two years. He is being talked up for a senior ministerial position but he could not even achieve this programme in a two year period. The money was returned because BIM is precluded from awarding capital investment to small fishing concerns along our coast.

An Leas-Cheann Comhairle: Has the Deputy a question?

Deputy Tom Sheahan: At present, 100 small and medium sized enterprises around the country are looking for funding in order to create jobs but this money cannot be allocated because we do not have an operational programme. This is competent incompetence.

I ask the Minister of State not to pass the buck. When will an operational programme will be implemented for the fishing industry?

Deputy Tony Killeen: My original reply addressed in considerable detail Deputy Sheahan's question in so far as what he was asking was obvious. It went into more detail than was required on the amounts of money involved. It also explained the factual position on the operational programme. Deputy Sheahan may choose not to deal in facts and the evidence suggests that is the case.

Deputy Tom Sheahan: Two years.

An Leas-Cheann Comhairle: Allow the Minister of State to reply.

Deputy Tony Killeen: He should address his question regarding the timescale involved to the European Commission but in my view it will not be in a position to make a judgment. I have explained that the information is being collated over a period of time and that we invested €1 million last year and €700,000 this year in additional funding from the Department of the Environment, Heritage and Local Government to draw this material together. Some would argue this should have been done a long time ago but I have committed to undertake the work. The Deputy should understand that the material to be collated relates in many instances to the migratory patterns of birds, which do not choose to arrive at our convenience.

Deputy Tom Sheahan: They do the same thing every year. When will we have an operational programme for fisheries? Is the Minister of State receiving co-operation from the two Green Party Ministers? The potential for creating jobs in the fishing industries is being choked by the Minister of State because funding is not being made available.

Deputy Tony Killeen: For the sake of completeness, in February 2010 four key schemes to support the efforts of the industry were launched under the EU co-funded operational programme. These schemes, which are administered by BIM and co-funded by the EU, will provide for a total investment of €4.5 million in 2010 to assist the industry under a number of headings. I have already explained that the Department of the Environment, Heritage and Local Government has come in with funding to support the collection and collation of the data. That is an

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indication of support from that quarter. I have held discussions with the Minister of State, Deputy Conor Lenihan, regarding the concerns of the fisheries boards and I believe progress is being made. Ultimately, however, progress will depend on the presentation of this data to the Directorate-General for the Environment and receiving that party's agreement.

Other Questions.

Food Industry.

6. **Deputy Máire Hocht** asked the Minister for Agriculture, Fisheries and Food if he is satisfied with the EU initiatives being undertaken in regard to the food supply chain; and if he will make a statement on the matter. [11863/10]

Deputy Brendan Smith: As I indicated in my reply to the Deputy on 27 January, I am pleased that the Spanish Presidency is committed to progressing the 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.

The Council of Ministers has held an initial exchange of views on a communication from the Commission entitled A Better Functioning Food Supply in Europe. The discussion focused on questions from the Spanish Presidency dealing with 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, the main concern was the need to achieve a greater balance along the chain between producers, processors and retailers. Colleagues proposed greater monitoring of prices and the establishment of codes of good practice. I took the opportunity to inform my ministerial colleagues of the steps being 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 we are operating within the Single Market, measures of this kind need to be taken at Community level to provide an effective and sustainable food supply chain.

Views differ among member states as to the extent to which new EU regulatory frameworks are required. Some consider that contractual relations and other arrangements to regulate the supply chain are a matter for private operators while others favour a regulatory framework or guidelines at EU level. My own view, which I conveyed, is that we need to monitor and audit unfair contractual practices at EU level with a view to ensuring compliance with competition law. There is also a need to look critically at EU competition law in so far as it can militate against consolidation at producer level and make it difficult to achieve the scale necessary for trade competitiveness.

Suggestions were also made to improve the food supply chain by increasing research and development, providing new economic incentives and investment opportunities, reviewing the operation of state aids and strengthening the operation of producer groups. I emphasised the need for careful and sensitive use of market management measures. When applied in a timely and proportionate way, they can and do help to maintain balance in the market and assist in the provision of fair returns to producers. We saw this last year in the milk sector. The new CAP must address the difficulties for the agrifood sector arising from increased market volatility and provide effective mechanisms to manage this.

Additional information not given on the floor of the House.

The Presidency is currently preparing draft conclusions for Council centring on five key ideas. These are improving the structure and consolidation of the agrifood industry in order to help to achieve the scale necessary for greater bargaining power when dealing with large retailers; increasing transparency along the food chain to make it easier to track price levels and developments and to press stakeholders to speed up price transmission and contribute to distribution of added value along the food supply chain; and combating unfair trading practices. The Commission proposes to assess these practices in the Internal Market and propose any necessary Community measures to address such practices.

The Commission proposes to work together with the food supply chain stakeholders to prepare sets of standard contracts. Adoption of codes of good commercial practices is also envisaged.

The Commission proposes to work with the European Competition Network to develop a common approach to competition issues of relevance for the functioning of the food supply chain. The Council is reflecting on the interplay between the existing competition and CAP rules.

In addition, together with the European Parliament, the Council is currently working on a Commission proposal for recasting Directive 2000/35/EC of the European Parliament and of the Council of 29 June 2000 on combating late payment in commercial transactions. In Ireland we have already taken action to ensure earlier payment by the public sector.

The draft conclusions are particularly helpful regarding the need to audit unfair contractual practices and to look again at how EU competition law is interpreted. At present it can discourage consolidation at producer level. The Presidency has tabled the conclusions for Council at its March session.

Deputy Máire Hctor: I refer to the need for a competitive edge as Irish producers and EU members within the food chain. What is the position of the negotiations at the Commission on policy in respect of food labelling especially on the matter of country of origin, but also the place of farming and the origin of the produce? While serving as Minister of State at the Department of Health and Children, I had the opportunity when deputising for the Minister, Deputy Harney, at the December 2008 meeting of the Council of Ministers to raise the issue of the country of origin and food labelling. At the time, the Commission indicated it would take until the end of 2009 before the information would be returned from it. What is the position now? Is the Minister satisfied with progress on this issue? It is in the interest of Irish producers that we maintain a competitive edge as EU members working in a global economy. I would welcome the Minister's response on the matter.

Deputy Brendan Smith: I thank Deputy Hctor for the question on the labelling issue, which she has raised with me on numerous occasions. The Commission has carried out a two-year consultation on Community quality policy to better communicate to consumers higher EU standards in marketing, geographic indicators and organic and quality assurance to give EU farmers a competitive edge. The Council has endorsed a three-way strategy which includes the possibility of origin labelling by way of a compulsory reference to place of farming. The Commission will explore within the common organisation of the market the form that place of farming might take. It could be EU or non-EU based or country or member state of origin based. This is a good basis for progress. Ireland agrees that use should be made of existing

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mechanisms for price reporting and we support the proposed draft conclusion in this regard as well as the Commission price monitoring tool.

Obviously, much work remains to be done. This issue has gained prominence during recent years and there is a greater awareness and consciousness among all member states, or at least among the majority, in respect of the sourcing of food, apart from the origin of food, where it is processed and where the final product comes from. Even now, queries arise in regard to environmentally friendly farming, animal welfare and husbandry and so on. To some extent, the debate has widened. Unfortunately, decisions are not reached as quickly as we would wish at the Council of Ministers.

Deputy Seán Sherlock: I was unsure whether the question related to competition policy or food labelling, but I will address both matters while I have the opportunity.

An Leas-Cheann Comhairle: The Chair will afford great latitude as always.

Deputy Tom Sheahan: We expect nothing less from the Leas-Cheann Comhairle.

Deputy Seán Sherlock: I appreciate that. Will the Minister acknowledge in respect of food labelling that there is no willingness on the part of certain EU countries to proceed with a change to the country of origin labelling regime in operation at present, because it would materially affect their trade and the issue of substantial transformation? If there were a real political initiative at EU level in respect of this issue, the Government and the Green Party would be shouting about it from the rooftops. Let us not be disingenuous about it.

I refer to the Competition Act. I appreciate the Spanish EU Presidency is taking initiatives in respect of this issue but there is already a considerable body of law on the Irish Statute Book. Will the Minister acknowledge that the Competition Act 2002, which incorporates the treaty on the functioning of the EU, prohibits agreements and concerted practices which have as their “object or effect the prevention, restriction or distortion of competition in trade on any goods”? Will the Minister further acknowledge that upon the introduction of the groceries order in December 2005 it was stated that certain unilateral action on the part of non-dominant undertakings in the groceries trade would effectively be legislated for——

An Leas-Cheann Comhairle: The Deputies is aware he cannot quote a question.

Deputy Seán Sherlock: The dearth of legislation is causing the situation we have at the moment.

Deputy Brendan Smith: Deputy Sherlock’s question is very comprehensive. Regardless of which side of the House Members come from we all support country of origin labelling. Some years ago, the Department of Health and Children, the lead Department with regard to labelling since it is the health directorate in Europe that deals with this matter, put proposals directly to the Commission on sheep meat and poultry meat. Unfortunately, those proposals did not progress. There is divided opinion in Europe but it is my judgment that there are more people in Europe now conscious of the need for an adequate and transparent labelling system than there would have been some years ago.

Recently, the Tánaiste dealt with questions in regard to the National Consumer Agency and the Competition Authority and in respect of a voluntary code of practice pending the realisation of a statutory code. This is very important because there is a great disappointment

especially among producers and some processors about the unfair returns along the food chain. The necessary transparency is not there.

I was very pleased that the new agriculture Commissioner recently referred to the fact that he sought adequate returns for the primary producer and processor as well. He stated he would work with the competition Commissioner, Mr. Almunia, in that respect. European Union legislation is absolutely necessary.

Deputy Andrew Doyle: It is welcome that the EU will give the lead on this matter. However, the Tánaiste and the Taoiseach have acknowledged in the Chamber that they understand why people are concerned. People at home are concerned about unfair trading practices and intimidation within food supply, which is threatening indigenous domestic suppliers. Will the Government accept that the British model of a voluntary code of practice has been torn up and scrapped and that there is a need for a statutory code?

Last August, Deputy Creed and I introduced the Food (Fair Trade and Information) Bill which outlaws certain practices. That Bill deals very simply with the matter of unfair trading and intimidation by dominant players. Ultimately, the consumer will lose out if we do not take such measures.

I refer to labelling. It is not simply a matter of country of origin. There is misleading labelling across the range. The consumer who wishes to buy a product is entitled to proper information. There is only one thing worse than no information and that is misleading information, which is all we have at present.

Deputy Brendan Smith: Deputy Doyle makes the valid point that this involves the primary producer, the consumer and the retail sector. It would be beneficial to everyone to have in place these new systems.

Deputy Andrew Doyle: It does not benefit the retailer. He or she does not want it.

Deputy Brendan Smith: Recently, the Tánaiste spoke in this House of the introduction in the near future of a voluntary code to be followed by a statutory code which would follow legislation to merge the Competition Authority and the National Consumer Agency. It is within that particular architecture——

Deputy Andrew Doyle: We have the Bill ready. It is all there, including a proposed office of fair trade.

Deputy Brendan Smith: I appreciate Deputy Doyle's work in this regard but the Department of Enterprise, Trade and Employment has been working very assiduously in respect of this issue. The legislation is complicated but it is a very important issue for every sector of society.

Deputy Andrew Doyle: We can give the Minister the Bill.

Horse Racing Ireland.

7. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food if he will respond to the unanimous decision of the Joint Committee on Agriculture, Fisheries and Food to recommend the re-allocation of the Irish draught horse studbook; and if he will make a statement on the matter. [11933/10]

Deputy Tony Killeen: I am aware of the recommendation of the Joint Committee on Agriculture, Fisheries and Food. Horse Sport Ireland is approved to maintain the Irish horse

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draught studbook since 2008. The Department has received applications to maintain a studbook for the Irish draught horse breed from the Irish Draught Horse Society Limited and also from the Irish Draught Horse Breeders Association.

The Irish draught horse studbook was first established by the Department of Agriculture in 1917 and was maintained by the Department up to the formation of Bord na gCapall in 1970. Bord na gCapall held the studbook from 1970 to 1989. The Department maintained the Irish draught studbook from then until 1993, when the Irish Horse Board was approved under EU legislation to do so. When the Irish Horse Board became part of Horse Sport Ireland in 2008, the Department then approved HSI, Horse Sport Ireland, to maintain the studbook. Horse Sport Ireland comprises of a board of directors, who are representatives of the various affiliated bodies. One of the objectives in establishing Horse Sport Ireland was to bring together the breeding, sport and leisure sides of the industry. In respect of breeding, five members of the Horse Sport Ireland board are nominated from the breeding sub-board. The breeding sub-board is the board of the Irish Horse Board. The board of the Irish Horse Board is composed of 13 members, three of whom are nominated by the Minister and the remaining ten are voted in by the members of the Irish Horse Board, in each of the five electoral regions, for a period of four years.

The breeding sub-board formulates the breeding policy for the Irish draught horse studbook. Any paid up member of the Irish Horse Board is entitled to put himself or herself forward for election in their region. Therefore, breeders of Irish draught horses have the opportunity, through democratic elections, to have an input into the breeding policy for their breed.

In June 2009, HSI established an Irish draught horse breeding policy taskforce. The aim of the taskforce is to examine the breeding policy for the Irish draught horse and to preserve and improve the breed. The taskforce has five members, specifically chosen by HSI for their expertise in Irish draught breeding. Horse Sport Ireland invited submissions from interested parties and I understand that a total of 12 were returned. In November 2009, HSI published a draft policy and the taskforce then invited further submissions on the draft taskforce report and 39 submissions were received on this.

In addition, Horse Sport Ireland has published a strategic plan for the period 2009-12. This strategic plan makes specific reference to developing a sustainable breeding policy for the Irish draught breed in association with Irish draught breeders. Work on this plan is already well underway and I understand that a number of public information meetings on this will take place.

Additional information not given on the floor of the House

In late 2009 and early 2010, the Oireachtas Joint Committee on Agriculture, Fisheries and Food considered the issue of who should maintain the studbook for the Irish draught horse. The committee received presentations from Horse Sport Ireland, HSI, the Irish Draught Horse Society and the Irish Draught Horse Breeders' Association, and from my Department.

In the course of an earlier exchange of correspondence with the Chairman of the Joint Committee on Agriculture, Fisheries and Food, the Minister, Deputy Smith, indicated that the Department would give due consideration to any application it receives from any organisation to maintain a studbook for a particular breed. He has now received a further communication from the joint committee, requesting that he give favourable consideration to their recommendation regarding the allocation of the Irish Draught Horse studbook to the Irish Draught Horse Society.

The function of my Department in studbooks is to approve organisations and associations for the purposes of maintaining studbooks and to ensure that they comply with the legislation. The Department has been involved in the approval of organisations to maintain studbooks since 1992, when the European Commission introduced legislation harmonising the rules in this area.

The approval of organisations to maintain studbooks in Ireland is governed by the provisions of SI 399 of 2004 European Communities (Equine Stud-Book and Competition) Regulations, as amended, which transposes Commission Decision 92/353/EEC which “lays down the criteria for the approval or recognition of organisations or associations which maintain or establish stud-books for registered equidae”.

Prior to 2009, the Department had not received an application or request from an Irish draught horse organisation seeking approval to maintain the studbook. In July 2009, the Irish Draught Horse Society Limited submitted an application to the Department seeking approval to maintain a studbook for the Irish draught breed. The Department has been in correspondence with the society since then and is currently considering a number of submissions from the society on that application. In March 2010, my Department received an application to maintain a studbook for the Irish draught breed from the Irish Draught Horse Breeders' Association.

The Department is now reviewing these applications and a decision on them will issue in due course.

Deputy Michael Creed: No doubt the Minister of State will be aware that the committee met with all of the players in this issue and concluded after listening to all of the exhaustive evidence that the holding of the draught horse studbook is not compatible with Horse Sport Ireland's core objectives.

Effectively, what Horse Sport Ireland is involved in is genetic engineering to produce performance horses for the horse sport industry, which is a legitimate objective. However, it is the unanimous view of the committee that the draught horse studbook should not be held by Horse Sport Ireland but should be held by a breed preservation society. In a nutshell, will the Department reallocate the studbook on that basis, “Yes” or “No”?

Deputy Tony Killeen: As Deputy Creed will be aware, the Department's main responsibility — in fact, real responsibility — in this area on studbooks is to approve organisations and associations for the purposes of maintaining studbooks and to ensure that they comply with the legislation.

Of course, I am aware of the unanimous views expressed by the Oireachtas joint committee. I am also aware, as Deputy Creed correctly points out, of the fact that the committee heard submissions from a number of groups — pretty much from everybody who was interested in making submissions — and that it made a strong recommendation.

My understanding is that the Department has received, subsequent to that, in January last, one application from the group which is favoured by the committee, and more recently, over the past week or so, a second application. It is incumbent on the Minister and the Department, under the terms of the legislation, to consider all applications and having done so, to respond in due course, and that work is underway.

Deputy Seán Sherlock: Has the Minister of State an opinion on the fact that the committee took a unanimous decision across all of the political party boundaries and across the political

[Deputy Seán Sherlock.]

spectrum, and that such decision was based on hearing a corpus of evidence from all sides? I respectfully suggest to the Minister of State that he must take cognisance of the fact that it is a unanimous view, which should be taken seriously by him in determining the final outcome, and that when the committee took the view, it did so on the basis that the aims of the Irish Draught Horse Society were not mutually exclusive from those of HSI and that there would be no threat to HSI by ceding the studbook to the Irish Draught Horse Society.

Deputy Tony Killeen: Like Members from constituencies around the country which have a tradition of horse breeding, I have received representations directly from a number of interested individuals and groups, and the Minister, Deputy Smith, and I greatly appreciate that the committee did one of the things which one likes committees to do, namely, consider the matter in considerable detail and reach a unanimous conclusion, which is somewhat unusual. However, the Department is charged with responsibility under the regulations, SI 399 of 2004, to consider the submissions made to it. My understanding is that the submission made by the committee stands alongside the other submissions and applications. Undoubtedly, it will be taken account of. Given the points which both Deputies made, considerable weight would undoubtedly attach to a unanimous view of a committee in this regard. However, the Department and the Minister are obliged, also under the terms of the statutory instrument, to consider carefully the applications which are *de facto* made by two organisations.

Deputy Seán Sherlock: On a point of order,—

An Leas-Cheann Comhairle: A brief supplementary question, Deputy Sherlock.

Deputy Seán Sherlock: —I respect the views of the Minister of State but the line Minister is sitting right beside him. Is it in order for me to ask whether the senior Minister in the Department would have a view on this or would proffer a view to the House on this?

An Leas-Cheann Comhairle: During Question Time any Minister can reply—

Deputy Seán Sherlock: This is very much a case of “Yes, Minister”.

An Leas-Cheann Comhairle: —and it is presumed—

Deputy Seán Sherlock: I am amazed at how we operate this Parliament, which needs to be seriously modernised and overhauled. It is ludicrous.

An Leas-Cheann Comhairle: Can I explain to the Deputy?

Deputy Seán Sherlock: I just had a surreal moment. I felt I had a bit-part in “Yes, Minister.”

An Leas-Cheann Comhairle: Questions can be answered by any Minister and it is presumed, under the constitutional doctrine of collective responsibility, that whatever voice is heard is the unanimous view of Government.

Deputy Brendan Smith: As Deputy Sherlock will be aware.

Deputy Seán Sherlock: I appreciate the Leas-Cheann Comhairle’s—

An Leas-Cheann Comhairle: Go raibh maith agat, Ceist a 8.

Deputy Seán Sherlock: —weighty advice but we need to speak to a little bit of common sense as well.

Deputy Brendan Smith: As Deputy Sherlock will be aware.

An Leas-Cheann Comhairle: Ceist Uimh. 8 in ainm an Teachta Durkan, le do thoil, a Aire.

Deputy Brendan Smith: As Deputy Sherlock will be aware, the Minister of State, Deputy Killeen, coming from the good County Clare, would be more familiar with horses than I would, or than Deputy McGinley coming from Ulster would. We are a little impoverished in that part of Ulster in that we do not have a large horse population. For example, Deputy Sherlock from north Cork, and Deputy Hctor from north Tipperary as well, would be familiar with the horse industry, more so than Deputy McGinley and myself.

An Leas-Cheann Comhairle: I certainly could not rule out the Leas-Cheann Comhairle's constituency either—

Deputy Brendan Smith: I did not want to draw the Leas-Cheann Comhairle into it.

An Leas-Cheann Comhairle: —but I should not involve myself in the debate.

World Trade Negotiations.

8. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the steps he will take to safeguard Irish and European food producing interests in the context of World Trade Organisation; and if he will make a statement on the matter. [11916/10]

Deputy Brendan Smith: At present, despite high-level political commitments to conclude the WTO negotiations and notwithstanding the advanced stage of the negotiations, the prospects for a deal in 2010 are in doubt. The positions of some other key countries remain unclear and this has made progress difficult. That having been said, it is inevitable that the current WTO negotiating round will conclude at some point in the future and will set the policy environment for the future development of EU and Irish agriculture.

It is essential 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.

My view is that by safeguarding Irish and European agriculture policy in the current negotiations on the future of the CAP and by adhering closely to the original objectives of the Common Agricultural Policy as set out in the Treaty of Rome and reiterated in the Lisbon Treaty, these interests will then be safeguarded and compatible within the context of the World trade negotiations. EU agriculture policy 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 and it must have sufficient resources to meet these goals. 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

[Deputy Brendan Smith.]

with other member states and in the Council of Ministers and I am pleased that there is strong support for my views with my ministerial colleagues.

Deputy Seán Sherlock: Is there a final position on the EU's position in terms of this negotiation or are there continuous bilateral talks on the Irish position at the WTO?

Deputy Brendan Smith: That is particularly relevant in view of the fact that the review of the Common Agricultural Policy is underway at present and there is a change in Commissioners as well. These are particular issues. However, at every opportunity we highlight the fact that we can only support a WTO deal that is ambitious, fair and balanced.

Less than two weeks ago I attended the OECD ministerial meeting on agriculture and food. While we were not discussing trade talks at that meeting, at any time in our various discussions on the future challenges in agriculture and food of climate change and food security when the issue of trade entered into the dialogue, the unanimity and similarity of views dissipated quickly. There are significant divergences. The OECD, as Deputy Sherlock would be aware, consists of approximately 40 countries — some members of the European Union, large member states outside it such the United States, Australia, New Zealand, Canada, Mexico, Chile.

There is a divergence of views. In December last, Mr. Lamy, the Director-General of the WTO, was planning to hold a ministerial conference. That did not happen; there was a technical meeting. My understanding from the WTO, and from our regular questioning of this issue, is that there will be a meeting to assess the situation at the end of this month. By and large, that will be on technical measures, and at official, not ministerial, level.

Inevitably, there will be another world trade agreement. We do not know, however, whether it will be at the conclusion of this Doha round. There are substantially divergent views on the matter. The British Prime Minister, Mr. Brown, and others in the G8-G20 fora were putting out the message that with global economic turbulence, an international trade agreement would be a stimulus to economic development. A fair and balanced deal would help to create economic regeneration which we are all working towards. It cannot, however, be at the expense of the agrifood sector in the European Union.

Farmer Numbers.

9. **Deputy Jack Wall** asked the Minister for Agriculture, Fisheries and Food the action he is taking to promote the merits and advantages of a career in full-time farming; and if he will make a statement on the matter in view of this week's report (details supplied) that farming's share of the total workforce has fallen to 5.03%. [12035/10]

Deputy Brendan Smith: The main focus of the report in question is on the impact of the economic downturn on off-farm employment patterns among farmers. It also reports briefly on employment trends in the agriculture sector between 2004 and 2009 as reported in the quarterly national household survey. Using this source, the report found the number employed in the sector declined in 2004 to 2005, then remained stable until the third quarter of 2007, increased from this point to the end of 2008 and declined again in 2009.

The availability of off-farm employment has been affected by the difficulties in the broader economy. This is leading to difficulties for those farm families who were previously dependent on off-farm employment, particularly in the construction sector, in a similar way to non-farm families also affected by unemployment. The impact of this on participation in farming itself is not clear, as reflected in the fluctuations in the referred figures.

While the merits of any career are to a large extent dependent on personal choice, the advantages of choosing a career in full-time farming are best served by facilitating an environment that makes a career in the sector a viable option.

In this respect, my Department has been active and committed to promoting and supporting the agrifood sector. For example, in 2009 direct payments to farmers totalled over €1.9 billion. This figure does not take account of capital investment and other grant payments which amounted to an additional €420 million. I also successfully sought the deployment of EU market support measures to underpin the weak dairy market last year and stabilise milk prices to farmers.

More generally, my policy of supporting the development of a competitive and sustainable agrifood sector is the best means of ensuring an attractive livelihood for full-time farmers. This policy has been expressed through the outlined farm level supports. It is also expressed through the investment assistance provided for the continued modernisation and development of the food-processing sector and through research and education services which have expended considerably in recent years.

Deputy Seán Sherlock: The decline in farm employment has been stark. The loss of employment in the construction industry, as acknowledged by the Minister, is also having a major bearing on off-farm employment.

A report by David Meredith of Teagasc's rural economy research centre in Kinsealy, County Dublin, highlighted that 70% of farmers recorded lower secondary education as their highest qualification, meaning they are more vulnerable to an economic downturn. If only 6% of farmers have a third level degree, will the Minister agree more has to be done to encourage young farmers to up-skill so if they need an off-farm income they will have good employment choices and still be able to part-time farm? Will he also agree it is important to provide proper resources to the agricultural colleges?

Deputy Brendan Smith: The strong and vibrant economy of several years ago took people off the land and away from farming. All Members will know of young men with good well-established farms who went to work in the construction and other sectors and were not inclined to remain in farming.

Substantial investment has been made in the Teagasc agricultural colleges in Clonakilty, Kildalton and Ballyhaise. Courses are now being delivered in the evenings and an e-learning facility has been developed to suit farmers who may have off-farm employment.

At meetings with the various heads of departments in universities and the agricultural colleges, it has been indicated to me there is much interest in admissions to agricultural courses. Last September, there was a significant increase in attendance levels at agricultural colleges, a welcome development.

Deputy Andrew Doyle: The top ten recipients of the single farm payment are not farmers but plcs. This must be addressed as some people trying to maintain a sustainable living from a farm are suffering at the lower end.

The agriculture committee recently had a presentation from Teagasc. I assure the Leas-Cheann Comhairle I will come to a question.

An Leas-Cheann Comhairle: I hope so.

Deputy Andrew Doyle: The head of Teagasc, Professor Gerry Boyle, said if an agricultural college loses teachers through retirement, ill health or maternity leave, it cannot replace them because of the embargo on public sector recruitment. The colleges have already flagged that they may not be able to offer the full range of courses. Will the Minister address this matter?

Deputy Brendan Smith: I am aware of the resource issues as I meet Professor Gerry Boyle regularly. There are particular pressures on every State organisation in the current financial climate.

We have a good agricultural college infrastructure across the country. For example, a person starting in Ballyhaise can continue with a food degree at Dundalk Institute of Technology. While we want to robustly resource Teagasc, there are pressures on every State organisation.

I am an advocate of having a cut-off point for the single farm payment. However, when the payment was first established many EU member states were against having a cut-off point. I am not an advocate of the payment for those with large resources, tracts of land or herds of cattle.

Deputy Andrew Doyle: As well as processing plants.

Deputy Seán Sherlock: The rate of decline was from 115,000 in 2008 to 98,000 in 2009. Not all of the agricultural colleges will be able to take up that slack to re-educate these farmers. While I appreciate the Minister's response, he will have to widen the scope of the existing education policy.

Deputy Brendan Smith: We must remember it is the agriculture and food sector and not confine it to the primary producer. There is the Tourism College, Killybegs, the College of Catering at Cathal Brugha Street and other institutes that have strong departments in food and agricultural science. All of this is important. We should see education for our sector as agriculture and food, not just the person involved in primary production alone.

Ombudsman Report.

10. **Deputy Dinny McGinley** asked the Minister for Agriculture, Fisheries and Food the contact he has had with the Office of the Ombudsman since her report on lost at sea was laid before the Houses of the Oireachtas; and if he will make a statement on the matter. [11959/10]

Deputy Tony Killeen: The Ombudsman laid her special report before the Houses of the Oireachtas on Monday, 14 December. Since then, the Ombudsman's special report on the lost at sea scheme of 2001 has been the subject of statements in this House and in Seanad Éireann. I have had no contact with the Office of the Ombudsman about this matter since her special report was published. My position in this matter was set out in detail in the statements made to this House and to Seanad Éireann.

Deputy Dinny McGinley: Is the Minister of State aware of the annoyance of the Ombudsman as conveyed by her address to the IPA last Monday?

An Leas-Cheann Comhairle: Deputy McGinley should not bring constitutional officers into the debate. Reference is fine but we should not ascribe views to any constitutional officeholder who is not a Member of the House.

Deputy Dinny McGinley: Does the Minister agree that the manner in which the Government has dealt with this matter goes to the heart of the relevance of the Ombudsman? The way the

Government has treated this report questions the integrity and competence of the Ombudsman. The ombudsman in the UK suggested that if a government treats a report like that it must be because the ombudsman has gone bonkers. With due respect to the Ombudsman, that has certainly not happened. That the report is treated in this way is almost unprecedented. Does the Minister of State agree the way this report was obstructed at every level by the Government is the greatest example of stonewalling since Stonewall Jackson? Are we to take it that the report will be assigned to the dustbin and we will hear no more about it? Will the Minister of State not do the decent thing and implement the recommendations proposed by the Ombudsman in the report for the benefit of the Byrne family, who have suffered so much? I ask the Government to implement the report or at least allow it to go to the committee so that we can examine it line by line and find out if there was a cover-up and whether the Government is trying to cover someone's tracks.

Deputy Seán Sherlock: In support of Deputy McGinley's point, will the Government extend an invitation as per the Labour Party request to facilitate the Ombudsman in one of the committees to allow her to present the findings in her report?

Deputy Dinny McGinley: Deputy Sargent may have something to add.

An Leas-Cheann Comhairle: The Deputy should not invite other Deputies into the debate.

Deputy Tony Killeen: I assure Members there is no question about the competence and integrity of the Ombudsman. I have the height of regard for the office and the incumbent. I have also read the speech to the IPA on Monday, to which Deputy McGinley referred. I disagree with his claim that the report was obstructed. Every item of information sought by the Ombudsman was supplied by the two or three Departments with responsibility at different times.

Deputy Dinny McGinley: The Minister of State does not agree with the findings.

Deputy Tony Killeen: I am obliged to operate within legislation. It was pointed out particularly eloquently in the other House that it is not clear, as the legislation is drafted, what is to happen when a report is referred to the Oireachtas. That is a weakness in the legislation. It is not open to me on behalf of anyone, to extend an invitation to anybody to any committee.

Written Answers follow Adjournment Debate.

Adjournment Debate.

Prompt Payment System.

Deputy Trevor Sargent: Members of the House are aware of the need for farmers and growers to get a fair price for their produce. Hence, we are making progress in government with regard to a code of practice even though we would all like it to be faster. In due course, as the programme for Government stipulates, it will be a statutory code. However we all acknowledge this is no panacea and other routes to market must be developed. Supermarkets are not charities and will not simply forgo profit if they can get away with it, regardless of the long-term consequences of the shortsighted gameplan they have embarked upon. We need to avoid them becoming cartels or the temptation to so become. The second issue concerning farmers relates

[Deputy Trevor Sargent.]

to the cost base of machinery, inputs and wages. The social partners, including IBEC and the IFA, are working on these issues.

I refer to the role of the Government in ensuring the spirit and letter of prompt payment legislation is upheld. This applies to businesses the length and breadth of the country. The Prompt Payment of Accounts Act is limited in its scope but the lack of prompt payment is hurting and killing struggling businesses. I refer in particular to the horticulture sector, which I know relatively well. I know one company that employs 24 or 25 people and needs working capital. The farmer in question approached a customer owing €19,000 and found that the company had closed down and has been set up again as a new company. The sum of €19,000 has not been paid. The farmer went to the bank needing working capital for the coming season and is told that the downturn means the assets of the farm are not worth as much and must face the prospect of putting the family home up as security. This is a difficult request to deal with and the spouse and the farmer must talk that over. If they do not do it, they risk the loss of jobs and the loss of fresh produce we all need for our health and our economic well-being. They must also consider the loss of the family home.

The House and the Government need to face up to the need to prevent the sharp practice of companies that feel they can avoid paying bills by using loopholes to open up as a new company. In government and in the House we need to give farmers and companies generally the leverage through which they can get interest on payments forgone on outstanding bills, as provided for under the Prompt Payment of Accounts Act for certain sectors. We must broaden that application.

Growers and farmers are not like short-term business models. They must think in two-year or 15-month cycles and they need working capital. They are the bedrock of our economic recovery and if they cannot get working capital and if they are not around we will not have an economic recovery. We need to take special note of the business model that requires the lead-in period for working capital to be provided. There has already been a fall-off in numbers of growers and farmers, particularly in the area of horticulture, where we are importing so much into this country. It is in all of our interests to ensure prompt payment of bills is enforced and that legislation is in place so that we can introduce measures to ensure farmers do not go out of business as a result.

Minister of State at the Department of Agriculture, Fisheries and Food (Deputy Tony Killeen): Gabhaim buíochas leis an Teachta Sargent as ucht an t-ábhar tábhachtach seo a chur faoi bhráid na Dála agus deis a thabhairt dom freagra a thabhairt air. Gabhaim buíochas leis freisin as ucht an sár obair a rinne sé nuair a bhí sé sa Roinn thar ceann na daoine seo. I thank Deputy Sargent for raising this important issue on the Adjournment. Businesses, including farmers, are finding it more difficult to access funding, whether in the form of credit from the banking sector or payments from business customers. Payment terms in commercial transactions are determined by the parties concerned and responsibility for the collection of those payments and for general credit control rests with the selling enterprise. The State does not impose specific payment periods for commercial transactions and thus has no role in regard to enforcing payments or in making public examples.

The Deputy will be aware that the issue of late payments in commercial transactions is addressed by the European Communities (Late Payment in Commercial Transactions) Regulations 2002. These regulations relate to commercial transactions in all sectors of the economy, including the agricultural and horticultural sectors. In accordance with these regulations, it is an implied term of every commercial transaction that where a purchaser does not pay for goods

or services by the relevant payment date, the supplier shall be entitled to interest on the amount outstanding. Interest shall apply until such time as payment is made by the purchaser. The current interest rate applicable is 8% per annum or 0.022% per day. This rate is set at 1 January and 1 July each year at a rate of seven percentage points above the European Central Bank interest rate on its most recent main re-financing operation. In the absence of an agreed payment date between the parties, late payment interest generally falls due after 30 days from receipt of an invoice.

The 2002 regulations also provide for compensation for debt recovery costs. Greater use of these provisions would, I believe, assist in achieving a better culture of earlier payments. In addition, under the regulations, the use of terms that are grossly unfair may be unenforceable and such terms may be challenged in court on the basis of criteria specified in the regulations. Organisations representing small and medium-sized enterprises, including those in the farming and horticultural sectors, may challenge any terms that they believe breach the regulations in this regard. It is open to any such organisation to pursue this option. However, I understand that this provision of the regulations has not been availed of to date.

To assist businesses and to set a good example to other purchasers, the Government has introduced formal arrangements to reduce from 30 to 15 calendar days the payment period by central government Departments to their business suppliers. This commitment has effect on all valid invoices received on and from 15 June 2009 and is helping cash flow difficulties for enterprises. As part of the arrangement, central government Departments are obliged to report to the Tánaiste and the Department of Enterprise, Trade and Employment on a quarterly basis outlining their performance in meeting their requirements. Returns have been received for the third and fourth quarters of 2009. These returns were published by the Tánaiste on 30 December 2009 and 5 March 2010 and also advised to this House in a response to a parliamentary question on Tuesday this week. Both sets of returns show that the majority of payments were made within 15 days. Central government Departments are generally paying 97.9% of their invoices by value within 15 days.

Deputy Sargent's also referred to working capital for hard pressed business people. The central objective for Government is the provision of normal credit on fair commercial terms in our economy to all viable business, large, medium and small. It is critical that our banking system is again fully fit for purpose whether in providing working capital, new loans or other credit facilities to businesses. The relationship between banks and businesses needs to be fully restored, built on trust and economic and business realism. There is no doubt but that banks are making significant credit available to businesses, albeit in the context of a decline in demand for credit against a background of slower economic activity. The independent reviews of bank lending carried out by Mazars show clearly the significant lending volumes going to businesses. However, we are all well aware of the demands from businesses for greater access to bank credit, in particular for working capital needs.

The Government has taken a range of actions to sustain the banks to facilitate the flow of credit to the wider economy. The bank guarantee and recapitalisation schemes, the nationalisation of Anglo Irish Bank and the massive effort we have put into the entire NAMA process are all for the single purpose of getting our banking sector supporting the wider economy. The NAMA Act was further strengthened by the Government amendment providing the Minister for Finance with a power to issue guidelines to the participating institutions in the NAMA process on lending practices and procedures to improve the flow of credit to small and medium-sized enterprises and, if necessary, to other sectors, including the agriculture and horticulture sectors.

[Deputy Tony Killeen.]

NAMA is absolutely necessary to clean up the balance sheets of the banks and to create a functioning banking system in Ireland. It will not solve everything nor is it all we need to do. NAMA is making banks come forward and declare the scale of their losses up front and resulting capitalisation plans will have to involve State investment as well. As the Taoiseach has already announced, the Government's plans to restructure the banking sector are imminent and will be announced over the coming weeks. Further recapitalisation of the banks will feature in these plans.

The Minister for Finance will shortly issue guidelines to ensure that businesses will have recourse to an independent external review of decisions of credit refusal by the NAMA participating banks. It is hoped that banks not participating in NAMA or covered by the Government guarantee will also decide to join the system. The aim is to have a simple, effective review process, run by people with experience and credibility. The banks must comply with the recommendations of the review process or explain why they will not do so. In addition to dealing with individual cases, the credit review system will examine the credit policies and practices of the banks in respect of SMEs. This will help to determine what further action might be necessary to secure the flow of credit. The Minister for Finance intends to publish the analysis of the review process so that the performance of the banks participating in NAMA will be clear to all.

Deputy Sargent and Members of the House will be aware that the renewed programme for Government contains a specific commitment to implement a code of practice for doing business in the grocery goods sector to develop a fair trading relationship between retailers and their suppliers and to review progress of the code and, if necessary, to put in place a mandatory code. It is the Tánaiste's intention to give effect to this commitment by including a specific provision in the legislation on the merger of the National Consumer Agency and Competition Authority which will allow for the introduction of statutory codes of practice in areas such as the grocery goods sector. In the interim, the Tánaiste intends in the coming weeks to explore with all the relevant stakeholders the possibilities of agreeing a voluntary code which would respect the interests of all parties. A voluntary code offers stakeholders the opportunity to develop a code which is appropriate to the dynamics of the Irish grocery goods sector and which, in turn, could also form the basis of any subsequent statutory code. The concerns of the horticultural sector can feed into this process.

The Government will continue to take the necessary actions to support businesses and to restore the banking sector so as to position Ireland to be best prepared to benefit from an economic upturn.

EU Funding.

Deputy Andrew Doyle: The background to this matter is a question I raised in regard to the €7 million competitiveness measures in respect of the food development initiative introduced recently by Government, the objective of which is to improve food sector competitiveness in exports markets. The reality is that unless something is done to address the serious devaluation of sterling, this will count for nothing and will be money down the drain. Mr. Aidan Cotter, chief executive of Bord Bia stated in 2009 that the underlying performance of the industry reflected in an estimated volume a decline of almost 3%, which was impressive when set against current challenges. He also stated that sterling remains the single biggest issue for the industry, adding that it was estimated that in 2009 the depreciation of sterling would reduce the value of exports to the UK by €400 million. The actual figure in this regard was €3.1 billion or 44%

of all our exports. This goes beyond food and food exports and is our single biggest exporting indigenous sector, which is hugely dependent on the UK. We cannot devalue or deal with this because we are part of the euro and the restrictions on us in this regard.

I wish to make two suggestions. Will the Minister present a case to the EU for assistance on the grounds that our food sector is at a major competitive disadvantage owing to the devaluation of sterling by our neighbour, the UK? This creates serious trade distortions in respect of cross-Border trade and for our exports. It is a competition issue which should be addressed by the Irish Government and the EU before the food production sector is irreparably damaged and jobs in the sector are lost forever. The second line of support is the availability of a State-backed credit insurance scheme which would assist exporting companies in dealing with increased costs. A similar scheme is already in place in Hungary, France, Belgium, Sweden, Holland, Austria, Germany and Luxembourg. In recognition of the difficulty of exports across the EU, the European Commission has, in response to a parliamentary question by Mairead McGuinness, MEP, simplified the rules and application procedure for countries seeking sanction to put in place a credit insurance scheme.

The €7 million competitiveness measures are supposed to protect jobs and viable companies and businesses across the food exporting sector. Unless we put in place a credit insurance scheme, this will count for nothing. Has the Minister any intention of supporting the food and drinks industry group, IBEC, which has made a strong case for the introduction by Government of a viable export credit insurance scheme? While the Government has introduced all sorts of initiatives, including innovation funds and policies, not one job has been saved or created as a result. This is an indigenous sector. Surely, we can introduce measures already streamlined and approved by the EU to protect an industry worth protecting and which can sustain and create more jobs.

I look forward to hearing the Minister of State's response.

Deputy Tony Killeen: I thank Deputy Doyle for raising this matter. Underlying this matter on the Adjournment is of course the effect of currency volatility, in particular in respect of sterling and Irish food exports. As the Deputy will be aware, national currency adjustments are not possible for Ireland or other members of the euro group. While Ireland successfully pressed for targeted EU market management measures in the milk sector in 2009, EU funding is not available to aid the food sector in a single member state. EU state aid rules preclude export subsidies and currency assistance within the Single Market. This has a greater impact on Ireland than on other euro member states as 44% of Irish exports go to the UK, our nearest market and one with similar consumer and retail demands. In the face of this challenge, the industry has shown great resilience. In volume terms exports in 2009 were at 97% of 2008 levels despite a 13% fall in value.

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This means we have had to look to a variety of other measures as well as the food industry's own resilience and adaptability in order to sustain this export oriented sector. During 2009, Bord Bia implemented a comprehensive set of promotional programmes and services, which were adopted in consultation with industry bearing in mind the impact of the sterling differential on competitiveness. This included a marketing fellowship programme to support companies seeking market opportunities and assistance in developing and bringing new products to market. A second Bord Bia-Smurfit-UCD marketing fellowship programme will be launched this month. Marketplace Ireland 2010, hosted by Bord Bia in Croke Park, enabled 150 food and drink companies to conduct more than 3,800 meetings with 400 buyers, including 300 from 27 international markets. The feedback from companies is that most expect to do new business.

[Deputy Tony Killeen.]

The feedback from buyers is very positive particularly as regards the innovation and breadth of the Irish food sector offering.

Food companies have also benefited from very specific schemes of assistance to industry. Some 21 internationally trading food companies, which were undertaking development expenditure to reduce costs and gain sales in overseas markets, have been approved €14.8 million under the enterprise stabilisation fund operated by Enterprise Ireland. Amounts totalling €13 million have also been approved to 69 food companies under the employment subsidy scheme.

The roll-out of a €100 million fund to support the food industry will commence this year with €9.5 million provided in the Department's revised Estimates for competitiveness and marketing initiatives. Enterprise Ireland will apply €7 million from the fund on measures to enable key exporting companies to adopt sustainable best-in-class lean business practices and to assist them in developing leadership and management capability to best international standards, as recommended in the report of the food expert skills group. Innovation measures will also be promoted. In addition, €2.5 million is being provided to Bord Bia for a variety of marketing initiatives building on marketplace and aimed principally at assisting the industry broaden its export reach.

In terms of the whole food supply chain, Bord Bia is in the process of extending its quality assurance programme to incorporate new environmental criteria that will position Irish food exporters as market leaders and provide a new platform for promotion in the context of the increasingly important sustainability agenda.

The Agri-Vision 2015 report and the Cawley report identified the delivery of safe, high quality, nutritious food, produced in a sustainable manner for high value markets as the optimum road for the future of the Irish food industry. The recommendations spanned the entire food chain from primary production through processing to market access, which is key to developing export potential. Implementation of the action plan is on target.

A focused strategy to chart the direction of agrifood, forestry and fisheries for the next decade to 2020 will be completed by June 2010. A high-level committee from the full food chain — consumers, retailers, consumer food producers, primary processors and farmers — has been appointed by the Minister for Agriculture, Fisheries and Food to undertake this task. A web-based public consultation process has also been initiated, and the output of the Food and Drink Summit — Building Ireland's Largest Indigenous Industry in April, which is being facilitated by the Harvard Business School and hosted by Bord Bia, will also feed into the 2020 strategy.

Roads Network.

Deputy Leo Varadkar: While the Minister of State might not be familiar with this issue, it is a very important issue. Fingal County Council and all of us in the area are seeking approval from the Departments of Transport and Finance to allow the council to borrow in order to complete the project to build the N2 to N3 link road. The area, which is heavily congested with traffic, is very important to Ireland's economy as a whole because it is home to IBM Ireland, Bristol Myers Squibb, PayPal and various other companies.

The M3 from Kells to Clonee and the M50 project are now nearing completion. When that happens people will be able to drive from Kells on the M3 along the M50 and go as far as Wexford or from Belfast on the M1, along the M50 and all the way to Navan, and only meet traffic lights at one point. That one point is this area of road that is not being upgraded between

the M50 and Clonee, on the N3 where it goes through Blanchardstown. We will essentially have an entirely new toll bridge. All the traffic from Kells to Belfast and from Wexford to Navan will be stopped at these two sets of traffic lights. It is similar to the situation that existed at the toll bridge and at the Red Cow interchange, which were not sorted out for a long time. We are now recreating that problem all over again. As is often the case we put in new road infrastructure which is necessary but do not figure out what will be the impact at the bit of the road down the line or up the line. Again this is happening and I want the Government to be aware of it so that it can be held responsible for it if it fails to act in coming months.

In the medium term we need the upgrading of that section of the N3, which will be the only bit that will not be motorway between Kells and Wexford or between Belfast and Navan. The council needs to be given approval to build the N2 to N3 link road, which will take pressure off that section of the road in the short term. It is an economically viable project which will pay for itself from development levies. It is also an economically important project because of the area it serves, which is the enormous industrial area north of Blanchardstown that accommodates so many major businesses, including IBM, Bristol Myers Squibb, Abbott, Alcatel-Lucent and PayPal. I want to notify the Government that this issue is going to occur so that it is aware of it and can be held responsible if it does not act, but more importantly so that it can now make plans first by providing funding for the link road and then by agreeing to upgrade that section of the N3 without too much delay.

Deputy Tony Killeen: I thank the Deputy for affording me the opportunity to address this issue in the House on behalf of the Minister for Transport. The improvement and maintenance of regional and local roads is the statutory responsibility of each local authority, in accordance with the provisions of section 13 of the Roads Act 1993. Works on those roads are funded from local authorities' own resources supplemented by State road grants paid by the Department of Transport. The initial selection and prioritisation of works to be funded is also a matter for the local authority.

The Minister for Transport recently announced the 2010 regional and local road grant allocations. A total of €411.4 million is being provided to local authorities this year for the maintenance and improvement of regional and local roads. In deciding on allocations for 2010 the first priority was to ensure the protection of the existing road network and particularly the major Exchequer investment of €6 billion which has been made through the provision of regional and local road grants since 1997. It is important that resources are therefore targeted to address, on a priority basis, the most urgently required repairs resulting from the extensive damage caused by the recent severe weather. Local authorities should carefully reassess their planned road programmes for 2010 having regard to these priorities.

It is understood that Fingal County Council recently applied to the Department of Transport for sanction for loan approval of €20 million for this project. This application is being considered in conjunction with the Department of the Environment, Heritage and Local Government. The Department of Transport has requested the Department of the Environment, Heritage and Local Government to indicate the overall borrowing limits in place for local authorities for 2010 and the proportion that will be available to cover roads-related borrowing by local authorities in 2010. Once this information is available, the Department will review all the loan applications which it has on hand, including the application from Fingal County Council.

Deputy Leo Varadkar: We are nearly half way through 2010. It is March.

Field Sport Regulation.

Deputy James Bannon: I thank the Ceann Comhairle for affording me time to discuss this important matter, namely the need for the Minister for the Environment, Heritage and Local Government to reconsider the regulation of field sports including stag hunting. I am shocked to see on his website the no-holes-barred assertion that the Green Party intends to attack coursing and fox hunting and secure a legislative ban on all blood sports. Has he considered whether he can afford such misguided aspirations in the current economic climate? Can he survive the anger of those involved in the sector?

As in most things, we know there is no consensus with his party's partner in government, Fianna Fáil. Despite the additions to the forthcoming Animal Health and Welfare Bill, which include a commitment to ban stag hunting, Fianna Fáil Deputy Batt O'Keeffe said recently in an article in *The Avondu* that there was no Government proposal or Bill to ban stag hunting.

I would be obliged if the Minister of State could clarify the Government's position on this very important issue for rural communities. I would be delighted if he could tell me that I have been misled and that there is no threat to field sports, including stag hunting.

Research indicates that hunting had an economic value of €111.6 million in 2007, broken down as follows: game shooting, €41.7 million; hunting with hounds, €34.2 million; coursing, €26.2 million; deer shooting, €8.9 million; and falconry, €0.6 million. I cannot emphasise strongly enough the devastation to the sporting, economic, leisure and tourism activities of any ban on field sports, hare coursing and stag hunting. Any such move would be detrimental to the country as a whole and the countryside in particular.

I can assure the Minister of State that any attempt to ban hunting, which is a strong tradition in rural Ireland going back centuries and many generations, would be a threat to the rural way of life and would be strongly resisted by rural people, and indeed people living in towns who participate in the sport. The voices of the 300,000 field sports members would be loud in opposition.

Deer and fox hunting have a long history in this country since the 19th century and earlier. The Ward Union Hunt, the only licensed stag hunt in the country, covers areas of north County Dublin, together with south and east Meath. The Ward Union Hunt maintains its own herd of 150 red deer. They hunt stags, which are not generally killed but are recaptured and returned to the herd. The stag is checked before and after the hunt and stress levels recorded. Each stag is hunted only once a year and is checked by Department of the Environment, Heritage and Local Government wildlife officers and veterinarians. The Ward Union Hunt has 200 members and contributes €1.4 million to the economy annually.

With 27,000 members of the National Association of Regional Game Councils in 926 clubs, the Minister can assess the impact of any attempt to curtail or prohibit field sports of this nature. In my constituency of Longford-Westmeath there are 2,000 members of the National Association of Regional Game Councils, with 800 affiliated to the Longford Shooting and Conservation Council, LSCC, and 1,200 affiliated to the Westmeath Regional Game Council.

Hunting creates a sense of community in rural areas. It joins farmers and sports people in the unity of a common recreational purpose and tradition.

The Fine Gael Party will strongly oppose any change to the existing licensing arrangements for stag and fox hunting. Any new regulations made by the Minister, or his Government, will be reversed.

Under the renewed programme for Government, which was published last October, the Government included a ban on stag and fox hunting in the forthcoming Animal Health and Welfare Bill. While the initial target is stag hunting, groups such as anglers see the ban as a prelude to a wider and more aggressive so-called green agenda in the future. This could be the end of country-side recreation as we know it and another blow to our already hard-hit tourism industry.

Acting Chairman (Deputy Jack Wall): The Deputy must conclude.

Deputy James Bannon: This is the second attack the Minister has made on field sports. The first one to restrict hare coursing was unsuccessful. The restrictions put in place on the carted stag hunt rendered hunting impossible.

It is ironic that a Minister with an avowed objective to ban hunting is in charge of the regulation of hunting. It is doubly ironic that such a Minister is a city dweller, with little feel for rural life.

Acting Chairman: The Deputy must conclude.

Deputy James Bannon: I ask the Minister of State to reconsider the adverse implications of this ill-considered threat to field sports, hare coursing and the Ward Union carted stag hunt. I do not know what he hopes to gain from the interference in a well-regulated sporting activity. However, I am aware of the great losses that would be incurred by sporting organisations, tourists and our economy.

The Minister of State's Government has presided over the rape of the countryside. It has destroyed the farming sector and left rural areas without viable infrastructure, transport, health and educational facilities through lack of funding.

Acting Chairman: The Deputy is a minute and a half over his time.

Deputy James Bannon: It will not get away with destroying our traditions as well.

Deputy Tony Killeen: The renewed programme for Government includes a commitment to ban the practice of stag hunting. I should explain that under existing wildlife legislation the Minister for the Environment, Heritage and Local Government can issue a licence for the hunting of deer by a pack of hounds. As the Deputy is no doubt aware, there is now only one hunt club in the State which continues to hunt deer using a pack of hounds and horses. The Minister issued a licence to this hunt club to hunt deer with a pack of hounds for the 2009-2010 season which will end on 31 March of this year.

The Government considers that this hunting practice should cease for animal welfare and public safety reasons. A large proportion of the Irish public consider such activity is no longer acceptable. The Deputy may recall an incident some years ago when a deer pursued by a pack of hounds entered a school yard during the school day. Since then, there have been other public safety incidents involving deer in flight leaping through hedges onto public roads during the hunt. On one occasion recently, towards the end of 2009, a stag had to be euthanised following a collision with a vehicle on a public road. Incidents like these are clearly a potential danger to the general public.

Last year, the Government approved the drafting of legislation to prohibit the hunting of deer by a pack of hounds. I want to make it clear that this legislation will not have any implications for other country pursuits such as fox-hunting, hare coursing or deer stalking. Hunting

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with harriers and beagles will still be permitted and therefore foxhound, harrier and beagle hunting associations in the State can continue to operate as before as this legislation will not impact on them.

The legislation will increase the maximum fines that could be imposed on a person following a conviction for an offence under the Wildlife Act. The penalties were last increased in 2000. For example, the current maximum fine of €500 will be increased to €1,000 while the €50,000 will increase to €100,000. It is the Minister's intention to publish the legislation very soon.

The Dáil adjourned at 5.20 p.m. until 2.30 p.m. on Tuesday, 23 March 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 10, inclusive, answered orally.

Beef Quality Assurance Scheme.

11. **Deputy Jimmy Deenihan** asked the Minister for Agriculture, Fisheries and Food if he is monitoring the operation of the quality payments system in meat factories; if an evaluation has been undertaken of the grid; and if he will make a statement on the matter. [11972/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): 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, which was introduced by the meat industry in 2004, facilitated the use of sub-classes within each main class for both conformation and fat cover in 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. Indeed, 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 in December following intensive negotiations between Meat Industry Ireland (MII) and the IFA. The payment system, which is cost neutral, makes use of sub-classes to determine the price paid. While the price paid for cattle is a commercial matter for the meat industry and the farmers who supply cattle, it is recognised, however, that, for trading purposes, there are variations in the specification required in different markets. The introduction of price differentials, to reward farmers for quality production, sends a strong signal to the supply chain on the need to produce to high standards in line with market demand. It should also contribute to realising an overall improvement in the quality of carcasses produced, to providing more animals for the high-priced EU markets and to underpinning Bord Bia's marketing and promotional strategies.

Officials of my Department conduct regular unannounced inspections of meat plants to monitor the accuracy and performance of the grading machines. A total of 472 control visits in meat plants were conducted during 2009, with 45,266 carcasses checked during these visits. All data concerning machine checks are stored electronically, which facilitates accurate and

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comprehensive monitoring of the machine performance. Officials also conduct regular unannounced inspections of meat plants to ensure that the prices paid for cattle are reported accurately in accordance with EU Regulations to my Department.

Afforestation Programme.

12. **Deputy Frank Feighan** asked the Minister for Agriculture, Fisheries and Food the steps he will take to meet the target of planting 10,000 hectares of forestry per year; when he now expects to reach this target; and if he will make a statement on the matter. [11988/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): 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 undertakes promotional activities to encourage farmer participation in forestry. Funding is also provided to Teagasc who play an important role in the development of forestry in Ireland through promotion, training and advice. Forestry Advisers at Teagasc offices run a number of training courses, information evenings and field days and provide free and independent advice on all aspects of forestry to farmers.

The Renewed Programme for Government, agreed in October 2009, commits the Government to increasing the level of planting to 10,000 hectares per annum. A positive step in this direction is the allocation for forestry in the 2010 Budget of over €119 million that will facilitate a higher level of planting, in the region of 7,000 hectares, this year. Increasing the level of funding available for forestry at this time is clear evidence of the Government's continued commitment to forestry. The Government further committed in its Programme to review State forest policy. To organise the work of the review I have formed three separate groups, firstly an overarching group with wide representation dealing with national forestry policy, secondly an interdepartmental group dealing with the funding of forestry schemes and finally an interdepartmental group with Coillte representation dealing exclusively with the role, functions and operations of Coillte.

This review process is now underway with a request for submissions from interested parties published in the national press this week. It is proposed to complete the reviews later this year and their conclusions will contribute to the achievement of the objectives set out in the Programme for Government. I believe that the combination of the very attractive financial package available and the significant supporting promotional efforts being undertaken will assist in furthering our afforestation programme and thereby enabling us to meet our planting target.

Official Engagements.

13. **Deputy Olwyn Enright** asked the Minister for Agriculture, Fisheries and Food the meetings and discussions he has had with his counterpart in the Northern Ireland Assembly in 2009; the main items discussed and the response he has given to these communications; and if he will make a statement on the matter. [11986/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I have regular contact with my colleague, the Minister for Agriculture and Rural Development in Northern Ireland, Michelle Gildernew. In 2009, I met with Minister Gildernew at the North South Ministerial Council Agriculture sectoral meetings on the 20th March, 21st July and 18th November. I also met with her in a bi-lateral meeting on the 21st January 2009 and have often met the Minister

for discussions at many European Council of Agriculture and Fisheries Ministers meetings. We have wide ranging discussions on matters of mutual interest affecting the development of the agriculture and food sector in both jurisdictions. In the North / South Ministerial meetings the issues discussed included co-operation on animal health and welfare, plant health and pesticides, issues relating to the Common Agriculture Policy and W.T.O. as well as the dioxin contamination incident.

A particular focus of attention is the development of the all island Animal Health Strategy and this, as well as the Animal Health and Welfare Bill, was discussed at a bilateral meeting which took place in Dublin on Thursday last, March 4th and in this regard a conference involving key stakeholders from both jurisdictions is scheduled for 12th April 2010 to discuss delivery of the strategy. A further North/South Ministerial meeting is also scheduled for 31st March.

Grant Payments.

14. **Deputy Jim O’Keeffe** asked the Minister for Agriculture, Fisheries and Food the reason there is continuing delay in the making of REP scheme payments; when all outstanding payments will be made; and if he will make a statement on the matter. [11804/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): To meet the requirements of EU regulations, applications for REPS payments have to go through an exhaustive series of administrative checks before payment can be released. In a significant number of cases, these checks raised issues and queries which required further detailed examination. My officials are working to resolve these as quickly as possible. Many of these cases will, however, require the applicants’ planners to amend the farm plans that were submitted originally. The persons concerned have been made aware of the position and the applications will be further processed without delay on receipt of amended plans. In a small number of local offices, the processing of payments has been delayed by staffing issues arising from the moratorium on recruitment and promotions in the public service and I am attempting to resolve these difficulties. My objective remains to ensure that all outstanding claims are processed to payment stage as quickly as possible.

Restructuring of Sugar Industry.

15. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food in view of the overhaul of the EU sugar regime, the amount of money which was sanctioned by the European Union to upskill and retrain workers in the Mallow and Carlow areas; the funding that was made available; if that fund was drawn down from the EU; the way in which that fund has been spent; and if he will make a statement on the matter. [12039/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The temporary scheme for the restructuring of the sugar industry, introduced as part of the reform of the EU sugar regime in 2006, provided for payment of EU restructuring aid to three groups of stakeholders: sugar processors, beet growers and specialized beet machinery contractors. The overall amount of aid available was calculated at the rate of €730 per tonne of sugar quota renounced, which in Ireland’s case was approximately 200,000 tonnes. To draw down the aid, the sugar processor was required to prepare and implement a restructuring plan, which had to include an environmental plan covering factory demolition and site remediation and a social plan detailing ‘the actions planned with respect to re-training, redeployment and early retirement’ of the factory workers concerned. The EU regulations did not specify how the aid was to be allocated amongst the various costs in the restructuring plan.

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The restructuring plan submitted by Greencore duly incorporated a social plan in respect of the former Mallow factory workers. The plan did not apply to the former employees of the Carlow factory, which had already closed prior to the reform of the EU sugar regime. In addition to early retirement and redundancy packages, the social plan included support services for the departing Mallow workers such as career counselling, financial advice including pension advice, pre-retirement programmes for those aged over 50 years, job-seeking support and ‘Start your own business’ programmes. In accordance with the EU regulations, the restructuring aid for the Irish beneficiaries was drawn down in full and paid in two instalments in 2007 and 2008.

Food Industry.

16. **Deputy Damien English** asked the Minister for Agriculture, Fisheries and Food if he has studied the Equity for Farmers in the Food Supply Chain report by the IFA; the steps he will take to address the issues raised in this document; and if he will make a statement on the matter. [11985/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The report refers to the need for equity for farmers in the food supply chain and as I have pointed out repeatedly, I believe that there is a need for considerable improvement so that all players, including producers and consumers, receive fair treatment. The 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 consistently 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. I am very pleased that the Spanish Presidency had committed itself to progressing the whole issue of improving the functioning of the food chain, and the Tánaiste has also signalled her intention to introduce a national Code of Practice, initially on a voluntary basis, for doing business in the Grocery Goods sector with a view to ensuring a fair trading relationship between retailers and their suppliers.

Farm Waste Management.

17. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food the numbers of farmers paid under the farm waste management scheme; the number yet to be paid; the number of penalties imposed; and the level of penalty imposed. [12038/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Total expenditure under the Farm Waste Management Scheme, to date since January 2007, has been €1.015 billion. 12,847 payments totalling €413.7 million were made under the Farm Waste Management Scheme in 2008 compared to 4,748 payments totalling €113.9 million in 2007. In 2009, the Government agreed to make the remaining payments under the Scheme on a phased basis and 17,361 farmers received their first instalment of grant-aid under the Farm Waste Management Scheme in 2009 whilst 3,683 farmers received their second instalment of grant-aid under the Scheme in the same year, which brought total expenditure under the Scheme in 2009 to €292.76 million. Expenditure under the Scheme, to date in 2010, has been €194.3 million comprised mainly of further payments of the second instalment due to farmers under the Scheme. The final instalment of grant-aid will be paid to farmers in 2011.

In a small number of cases (estimated at substantially less than 1 per cent), no grant payment has yet been approved for applicants under the Scheme (i) as applicants have 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. Between January–November 2009, 81 penalties totalling €46,683 were applied in accordance with the terms and conditions of the Scheme. More up-to-date figures are not available at present due to industrial action by staff in my Department.

Alternative Farm Enterprises.

18. **Deputy David Stanton** asked the Minister for Agriculture, Fisheries and Food the incentives provided by his Department to grow miscanthus grass as an energy crop; and if he will make a statement on the matter. [10156/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The cultivation of miscanthus is a relatively new activity on Irish farms. Interest can be attributed to the decoupling of farm subsidies and Government targets and policies in the bioenergy sector. The Department has been grant-aiding farmers to plant miscanthus and willow since 2007 under the pilot Bioenergy Scheme. The key objectives of the Scheme were:

- To increase the production of miscanthus and willow in Ireland by grant aiding establishment costs.
- To contribute to GHG emissions reduction and carbon sequestration in the Agriculture sector by encouraging farmers to grow carbon neutral fuels.
- To increase the supply of biomass feedstock in line with Government targets.
- To complement other Government measures in the area of renewable energy.
- To provide alternative land use opportunities for farm diversification and rural employment.

The Scheme provided farmers with a 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. The Scheme supported the planting of 2,100 hectares of miscanthus to the end of 2009. The average payment made to miscanthus growers was €9,800. In addition to establishment grants, areas planted with miscanthus qualify for the Single Farm Payment and for payments under REPS and the Disadvantaged Areas Scheme, subject to some restrictions on the areas planted.

The Department reviewed the operation of the pilot Bioenergy Scheme in 2009 to assess the need for a new Scheme from 2010 onwards. A new Bioenergy Scheme was announced in February 2010 to consolidate progress made during the pilot phase. The new Scheme will support miscanthus and willow cultivation to the end of 2012. €1 million is being made available to support the planting of a further 1,000 hectares in 2010. Farmers can avail of establishment grants worth €1,300 per hectare to cover 50% of the costs of establishment. The maximum payment per hectare has been reduced by €150 per hectare on the pilot Scheme to take account of lower establishment costs in 2010 and to comply with EU requirements that aid is based on the actual costs of establishment.

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My Department and Teagasc continue to work with stakeholders to maximize the potential to grow miscanthus in Ireland. In 2008, Teagasc published a ‘Farm Diversification Manual’ providing detailed technical advice to farmers on growing miscanthus and willow in Ireland. Together with Teagasc and Sustainable Energy Ireland, my Department co-funded an educational DVD ‘Willow and Miscanthus — from Field to Furnace’. My Department has also made available ‘Best Practice Guidelines’ for growing miscanthus and willow under the Bioenergy Scheme. The guide provides advice to growers on planting and harvesting operations to maximise crop yield and improve the economic viability of the crop.

The Bioenergy Scheme has ignited considerable interest among farmers in growing miscanthus and willow. It has helped bring some scale to the sector and raised awareness of the potential to grow these crops under Irish conditions. Working in consultation with industry stakeholders and other government agencies, my Department will play its role in assisting the development of the sector.

Disadvantaged Areas Scheme.

19. **Deputy Deirdre Clune** asked the Minister for Agriculture, Fisheries and Food the position regarding ongoing European Commission discussions in relation to the review of eligibility criteria for inclusion in the disadvantaged areas scheme; and if he will make a statement on the matter. [11952/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Court of Auditors has criticised the procedures for the designation of intermediate Disadvantaged Areas in the European Union. These criticisms are based on the number and variety of criteria used to designate such areas — Member States have used more than one hundred criteria — and the lack of transparency. The Commission has made a number of attempts to address these criticisms:

During 2004/2005, the Commission proposed these areas be designated using criteria based on area classification, reflecting poor soil qualities and climate conditions (e.g. average cereal yields, stocking density, percentage of permanent grassland, etc.) but this approach was rejected by the Council of Ministers.

In 2007, the Commission commenced working with its Joint Research Centre (JRC) to establish a common soil and climate criteria that would support the delineation of Disadvantaged Areas. The intention was that a Commission proposal would be submitted to the Council in early 2009 for adoption by the Council of Ministers by the end of 2009. However, this was also abandoned by the Commission, in favour of the current approach, using biophysical criteria such as soil and climatic criteria to designate areas of natural handicap.

Currently there are three categories of Disadvantaged Areas in the EU viz:

- Mountain Areas — none in Ireland but covers 16% of land area across the EU;
- Intermediate Less Favoured Areas — over 99% of Ireland’s Least Favoured Areas (LFAs);
- Areas of Specific Handicap — 0.4% of Ireland’s LFAs (Coastal Regions).

The areas, which are subject to the current review, consist of almost all of the Disadvantaged Area in Ireland.

The Disadvantaged Areas, which, according to the Commission's suggestion, are to be re-titled as Areas of Natural Handicap, would be delineated by Member States using soil and climatic criteria, based on the following:

- Climate, including Low Temperature and Heat Stress;
- Soil, including Drainage, Texture and Stoniness, Rooting Depth and Chemical Properties;
- Soil and Climate, including Soil Moisture Balance and Soil Moisture Deficit;
- Terrain, including Slope.

The discussions on this matter are still at the preliminary stage. The Commission have asked each Member States to use the suggested biophysical criteria that is relevant to farming in its territory to delineate, on a preliminary basis, the areas identified as Areas Of Natural Handicap. The Commission's intention is to submit a proposal to the Council some time in the second half of 2011 with a view to adopting it in advance of 2014 when it will come into force. Council Conclusions were unanimously agreed at Council in June, which essentially summarise the work carried out to date on the revision of intermediate LFAs and the objectives, basis and methodology for future work.

This is a very important issue for Ireland as the total area designated as disadvantaged is almost 75% of Ireland's total land area. From an economic perspective, the Disadvantaged Areas Scheme is particularly significant, contributing to the support of in excess of 100,000 Irish farm families, whose ability to farm is restricted by the physical environment, in particular, the impact of the prevailing wet cold climatic conditions in Ireland.

Sheep Production.

20. **Deputy Bobby Aylward** asked the Minister for Agriculture, Fisheries and Food the funding that is allocated to the new grassland sheep scheme; and if he will make a statement on the matter. [11847/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): While the major farming enterprises in Ireland — dairying, beef, and cereals have been under pressure over the last two years, the sheep sector has been in decline over a longer period than those other sectors. With the introduction of the Single Farm Payment and full decoupling, the sheep sector has seen a significant decline in recent years by way of reduced sheep numbers and flocks. Consequently, there have been reductions in slaughterings and exports. In view of the continuing decline, it was decided that some form of income support measures should be introduced to assist sheep farmers and underpin an important economic activity.

Mindful of the particular difficulties being experienced by the Irish sheep sector, late last year I decided 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, the only funds to which I had access 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 in December 2009 and, to date, payments worth almost €4.8 million have issued to 13,500 farmers.

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Secondly, I decided to use €18 million of the €25 million in additional unused SPS funding, for each of the years 2010, 2011 and 2012, to which Ireland gained access following the agreement reached under the CAP Health Check, on a Grassland Scheme to support incomes in the sheep sector. The finer details of this €54 million scheme are currently being finalised and I expect shortly to be in a position to make an announcement in this regard.

Food Industry.

21. **Deputy Máire Hctor** asked the Minister for Agriculture, Fisheries and Food his views on whether there is a need to improve the functioning of the food supply chain; and if he will make a statement on the matter. [11862/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): 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. 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.

Porcine Salmonella.

22. **Deputy Ruairí Quinn** asked the Minister for Agriculture, Fisheries and Food the steps he is taking to reduce the level of salmonella infection in the pig herd here; and if he will make a statement on the matter. [12034/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): A revised National Pig Salmonella Control Programme came into effect from 1 January 2010. The programme is the result of a collaborative effort involving the main industry stakeholders, the relevant State agencies and my Department. The programme includes the following measures aimed at reducing pig salmonella levels in pigs being slaughtered for human consumption:

- Pig herds supplying more than 200 pigs annually will be sampled every month
- These samples will be tested at my Department's Central Veterinary Research Laboratory and on the basis of the results obtained a salmonella prevalence for the herd will be established
- Herds with a prevalence of 50% or higher based on the three most recent results will be excluded from the Bord Bia Quality Assurance Scheme after a 12-month lead-in period and will be separated at the lairage and slaughtered at the end of a day's production to reduce risk of cross-contamination
- Every pig farmer is required to have a pig salmonella control plan in place which must be drawn up in consultation with their private veterinary practitioner
- The control plan must address such issues as biosecurity, managerial practices, restocking policy and transport arrangements and be reviewed at least once annually
- Advice has issued to all herdowners on how to draw up a control plan

- Additional requirements have been set down for breeding herds in order to minimise the introduction and recycling of infection into herds.

My Department will engage with herdowners and their private veterinary practitioners to drive the programme in particular in the case of those farms with ongoing salmonella problems. At present the programme is in a lead-in phase during which herd categorisations obtained under the old salmonella programme will continue to apply. Farmers have six months from the commencement of the programme to submit the control plans described above.

Cereal Sector.

23. **Deputy Olivia Mitchell** asked the Minister for Agriculture, Fisheries and Food the way he proposes to assist recovery in the grain sector; and if he will make a statement on the matter. [11967/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Since Ireland is a deficit market for cereals, prices here are greatly influenced by world market conditions. In 2007, for example, when world grain market prices were driven up by increased demand from the biofuels sector and from the new emerging markets like China and India, prices in Ireland also increased to record levels. Growers here reacted to the high prices by increasing the acreage sown and this resulted in a bumper harvest in 2008. Similarly when world prices subsequently declined, this trend was mirrored in Ireland. Despite a significant drop in Irish grain production in 2009, grain prices also declined and on average were 30% lower than the 2008 level.

Within the EU, market management policy for the cereals market is determined within the framework of the CAP. The intervention mechanism provides a safety-net in the event that market prices go below the intervention price but in Ireland market prices have remained well above the intervention level and there have been no offers into intervention in recent years, in contrast to the situation in many other Member States.

The maintenance of an efficient and viable cereals sector in Ireland is clearly very important. Not only does the sector generate an income for our tillage farmers but it is also a key source of feedingstuffs for our livestock sector. Annual cereals production in Ireland has fluctuated around 2 million tonnes in recent years and it is desirable to try to sustain this level of production in order to avoid over-dependence on imported cereals. To that end, the State supports the development of the cereals sector in a number of ways.

My Department operates a range of services aimed at improving the efficiency, quality and viability of cereal production. These services include seed certification, seed testing and recommended lists of varieties. In addition, Teagasc provides research, training and advisory services for cereal producers. The value of all these support services is reflected in the fact that Irish cereal producers have consistently achieved some of the highest yields in the world. Last month I launched a major initiative to draw up a long-term strategy for the agri-food, forestry and fisheries sectors and the position of the cereals sector will be examined in this context.

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. While

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it is too early to speculate about the prospects for the 2010 harvest in Ireland, there will be some recovery in returns for growers due to very significant reductions in the main input costs but clearly this still leaves the tillage sector some way to go to achieving acceptable margins. Nevertheless, I believe that Irish cereal producers in the main are well positioned to meet the competitive challenges ahead.

Alternative Farm Enterprises.

24. **Deputy Richard Bruton** asked the Minister for Agriculture, Fisheries and Food the progress that he is making in meeting bioenergy scheme targets; and if he will make a statement on the matter. [11937/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The cultivation of miscanthus and willow is a relatively new activity on Irish farms. In 2007, the Department launched a Bioenergy Scheme on a pilot basis to encourage farmers to grow willow and miscanthus as a renewable source of energy. Under the Scheme, farmers were paid a once off capital grant to cover 50% of establishment costs. The pilot Scheme generated considerable interest from farmers in growing miscanthus and to a lesser extent willow. Overall it supported the planting of 362 ha of willow and 2,150 ha of miscanthus to the end of 2009.

The Department launched a new Bioenergy Scheme in February 2010 to grant aid miscanthus and willow planting to the end of 2012. €1 million is available to support the planting of a further 1,000 hectares in 2010. Approved costs will be grant aided up to 50%, subject to a maximum grant of €1,300 per hectare for both crops. It was evident from the response to the pilot Bioenergy Scheme that there is considerable interest in growing miscanthus and willow in Ireland. The crops are new to Irish farmers and it will take time and investment to develop the sector. The new Bioenergy Scheme aims to consolidate progress made during the pilot phase and bring some scale to the sector. The Department will continue to monitor the level of uptake over the lifetime of the Scheme.

Departmental Committees.

25. **Deputy Edward O’Keeffe** asked the Minister for Agriculture, Fisheries and Food the process of public consultation that will be undertaken by the 2020 committee; when he expects the committee to complete its work; and if he will make a statement on the matter. [11865/10]

58. **Deputy Edward O’Keeffe** asked the Minister for Agriculture, Fisheries and Food the timescale that he has given the recently established 2020 committee to complete its work to draw up a long term strategy for the agri-food, forestry and fisheries sectors; and if he will make a statement on the matter. [11864/10]

62. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food his plans for a comprehensive and strategic agricultural development plan to include the beef, dairy, cereal, pigmeat, lamb, food processing and the bio-fuel sectors with particular reference to maximising Ireland’s impact within the EU and world markets; the extent to which various factors are likely to affect this industry, negatively and positively, currently and in the future; the steps taken or proposed to address the emerging issues; and if he will make a statement on the matter. [11917/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 25, 58 and 62 together.

Work on the development of a strategy to further the growth of the agri-food, fisheries and forestry sectors to 2020 is well advanced. The initial analysis has already been completed by my Department in collaboration with five State Bodies, Teagasc, Enterprise Ireland, Bord Bia, BIM, Marine Institute. On 16 February last, I announced the composition of the 2020 Committee and asked them to produce by June a short, sharp document which sets out the key strategies required for the future development of the sector. I believe that the very high calibre of the committee members will ensure that the output from this exercise will be both bold and practical and will set a clear path forward for the sector.

On 16 February, I also launched a web based public consultation process seeking submissions from interested bodies on strategies and policies to guide the work of the 2020 Committee. To facilitate and target consideration of the key issues involved, the comprehensive sectoral analysis, mentioned above, has been published on the Department's website <http://www.agriculture.gov.ie/2020Strategy>, in the form of 5 Discussion Papers and 18 Background Papers. Submissions are welcome until the end of this month and will be publicly available on the web.

Dairy Sector.

26. **Deputy Enda Kenny** asked the Minister for Agriculture, Fisheries and Food if he will ensure that the European Commission will not release dairy intervention stocks in a manner that will jeopardise fragile recovery in global markets for dairy produce; and if he will make a statement on the matter. [11947/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I have continually pressed the Commission to take all appropriate measures to deal with the dairy market situation, and in 2009 Market Intervention, Aids to Private Storage and Export Refunds helped to stabilise the market for dairy products. With regard to intervention for butter and skimmed milk powder, last October Commissioner Fischer Boel gave a commitment to manage the release of stocks from intervention in a prudent manner. I also raised this issue with the new Commissioner when I met him recently in Brussels. I will continue to maintain close contact with the EU Commission and the Council to ensure that support measures are activated when required and that the release of intervention stocks is managed in a manner that is sensitive to the market pressures at the time.

Alternative Farm Enterprises.

27. **Deputy P. J. Sheehan** asked the Minister for Agriculture, Fisheries and Food the number of hectares planted in the production of biofuels; the breakdown of the crops planted; the number of hectares of each he expects to plant in 2010; the breakdown of the crops planted; and if he will make a statement on the matter. [11983/10]

196. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the area of land currently dedicated to the growing of various forms of biofuels; the degree to which production is in line with projections; and if he will make a statement on the matter. [12182/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 27 and 196 together.

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. The table below details the areas sown between 2007 and 2009 in hectares.

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Year	Willow	Miscanthus	Oilseed rape	Hemp & switch grass	Total Hectares
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 for use in the biofuel, food and animal feed markets. Willow and miscanthus crops produce pellet and wood chip materials to generate heat and power in the domestic and commercial sectors. It is anticipated that 1,000 ha of willow and miscanthus will be planted in 2010 under the new round of the Bioenergy Scheme.

The sector is still in the early stages of development. In general, the production of energy crops will be sustainable in the longer term if the economic returns are comparable with those offered by traditional farm enterprises. Much will depend on profitability at farm level and on the rate of development of production and consumption patterns for bioenergy feedstocks.

Proposed Legislation.

28. **Deputy Kieran O'Donnell** asked the Minister for Agriculture, Fisheries and Food when the animal welfare Bill will be published; and if he will make a statement on the matter. [11978/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Animal Health and Welfare Bill which gives effect to commitments in the Programme for Government and the Renewed Programme for Government on issues relating to animal health and welfare is being prepared in my Department. The new legislation will amend and consolidate legislation in the area of animal health, particularly to reflect the changed disease status of our animals. Existing legislation will also be updated to ensure that the welfare of all animals, including non-farm animals is properly protected and that the penalties for offenders are increased significantly. The Bill also provides for the consolidation of responsibility for the welfare of all animals (including non-farm animals) within my Department. I intend to submit the proposed heads of this Bill to the Government at an early date this year.

Greenhouse Gas Emissions.

29. **Deputy Michael D. Higgins** asked the Minister for Agriculture, Fisheries and Food the reason that putting in clover is not part of the agri-environment options scheme in view of the fact that it mitigates greenhouse gas emissions; and if he will make a statement on the matter. [12019/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The practice of incorporating clover into suitable grassland in order to reduce dependency on fertilizers was one of the actions in my Department's initial proposals for the new agri-environment measure. In negotiations with the European Commission on the terms of the new scheme, the Commission took the view that this action was not an eligible measure and it cannot be included in the new scheme.

Dairy Industry.

30. **Deputy Niall Collins** asked the Minister for Agriculture, Fisheries and Food the progress that has been made to date by the high level group on milk; and if he will make a statement on the matter. [11858/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The EU Commission set up the High Level Expert Group on milk last October, following a special Council of Ministers meeting to discuss measures to manage the dairy market in the period up to and beyond quota abolition in 2015. The Group includes representatives from all member states, is chaired by the Commission's Director General of Agriculture, and is examining the type of arrangements that might be put in place.

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 3rd 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 six meetings to date out of a total of about ten planned. In addition to exchanges of views between Member States, the group has heard presentations from representative organisations for producers, processors, distributors, retailers and consumers, and from non-EU countries. It has also had exchanges with leading academics and with representatives from DG Competition and national competition authorities. The next meeting on the 16th March will look at Block 3 issues. The Group is scheduled to report on its deliberations no later than June 2010.

Animal Identification Scheme.

31. **Deputy John Deasy** asked the Minister for Agriculture, Fisheries and Food the way the roll-out by his Department of the electronic tagging system for sheep is progressing; and if he will make a statement on the matter. [11969/10]

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. The prevailing view at EU level is that Member States should now 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.

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.

Our existing system has up until now provided adequate assurances in terms of animal identification and traceability. Indeed, it is partly with that in mind that I have decided to minimise

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the impact on farmers by confining electronic tagging to mainly breeding sheep. I am also striving however to minimise the change to the existing National Sheep Identification System (NSIS). When the consultation process with stakeholders is completed it is my intention to proceed with the introduction of EID for sheep.

Official Engagements.

32. **Deputy Ulick Burke** asked the Minister for Agriculture, Fisheries and Food if there are plans for the newly appointed Agriculture Commissioner to visit Ireland; and if he will make a statement on the matter. [11941/10]

44. **Deputy Liz McManus** asked the Minister for Agriculture, Fisheries and Food if an invitation to visit has been extended to the new European Agriculture and Rural Development Commissioner, Decian Ciolos. [12025/10]

55. **Deputy John Browne** asked the Minister for Agriculture, Fisheries and Food if he impressed upon the new EU Agriculture Commissioner the need for a properly funded CAP in 2013; if he supports the continuation of decoupled payments; and if he will make a statement on the matter. [11861/10]

68. **Deputy Seán Connick** asked the Minister for Agriculture, Fisheries and Food if he has plans to meet the new EU Fisheries Commissioner to discuss the reform of the EU Common Fisheries Policy; and if he will make a statement on the matter. [11866/10]

85. **Deputy John Browne** asked the Minister for Agriculture, Fisheries and Food the outcome of his recent meeting with the new EU Agriculture Commissioner; and if he will make a statement on the matter. [11860/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 32, 44, 55, 68 and 85 together.

The new Commissioner for Agriculture and Rural Development, Dacian Ciolos, took up office on 10 February. I was in telephone contact with him the day following his appointment and I had a bi-lateral meeting with him on 22 February. We discussed a number of current issues including the future of the CAP. While it is relatively early stages in the negotiations on the future shape of the CAP I took the opportunity to set out my position in broad terms.

I impressed on the Commissioner my overall objective of ensuring a robust and adequately resourced CAP founded on the twin goals of competitiveness and sustainability. On the specifics I outlined my commitment to a two-pillar structure based on the continuation of full decoupling. I emphasised strongly the need for CAP income supports to preserve the small family farm structure of Irish and European agriculture both of which are essential to foster competitiveness. I also raised the issue of market management measures which have proven to be essential in addressing price volatility particularly in the dairy sector and which in my view, will continue to have a value in the future post 2013. We also touched on the question of security of food supplies and the challenge this would pose in the future. I explained that in my view agriculture has a significant role to play in boosting the EU economy and in achieving growth and jobs.

The Commissioner agreed on the need for a strong budget for the future CAP — a view he had already expressed during his hearing with the European Parliament when he said that he would defend the current CAP budget in order to meet policy goals which include providing European food security, meeting the needs of the market, ensuring environmental protection,

fighting climate change and providing a decent standard of living for farmers. Commissioner Ciolos also agreed on the continuation of the two-pillar structure expressing the view that Pillar 1 supports are essential to support income and to finance public goods. He favours the retention of market management measures as a safety net that could be mobilised to assist sectors in trouble. I invited Commissioner Ciolos to visit Ireland as soon as possible. He accepted and said he is looking forward to visiting probably in the first half of the year.

Turning to the question of fisheries, the European Commission issued a Green Paper on the reform of the Common Fisheries Policy (CFP) in April 2009 and sought responses to their proposals. My colleague, Minister Killeen, who has responsibility for the Fisheries portfolio, appointed Dr. Noel Cawley to chair a nationwide wide public consultation process. The result of these consultations contributed in no small way to Ireland's response to the Green Paper which issued on 23rd of February.

Our submission on the CFP reform sets down a number of informed recommendations which we believe must be incorporated into the new Common Fisheries Policy. They take a pragmatic approach, which promote measures that collectively take account of economic, social, environmental and sustainability factors. In this context Minister Killeen is scheduled later this month to meet with the new Fisheries Commissioner, Ms Maria Damanaki, to outline the key elements of Ireland's CFP Review submission and explain the changes that we consider are essential. This meeting is scheduled to take place on the 29th March.

Agri-environment Scheme.

33. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if he will review the eligibility criteria for applications to the new agri-environment scheme in view of the fact that the contracts for many REP scheme participants will expire following the 17 May 2010 deadline; and if he will make a statement on the matter. [11918/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The deadline for applications of 17 May is in accordance with EU Regulations. It is not possible to accept applications for the new scheme from farmers who will still be participating in REPS on that date. I will be reviewing the situation in relation to those participants in REPS whose contracts expire after the closing date of 17 May to determine when they can apply for entry into the new scheme.

34. **Deputy Michael D. Higgins** asked the Minister for Agriculture, Fisheries and Food the number of farmers that will achieve €5,000 maximum payment under new agri-environment options scheme. [12020/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The level of payment available to each farmer who joins the new agri-environment will depend on his or her particular circumstances and the actions that he or she can or chooses to undertake. I am satisfied, however, that a payment of up to €5,000 can be achieved by a wide range of participants.

Farm Household Incomes.

35. **Deputy Joe Carey** asked the Minister for Agriculture, Fisheries and Food the initiatives that he is introducing to tackle the collapse in off farm employment for part time farmers reported by Teagasc; the way he will assist those farmers who have lost significant levels of income; and if he will make a statement on the matter. [11949/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The main focus of the report in question is on the impact of the economic downturn on off-farm employment patterns among farmers. It also reports briefly on employment trends in the agriculture sector in the period 2004-2009 as reported in the Quarterly National Household Survey. Using this source, the report finds that the number employed in the sector declined in the period 2004 to 2005, then remained stable until the third quarter of 2007, increased from this point to the end of 2008, and declined again in 2009.

The availability of off-farm employment has of course been affected by the difficulties in the broader economy. This is clearly leading to difficulties for those farm families who were previously dependent on off-farm employment, particularly in the construction sector, in a similar way to non-farm families also affected by unemployment. The impact of this on participation in farming itself are not yet clear — and this is perhaps reflected in the fluctuations in the figures mentioned above. Despite the downturn in our economy the Irish Government's commitment to the farming sector remains strong. My Department remains very active in assisting the entire sector including those farmers who have experienced reductions in income. In 2009 direct payments to farmers totalled over €1.9 billion. This figure does not take account of capital investment and other grant payments, which amounted to an additional €420 million.

With regard to those in the farming sector directly experiencing financial difficulties, there are a number of targeted schemes, which offer assistance. The Farm Assist is a means tested scheme aimed at low-income farm families, which is administered by the Department of Social and Family Affairs. At the end of May 2009, there were approximately 9,365 participants on the scheme, an increase of approximately 20% on the previous year. The Rural Social Scheme (RSS) was launched in May 2004 to provide an income supplement to low income farmers and fisher persons while at the same time harnessing their skills for the benefit of rural communities. The scheme requires participants to work 19.5 hours per week and is administered in a farmer/fisher friendly manner allowing participants to work flexible hours.

Furthermore, a key requirement is the need to continually develop the existing (formal and informal) skills of all farmers to enable them to participate in the development of both the agriculture sector as well as the wider rural economy. In this respect Teagasc continues to play a vital role in terms of providing training that meets the skill needs of the agri-food sector.

Common Fisheries Policy.

36. **Deputy Seán Connick** asked the Minister for Agriculture, Fisheries and Food the principal features of his proposals on the reform of the EU Common Fisheries Policy; and if he will make a statement on the matter. [11867/10]

43. **Deputy Christy O'Sullivan** asked the Minister for Agriculture, Fisheries and Food the organisations with which he consulted in the preparation of his proposal on the reform of the Common Fisheries Policy; and if he will make a statement on the matter. [11869/10]

66. **Deputy Christy O'Sullivan** asked the Minister for Agriculture, Fisheries and Food the process for further negotiations on the reform of the Common Fisheries Policy; and if he will make a statement on the matter. [11868/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 36, 43 and 66 together.

Following the launch of the EU Commission's Green Paper on the Reform of the Common Fisheries Policy (CFP), last April, Minister Killeen appointed Dr Noel Cawley to co-ordinate and oversee an extensive, nationwide public consultation process which involved meetings

around the coast and a seminar organised by the Federation of Irish Fishermen, and an open call for submissions. In addition, Minister Killeen met individually industry organisations and other stakeholders involving the Federation of Irish Fishermen, the Irish Fishermen's Organisation, the Irish Fish Processors and Exporters Association, IFA Aquaculture and the Environmental Pillar of Social Partnership. Advertisements were placed in national and relevant fishing newspapers seeking submissions from interested parties. All of the submissions received by Dr. Noel Cawley have been evaluated and have contributed to the formulation of Ireland's response to the European Commission which issued on February 23rd.

The report in its entirety and all formal submissions received during the public consultation process are available on www.fishingnet.ie. In brief Ireland's submission on the CFP reform sets down a number of informed recommendations to be incorporated into the new Common Fisheries Policy. The changes cover:

- New focus on addressing discarding of fish at sea with a complete ban being introduced for stocks in a depleted state;
- The retention of a management system based on national quotas supported by increased flexibility and a rejection of the mandatory privatisation of fish quotas or the introduction of international trading of fish quotas;
- Access to coastal waters to be re-examined with a view to an extension of the coastal limit to 20 miles with new management arrangements in place to strengthen coastal communities dependant on inshore coastal fisheries;
- New measures to strengthen the market for EU producers and increase quay side prices;
- Reinvigoration of European aquaculture with continued structural support and a road map that establishes a route for growth in harmony with Community environmental law.
- New regional structure to decision making at EU level with increasing industry responsibility and the development of a culture of compliance.

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.

Consultation at European level continues with an exchange of views at the Agriculture and Fisheries Council scheduled for the 19th/20th April 2010. Following on from that meeting a working document concerning reform options will be prepared by the Commission and presented at the Agriculture and Fisheries Council scheduled for the 28th/29th June 2010. In addition, an informal meeting of Agriculture and Fisheries Ministers to discuss the reform is scheduled to be held in Vigo, Spain on the 4th/5th May 2010. Minister Killeen has also agreed a meeting with the new fisheries Commissioner Maria Damanaki to outline the key elements of Ireland's CFP Review submission and explain the changes that we consider are essential. Nationally, I intend to continue my close collaboration with the Federation of Irish Fishermen and the other stakeholders, to put Ireland's case forward and convince our Member State colleagues and the Commission to strengthen the current policy in line with Ireland's submission on the reform of the CFP.

Common Agricultural Policy.

37. **Deputy Niall Blaney** asked the Minister for Agriculture, Fisheries and Food the negotiat-

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ing process in relation to the future of the CAP after 2013; and if he will make a statement on the matter. [11857/10]

67. **Deputy Seán Ó Fearghail** asked the Minister for Agriculture, Fisheries and Food his views on the need for an adequately funded CAP after 2013; and if he will make a statement on the matter. [11855/10]

77. **Deputy Niall Blaney** asked the Minister for Agriculture, Fisheries and Food the position regarding the emerging issues in relation to the negotiations of the CAP post-2013; and if he will make a statement on the matter. [11856/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 37, 67 and 77 together.

Broad discussions on the future of the CAP have been underway since the second half of 2008 when the French Presidency held a first policy debate at the Informal Agriculture Council. Since then, every Presidency has contributed to the debate with the Czech Presidency focusing, in particular, on the issue of direct payments to farmers and the Swedish Presidency on rural development issues. The Spanish Presidency is taking the debate forward with discussions on the role of market management measures. In addition to these discussions at Council, both I and my officials continue to engage with other Member States and the Commission bilaterally on the future of the CAP. In this regard I met recently with the new Commissioner for Agriculture and Rural Development Dacian Ciolos, and outlined my objectives including the need for a robust and properly funded CAP.

Notwithstanding the discussions to date, 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 legislative 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.

I launched a consultation process in July last year with stakeholders to obtain their views on what EU agriculture policies would serve Ireland and the EU best in the years to come. I am very pleased with the responses received. These responses will help to inform our position in the very important negotiations that lie ahead. Even though no formal proposals have been tabled a number of issues are already emerging, including:

- CAP as a guarantor of food security, income supports and EU family farming and/or a supplier of environmental and other public goods,
- Equalisation of payment rates between and within Member States and/or differentiating according to historical uptake, land use, land quality, land value, production costs etc.
- Keeping rural development as a pillar of CAP or integration with cohesion policy, and
- EU and/or national funding

My overarching view, which I have expressed at meetings of the Council and bilaterally to my Ministerial colleagues, is that we need a strong and adequately resourced CAP after 2013. This is a point I have pressed strongly in discussions to date and for which there is good support in the Agriculture Council. 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. Any reduction in food production in the EU would be taken up elsewhere, where less efficient production systems exist, and would result in a heavier carbon footprint. We must also undertake food production and distribution in a manner that is sustainable in all its dimensions — economically, socially and environmentally.

I am realistic about the pressure for redistribution of funds between Member States. I am prepared to look at all options on this, but I will also require our partners in Europe to be equally realistic in their expectations. The current debate, which focuses solely on the distribution of direct payments, without any reference to other EU funding, is not balanced. As regards rural development I support the continuation of the current two-pillar structure. The core purpose of rural development policy is to support farmers in developing their productive capacity while securing the environment and ensuring the well being of the wider rural society. The recent revised RDP from Ireland showed a clear focus on competitiveness in the form of targeted investments and sustainability in the form of an agri-environment scheme with clear benefits for all. This points the way forward for that pillar.

I have a particular concern at the notion of co-financing of direct payments. In current circumstances, this would obviously be unaffordable for Ireland, and also for many other Member States. More fundamentally, it would arguably represent re-nationalisation of the only real common policy of the EU.

Dairy Industry.

38. **Deputy Niall Collins** asked the Minister for Agriculture, Fisheries and Food if he supports the continuing need for the use of market vegetable measures to deal with a volatile dairy market; and if he will make a statement on the matter. [11859/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The EU Common Agriculture Policy (CAP) provides a range of measures that can be used to assist the dairy market, and these were modified in the CAP reforms of 1999 and 2003. In the Health Check negotiations in 2008 there was pressure to remove or weaken the support measures significantly. At that time I fought hard to keep the key market instruments in place and the importance of the retention of these support measures was proven last year when the dairy market experienced a dramatic decline. I have continually pressed the Commission to take all appropriate measures to deal with the dairy market situation, and there is no doubt that the implementation of a range of support measures helped to stabilise the market in 2009. I will continue to maintain close contact with the EU Commission and the Council to ensure that support measures are activated at levels that will make a real impact on the market.

Sheep Production.

39. **Deputy Michael P. Kitt** asked the Minister for Agriculture, Fisheries and Food if the new grassland sheep scheme will include both upland and lowland sheep farmers; and if he will make a statement on the matter. [11848/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Mindful of the particular difficulties being experienced by the Irish sheep sector, late last year I decided 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, the only funds to which I had access 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

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began in December 2009 and, to date, payments worth almost €4.8 million have issued to 13,500 farmers.

Secondly, I decided to use €18 million of the €25 million in additional unused SPS funding, for each of the years 2010, 2011 and 2012, to which Ireland gained access following the agreement reached under the CAP Health Check, on a Grassland Scheme to support incomes in the sheep sector. The finer details of this €54 million scheme are currently being finalised and I expect shortly to be in a position to make an announcement in this regard.

Beef Imports.

40. **Deputy Terence Flanagan** asked the Minister for Agriculture, Fisheries and Food the level of Brazilian beef imports imported here in 2009; if he is satisfied that such imports pose no threat to consumer health in view of reports of falsified documentation by Brazilian processors regarding imports destined for Europe; and if he will make a statement on the matter. [11926/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Central Statistics Office is responsible for the collection of statistics in relation to imports of meat and meat products. Information on imports for 2009 is available on a provisional basis for the period up to the end of October 2009 during which a total of 1,274 tonnes was imported from Brazil.

Brazilian beef must be sourced from holdings in regions of the country approved for export to the EU that can provide for animal traceability. It must come from approved establishments meeting the requirements of EU food hygiene Regulations. Import is required to be pre-notified and accompanied by EU model health certification that is signed off by the competent authority of the country of export. On entry on to the territory of the EU all consignments are required to undergo documentary, identity and physical checks at an EU approved Border Inspection Post (BIP) before they can be approved for placing on to the market. Where a consignment fails these checks it is rejected and returned to the country or is destroyed. Where the rejection indicates a possible breach of food hygiene, or any other matter indicating a standard below that required for EU entry, notification of the rejection is immediately made to EU Commission and to the Member States through the Rapid Alert System for Food & Feed (RASFF).

The matter of use of fraudulent or improper health certification is under ongoing investigation by the EU Commission with the help of the European Anti-Fraud Office (OLAF). In co-operation with the Brazilian Authorities 11 exported consignments have been identified and notified to the Member States as possibly accompanied by fraudulent certification. None of these entered the EU through Ireland. Following on from these investigations two Brazilian export establishments have been removed from the approval list. My Department carries out checks on all consignments of products of animal origin directly imported into this country from third countries.

Agri-environment Scheme.

41. **Deputy Eamon Gilmore** asked the Minister for Agriculture, Fisheries and Food if the cost of planners will be covered in natura and commonage areas for farmers who apply for the new agri-environment options scheme. [12018/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The payment rate in the new scheme for farmers with Natura or commonage land, which like all rates in the scheme

was approved by the European Commission, includes an element to reflect the cost of having a sustainable management plan prepared.

Proposed Legislation.

42. **Deputy P. J. Sheehan** asked the Minister for Agriculture, Fisheries and Food the position regarding the proposed Forestry Bill; the legal issues still to be addressed; when he will be in a position to publish the Bill; the timetable to enact this legislation; and if he will make a statement on the matter. [11982/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Following a comprehensive review of the Forestry Act, 1946, the Government approved the Heads of a new Forestry Bill in March 2009. The Office of the Parliamentary Counsel is drafting the new Bill and will deal with all legal issues arising. It is intended that the Bill will be published at the earliest possible date with a view to enacting it as soon as possible thereafter.

Question No. 43 answered with Question No. 36.

Question No. 44 answered with Question No. 32.

Sheep Production.

45. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the steps he is taking to support the sheep industry; and if he will make a statement on the matter. [11806/10]

50. **Deputy Michael P. Kitt** asked the Minister for Agriculture, Fisheries and Food the supports that he plans putting in place to support the sheep sector here; and if he will make a statement on the matter. [11849/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 45 and 50 together.

The sheep sector is a valuable part of the overall agri-food sector and its future depends on its ability to meet the needs of the market. My Department already provides significant support to the sector through the Single Farm Payment, the Disadvantaged Areas Scheme and REPS. In addition this year Bord Bia will spend up to €1 million on the promotion of sheep and lamb at home and abroad, and Teagasc has allocated almost €1.5 million for sheep research.

Last year, I assigned €7 million from the 2009 Single Farm Payment National Reserve to 13,000 hill sheep farmers, under the Uplands Sheep Payment Scheme. I also took the needs of the sheep sector into account in deciding how to use unspent CAP funds for the next three years. Of the €25 million or so available annually from this year, I decided to allocate €18 million per year to sheep farmers, under a new Grassland Scheme. I will be announcing details of this Scheme shortly. Also, under the proposed amendments to the Rural Development Programme, Ireland 2007 -2013, an indicative figure of €8 million has been allocated for sheep fencing and mobile handling facilities to assist sheep farmers in reducing labour input.

All of these supports complement the work being undertaken by my Department, its state agencies and the industry, on foot of the recommendations of the Sheep Industry Development Strategy Group — “the Malone Report”. I believe this report provides a clear framework for progress. While the responsibility for implementing most of the group’s recommendations fall on the industry itself, a number are within the remit of my Department and the state agencies under its aegis, who have made significant progress in implementing them.

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- ‘Sheep Ireland’ has been established to take over the Department’s current breed improvement programme and develop a new one. An interim Sheep Board, comprising representatives of farming organisations and breeders will oversee this process, with the Irish Cattle Breeders Federation (ICBF) providing the technical and professional service required.
- The Lamb Quality Assurance Scheme was established in 2007. This Scheme is operated by Bord Bia and now has approximately 7,500 participants.
- Bord Bia has also intensified its efforts to promote lamb on the home and export markets. Together with its UK and French counterparts, it is part of a generic promotion campaign on the important French market.
- Teagasc has developed a comprehensive plan to restructure its sheep support services, including a Better Farm Programme for sheep, which aims to establish focal points for the on-farm implementation, development and evaluation of technology that is relevant to the sheep sector. This approach provides an opportunity to engage with sheep farmers on the use of the latest management practices and to identify research and development needs.

I am confident that every effort is being made to support this sector and that it will benefit considerably from all of these initiatives.

Harbours and Piers.

46. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food the progress that has been made for the provision of a new pier at Cromane, County Kerry; the amount that has been spent to date on this project; if an access route has been decided; and if he will make a statement on the matter. [11981/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Due to Industrial Action by staff in my Department, I am not in a position to provide a reply to this question.

Beef Imports.

47. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the level of Brazilian beef imports here in 2009; if he is satisfied that such imports pose no threat to consumer health in view of reports of falsified documentation by Brazilian processors regarding imports destined for Europe; and if he will make a statement on the matter. [11919/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Central Statistics Office is responsible for the collection of statistics in relation to imports of meat and meat products. Information on imports for 2009 is available on a provisional basis for the period up to the end of October 2009 during which a total of 1,274 tonnes was imported from Brazil.

Brazilian beef must be sourced from holdings in regions of the country approved for export to the EU that can provide for animal traceability. It must come from approved establishments meeting the requirements of EU food hygiene Regulations. Import is required to be pre-notified and accompanied by EU model health certification that is signed off by the competent authority of the country of export. On entry on to the territory of the EU all consignments are required to undergo documentary, identity and physical checks at an EU approved Border Inspection Post (BIP) before they can be approved for placing on to the market. Where a

consignment fails these checks it is rejected and returned to the country or is destroyed. Where the rejection indicates a possible breach of food hygiene, or any other matter indicating a standard below that required for EU entry, notification of the rejection is immediately made to EU Commission and to the Member States through the Rapid Alert System for Food & Feed (RASFF).

The matter of use of fraudulent or improper health certification is under ongoing investigation by the EU Commission with the help of the European Anti-Fraud Office (OLAF). In co-operation with the Brazilian Authorities 11 exported consignments have been identified and notified to the Member States as possibly accompanied by fraudulent certification. None of these entered the EU through Ireland. Following on from these investigations two Brazilian export establishments have been removed from the approval list. My Department carries out checks on all consignments of products of animal origin directly imported into this country from third countries.

Agri-environment Scheme.

48. **Deputy Joe Costello** asked the Minister for Agriculture, Fisheries and Food the number of farmers he expects will join the new agri-environment options scheme. [12016/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Minister for Finance is committed to providing funding for the acceptance initially of up to 10,000 participants into the new scheme at a maximum payment of €5,000 per participant.

Alternative Farm Enterprises.

49. **Deputy Jan O'Sullivan** asked the Minister for Agriculture, Fisheries and Food the average grant available per acre for miscanthus growers; and if he will provide financial incentives for these. [12029/10]

84. **Deputy David Stanton** asked the Minister for Agriculture, Fisheries and Food the way in which he is supporting farmers and other producers who wish to grow miscanthus grass as an energy crop; and if he will make a statement on the matter. [11990/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 49 and 84 together.

The Department launched a new Bioenergy Scheme in February 2010 to grant aid miscanthus and willow planting to the end of 2012. This succeeds the pilot scheme in place since 2007. Approved costs will be grant aided up to 50% of establishment costs, subject to a maximum grant of €1,300 per hectare (€526.31/acre) for both crops. In addition to establishment grants, areas planted with miscanthus also qualify for the Single Farm Payment and payments under the REPS and Disadvantaged Areas Scheme, subject to some restrictions on the areas planted.

Question No. 50 answered with Question No. 45.

Food Industry.

51. **Deputy Willie Penrose** asked the Minister for Agriculture, Fisheries and Food the steps he is taking to combat food price inflation; and if he will make a statement on the matter. [12031/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Changes in food prices are primarily a function of market forces operating at international, EU and national levels. The food price index as measured by the CSO is currently at a level similar to that

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which existed prior to the significant increases in food prices evidenced throughout late 2007 and into much of 2008. Numerous factors on both the demand and supply side of the global world food equation, as well as some local factors served to contribute to these increases. Many of these factors have been offset by the global recession and falling commodity prices.

The most recent annual data available from the Central Statistics Office relates to 2009 when food and non-alcoholic beverages prices, as measured by the food price index, decreased by 3.4% on average for that year. The overall annual rate of deflation, as measured by the Consumer Price Index was -4.5% during the same year. More recent monthly data, for January 2010, indicates that food and non-alcoholic beverage prices decreased by 8.2% when compared to January 2009.

Agri-environment Scheme.

52. **Deputy Noel Treacy** asked the Minister for Agriculture, Fisheries and Food when he anticipates the formal approval of the EU Commission for the new agri-environment options scheme; and if he will make a statement on the matter. [11852/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The amendment to the Rural Development Programme 2007–13, which includes the new agri-environment scheme, received a favourable vote at a meeting of the EU Rural Development Management Committee in January. I expect to receive the formal approval of the European Commission very shortly. I am planning to launch the new scheme as soon as the Commission approval has been received.

Food Labelling.

53. **Deputy Pat Rabbitte** asked the Minister for Agriculture, Fisheries and Food the action he is taking to regulate the labelling of food as Irish when anecdotal evidence suggests that tenuous connections to Ireland are being used to avail of such. [12037/10]

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.). Under the general labelling Directive (2000/13/EC), the place of origin of the food-stuff must be given if its absence might mislead the consumer to a material degree. It should also be noted that any evidence of contravention of this requirement should be brought to the attention of the F.S.A.I.

The European Commission is currently undertaking a major review of all food labelling legislation. In this context the Commission has prepared draft revised labelling regulations and these are being discussed at Council Working Party level in Brussels. These draft regulations will be considered by the EU Council of Health Ministers in due course. Bord Bia's Quality Assurance Schemes for products such as beef, lamb and horticulture are well known and provide information on origin to consumers.

Departmental Reports.

54. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food when he plans to publish the interdepartmental group report on the coastal sector; the resources that will be allocated to the implementation of any recommendations arising from this report; and if he will make a statement on the matter. [11980/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Department of Agriculture, Fisheries and Food has no proposals to publish an inter-departmental group report on the coastal sector. The Department has recently published and submitted to the European Commission the National Response to the EU Green Paper on Reform of the Common Fisheries Policy. That report can be obtained at www.fishingnet.ie or www.agriculture.gov.ie. The Report is a policy response document for the purpose of contributing to the debate on the Reform of the CFP and hence the issue of resources to implement the Report does not arise.

Question No. 55 answered with Question No. 32.

Agri-environment Scheme.

56. **Deputy Bernard Allen** asked the Minister for Agriculture, Fisheries and Food if he will review the eligibility criteria for applications to the new agri-environment options scheme in view of the fact that contracts for many REP scheme participants will expire following the 17 May 2010 deadline; and if he will make a statement on the matter. [11921/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The deadline for applications of 17 May is in accordance with EU Regulations. It is not possible to accept applications for the new scheme from farmers who will still be participating in REPS on that date. I will be reviewing the situation in relation to those participants in REPS whose contracts expire after the closing date of 17 May to determine when they can apply for entry into the new scheme.

57. **Deputy Johnny Brady** asked the Minister for Agriculture, Fisheries and Food the funding that will be provided for 2010 in respect of the new agri-environment options scheme; and if he will make a statement on the matter. [11851/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Minister for Finance has committed to provide funding for the acceptance initially of up to 10,000 participants into the new scheme at a maximum payment of €5,000 per participant.

Question No. 58 answered with Question No. 25.

Food Industry.

59. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Fisheries and Food if he will, in conjunction with the Department of Education and Science, seek to put in place incentives for those within the agriculture industry to avail of further education to maintain the high standard of Irish food products. [12013/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My Department has no direct role in the provision of further education programmes in the agri-food sector. However, Teagasc, the Agriculture, Food and Development Authority delivers a wide range of agricultural education and training services to the agriculture industry. They receive substantial Exchequer resources each year from my Department to fund these activities. The total grant in aid funding provided in 2010 is €126 million.

Currently, Teagasc delivers its education and training programme through a network of 8 colleges, 80 local Teagasc centres and the Teagasc eCollege. Further education and training courses are available in agriculture, horticulture and forestry at the agricultural and horticultural colleges. In addition, higher-level education courses in agriculture, horticulture, agri-business, agricultural mechanisation and equine studies are provided jointly with Institutes of Technology. All of Teagasc's education and training programmes are accredited within the National

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Framework under the National Qualifications Authority of Ireland. Over the past three years, the number of new applicants for full-time courses at colleges has increased from 618 in 2006 to 1,129 in 2009.

Primary responsibility for the standards of Irish food products rests with the food industry itself and with the Food Safety Authority of Ireland who has statutory responsibility for ensuring that all food produced, distributed or marketed in the State meets the highest standards of food safety and hygiene.

Beef Exports.

60. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the steps he is taking to enhance the live cattle trade to Britain; the numbers exported in 2009; the reason this was proportionately smaller than the increase to other destinations; and if he will make a statement on the matter. [11805/10]

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. The following table shows data on live cattle exports in 2009 along with the corresponding figures for 2008.

Destination		2009	2008
United Kingdom		89,503	34,577
	Northern Ireland	79,430	32,712
	Great Britain	10,073	1,865
Other Destinations		196,781	113,159
Total		286,284	147,736

Overall live exports in 2009 increased by 94% on 2008 levels. In the period covered, 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, Bord Bia continues to work closely with the industry in 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.

Agri-environment Scheme.

61. **Deputy Eamon Gilmore** asked the Minister for Agriculture, Fisheries and Food the amount of funding that was spent on the agri-environment options scheme in 2010. [12017/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): As the agri-environment Options Scheme has not yet been launched, no funds have been spent on it so far. I intend to launch the scheme in the very near future. The Minister for Finance has committed to provide funding for the acceptance initially of up to 10,000 participants into the new scheme at a maximum payment of €5,000 per participant.

Question No. 62 answered with Question No. 25.

Horticulture Sector.

63. **Deputy Willie Penrose** asked the Minister for Agriculture, Fisheries and Food the actions

that are being taken to promote consumption of the potato which has dropped amongst younger consumers; and if he will make a statement on the matter. [12032/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Bord Bia, the agency responsible for the promotion of potatoes, is aware of the reduced consumption of potatoes by younger consumers, primarily because potatoes are not regarded as a ‘convenient food’ in terms of meal preparation. To redress this trend, Bord Bia has engaged in various promotions, including a ‘Best in Season’ campaign, and a specific initiative at the end of 2009 to promote potato consumption.

In addition, all of the main stakeholders in the potato sector have been involved, since 2008, in campaigns to encourage primary schools to grow potatoes. The “Incredible Edibles” Programme which was introduced in 2009 and is co-funded by Bord Bia, was re-launched last month. The Programme aims to positively promote the role of fruit and vegetables in a balanced diet and to increase consumption of fruit and vegetables. Over 70% of primary schools have registered to participate in this year’s programme.

Rural Environment Protection Scheme.

64. **Deputy Kathleen Lynch** asked the Minister for Agriculture, Fisheries and Food the number of farmers that have been paid REPS 4 to date on a county by county basis. [12024/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Due to industrial action by staff in my Department, I am not in a position to provide a reply to this question.

Agri-environment Scheme.

65. **Deputy Noel Treacy** asked the Minister for Agriculture, Fisheries and Food the basis on which applicants for the new agri-environment options scheme will be classified into category 1 and category 2 applicants; and if he will make a statement on the matter. [11853/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Applicants for the new agri-environment scheme are classified into two categories for the purposes of applying for the scheme for the purposes of the selection process. Category 1 will be those with common-age or Natura land on their holdings while other applicants will fall into category 2. Category 1 applicants will have a higher priority for acceptance into the scheme.

Question No. 66 answered with Question No. 36.

Question No. 67 answered with Question No. 37.

Question No. 68 answered with Question No. 32.

Sheep Production.

69. **Deputy Bobby Aylward** asked the Minister for Agriculture, Fisheries and Food when he will confirm details of the grassland sheep scheme; and if he will make a statement on the matter. [11846/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Mindful of the particular difficulties being experienced by the Irish sheep sector, late last year I decided 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, the only funds to which I had access in 2009. Subject to a maximum payable area of 15 hectares, this Aid was

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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 in December 2009 and, to date, payments worth almost €4.8 million have issued to 13,500 farmers.

Secondly, I decided to use €18 million of the €25 million in additional unused SPS funding, for each of the years 2010, 2011 and 2012, to which Ireland gained access following the agreement reached under the CAP Health Check, on a Grassland Scheme to support incomes in the sheep sector. The finer details of this €54 million scheme are currently being finalised and I expect shortly to be in a position to make an announcement in this regard.

Bovine Disease Controls.

70. **Deputy Brian O'Shea** asked the Minister for Agriculture, Fisheries and Food his reaction to Belgium's request to raise the cattle age limit for BSE testing from 48 to 60 months. [12027/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Belgian delegation brought its request to increase the age of BSE testing to 60 months or phase out testing for animals born from 1 January 2004, to the Agriculture Council meeting of 22 February, 2010. The Commission, in its response confirmed that new strategic guidelines on tackling BSE will be released by the Commission by the summer and acknowledged that the EU is now at a stage to consider amendments of certain measures without jeopardizing consumer health. Commissioner Dalli also warned that any changes to current BSE testing rules, as requested by the Member State, would have to be strictly based on scientific criteria and analysis and in line with the work of the European Food Safety Authority (EFSA). Ireland supports the Commission's stance on this matter. Any changes in the testing regime must be science-based and in accordance with the opinion of EFSA. Compatibility with international trade rules under the OIE is a key factor, bearing in mind the value to the economy of Ireland's beef exports.

Agri-environment Scheme.

71. **Deputy Ciarán Lynch** asked the Minister for Agriculture, Fisheries and Food if he will allow a farmer finishing his REP scheme three contract in September to join the new agri-environment options scheme by 15 May 2010. [12022/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The deadline for applications of 17 May is in accordance with EU Regulations. It is not possible to accept applications for the new scheme from farmers who will still be participating in REPS on that date. I will be reviewing the situation in relation to those participants in REPS whose contracts expire after the closing date of 17 May to determine when they can apply for entry into the new scheme.

Bovine Disease Controls.

72. **Deputy Liz McManus** asked the Minister for Agriculture, Fisheries and Food when he expects the ban on specific fluke treatment in dairy cows to be lifted. [12026/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Responsibility for the authorisation of veterinary medicines rests with the Irish Medicines Board. Accordingly, it will be a matter for that body, on the basis of applications to vary marketing authorisations from pharmaceutical companies, to determine in specific cases if and when the restrictions, which

have recently been placed on the use of certain flukicides in dairy cows producing milk for human consumption, can be lifted. However, any restrictions cannot be lifted until maximum residue limits for the substances concerned in milk have been fixed at EU level. I understand that IMB has already engaged with the pharmaceutical companies concerned and with the relevant EU agency (the European Medicines Agency) with a view to advancing this process.

Animal Welfare Regulation.

73. **Deputy Emmet Stagg** asked the Minister for Agriculture, Fisheries and Food if he will provide an update with regard to animal transport regulation proposals at EU level; and his policy regarding same. [12040/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The transport of animals is governed by Council Regulation (EC) No 1 of 2005 on the protection of animals during transport and related operations. The Commission is undertaking a review of this legislation. However it may take some time before the Commission prepares a proposal. A draft proposal developed in 2009 failed to obtain the agreement of the outgoing Commission. I wish to assure the Deputy that I will continue to participate fully in the discussions on any proposals that may emerge to ensure that account is taken of Ireland's interests.

Afforestation Programme.

74. **Deputy Frank Feighan** asked the Minister for Agriculture, Fisheries and Food his plans to provide high rope adventure courses in any of our forests; and if he will make a statement on the matter. [11989/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Due to industrial action by staff in my Department, I am unable to provide a reply to this question.

Agri-environment Scheme.

75. **Deputy Ciarán Lynch** asked the Minister for Agriculture, Fisheries and Food when the new agri-environment options scheme specifications will be issued; and his plans to have discussions with the farm organisations before this scheme is implemented. [12021/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The preparation of documents relating to the new agri-environment scheme is at an advanced stage and I hope to be in a position to publish them and to launch the scheme shortly. My officials have already had discussions with the farming organisations and I envisage that there will be further consultation before the final details are determined.

Food Industry.

76. **Deputy Joe Costello** asked the Minister for Agriculture, Fisheries and Food his views on the report of the Irish Farming Association entitled Equity in the Food Chain. [12015/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): 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. I am very pleased that the Spanish Presidency had committed itself to progressing the

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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. 77 answered with Question No. 37.

Afforestation Programme.

78. **Deputy Jan O'Sullivan** asked the Minister for Agriculture, Fisheries and Food the initiatives that he is undertaking to promote farmer participation in forestry in view of the new opportunities presented by the emerging wood energy sector; and if he will make a statement on the matter. [12030/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): 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 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 this year and is evidence of the Government's continued commitment to forestry.

My Department also provided start-up funding to a number of initiatives around the country aimed at encouraging local farmer foresters to work together to manage their plantations and to market the timber produced. Projects in South Kerry, Clare, Galway, Cork, Donegal and the South East received funding. The groups focused on different aspects of the forestry chain. For instance the Donegal group set up a cooperative to manage the members' woodlands and to market the timber produced while South Kerry and Clare concentrated on creating a demand for wood energy by promoting the installation of biomass boilers by large energy users in their local area and creating a reliable woodchip supply chain. The Forestry Development Unit of Teagasc has played a significant role in the development of these producer groups and I understand that it is planned to develop further groups in the future.

Agri-environment Scheme.

79. **Deputy Kathleen Lynch** asked the Minister for Agriculture, Fisheries and Food the reason he has deviated from the whole farm approach in the new agri-environment options scheme on lowland farms. [12023/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): To secure the agreement of the European Commission to the new agri-environment scheme, it was necessary to design it for land other than Natura or commonage as a menu of closely targeted actions which would contribute in a measurable and verifiable way towards the targets of biodiversity, water quality and climate change as set out in the CAP Health Check. It was not possible to negotiate a whole-farm approach for the new scheme. For Natura and commonage land, the new scheme includes a requirement to have sustainable management plans drawn up reflecting the particular environmental conditions of each such area and any restrictions on farming activity.

Food Labelling.

80. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food the measures that are in place to ensure that non-organic food is not mislabelled; and if he will make a statement on the matter. [12043/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I am fully committed to ensuring that consumers have full confidence in the organic food they buy. For that reason, since 2007 my Department has assigned additional resources to the Organic Unit and the staff involved are now systematically inspecting retail outlets, including supermarkets, shops and farmers markets, checking to ensure that all product identified as organic has been produced fully in accordance with the organic regulations.

The introduction of the European Communities (Organic Farming) Regulation 2004 (S.I. No. 112 of 2004) gave my Department powers to prosecute contraventions of Council Regulation (EEC) No. 2092/91 on organic production and indications referring thereto on agricultural products and foodstuffs. In October, 2007, SI No. 698 of 2007 amended this Statutory Instrument to grant significant additional powers to my Department officials to enable them to carry out their work in a more effective manner. To date three prosecutions have been successfully brought for labelling product in contravention of these Regulations. In addition, there have been three seizures of incorrectly labelled produce.

Agri-environment Scheme.

81. **Deputy Johnny Brady** asked the Minister for Agriculture, Fisheries and Food when he expects to announce details of a new agri-environment scheme; and if he will make a statement on the matter. [11850/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The preparation of documents relating to the new agri-environment scheme is at an advanced stage and I hope to be in a position to launch the scheme and to publish all relevant documentation shortly.

Grant Payments.

82. **Deputy Seán Ó Fearghail** asked the Minister for Agriculture, Fisheries and Food his views on recent suggestions of the introduction of a flat rate single farm payment; and if he will make a statement on the matter. [11854/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Formal negotiations have yet to commence on the future of the CAP and in that respect there are no proposals as yet 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. 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,

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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, 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 very early days in these negotiations. I have already conveyed my overall position on the future of the CAP to the new Commissioner for Agriculture, Dacian Cioloş when I met him last month. I will be meeting with him again 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.

Departmental Correspondence.

83. **Deputy Damien English** asked the Minister for Agriculture, Fisheries and Food if he or Coillte have had any meetings, discussions or correspondence with organisations (details supplied); the nature of these discussions and/or correspondence; and if he will make a statement on the matter. [11984/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Due to industrial action by staff in my Department, I am unable to provide a reply to this question.

Question No. 84 answered with Question No. 49.

Question No. 85 answered with Question No. 32.

Grant Payments.

86. **Deputy Olwyn Enright** asked the Minister for Agriculture, Fisheries and Food, further to Parliamentary Question No. 331 of 13 November 2007, the number of applications and the amount applied for in grants under the farm improvement grants scheme to each of the offices and sub-offices of his Department from 22 October 2007 to the end of October 2007; if any of these applications will now be included for processing and payment; and if he will make a statement on the matter. [11987/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Farm Improvement Scheme was launched by my Department in July 2007 with funding of €79 million as agreed under the 2006 Partnership Agreement, *Towards 2016*, as part of an overall programme of investment in the agri-food sector. It was indicated, at the time of its launch, that the Scheme would be terminated when this financial ceiling had been reached and this was also specifically provided for in the terms and conditions of the Scheme.

12,675 applications were received under the Scheme prior to its suspension on 31 October 2007, of which 5,328 were received between 22-31 October 2007. A breakdown of these applications by local Department office is not available at present due to industrial action by staff in my Department. As the funding made available for the Scheme has now been allocated to the eligible applications received up to 21 October 2007, I have no plans at present to recommence processing of the applications received between 22-31 October 2007.

Beef Sector.

87. **Deputy Brian O'Shea** asked the Minister for Agriculture, Fisheries and Food if he will support the call by the ICMSA to give suckler discussion groups equal support to that awarded to dairy discussion groups. [12028/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Government is committed to working with the beef sector, including suckler farmers, to meet evolving market challenges and to provide a sound framework for the development of the sector. To this end a number of policy initiatives are being implemented. In terms of direct aid to suckler farmers, and notwithstanding the current constraints of the public finances, I am continuing to make provision for the Suckler Cow Animal Welfare and Breeding Scheme, which will involve the payment of up to €250 million directly to farmers in the period to 2013, and is intended to lead to an improvement in the quality of the Irish suckler herd through improved welfare and by improving the flow of genetic information to the Irish Cattle Breeding Federation (ICBF).

In addition my Department provides more than €2.5 million per annum to the Irish Cattle Breeding Federation to enable beef farmers to avail of world class breed improvement information, and Teagasc is making a valuable contribution to improving efficiency, competitiveness and profitability on suckler farms through its work in this area. Furthermore, my Department will be completing its investment of more than €1 billion in farm waste infrastructure on Irish farms in 2011, and of course many of the 34,000 applicants receiving assistance under this scheme are suckler farmers. These measures are complemented by a range of other initiatives, including the Beef and Sheepmeat Capital Investment Scheme at processor level, the Bord Bia Quality Assurance Scheme and other marketing and promotion strategies, all of which are designed to contribute to a more efficient and competitive industry, to promote high quality Irish beef in domestic and overseas markets, and ultimately to ensure a sustainable and profitable future for suckler farmers and others operating in the sector.

I am an admirer of the very valuable work carried out by discussion groups and indeed it is in the interests of all progressive farmers to participate in such groups and to share information and develop best practice models with their peers in the industry. With regard to further funding, my department is continuing its very significant investment in suckler farms and in the beef sector generally, and therefore for the present, and having regard to the exigencies of the public finances, I am not in a position to make additional funding available at this time.

Work Permits.

88. **Deputy Tom Hayes** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of work permits that have been approved every year since 2005; the areas of work in which these permits have been approved; and if she will make a statement on the matter. [12068/10]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): The information requested by the Deputy is set out in the following table. Permits

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were issued in respect of the following sectors: agriculture and fisheries, catering, domestic, education, entertainment industry, medical and nursing, service industry, and sport.

Employment Permits 2005 to end February 2010

	New Permits	Renewals	Group	Issued
2005	7,354	18,970	812	27,136
2006	7298	16,600	956	24,854
2007	10,134	13,457	13	23,604
2008	8,481	5,086		13,567
2009	4,024	3,938		7,962
2010 end Feb	635	806		1,441

FÁS Training Programmes.

89. **Deputy Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Enterprise, Trade and Employment the nature of training programmes provided in 2008, 2009 and 2010 in tabular form; the breakdown by training programme type in each year and for each programme type; the duration of the programme; if it is provided on a full-time or part-time basis; the accreditation results; the progression into employment and into further education or training that is achieved, by age group, of participants; and if she will make a statement on the matter. [12044/10]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): The information requested by the Deputy is being collated and will be communicated to him as soon as possible.

90. **Deputy Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Enterprise, Trade and Employment the uptake of training or education options by young persons under the age of 25 years since the imposition of cuts in their social welfare entitlements; the types of training programmes undertaken by young persons; if she is satisfied that such participation is making a meaningful contribution to improving employment prospects for these young persons; and if she will make a statement on the matter. [12045/10]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): The information requested by the Deputy is being collated and will be communicated to him as soon as possible.

Industrial Development.

91. **Deputy Dinny McGinley** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of enterprises built at a location (details supplied) in County Donegal; if the units are complete or when it is expected that they will be complete; the funding that has been provided by the Industrial Development Authority, Forbairt, the county enterprise board or any other State financing agency; when it is expected that these units will be occupied; and if she will make a statement on the matter. [12050/10]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): In the time available it is not possible to provide the information requested.

Employment Support Services.

92. **Deputy Kieran O'Donnell** asked the Tánaiste and Minister for Enterprise, Trade and Employment if an application will be made by an employer to enter the employment subsidy scheme where that employer was not in a position to apply in 2009 but can provide employment if admitted to the scheme at this point; and if she will make a statement on the matter. [12069/10]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I formally launched the Second Call of the Employment Subsidy Scheme on 4 December. The deadline for applications was 23 December. No applications for the Scheme can be received after this deadline.

Redundancy Payments.

93. **Deputy Jack Wall** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position regarding redundancy payment in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [12098/10]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): As indicated in my previous reply of 12 November, 2009, there is no record in my Department of a claim for redundancy payment in respect of the individual concerned. The time limit for an employee to make application for a redundancy payment or to make a claim to the Employment Appeals Tribunal (EAT) in a situation where the employer disputes payment of redundancy is 52 weeks of ceasing employment. However, the EAT has the power to extend the deadline from 52 weeks to 104 weeks if satisfied that the delay by the employee in making the claim arose through reasonable cause.

I understand that in the present instance application was made by the individual for a hearing before the Employment Appeals Tribunal. The EAT is an independent body under the aegis of my Department and as such, I have no role in its day-to-day operations. However, I understand that the possibility for the individual to obtain recourse before the EAT has already been exhausted. In that sense, my Department is not aware of any change in the situation from that outlined in my previous reply.

Industrial Relations.

94. **Deputy Willie Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the delay in having claims processed by the Employment Appeals Tribunal in respect of County Offaly; if she will take the necessary steps by the appointment of additional vice chairpersons to the Employment Appeals Tribunal to have the process of these appeals determined; and if she will make a statement on the matter. [12113/10]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): The Employment Appeals Tribunal is an independent, quasi-judicial body under the aegis of the Department of Enterprise, Trade and Employment. I am aware of the unprecedented level of increase in the numbers of claims to the Tribunal, from 3,173 in 2007 to 5,457 in 2008, up to 9,458 in 2009. This has placed considerable pressure on case processing time-frames. A number of steps have been taken to relieve this pressure. These include increasing the allocation of administrative resources to the Tribunal in the past two years, increasing the numbers of sittings per day, to a total of 924 in 2007, 1,304 in 2008, up to a total of 1,437 in 2009.

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Efficiencies introduced in the Tribunal have increased the rate of throughput of claims from 2,807 in 2007 to 4,007 in 2008 and up to 4,680 in 2009. In addition, I have increased the pool of people available to sit on Tribunal Hearings by nine. Work is under way in relation to the IT system operated by the Tribunal in order to upgrade it and consideration is being given to the possible installation of a new IT system. The situation in the Tribunal is under constant review and further action will be taken, as necessary, within the constraints that exist in relation to resources. On a wider scale, I am also looking at the current operation of the industrial relations and employment rights under the aegis of my Department to see what scope there might be for practical steps to be taken across the bodies to deliver greater efficiency and effectiveness in service delivery.

EU Funding.

95. **Deputy Mary Wallace** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position and timeframe regarding the European globalisation fund for the former workers at a company (details supplied) when some of these workers who are nearly a year unemployed have started or are hoping to start third level courses and the funding from the European globalisation fund has not been released; if funding will be made available to these persons to enable them to start or continue their training and education while funding from the EGF is being finalised; the length of time that the globalisation fund will be available, that is, from the date it was applied for or from the date the fund becomes available or is sanctioned. [12161/10]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I refer to the answer to Questions Nos. 53 and 108 of 8 March 2010. The EGF application process from initiation to final decision is a lengthy procedure involving not just the European Commission but also the Council of Ministers and the European Parliament. In the case of the EGF application in relation to redundant workers at the DELL plant in Co. Limerick the approval process took some six months. Strict eligibility criteria apply and there is no guarantee of success if a sustainable case for EGF assistance cannot be made in support of a Member State's application. My Department is seeking to ensure that such a robust case is made and sustained. In this context Department officials are currently preparing a response to a request from the European Commission for further information in relation to the SR Technics application and it is hoped to complete this process in the next couple of weeks.

In the interim State agencies such as FÁS and Enterprise Ireland have made, and continue to make, the full range of their employment, training, guidance and advisory services available to all workers made redundant at SR Technics. Furthermore, with a view to ascertaining those interventions, including in further and third level education, that redundant SR Technics workers might avail of in the event of a successful EGF application being made, an information event was held by a wide range of service providers in Dublin Airport in December 2009. I know that the full range of education programmes provided by the VEC and third level sector are also available to redundant SR Technics workers and that the education sector is also working to develop additional upskilling responses in anticipation of the approval of the EGF application. However, while every effort is being made to ensure such programmes can proceed as soon as possible, the further progression of any interventions to be funded specifically by the EGF must await the completion of the EGF application process.

In relation to the length of time that EGF funding is available the timeframe permitted for eligible expenditure under the Fund is 24 months from the date of submission of an application,

or from the date of commencement of relevant measures provided this is no later than 3 months after the application's submission.

Tobacco Smuggling.

96. **Deputy Phil Hogan** asked the Minister for Finance if he will make a statement confirming reports in a newspaper (details supplied) on 22 February 2010 that the customs service is seriously concerned about a rise in detections of illegal and counterfeit cigarettes in mainstream shops; if there have been a significant rise in detections of illegal and counterfeit cigarettes in mainstream stores since the introduction of the point of sale display ban. [12051/10]

97. **Deputy Phil Hogan** asked the Minister for Finance the number of detections of illegal and counterfeit cigarettes in mainstream shops for 2007, 2008, 2009 and to date in 2010 in tabular form; and if he will make a statement on the matter. [12052/10]

98. **Deputy Phil Hogan** asked the Minister for Finance if he will make a statement regarding the figures on smuggled cigarettes as quoted in a newspaper (details supplied) on 22 February 2010 which claim that 25% of cigarettes are imported illegally into this country compared to 3% in France and 2% in Spain; if he will release statistics that compare the levels of cigarette smuggling into this country to the rest of Europe; if the figures quoted in this newspaper have been made available to him by customs officials in the Revenue Commissioners; and if he will publish the report which highlights these figures in view of the fact that they have now entered the public domain. [12053/10]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 96 to 98, inclusive, together.

As I have outlined in response to numerous questions on this issue, I am informed by the Revenue Commissioners, who are responsible for the collection of tobacco products tax and tackling the illicit trade in cigarettes and tobacco products, that they are concerned at the current level of cigarette smuggling and the illicit trade in cigarettes. It is acknowledged that tobacco taxes in Ireland are currently the highest in the EU and unfortunately this means that despite the comparative small size of the Irish market, significant profits can be made by fraudsters who engage in this type of illicit activity.

While precise information regarding the number of detections made in mainstream shops is not available, I can advise the Deputy that a total of 284 seizures, amounting to 9.7m cigarettes, were made in 2009 at various inland locations, including retail outlets, markets and other distribution centres. There has been no noticeable trend in the rise of detections of illegal cigarettes in mainstream shops, which can be directly attributed to the introduction of the point of sale display ban on 1st July 2009. It should be noted that both prior to and after the introduction of the point of sale display ban, checks on suspect premises involved a thorough search of the premises concerned, including cigarette-dispensing cabinets.

Revenue's overall results of enforcement activities and operations in 2009 show that 218.5m cigarettes were seized and 165 convictions were obtained for smuggling and selling untaxed cigarettes, a significant increase on previous years. Of the 165 convictions recorded during 2009, 146 related to cigarette smuggling and 19 related to the sale of untaxed cigarettes. Revenue Enforcement Officers carry out checks, both random and intelligence driven, at retail outlets, markets and other distribution centres, in an ongoing operation codenamed Operation Downstream since December 2007 which targets contraband cigarettes that evaded detection at the point of importation.

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The number of detections of illegal cigarettes (both contraband and counterfeit) made at inland locations under Operation Downstream is outlined in the following table:

Year	Number of seizures	Number of cigarettes seized
2007 (December only)	12	1.0m
2008	128	6.4m
2009	284	9.7m
2010 (to date)	47	1.2m

As I have stated previously, a report commissioned by a major cigarette manufacturer has been compiled annually over the past three years and contains estimates of the illicit trade in each Member State based on various research carried out. Officials from my Department receive a copy of this report simultaneously as do the Revenue Commissioners. This report is provided strictly on a confidential basis to the individual tax authorities of each Member State in respect of themselves only. Despite the appearance of varying media articles as to the level of the illegal trade across Europe, it would not be appropriate for my Department or I to put the general findings of the confidential report into the public domain.

Carbon Costs.

99. **Deputy Ruairí Quinn** asked the Minister for Finance if the cost of carbon is included in the budget allocations for specific capital investments; if so, the capital investments that are included in the cost of carbon; the shadow price of carbon that his Department is using; the shadow price that his Department plans to use in the years 2010 to 2050 inclusive; and if he will make a statement on the matter. [12076/10]

Minister for Finance (Deputy Brian Lenihan): The Budget allocations for 2010 set out the capital allocations for each area. All costs related to infrastructural provision, including carbon costs where relevant, are to be met within these allocations. These are to be found in the Revised Estimates Volume. Regarding the price of carbon, the analysis undertaken by the Interdepartmental Working Group: Reflecting the cost of carbon emissions in Cost Benefit Analyses, which reported in October 2008, formed the basis of the updated guidance note for including the cost of CO₂e in the appraisals of capital projects issued by the Department of Finance in June 2009. The guidance note is available on the Department of Finance's website along the following pathway:

<http://www.finance.gov.ie/documents/guidelines/CO2capapprais.pdf>

An update to take account of the introduction of the carbon tax will be issued by the Department of Finance following the enactment of the Finance Act 2010. Updates on price of CO₂e to be used in CBAs will be issued annually and will be posted on the Department's website.

Capital Investment Programme.

100. **Deputy Ruairí Quinn** asked the Minister for Finance when the review of the capital investments programme promised in the revised programme for Government 2009 is due to start; the duration of that review; and if he will make a statement on the matter. [12077/10]

Minister for Finance (Deputy Brian Lenihan): The Government undertook in its Revised Programme for Government to publish its revised investment priorities. A substantial amount of work has been carried out by the Department of Finance, in consultation with other Depart-

ments to review capital investment, to take account of the new economic and budgetary realities. The process is near completion and the Government will be considering all aspects of the review in the context of its commitment to publish its revised investment priorities.

National Asset Management Agency.

101. **Deputy Finian McGrath** asked the Minister for Finance if he will support a matter (details supplied). [12090/10]

Minister for Finance (Deputy Brian Lenihan): The Deputy is referring to a submission on NAMA that was sent to me in September 2009. It was given every consideration at that time, as were all submissions on NAMA that I received. I did not consider the proposal to be the appropriate response.

Tax Code.

102. **Deputy Joan Burton** asked the Minister for Finance the position regarding the application of VAT to e-books; the annual Exchequer revenue derived from the application of VAT on e-books; if he plans to bring forward legislation which would see equal treatment, as regards the application of VAT, between books and e-books; and if he will make a statement on the matter. [12092/10]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that the supply of e-books is subject to VAT at the standard rate of 21% when sold by Irish based suppliers to consumers in Ireland or in any other EU Member State. The Irish rate applies also to sales of e-books into Ireland from suppliers outside the EU. However, when an Irish consumer purchases e-books from a supplier in another Member State the VAT rate is the applicable rate in the supplier's Member State.

EU Directive 2008/8/EC contains a provision that deals with the VAT treatment of the supply of electronic services supplied to consumers. It provides that, with effect from 1 January 2015, the place of taxation of these services will change to where the consumer resides. This means that VAT will be chargeable in the consumer's Member State. All business-to-business sales of e-books are already taxed in the business customer's Member State.

VAT returns do not require the yield from a particular sector or sub-sector of trade to be identified and the VAT yield from sales of e-books cannot therefore be provided. Printed books, excluding newspapers, periodicals and certain other printed matter, are subject to the zero VAT rate. Under EU VAT law, Member States may retain the zero rates on goods and services which were in place on 1 January 1991, but cannot extend the zero rate to new goods and services. Consequently, it is not possible to apply zero-rating to e-books.

103. **Deputy Noel Ahern** asked the Minister for Finance if he will clarify the position in regard to mortgage tax relief or other tax relief on borrowings, specifically, if mortgage relief can be awarded to only one taxpayer on a particular property; if mortgage relief can be awarded in respect of same house to the applicant and their parents who took out a separate €25,000 deposit loan; and if any other tax relief is available to the parents against their loan. [12136/10]

Minister for Finance (Deputy Brian Lenihan): The position is that tax relief — at varying rates and subject to certain ceilings — is available in respect of interest payable on a qualifying home loan. A qualifying home loan is a loan used by an individual in the purchase, repair, development or improvement of his or her principal private residence. On the assumption that

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the Deputy's Question relates to a scenario wherein the parents took out a loan of €25,000 and used that loan to assist a son or daughter in the purchase of a private residence, then—

- (a) if the residence purchased by the son/daughter is the principal private residence of both the parents and the son/daughter (i.e. the parents live with the son/daughter in that residence), then—
 - (i) the parents may claim tax relief on the interest paid by them on the loan of €25,000; and
 - (ii) the son/daughter may claim tax relief on the interest paid on the loan taken out by him/her to purchase the residence,
- (b) if the residence purchased by the son/daughter is not the principal private residence of the parents but is the principal private residence of the son/daughter, then –
 - (i) the parents may not claim tax relief on the interest paid by them on the loan of €25,000; and
 - (ii) the son/daughter may claim tax relief on the interest paid on the loan taken out by him/her to purchase the residence.

Where the parents cannot claim tax relief on the interest paid on a loan used to assist a son/daughter to purchase of a private residence, I am further informed by the Revenue Commissioners that the Income Tax Acts do not provide for any other tax relief in respect of either the loan or the interest paid on that loan.

Banking Sector Regulation.

104. **Deputy Noel Ahern** asked the Minister for Finance the guidance or instructions that have been given to financial institutions regarding bonus payments to staff; if such guidance or instruction is being adhered to; and if he will make a statement on the matter. [12137/10]

Minister for Finance (Deputy Brian Lenihan): Under the Credit Institutions (Financial Support) Act 2008, each covered institution was required to submit a report to the Covered Institutions Remuneration Oversight Committee (CIROC) demonstrating how its remuneration policies for the year 2009 were to comply with paragraph 47 of the Scheme. CIROC in its report, submitted to me on 13 March 2009, then made recommendations on whether the covered institutions were in compliance with the terms of that paragraph. Having considered the CIROC report, I could direct the covered institution to amend the remuneration plan so that compliance would be achieved, if the covered institution had not complied with the relevant requirements.

The Government considered the CIROC recommendations in light of the further downturn in the wider economy, the prevailing financial position of the covered institutions and the fact that larger economies such as the United States and Germany had set lower caps on the salaries of Government aided financial institutions than those suggested by CIROC. In that regard, the Government considered that the CIROC recommendations regarding bonuses, pensions, long term incentive plans and board sub-committees were appropriate but that remuneration terms should be lower than those recommended by CIROC. Therefore, I sought a salary cap of €500,000 or the amount recommended by CIROC, whichever was the lesser. Any deviation from this should take place only in very exceptional circumstances and with my agreement.[Furthermore, CIROC noted that the Financial Regulator's primary focus in this area is on

ensuring that the regulated entities are incentivised to behave in a way that promotes compliance with regulatory requirements and encourages entities towards acting in the best interests of their customers. In this context, it noted that a focus on short-term profit or sales targets does not achieve this outcome and reward systems require adjustment towards more sustainable growth.

Remuneration committees are in place in the covered institutions. The Combined Code on Corporate Governance describes the functions of such remuneration committees. CIROC also dealt with the matter of performance-related bonus schemes for chief executives and executive directors and recommended that they should not lead to payments in respect of performance in 2008 or in 2009 and for the period of the Government guarantee. While CIROC considered that bonuses should not be payable now or for the immediate future, it acknowledged that it will be appropriate to introduce new bonus arrangements at a future date taking account of any long-term incentive initiatives but that this should arise only where an institution is no longer part of a Government guarantee scheme.

At European level, the Deputy will also be aware that the European Commission published a Recommendation on 30 April 2009 on remuneration policies in the financial services sector as a whole, and not just the banking sector. The Department of Finance has asked the Financial Regulator to implement the Commission Recommendation in Ireland in respect of institutions that it regulates. The Financial Regulator wrote to all credit institutions, insurance undertakings and investment firms as well as relevant industry representative bodies in November 2009 seeking views on the implementation of the Recommendation in order to inform the Regulator's approach to implementation of the Commission Recommendation in Ireland.

These views have now been received. The Financial Regulator now proposes to introduce requirements in this area and will engage in a public consultation process in the coming months. In the meantime, the Financial Regulator has written to all credit institutions, insurance undertakings and investment firms advising them of the Regulator's expectation that each institution follow the Commission's recommendations.

Departmental Staff.

105. **Deputy Noel Ahern** asked the Minister for Finance the position regarding the granting of term time this year to civil servants or to staff in various State agencies, specifically, if a decision not to allow term time has been made; the reason such a decision will be made not to allow this family friendly option which is cost neutral at worst; if Departments have freedom outside of a general instruction from him to discontinue term time. [12144/10]

Minister for Finance (Deputy Brian Lenihan): The Term time scheme has been superseded by the new modernised and updated format Shorter Working Year scheme (Circular 14/2009 of 30 April 2009). This new scheme, which was included in the Supplementary Budget of 7 April 2009, has been applicable from 30 April 2009. Subsequently, all Government Departments were asked to extend the terms of the scheme to bodies under their aegis. The purpose of the scheme is to allow staff to balance their working arrangements with outside commitments, including the school holiday periods for children. Under the terms of the scheme, special leave is available as a period of 2, 4, 6, 8, 10 or 13 consecutive weeks. The leave may be taken as one continuous period, or as a maximum of 3 separate periods each consisting of not less than 2 weeks and not exceeding 13 weeks in total.

The operation of the new scheme, as with the old, is subject to the business needs of Departments/bodies not being adversely affected. While Departments/bodies are asked as far as possible to grant applications for special leave under the terms of the Shorter Working Year

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scheme, the needs of the work may require that some or all applications will have to be refused. It is also important that the absence of staff does not place an undue burden on the staff remaining in the workplace. The final decision as to granting/refusing applications remains with the Personnel Officer in each Department/body.

Pension Provisions.

106. **Deputy Charlie O'Connor** asked the Minister for Finance the way a public service pension will be calculated for a person who has approximately seven to eight years service prior to 1995 and approximately 11 years service from 1997; the approximate amount of public service pension payable at today's *pro rata* rate; the age that the preserved pension will be available in view of the fact this person had service prior to 1 April 2004 which normally allows retirement at any age between 60 years and 65 years; and if he will make a statement on the matter. [12150/10]

Minister for Finance (Deputy Brian Lenihan): It is not possible to provide the information requested by the Deputy without having the details of the public servant's superannuation scheme and employment terms. It would then be a matter for the Minister responsible for the relevant body to consider. The Deputy might note that the employee is entitled under the Disclosure Regulations under the Pensions Act to receive the information on request from the employer.

Tax Code.

107. **Deputy Seán Sherlock** asked the Minister for Finance if he is satisfied that the reduction in excise duty on alcohol as announced in budget 2010 has been passed on to the consumer; and if he will make a statement on the matter. [12155/10]

Minister for Finance (Deputy Brian Lenihan): As there was significant price discounting of some alcohol products taking place in the months prior to Christmas, especially in certain supermarkets, it is difficult to measure the degree to which the excise reductions announced in the Budget have been reflected in alcohol prices. However, taking a somewhat longer time-frame it would appear that the excise reductions have generally been reflected in the price of alcohol products. While not all due to the reduction in excise duty, there has also been a narrowing of price differentials relative to Northern Ireland for alcohol products.

Social Welfare Benefits.

108. **Deputy Róisín Shortall** asked the Minister for Health and Children if an agreement is in place to administer the back to school clothing and footwear allowance in 2010; and if not, the deadline she is working to finalise arrangements. [12158/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Health Centres.

109. **Deputy Dinny McGinley** asked the Minister for Health and Children the position regarding the proposed primary health care centre (details supplied) in County Donegal. [12049/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Medical Cards.

110. **Deputy Joe Costello** asked the Minister for Health and Children the position regarding the medical card renewal application in respect of a person (details supplied) in Dublin 3; and if she will make a statement on the matter. [12058/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

111. **Deputy Jack Wall** asked the Minister for Health and Children the reason a person (details supplied) in County Kildare has been informed that they do not hold a valid medical card even though their card is not due to expire until end of March 2010; and if she will make a statement on the matter. [12062/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Health Service Agencies.

112. **Deputy Denis Naughten** asked the Minister for Health and Children, further to Parliamentary Question No. 155 of 20 January 2010, the reason Health Service Executive section 39 funded organisations have implemented pay cuts; the steps which are being taken to have this situation addressed; and if she will make a statement on the matter. [12066/10]

Minister for Health and Children (Deputy Mary Harney): 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.

Children in Care.

113. **Deputy Jack Wall** asked the Minister for Health and Children if relevant information will be supplied to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [12078/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Nursing Home Subventions.

114. **Deputy Richard Bruton** asked the Minister for Health and Children if patients who have established rights to beds in public long stay nursing homes are subvented beds in private nursing homes, can apply to move to other nursing homes and retain their right to remain on this more favourable payment system; and if she will make a statement on the matter. [12082/10]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): People who were resident in public nursing homes prior to the introduction of the Nursing Homes Support Scheme are not required to pay charges under section 33 of the Nursing Homes Support Scheme Act 2009. This safeguard applies even if the person moves to another public nursing home. Similarly, subvented residents in private nursing homes may retain their subvention payment and do not have to apply for the new scheme if they do not wish to do so. Should they wish to move to another private nursing home, they may apply to have their subvention payment transferred in accordance with the relevant subvention legislation (i.e. Health (Nursing Homes) (Amendment) Act 2007) and the HSE subvention guidelines.

Health Services.

115. **Deputy Richard Bruton** asked the Minister for Health and Children the reason there has been a delay in recognising the rights of dental technicians to deal directly with the public in the provision of dental prosthetic services; if she has now recognised a system under which these skilled service providers can have their experience recognised and be certified as eligible to provide services directly to the public; and if she will make a statement on the matter. [12084/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Nursing Homes Support Scheme.

116. **Deputy Richard Bruton** asked the Minister for Health and Children if, in circumstances where a child has purchased a home jointly with their parent but the parent has undertaken none of the payments towards the mortgage, the assessment under the fair deal will regard the parent as owning a 50% share, or would that share be reduced to take into account the fact that the parent had made no contribution towards the purchase costs; and if she will make a statement on the matter. [12085/10]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): Under the Nursing Homes Support Scheme, the financial assessment takes all the applicant's income and assets into account, including items which were transferred within five years of making an initial application for the scheme. The definition of asset extends to all forms of property in which the applicant has a beneficial interest. Furthermore, the legislation provides that, where

there are multiple owners of an asset, each owner shall be assumed to have an equal interest in the asset unless the HSE is satisfied that this is not the case. Accordingly, in the circumstances outlined above, the applicant would be assumed to own 50% of the asset in question unless he or she satisfied the HSE that this was not the case.

Medical Cards.

117. **Deputy Michael Ring** asked the Minister for Health and Children if her attention has been drawn to proposals in relation to cutbacks in the medical card scheme (details supplied); if so, the decision that has been made in relation to these proposals; and if she will make a statement on the matter. [12097/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Hospital Services.

118. **Deputy Jack Wall** asked the Minister for Health and Children, further to Parliamentary Question No. 126 of 3 December 2009, when the applicant will be facilitated at another hospital to have their operation under the National Treatment Purchase Fund; and if she will make a statement on the matter. [12100/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Adoption Services.

119. **Deputy Deirdre Clune** asked the Minister for Health and Children if adoptions from Hague ratified contracting states, when such adoptions are legislated for and administered in line with the Hague Convention good practice guidelines, will be recognised following the passing of the Adoption Bill; and if she will make a statement on the matter. [12102/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): The Adoption Bill, 2009, is designed to give force of law to the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption. The new legislation, which incorporates the provisions of the Hague Convention, is designed to provide a framework to ensure that appropriate procedures have been followed and that all adoptions are effected in the best interests of the child. Future intercountry adoption arrangements will be governed by the terms of the Adoption Bill 2009 when enacted.

Article 23 of the Hague Convention provides that an adoption certified by the competent authority of the state of the adoption as having been made in accordance with the Convention shall be recognised by operation of law in the other contracting states. Article 24 deals with the refusal of recognition of adoption in a contracting State and states that the recognition of an adoption may be refused in a contracting State only if the adoption is manifestly contrary to its public policy, taking into account the best interests of the child. In this regard, each application for an entry into the register for foreign adoptions will be examined on an individual basis by the Adoption Authority, to be established under the terms of the Adoption Bill 2009

Misuse of Drugs.

120. **Deputy Catherine Byrne** asked the Minister for Health and Children her views on the need for protocols governing the administering of methadone to persons in Garda custody; and if she will make a statement on the matter. [12103/10]

Minister for Health and Children (Deputy Mary Harney): The Misuse of Drugs (Supervision of Prescription and Supply of Methadone) Regulations 1998 set out specific requirements for the prescribing and dispensing of methadone, the keeping of records, the maintenance of a central treatment list of patients treated with methadone and certain exemptions from the protocol where methadone is used in hospitals or for the treatment of conditions other than opiate dependence. The position in relation to the administration of methadone to persons in Garda custody will be reviewed as part of a forthcoming review of the Regulations.

Nursing Home Inspections.

121. **Deputy Michael Creed** asked the Minister for Health and Children if she has conducted an audit of public long stay geriatric facilities, including community hospitals, regarding their compliance with Health Information and Quality Authority standards; the estimated capital investment required to bring these facilities up to the appropriate acceptable standard; and if she will make a statement on the matter. [12106/10]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Departmental Staff.

122. **Deputy Joanna Tuffy** asked the Minister for Health and Children the reason the post of senior community development officer is not being retained in south Tipperary; if her attention has been drawn to the fact that the absence of this post will be detrimental to the many community groups in the area; and if she will make a statement on the matter. [12118/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Hospital Accommodation.

123. **Deputy James Bannon** asked the Minister for Health and Children if she will provide additional beds and employ extra nurses at Longford/Westmeath Hospital, Mullingar, County Westmeath, to cater for the demands at the hospital; and if she will make a statement on the matter. [12120/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Prescription Charges.

124. **Deputy Noel Ahern** asked the Minister for Health and Children the position regarding plans for a 50 cent prescription charge; and when these plans will be implemented. [12138/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Community Care.

125. **Deputy Noel Ahern** asked the Minister for Health and Children the services which patients with multiple sclerosis are entitled to in relation to a person (details supplied) in Dublin 11 who is confined to a wheelchair; if the district nurse can be scheduled to call on them regularly; if the health services are involved in providing or supporting changes to their driveway ramp; if funding has been provided to a special medical bed costing approximately €3000; and if an amended correct medical card can be provided. [12141/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Medical Cards.

126. **Deputy Noel Ahern** asked the Minister for Health and Children if she will examine the case of a person (details supplied) in Dublin 11 whose application for an over 70 years medical card took ten months to process and who has medical expenses of €1,817 during the seven months he would have been eligible for a card, and has submitted same to the Health Service Executive; if a refund will be awarded; and if she will make a statement on the matter. [12142/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Mental Health Services.

127. **Deputy Noel Ahern** asked the Minister for Health and Children the psychiatric services operating on Dublin's northside; the structural or organisational changes that are taking place; if she will outline the reason a person (details supplied) in Dublin 9, who is a patient for six years and has developed confidence with the medical team and physical location which they visit, is being moved to a new team and location; if they are being moved because of their medical condition, category, location of their home address or other; and if it can be arranged that they be allowed to continue with the current team and location. [12143/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Health Service Staff.

128. **Deputy Phil Hogan** asked the Minister for Health and Children the reason the position of an orthodontist is vacant in the Kilkenny area for the past three years; when this appointment is likely to be reinstated; and if she will make a statement on the matter. [12153/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Medical Cards.

129. **Deputy Seán Sherlock** asked the Minister for Health and Children if an application for a medical card in respect of a person (details supplied) in County Cork was correctly assessed in view of their income; and if she will make a statement on the matter. [12154/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

130. **Deputy Michael Ring** asked the Minister for Health and Children if she will issue the Health (Amendment) Act card to a sector of persons (details supplied); and if she will make a statement on the matter. [12162/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Child Care Services.

131. **Deputy David Stanton** asked the Minister for Health and Children the number of pre-school services in operation here; the number of pre-school providers participating in the free pre-school year in the early childhood care and education scheme; the breakdown of same in each child care committee area; and if she will make a statement on the matter. [12168/10]

132. **Deputy David Stanton** asked the Minister for Health and Children the number of children who are enrolled with pre-school education services across the country; the number who are receiving a free pre-school year from the early childhood care and education services in each county child care area; the breakdown of these children that is available per age group; and if she will make a statement on the matter. [12169/10]

133. **Deputy David Stanton** asked the Minister for Health and Children the number of pre-school services offering the free pre-school year in the early childhood care and education scheme which came into operation in January 2010; the number of these providers who are seeking optional extra charges or voluntary donations from parents to cover additional costs such as extra hours, food and so on; and if she will make a statement on the matter. [12170/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): I propose to take Questions Nos. 131 to 133, inclusive, together.

I have responsibility for the free Pre-School Year in Early Childhood Care and Education (ECCE) scheme which was introduced in January of this year. Approximately 4,700 pre-school services in the State are notified to the Health Service Executive (HSE). Some 4,000 of these, or 85%, are participating in the ECCE scheme. Over 51,000 children, or 80%, of children in the year before school year, are availing of a free pre-school year place. This rises to over 53,500 (almost 85%) of children in the year before school, when account is taken of those availing of a pre-school year under the Community Childcare Subvention Scheme (CCSS) which is also implemented by my Office. The Table attached sets out the number of pre-school services participating in the ECCE scheme and the number of children enrolled in the ECCE scheme, broken down by City and County Childcare Committee area.

I must advise the Deputy that my Office does not have details in regard to the number of children attending pre-school services which are not participating in the ECCE scheme, whether in the qualifying age range for the scheme or not, as they would be attending on the basis of private arrangements between parents and providers. The age range in which children qualify for the scheme spans a period of almost 17 months and includes all children aged more than 3 years 2 months and less than 4 years 7 months in September of each year.

With regard to the number of participating services which offer optional extra services, including additional hours, each participating service is required to provide a fee policy to its local City or County Childcare Committee including fees charged in respect of non-qualified children, and details in regard to optional additional fees. This information is important, in individual cases, to ensure that services are compliant with the terms and conditions of the scheme, and information concerning the fees charged of parents outside the scheme is collated, in summary form. However, the nature of the details concerning optional extras does not lend itself to summary data, and is not, therefore, collated on a national basis.

	Services	Children enrolled
Carlow	53	691
Cavan	69	970
Clare	152	1,433
Cork City	86	1,093
Cork County	333	4,756
Donegal	132	1,869
Dublin City	342	3,255
Dun Laoghaire/Rathdown	184	1,814
Fingal	330	3,358
Galway	288	2,815
Kerry	129	1,518
Kildare	244	2,774
Kilkenny	114	1,163
Laois	82	996
Leitrim	34	414
Limerick City	47	597
Limerick County	140	1,645
Longford	45	494
Louth	139	1,514
Mayo	128	1,427
Meath	219	2,618
Monaghan	57	881

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	Services	Children enrolled
Offaly	67	951
Roscommon	61	713
Sligo	67	643
South Dublin	240	2,684
Tipperary North	79	857
Tipperary South	81	1,068
Waterford City	44	628
Waterford County	51	690
Westmeath	97	1,152
Wexford	135	1846
Wicklow	147	1,677

NB. The figures for services include those where two services are co-located e.g. a 50 week creche and 38 week playschool on the same premises. The figures for children are subject to ongoing process, whereincomplete returns were made by services.

Care of the Elderly.

134. **Deputy Frank Feighan** asked the Minister for Health and Children the position regarding day care services at a home (details supplied) in County Roscommon; and if she will give assurances that the services will continue at the level available before recent cut backs.

[12175/10]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): The issue raised in this Parliamentary Question was dealt with and answered in the reply to a Dail Adjournment Debate from the same Deputy on Tuesday 9 March 2010. The situation has not changed in the meantime.

Departmental Reports.

135. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to her letter of 4 February 2010 in relation to Parliamentary Question No. 357 of 16 September 2009, when the Health Service Executive's progress report will issue. [12176/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Harbours and Piers.

136. **Deputy Brendan Kenneally** asked the Minister for Transport the position regarding the provision of a pontoon at a location (details supplied) in County Cork; and if he will make a statement on the matter. [12099/10]

Minister for Transport (Deputy Noel Dempsey): My Department has recently received an application for funding for repair or replacement of the pontoon at Glengarriff, a pier that is under the control of the local authority. Under the 1946 Harbours Act, I have responsibility for six regional harbours only and I have no function in the provision of finance for this matter.

Road Network.

137. **Deputy Thomas P. Broughan** asked the Minister for Transport if he will report on the review of road spending (details supplied) as outlined in the Renewed Programme for Government 2009; when this review will start and the duration of same; and if he will make a statement on the matter. [12115/10]

Minister for Transport (Deputy Noel Dempsey): The review is being undertaken by the National Roads Authority, as the body with statutory responsibility for the improvement and maintenance of national roads, including the allocation of funding to individual projects. The review has already commenced and will be completed later this year.

State Airports.

138. **Deputy Mary Wallace** asked the Minister for Transport if Aer Lingus has any plans to have the maintenance work that is currently being done on Aer Lingus aircraft in France brought to and done in hangar 6 in Dublin; and the timeframe regarding same. [12156/10]

Minister for Transport (Deputy Noel Dempsey): This is an operational issue for Aer Lingus and I have no function in the matter.

Garda Recruitment.

139. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Questions Nos. 257 and 259 of 2 March 2010, if the Intergovernmental Agreement on Police Co-operation will have to be confirmed with the Northern Ireland Assembly in the post-devolution context; and if he will consider using that as an opportunity to apply the agreement to ranks lower than inspector. [12059/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Intergovernmental Agreement on Police Co-operation continues in force, but a technical amendment to Article 3 of the Agreement to take account of the appointment of a Minister for Justice in Northern Ireland is currently under consideration.

Vetting of Personnel.

140. **Deputy Lucinda Creighton** asked the Minister for Justice, Equality and Law Reform the reason for the delay in processing a Garda vetting application in the vetting unit in respect of a person (details supplied) in Dublin 8, and the estimated timeframe for this application to be processed. [12060/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Garda Central Vetting Unit (GCVU) provides employment vetting for a large number of organisations in Ireland registered with the Gardaí for this purpose and which employ persons in a full-time, part-time, voluntary or training capacity to positions where they would have substantial, unsupervised access to children and/or vulnerable adults. I am informed by the Garda Authorities that when checked against the details supplied the GCVU has no record of an application for vetting having been received in respect of the person to whom the Deputy refers.

141. **Deputy Lucinda Creighton** asked the Minister for Justice, Equality and Law Reform the reason for the delay in processing a Garda vetting application in respect of a group (details

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supplied) in Dublin 8 in the vetting unit; and an estimated timeframe for these applications to be processed.. [12061/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Garda Central Vetting Unit (GCVU) provides employment vetting for a large number of organisations in Ireland registered with the Gardaí for this purpose and which employ persons in a full-time, part-time, voluntary or training capacity to positions where they would have substantial, unsupervised access to children and/or vulnerable adults. I am informed by the Garda Authorities that the group to which the Deputy refers is not registered with the GCVU for vetting purposes and that the GCVU has no record of a vetting request from the group in question.

Garda Stations.

142. **Deputy Enda Kenny** asked the Minister for Justice, Equality and Law Reform the position regarding a Garda station (details supplied) in County Mayo; the progress that has been made in constructing a new station in the area; and if he will make a statement on the matter. [12079/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Garda accommodation programme is based on agreed priorities established by An Garda Síochána and it is brought forward in close cooperation with the Office of Public Works, which has responsibility for the provision and maintenance of Garda accommodation. The relevant requirements are considered in the context of the Garda Síochána's identified accommodation priorities and in the light of available resources. I regret that the information with regard to the Garda station referred to by the Deputy is not readily to hand. I will write to the Deputy as soon as it is available.

Registration of Title.

143. **Deputy Eamon Gilmore** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the proposal by the Property Registration Authority to destroy hundreds of thousands of documents, some dating from the 19th century, as part of the authority's move towards e-conveyancing; if his attention has been drawn to the concerns about the plan expressed by historians and archivists at the loss of these documents; the discussions he has had with the authority on the plan; his views on asking the authority to review the plan and to consider the transfer of the documents to some other location, as an alternative to destruction; and if he will make a statement on the matter. [12095/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I would like to refer the Deputy to my reply to Question No. 366 of 2 February, 2010 which sets out the position in relation to this matter.

Visa Applications.

144. **Deputy Martin Ferris** asked the Minister for Justice, Equality and Law Reform if he will renew the visa of a person (details supplied) in view of the fact that the Labour Court ordered that they be reinstated. [12101/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Immigration Division of my Department that the person in question has been granted permission to remain in the State on Stamp 4 conditions for a one year period until 8 March

2011. Stamp 4 conditions entitle the person concerned to take up employment without the need for a work permit or to set up a business without the need for permission from the Minister for Justice, Equality and Law Reform.

Citizenship Applications.

145. **Deputy Michael Ring** asked the Minister for Justice, Equality and Law Reform if an application for naturalisation in respect of a person (details supplied) in County Mayo will be approved. [12110/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Information in relation to the application lodged by the person referred to in the Deputy's question is not readily to hand. I will write to the Deputy as soon as it is available.

Garda Reserve.

146. **Deputy David Stanton** asked the Minister for Justice, Equality and Law Reform the number of persons serving in the Garda Reserve; when he plans to hold the next recruitment drive for new Garda reserves; and if he will make a statement on the matter. [12167/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I regret that the statistical information requested by the Deputy is not readily to hand. I will write to the Deputy as soon as it is available. However, I can assure the Deputy that recruitment to the Garda Reserve is ongoing. The moratorium on recruitment and appointments in the public service does not apply to the Garda Reserve, as members are volunteers and do not draw a salary.

Human Rights Issues.

147. **Deputy Lucinda Creighton** asked the Minister for Foreign Affairs if he will raise the matter of the detention of a person (details supplied) with the Chinese Government. [12096/10]

Minister for Foreign Affairs (Deputy Micheál Martin): As stated in the House on 9 February last, in reply to a Parliamentary Question relating to the same case, I am deeply concerned about the disappearance of Mr. Gao Zhisheng, a prominent Chinese human rights lawyer. I note with deep concern that Mr. Gao Zhisheng has now been missing for over a year from his home in Shaanxi province and that on the two occasions on which he has been sighted since that time, the last of which was June 2009, he was accompanied by police officers. Since June, it has not been possible for either members of his family or his professional colleagues to make contact with him.

Human rights issues in China, including individual cases, are regularly discussed on a bilateral basis with the Chinese Government, both in Beijing and in Dublin. The Government continues to stress at such meetings the great importance attached by Ireland to human rights, fundamental freedoms and the rule of law, and to urge the Chinese authorities to ratify the International Covenant on Civil and Political Rights. A broad-ranging EU-China human rights dialogue enables the EU to engage with China on such issues as freedom of expression, the death penalty, the independence of the judiciary, prison conditions, freedom of religion and minority rights. It also provides an opportunity for the EU to raise individual cases, such as that of Mr. Gao.

In the period since the disappearance of Mr. Gao, the EU has repeatedly called on the Chinese authorities to reveal his whereabouts. His case has been raised during the last two

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meetings of the EU-China Human Rights dialogue, held in Prague on 14 May 2009 and in Beijing on 20 November 2009 respectively. We have called on the Chinese authorities to give Mr. Gao access to legal advice and to allow him to maintain contact with his family. We have urged them to clarify without delay his present situation and to open a fully independent and transparent investigation into his disappearance.

Since I last referred to this case in the House on 9 February, there have been press reports, based on information supplied by the Chinese Government, that Mr. Gao has been working in the city of Urumqi in the Xinjiang Uyghur Autonomous Region, and that he has been in contact with his wife in the US and relatives in China. However, sources close to Mr. Gao's family have advised that Mr. Gao's wife has not yet had contact with her husband. Mr. Gao's current location and physical condition, therefore, remain unconfirmed, a year after contact with him was first lost. I am very concerned about this case and have instructed that it be raised bilaterally with the Chinese authorities.

National Theatre.

148. **Deputy Noel Ahern** asked the Minister for Arts, Sport and Tourism the position regarding discussions between Abbey Theatre staff on the possible closure of its workshops, specifically the number of positions that will be transferred to the UK; the reason the National Theatre is being allowed to consider such action; the lease terms of current workshops and the financial expense that will be faced with an empty building; and if he will order this idea and such examination to be scrapped. [12134/10]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): As I have informed the Deputy previously on this matter, I have no direct involvement in the day to day operations of the Abbey Theatre. Decisions made in relation to the matter raised by the Deputy are a matter for the Board and management of the Abbey Theatre, which operates independently of my Department.

National Drugs Strategy.

149. **Deputy Catherine Byrne** asked the Minister for Community, Rural and Gaeltacht Affairs the amount of money that has been given by his Department to local and regional drugs task forces since they were first established in 1997; if he is satisfied this has had a positive impact on tackling the drug problem here; and if he will make a statement on the matter. [12104/10]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran): From the establishment of my Department in 2002 up to 2009, in the region of €197m has been made available for drugs initiatives which, in the main, have been delivered through Local and Regional Drugs Task Forces. This figure excludes expenditure under the Young People's Facilities and Services Fund, responsibility for which transferred to the Department of Education & Science with effect from 1st January 2009.

I am satisfied that the Drugs Task Forces continue to make a positive impact on the drugs problem in Ireland through their community-based approach and a further €31m will be made available to support and enhance their work in 2010. In this regard, it should be noted that the National Drugs Strategy 2009-2016 recognised the key role that the Task Forces have played in addressing the drug problem in Ireland in recent years and believes that they will continue to play a strong role in the coming years.

Community Support for Older People.

150. **Deputy Róisín Shortall** asked the Minister for Community, Rural and Gaeltacht Affairs the organisations in Dublin operating the scheme of community support for older people. [12165/10]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran): Almost €4.4m has been paid to 104 community and voluntary organisations operating the Scheme of Community Support for Older People in the Dublin area since January 2004. Information on the level of grants paid to each of these groups is available on my Department's website at www.pobail.ie. For the convenience of the Deputy, I am arranging to have the relevant details forwarded to her directly.

Social Welfare Code.

151. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs if it is the case that a person who has paid the health levy for the initial part of the year is entitled to a refund of the health levy if later in the year they become entitled to a medical card; if the same applies to other exemption categories such as those in receipt of widow or widower's pension, deserted wife's pension, one-parent family payment and so on; and if the same applies to a person who was paying the health levy in the initial part of the year when they were aged 69 years when they turn 70 years later that year. [12164/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

152. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social and Family Affairs if she is paying the full adult rate of social welfare payments where a young person has expressed interest in undertaking training or education but no place is available; if not, the reason for same; and if she will make a statement on the matter. [12046/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Receiving the full adult rate of a jobseekers payment at a young age, without a strong financial incentive to engage in education or training, can lead to welfare dependency. In order to incentivise young jobseekers to avail of education and training opportunities, so that they can avoid becoming welfare dependent from a young age, changes have been made to the Jobseeker's Allowance scheme. Currently, for new entrants, the rate of Jobseeker's Allowance is now €100 per week for 18-21 year olds and €150 per week for those aged 22-24, inclusive, who are not in training or education. In tandem with these changes, my colleagues in the Department of Enterprise, Trade and Employment and the Department of Education and Science have significantly enhanced the provision of education and training opportunities.

Social Welfare Benefits.

153. **Deputy Frank Feighan** asked the Minister for Social and Family Affairs the records of jobseeker's allowance awarded to a person (details supplied) since January 2008. [12070/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to the staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

154. **Deputy Martin Ferris** asked the Minister for Social and Family Affairs if an application for lone parent allowance has been successful in respect of a person (details supplied). [12072/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to the staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

155. **Deputy Martin Ferris** asked the Minister for Social and Family Affairs when child benefit payments will be resumed in respect of a person (details supplied). [12073/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

156. **Deputy Richard Bruton** asked the Minister for Social and Family Affairs the target period of delay while her Department conducts a means test for a person whose entitlement to jobseeker's benefit has expired and whose spouse is working; and if she will make a statement on the matter. [12081/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

157. **Deputy Ciarán Lynch** asked the Minister for Social and Family Affairs if a decision on habitual residence will be expedited in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [12089/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

158. **Deputy Ciarán Lynch** asked the Minister for Social and Family Affairs when a decision will be made on an application for carer's allowance in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [12093/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

159. **Deputy Willie Penrose** asked the Minister for Social and Family Affairs if a jobseeker's allowance application in respect of a person (details supplied) in County Westmeath will be expedited. [12114/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

160. **Deputy James Bannon** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Longford should have to wait three months for a jobseeker's allowance; if this delay will be reduced; and if she will make a statement on the matter. [12124/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

161. **Deputy Aengus Ó Snodaigh** asked the Minister for Social and Family Affairs the number of recipients of the one parent family payment by the age of their youngest child. [12130/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The details of the number of recipients of the One-Parent Family Payment (OFP) by the age of their youngest child as at September, 2009, is set out in the attached table.

Age of the youngest child	Number of OFP recipients
0	5,098
1	8,920
2	8,420
3	7,319
4	6,896
5	6,372
6	6,027
7	5,570
8	5,005
9	4,485
10	4,088
11	3,699
12	3,376
13	2,802
14	2,597
15	2,301
16	2,234
17	2,140
18	1,022
19	533
20	353
21	159
22	52
Total	89,468

Community Employment Schemes.

162. **Deputy Noel Ahern** asked the Minister for Social and Family Affairs the reason an exemption on rehabilitation grounds was not extended to a person (details supplied) in Dublin 11 to allow them continue on their community employment scheme until September 2011; if she will clarify the regulations and confirm it is in order to carry on after your 65th birthday when an exemption exists; and if exemption can be granted again to allow them continue on the scheme. [12133/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Benefits.

163. **Deputy Noel Ahern** asked the Minister for Social and Family Affairs if she will provide details for each of the past 12 months of the number of persons who were on jobseeker's

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benefit for 12 to 15 months who were refused jobseeker's allowance or granted a weekly personal allowance of less than €100 per week; if a report on the status of such persons has been undertaken; the numbers in education or on disability benefit; the numbers without payment; and if she will make a statement on the matter. [12135/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

164. **Deputy Noel Ahern** asked the Minister for Social and Family Affairs the position regarding applications for household benefits package in respect of a person (details supplied) in Dublin 11 and specifically if the package has been approved and the claimant notified; when a decision will be made; and if she will confirm if it will be backdated to their 66th birthday. [12139/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

165. **Deputy Noel Ahern** asked the Minister for Social and Family Affairs the payments that are being made to persons (details supplied) in Dublin 11, namely, the basis of his payment, if based on his contribution record; if she will give details of same and if the method of calculation has been changed since the rate was first established and if any other calculation is possible; if there is any record of a non-contributory pension application. [12140/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Pension Provisions.

166. **Deputy Charlie O'Connor** asked the Minister for Social and Family Affairs if a person who has eligibility for a partial public service pension from approximately seven to eight years service prior to 1995 and a further period of approximately 11 years from 1997, and also has full eligibility for a State pension, can avail of the full rate of State pension in addition to the partial public service pension; or if any abatement will apply; and if she will make a statement on the matter. [12149/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The State Pension (Contributory) is paid to people from the age of 66 who have enough Irish social insurance contributions. To qualify for this pension, a person must have paid social insurance contributions before a certain age, have a certain number of social insurance contributions paid, and have a certain average number over the years since the person first started to pay social insurance.

Qualification for the State Pension (Contributory) is not affected by the level of public service pension to which a person is entitled. Qualification is based upon a person's social insurance record and the rate at which social insurance was paid. Since 1991, a State Pension (Contributory) may be payable on a pro-rata basis to people with mixed insurance, that is where the person has paid at the full and modified rates of social insurance. Public servants recruited before 1995 pay social insurance at the modified rate.

Social Welfare Offices.

167. **Deputy Kathleen Lynch** asked the Minister for Social and Family Affairs the security

that is in place at the Hanover Street social welfare office, Cork, to protect customers and staff from disorderly and disruptive behaviour by some customers of the service; and if she will make a statement on the matter. [12152/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken. I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Benefits.

168. **Deputy Brendan Howlin** asked the Minister for Social and Family Affairs the average time taken by her Department to process claims for jobseeker's allowance or benefit to completion; the way she plans to ensure that claimants receive their entitlements within a reasonable period of time; and if she will make a statement on the matter. [12159/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The average processing times for jobseeker claims decided during February 2010 were 2.32 weeks for jobseeker's benefit and 7.67 weeks for jobseeker's allowance. Processing times can vary from office to office due to the extent of the increased claim load, the number of staff vacancies, the duration of such vacancies and the turnover of staff in the office which impacts on the overall level of experience in the office. At week ending 6 March the total number of jobseeker claims awaiting a decision stood at 49,099. This represents 10% of the total claim load. It is worth noting that when the live register was at its lowest 10% was the normal level of claims awaiting a decision at any time.

To deal with the increased live register, since May 2008, some 400 extra staff have been assigned to local offices, new Central Support Units and the Department's Inspectorate. At the same time the Department has been examining procedures surrounding the claim acceptance and decisions process with a view to streamlining them and achieving greater efficiencies where possible.

The following are some of the initiatives introduced to improve processing times:

- A more streamlined procedure for claimants moving to jobseekers allowance when their jobseekers benefit expires.
- A streamlined process for people who had a claim in the previous two years.
- Application forms for the jobseeker schemes are now available on the Department's website. This means that anyone who wants to make a claim can print the form at home and bring it to the local office completed. This helps reduce queuing times.
- More straight-forward procedures for providing evidence of identity and address have been introduced.
- An appointment system whereby claimants can have their claim taken and decided during the appointment. This particular initiative has helped greatly in reducing waiting times. We have this system in operation in 33 local offices and plan to extend it to further offices.

A further initiative, which is being trialled at present, relates to customers who are applying for jobseekers allowance on the termination of their jobseekers benefit entitlement. In any of these cases where there are no elements of self-employment or property involved in the means assessment, the person will self-certify the various components of their means and a decision will be made by the Deciding Officer without the need to refer the claim to an Inspector. As a control measure a certain proportion of these claims will be selected at random and will be referred to an inspector for verification of the declaration of means in advance of the decision

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being made. It is expected that this initiative will be rolled out to the network of local offices in the coming months.

While every effort is made to ensure that applications are processed as quickly as possible, anyone who is under financial pressure while awaiting a decision on their claim for a jobseekers payment can apply for Supplementary Welfare Allowance which is subject to a means test and other qualifying conditions.

169. **Deputy Seán Sherlock** asked the Minister for Social and Family Affairs the position regarding a disability allowance application submitted approximately 16 weeks ago by a person (details supplied) in County Cork; and if she will make a statement on the matter. [12160/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

170. **Deputy Brendan Howlin** asked the Minister for Social and Family Affairs if her attention has been drawn to the fact that a person (details supplied) who applied for jobseeker's benefit prior to Christmas 2009 is still awaiting a decision on their claim; when this claim will be processed to completion; and if she will make a statement on the matter. [12163/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

171. **Deputy Frank Feighan** asked the Minister for Social and Family Affairs when a decision will be made on an application for jobseeker's payment in respect of a person (details supplied) in County Roscommon. [12172/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

172. **Deputy Frank Feighan** asked the Minister for Social and Family Affairs when an application for lone parents will be completed in respect of a person (details supplied). [12173/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Defence Forces Property.

173. **Deputy Jack Wall** asked the Taoiseach and Minister for Defence if he has sanctioned evictions of residents of his Department's housing (details supplied) in County Kildare in view of statements (details supplied) that no evictions of residents, especially widows or widowers, would be undertaken; and if he will make a statement on the matter. [12116/10]

The Taoiseach and Minister for Defence (Deputy Brian Cowen): A limited number of Married Quarters are available for serving members of the Permanent Defence Force. Defence Forces Regulations specify that the quarters must be vacated within 15 days of leaving the service. It is standing policy for some years now that the use of Married Quarters should be discontinued in a managed and orderly fashion.

The persons occupying these quarters are currently in illegal occupation of Departmental property and the issue of eviction does not arise as they have no right to occupy these properties. My Department is seeking vacant possession of these properties. However, in a very limited number of cases the occupiers will be allowed to remain subject to an agreement being

put in place that there will be no succession rights to family members. My Department will be contacting all individual occupiers by the end of May at the latest to outline its position in relation to their occupation. Whilst it is essential that the quarters be vacated, the Department is prepared to allow a reasonable period of time for the occupiers in question to make alternative arrangements.

My Department has been in contact with Kildare County Council on a number of occasions to outline the steps that it will take to resolve this matter. It is now in the best interests of all occupiers of these quarters to apply to the local authority for housing or to make alternative arrangements for their accommodation.

Defence Forces Recruitment.

174. **Deputy David Stanton** asked the Taoiseach and Minister for Defence the details of any forthcoming recruitment campaigns for the Permanent Defence Forces in 2010; when they will occur; the numbers he is seeking to recruit; and if he will make a statement on the matter. [12166/10]

The Taoiseach and Minister for Defence (Deputy Brian Cowen): Within the available resources, the Government is committed to maintaining the strength of the Defence Forces at a level of 10,000 all ranks, for which Government approval has been secured in the context of Budget 2010. This reflects the reductions in personnel recommended in the Report of the Special Group on Public Service Numbers and Expenditure Programmes. I am advised by the Military authorities that the strength of the Permanent Defence Force as at 31 January, 2010 was 9,906 comprising 8,070 Army, 805 Air Corps and 1,031 Naval Service personnel.

As the numbers in the Permanent Defence Force have dropped below 10,000, recruitment will be carried out in 2010 in order to bring the numbers back to this level. Details of the recruitment campaign for 2010 in relation to the numbers of general service recruits and the commencement of any such recruitment campaigns are not yet available. Planning for this process is underway. I intend, with the support of the Chief of Staff and within the resources available, to retain the capacity of the organisation to operate effectively across all roles while contributing to the necessary public service economies. I am advised that at this time the Defence Forces retain the capacity to undertake the tasks laid down by Government at home and overseas.

Alternative Energy Projects.

175. **Deputy Willie Penrose** asked the Minister for the Environment, Heritage and Local Government the position regarding the erection of wind turbines, for commercial and industrial purposes; the restrictions and/or the prohibitions of such commercial turbines being erected in built-up or residential areas; if height restrictions apply to the erection of such industrial and commercial wind turbines; if restrictions apply to their proximity to dwelling houses; and if he will make a statement on the matter. [12112/10]

181. **Deputy Willie Penrose** asked the Minister for the Environment, Heritage and Local Government the relevant regulations which pertain to applications for planning permission to erect commercial and industrial wind turbines with particular reference to the location and the proximity to areas of significant housing populations; and if he will make a statement on the matter. [12111/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 181 and 175 together.

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I refer to the reply to Question No. 586 of 2 February, 2010. Planning applications, including applications for planning permission to erect wind turbines, must comply with the requirements of the Planning and Development Act 2000, as amended, and the Planning and Development Regulations 2001-2008.

My Department's Wind Energy Development Guidelines, issued to planning authorities in June 2006, offers advice on determining applications for wind energy including various aspects of planning and site selection. One of the aims of these guidelines is to ensure consistency of approach throughout the country in the identification of suitable locations for wind energy developments, having regard to, *inter alia*, proximity to existing dwellings and settlements, noise and safety aspects, as well as impacts on the natural, built and geological heritage. The guidelines also clearly state that the relevant development plan policies should inform and be taken into account in assessing appropriate locations for wind energy developments.

Parts 1 and 2 of Schedule 2 of the Planning and Development Regulations 2001-2008 provide for certain exemptions from the requirement to obtain planning permission. Classes 2(b) and 56(c) of Part 1 and Class 18(b) of Part 2 of the Regulations provide for exemptions in relation to wind turbines, in homes and in the industrial, business and agricultural sectors, subject to conditions. A summary of the conditions relating to these exemptions is provided as follows.

Planning and Development Regulations 2007

Wind turbines within the curtilage of a domestic property

- No exemption for building-mounted turbines
- Max height up to 13m
- Rotor diameter up to 6m
- Ground clearance of at least 3m
- Must be turbine height (including the blade of the turbine at the highest point of its arc) plus 1m from nearest party boundary
- Consent of Irish Aviation Authority (IAA) required if within 5 km of an airfield, etc
- Noise levels must be less than 43 db(A) during normal operation
- Only 1 per site
- No structure constructed, erected or placed forward of the front wall of a house
- No logos and non-reflective finish

Planning and Development Regulations 2008

Wind turbines within the curtilage of a commercial, industrial or agricultural property

- No exemption for building-mounted turbines
- Max height up to 20m
- Rotor diameter up to 8m
- Ground clearance of at least 3m

- Must be turbine height plus 5m from nearest party boundary and non-electrical overhead cables
- Must be turbine height plus 20 m from 38 kV lines or own height plus 30 m from lines of 110 kV or more
- Consent of IAA required if within 5 km of an airfield, etc
- Noise levels must be less than 43 db(A) at site boundary
- Only 1 per site, and not within an Architectural Conservation Area (ACA)
- No logos and non-reflective finish

Water and Sewerage Schemes.

176. **Deputy Dinny McGinley** asked the Minister for the Environment, Heritage and Local Government the position regarding a proposed scheme (details supplied) in County Donegal. [12047/10]

177. **Deputy Dinny McGinley** asked the Minister for the Environment, Heritage and Local Government the position regarding a proposed scheme (details supplied) in County Donegal. [12048/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 176 and 177 together.

The Dungloe and Glenties Sewerage Schemes were to advance as a joint scheme and were included in my Department's Water Services Investment Programme 2007 -2009, while the Burtonport Sewerage Scheme was also included in the Programme. Donegal County Council submitted Tender Documents for the Design/Build/Operate contract for the Dungloe/Glenties scheme to my Department in the first half of 2009. During the course of my Department's assessment of these documents, the Council suggested to my Department that the Burtonport Sewerage Scheme be progressed as part of the Dungloe/Glenties joint scheme. Additional information was requested from the Council in relation to the Burtonport proposal to enable a decision on this grouping of the schemes to be made. This information has recently been received and is currently under examination. When this examination is complete a decision will be conveyed to the Council as soon as possible in light of the finalisation of the Water Services Investment Programme for the period 2010 to 2012. I expect to publish the new Programme shortly.

178. **Deputy Seán Ó Feargháil** asked the Minister for the Environment, Heritage and Local Government the position regarding an application by Kildare County Council for the construction of a new waste water collection network for Kildare town; if this application will be approved expeditiously; and if he will make a statement on the matter. [12056/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply to Question No. 353 of 9 March 2010.

Planning Issues.

179. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government if a person applying for planning permission must establish peer title to the lands before planning permission is obtained; if a subsequent dispute about ownership arises would

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this invalidate the permission granted; and if he will make a statement on the matter.
[12087/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Under the Planning and Development Regulations 2001, as amended, a planning application is required to be accompanied by the written consent of the owner to make the application, where the applicant is not the legal owner of the land concerned. My Department's 2007 Development Management Guidelines state that where, in making an application, a person asserts that he/she is the owner of the land or structure in question, and where there is nothing to cast doubt on the bona fides of that assertion, the planning authority is not required to inquire further into the matter.

It would be a matter for the courts to decide whether the fact that an applicant obtained permission to develop land in which he/she did not have a legal interest, without the consent of the owner, would invalidate the planning permission. It should also be noted that, as section 34(13) of the Planning and Development Act 2000 states, a person is not entitled, solely by reason of a permission, to carry out any development.

Building Regulations.

180. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government if he is satisfied that all measures relating to consumer protection regarding housing construction are appropriate to the current difficulties in the housing market; and if he will make a statement on the matter. [12107/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): My Department is aware of the concerns of consumers of housing services in current market conditions, including in regard to unfinished or partially completed residential developments. The Department is working with other stakeholders to develop a fuller picture of the scale of these difficulties in terms of mapping such developments on a county by county basis, setting out the range of statutory powers at the disposal of the relevant agencies and determining what further measures might need to be considered.

Question No. 181 answered with Question No. 175.

Special Areas of Conservation.

182. **Deputy Frank Feighan** asked the Minister for the Environment, Heritage and Local Government the position regarding turf cutting on bogs in special areas of conservation in counties Roscommon and Leitrim; if his attention has been drawn to the fact that the turf cutting season has already begun; and when the report from the special committee will be available. [12174/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The derogation allowing a continuation of turf cutting on 32 Raised Bog SACs that were notified for designation in 1999 has now expired. A further 23 raised bog SACs were notified for designation in 2002. I have included a list of the bogs affected. The Working Group on the Cessation of Turf Cutting in Designated Areas is nearing completion of its deliberations and I expect to receive its report very shortly. I will conclude my consideration of the report and any recommendations it contains as rapidly as possible, and will then be in touch with affected individuals and representative groups in regard to the position.

SAC 1999 — Raised Bog

No#	Year	Site Code	Site Name	County
1	1997	000006	Killyconny Bog (Cloghbally)	Cavan/Meath
2	1997	000231	Barroughter Bog	Galway
3	1997	000248	Cloonmoylan Bog	Galway
4	1997	000285	Kilsallagh Bog	Galway
5	1997	000296	Lisnageeragh Bog and Ballinstack Turlough	Galway
6	1997	000301	Lough Lurgeen Bog/ Glenamaddy Turlough	Galway
7	1997	000326	Shankill West Bog	Galway
8	1997	000382	Sheheree (Ardagh) Bog	Kerry
9	1997	000391	Ballynafagh Bog	Kildare
10	1997	000440	Lough ReeRos	LD/WM
11	1997	000457	Derrynabrock BogMayo	Roscommon
12	1997	000497	Flughany Bog	Mayo/Sligo
13	1997	000547	Tawnaghbeg Bog	Mayo
14	1997	000566	All Saints Bog and Esker	Offaly
15	1997	000572	Clara Bog	Offaly
16	1997	000575	Ferbane Bog	Offaly
17	1997	000580	Mongan Bog	Offaly
18	1997	000581	Moyclare Bog	Offaly
19	1997	000582	Raheenmore Bog	Offaly
20	1997	000585	Sharavogue Bog	Offaly
21	1997	000592	Bellanagare Bog	Roscommon
22	1997	000597	Carrowbehy/Caher Bog	Roscommon
23	1997	000600	Cloonchambers Bog	Roscommon
24	1997	000604	Derrinea Bog	Roscommon
25	1997	000614	Cloonshanville Bog	Roscommon
26	1997	000641	Ballyduff/Clonfinane Bog	Tipperary
27	1997	000647	Kilcarren-Firville Bog	Tipperary
28	1997	000679	Garriskil Bog	Westmeath
29	1997	001242	Carrownagappul Bog	Galway
30	1997	001818	Lough Forbes Complex	Longford/Ros
31	1997	002110	Corliskea/Trien/Cloonfelliv Bog	Galway/Ros
32	1999	000297	Lough Corrib	Galway/Mayo

SAC 2002 — Raised Bog

No#	Year	Site Code	Site Name	County
33	2002	000595	Callow Bog	Roscommon
34	2002	002298	River Moy	Mayo/Ros/Sligo
35	2002	002331	Mouds Bog	Kildare
36	2002	002332	Coolrain Bog	Laois
37	2002	002333	Knockacoller Bog	Laois
38	2002	002336	Carn Park Bog	Westmeath
39	2002	002337	Crosswood Bog	Westmeath
40	2002	002338	Drumalough Bog	Roscommon
41	2002	002339	Ballynamona Bog and Corkip Lough	Roscommon

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No#	Year	Site Code	Site Name	County
42	2002	002340	Moneybeg and Clareisland Bogs	Meath/Westmeath
43	2002	002341	Ardagullion Bog	Longford
44	2002	002342	Mount Hevey Bog	Meath/Westmeath
45	2002	002343	Tullaher Lough and Bog	Clare
46	2002	002346	Brown Bog	Longford
47	2002	002347	Camderry Bog	Galway
48	2002	002348	Clooneen Bog	Longford
49	2002	002349	Corbo Bog	Roscommon
50	2002	002350	Curraghlahanagh Bog	Galway
51	2002	002351	Moanveanlugh Bog	Kerry
52	2002	002352	Monivea Bog	Galway
53	2002	002353	Redwood Bog	Tipperary
54	2002	002354	Tullaghanrock Bog	Roscommon
55	2002	002356	Ardgraique Bog	Galway

Horse Racing Industry.

183. **Deputy Seán Ó Fearghail** asked the Minister for Agriculture, Fisheries and Food his views on the number of thoroughbred horses here; and if he will make a statement on the matter. [12055/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): In relation to the number of thoroughbred horses in Ireland and having regard to statistics published by Horse Racing Ireland, I am aware there has been a reduction in the number of mares being covered from a peak of 20,700 in 2007 to 18,851 in 2009. In relation to the numbers of stallions registered for thoroughbred breeding, the number for 2009 is not finalised, but for the period from 2007 to 2008, the number of stallions declined from 416 to 312. The number of foals born has declined from a peak of 12,633 in 2007 to 10,167 in 2009. This decline is an indication of the market conditions that currently prevail in the sector in the context of balancing supply with demand.

Grant Payments.

184. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food when REP scheme payments will be awarded in respect of a person (details supplied) in County Kerry. [12074/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Due to industrial action by staff in my Department, I am not in a position to provide a reply to this question.

185. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food when a REPS 4 payment will be awarded in respect of a person (details supplied). [12075/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Due to industrial action by staff in my Department, I am not in a position to provide a reply to this question.

186. **Deputy Joe McHugh** asked the Minister for Agriculture, Fisheries and Food the cost of processing a single farm payment; and if he will make a statement on the matter. [12105/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): It is not possible to isolate the cost of processing an individual Single Farm Payment. However, my Department

operates an extremely efficient processing system for the payment of the Single Farm Payment and other area-based Schemes. Payment is generally made to the vast majority of farmers in the immediate time period following the earliest date for the commencement of payments. In a study to assess the administrative burden on farms arising from the CAP, consultants employed by the Commission, established that Ireland has the lowest administrative cost of the five Member States involved in the study (Germany, Ireland, France, Italy and Denmark).

It should be appreciated that staff of my Department who are involved in the processing of applications under the Single Payment Scheme (SPS) are also involved in many other areas of activity not necessarily directly involved in the basic processing of those applications, including policy development, EU negotiations, development and maintenance of computer systems, required inspection regimes, in addition to processing applications under the various measures associated with the Single Payment Scheme viz National Reserve, Trading of Entitlements, Inheritance, Consolidation. Furthermore, they are also involved in numerous other Schemes: for example, in addition to those listed below, these staff have recently also been involved in the Sugar Reform Package measures, Dairy Premium Scheme, Scheme of Aid for Damaged Fodder, Scheme of Aid for Crops Damaged by Frost.

It should also be noted that farmers who applied for any of the following Schemes in 2009 were required to submit a 2009 Single Payment Scheme application form to my Department:

- Single Payment Scheme;
- Disadvantaged Areas Scheme;
- Uplands Sheep Payment;
- Energy Crops Scheme;
- Bio-energy Establishment Scheme;
- Proteins Premium Scheme;
- Rural Environment Protection Scheme;
- The Organic Farming Scheme;
- Scheme of Investment Aid for the Improvement of Dairy Hygiene Standards;
- Animal Welfare, Recording and Breeding Scheme for Suckler Herds.

As previously stated, this level of complexity makes it impossible to isolate the processing cost of an individual Single Farm Payment.

187. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork will receive payment under their REPS 4 application; and if he will make a statement on the matter. [12108/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Due to industrial action by staff in my Department, I am not in a position to provide a reply to this question.

188. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork will receive payment under their REPS 4 application; and if he will make a statement on the matter. [12109/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Due to industrial action by staff in my Department, I am not in a position to provide a reply to this question.

189. **Deputy James Bannon** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Westmeath will receive their single farm payment; and if he will make a statement on the matter. [12122/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Payments due in respect of the 2009 Single Payment Scheme application of the person named have issued as per the Attachment Order lodged with my Department.

Teagasc Training Services.

190. **Deputy James Bannon** asked the Minister for Agriculture, Fisheries and Food the reason agriculture students on work experience to obtain a green certificate in farming are expected to live on €3.20 per hour since the cutbacks of the matching funds by his Department; and if he will make a statement on the matter. [12123/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The provision of training courses in the agriculture sector is a matter for Teagasc, the Agriculture and Food Development Authority. Subject to the provisions of the Act, and other requirements it is the responsibility of the Teagasc Authority to exercise full and effective control over the organisation including the level of allowances paid to agriculture students. Ministerial responsibility is confined to matters of policy in accordance with the Act and the Minister does not interfere in the day-to-day operations of Teagasc.

The Department does not pay matching funds to Teagasc for training services. Teagasc receive an annual grant in aid allocation from the Department to deliver an approved programme of activities in the advisory, research and training areas. It is a matter for Teagasc to allocate expenditure between the different programmes.

I understand from Teagasc that students undertaking all Teagasc programmes are required to undergo a 12 — week practical learning period. The practical learning period is designed to facilitate students to become proficient in the skills required to achieve their qualifications. Up to last year, students were paid the equivalent of the minimum agricultural wage by their practical learning host. In 2009, Teagasc was unable to place all students because the practical learning hosts could not afford to pay this amount to students. Accordingly, it was decided to reduce the allowance to students to €122 per week. This was deemed to be a round sum expenses allowance to cover the cost of travel and subsistence. This mirrors the situation in many other educational fields where students on practical work experience are not paid at all.

Grant Payments.

191. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the steps that he has taken to clear all outstanding payments due to farmers arising from various schemes; if his attention has been drawn to the credit problems affecting all sectors in the community and the absolute necessity for due payment to issue without any further delay; and if he will make a statement on the matter. [12177/10]

203. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the negative knock-on effect on the local economy arising from failure to pay farm support grants on time; when he expects this issue to be resolved; and if he will make a statement on the matter. [12189/10]

204. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the position regarding payment of various farm supports payments; if he will state by category the degree of delay affecting payments to each category; when he expects the payments to issue; and if he will make a statement on the matter. [12190/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 191, 203 and 204 together.

Due to Industrial Action in my Department I am not in a position to provide a reply to these questions.

Food Industry.

192. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent that he has compared the prices paid to the beef, dairy, lamb and pig producers here to the prices charged to the consumer for the same products throughout the EU and US markets; and if he will make a statement on the matter. [12178/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Agricultural production in Ireland and the EU must be viewed in the context of a reformed and evolving Common Agricultural Policy (CAP), with much more competitive EU and world commodity markets. As a result of the reformed CAP farmers can now take advantage of the freedom to farm exclusively for the market. They can focus on meeting the requirements of the consumer in a competitive manner.

The latest price index data from the CSO indicates that overall output prices fell by approximately 15% in 2009. There were declines in the output prices for cattle, milk and pigs of 10%, 30% and 9% respectively. There was a marginal increase in the output prices for sheep. This followed increases in output prices across the majority of sectors in 2008. With regards to the prices paid by consumers abroad, these will primarily remain a function of prevailing market and competitive forces in those countries. Eurostat data indicates that there was a 0.9% increase in food prices to consumers across the EU-25 in 2009 following on from the 6.7% increase experienced in 2008.

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. The Commission has issued a Communication on “a better functioning food supply chain in Europe” and I am very pleased that the Spanish Presidency had committed itself to progressing the whole issue.

Among other challenges identified in the Commission communication, it seeks to ‘increase transparency along the food supply chain to encourage competition and improve its resilience to price volatility’. Eurostat is currently developing systems to monitor prices at various stages in the food chain through harnessing available data on price developments in the different steps of the supply chain and comparing price developments for the relevant agricultural commodities, for the relevant food industries as well as for the chosen consumer goods.

Livestock Numbers.

193. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the number of animals in the dairy herd; the degree to which this has fluctuated over the past five years; and if he will make a statement on the matter. [12179/10]

194. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the number of animals in the beef herd; the degree to which this has fluctuated over the past five years; and if he will make a statement on the matter. [12180/10]

195. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the number of cattle, sheep and pigs in the country; the extent to which this has fluctuated over the past five years; and if he will make a statement on the matter. [12181/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 193 to 195, inclusive, together.

The CSO publishes detailed statistics with regards to livestock numbers in Ireland. The December Livestock Survey is available on the CSO website at www.cso.ie and presents estimates of numbers of livestock in December 2008 at State level. The table below present the data from the last 5 December 2008 Livestock Surveys outlining absolute numbers of livestock over the period and the total percentage change over the period.

Farm Animals in December (Thousand) by Type of Animal and Year

	2004	2005	2006	2007	2008	% Change 2004-2008
Dairy cows ¹	1121.8	1101.1	1087.1	1087.5	1104.8	-1.5%
Dairy heifers in calf ²	238	236.3	220.5	212.9	218.1	-8.4%
Other cows	1150.8	1150	1128.8	1117.4	1115.1	-3.1%
Other heifers in calf	143.6	146.3	144.4	147.5	131.3	-8.6%
Bulls	58.7	59.6	58.1	58.6	57.9	-1.4%
Other cattle	3498.6	3498.5	3362.8	3278.3	3307.6	-5.5%
Total cattle	6211.5	6191.7	6001.6	5902.2	5934.7	-4.5%
Total sheep	4556.7	4257	3826.3	3530.5	3422.9	-24.9%
Total pigs	1754.3	1670.8	1620	1574.6	1604.6	-8.5%

¹ Dairy cows are those kept principally to produce milk for human consumption.

² Dairy heifers in calf are intended for the dairy herd.

The table below present the fluctuations in total numbers of livestock presented as a % change over the previous year.

Changes in number of Livestock (% compared to previous year) by Type of Animal and Year

	2004	2005	2006	2007	2008
Dairy cows ¹	-1.2%	-1.8%	-1.3%	0.0%	1.6%
Dairy heifers in calf ²	5.5%	-0.7%	-6.7%	-3.4%	2.4%
Other cows	0.6%	-0.1%	-1.8%	-1.0%	-0.2%
Other heifers in calf	1.9%	1.9%	-1.3%	2.1%	-11.0%
Bulls	3.7%	1.5%	-2.5%	0.9%	-1.2%
Other cattle	-0.6%	0.0%	-3.9%	-2.5%	0.9%
Total cattle	-0.2%	-0.3%	-3.1%	-1.7%	0.6%
Total sheep	-6.0%	-6.6%	-10.1%	-7.7%	-3.0%
Total pigs	1.3%	-4.8%	-3.0%	-2.8%	1.9%

¹Dairy cows are those kept principally to produce milk for human consumption.

²Dairy heifers in calf are intended for the dairy herd.

Question No. 196 answered with Question No. 27.

Afforestation Programme.

197. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the land under forestry in this country on 31 December in each of the past five years; the extent to which further afforestation is planned; and if he will make a statement on the matter. [12183/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Due to industrial action by staff in my Department, I am unable to provide a reply to this question.

Dairy Industry.

198. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food if he has compared prices paid to the producer in the dairy sector here to those prevailing in other EU member states in each of the past three years; his plans to address any issues arising; and if he will make a statement on the matter. [12184/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Dairy farmers' incomes comprise the market price paid for milk and direct income support from the EU. The Single Farm Payment for dairy producers includes a dairy premium of 3.6c per litre. 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 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. Milk prices vary across the EU member states and Ireland is generally close to the average EU price. The following table shows the average milk prices for Ireland and the EU over the past seven years.

Milk Price €/100kgs

	2009	2008	2007	2006	2005	2004	2003
Ireland	24.73	35.54	34.95	27.22	28.42	28.87	27.55
EU average	26.82	35.19	31.82	28.24	28.91	29.10	28.40

Prices increased at the end of 2009, and by December the Irish milk price was €27.50/100kg, close to the EU average of €28.30. The Irish price in January 2010 was €27.08/100kg, and is the latest official price. The EU average price for January is not yet available.

Farm Input Costs.

199. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the degree to which he has compared farm input costs here to those in other EU member states with particular reference to fuel oil, fertilisers, sprays or electricity; the extent to which divergence has occurred in each of the past three years to date in 2010; and if he will make a statement on the matter. [12185/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The most recent information regarding comparative data for prevailing farm input costs prices across the European Union is contained in an EU Commission report published last year entitled "Agriculture in

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the European Union — Statistical and economic information 2008”. This provides details of farm input costs for a range of inputs in various Member States over the 3-year period from 2005-2007 inclusive. The information on input prices is at Section 3.3.5.1 of the report, which may be accessed at the following:

website:http://ec.europa.eu/agriculture/agrista/2008/table__en/index.htm.

Price indices for input costs provide indicative trends across a range of input costs. The CSO tracks input costs in Ireland on an ongoing basis and these are reported through CSO via various publications and on their website (www.cso.ie) as well as Departmental Publications such as the Annual Review and Outlook (see “Publications” section of website: www.agriculture.gov.ie). Input prices also receive detailed examination each year at the Teagasc outlook conference. Irish input price indices based on CSO data for the years 2007-2009 are outlined in the following table.

Input Price Indices (Base 2005=100)

Index/Year	2007	2008	2009
Total Index	111	132	121
All Fertilisers	110	177	149
Motor Fuels	112	132	109
Electricity	116	118	123
Plant Protection Products	99	100	102

Source: CSO Data (rebased to 2005=100).

Cereal Sector.

200. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which cereal prices to the producer here are comparable to the prices prevailing in other EU member states; and if he will make a statement on the matter. [12186/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Details of prevailing producer prices for cereals across Member States are not readily available. The most recent information is contained in an EU Commission report published last year entitled ‘Agriculture in the European Union — Statistical and economic information 2008’. This provides details of producer prices for certain cereals in some Member States over 4 years. The information on cereals prices is at Section 4.1.5.1 of the report, which may be accessed at the following website: <http://ec.europa.eu/agriculture/agrista/2008/table—en/index.htm>. Since Ireland is a deficit market for cereals, prices here are greatly influenced by EU and world market conditions. In 2007, for example, when world grain market prices were driven up by increased demand from the bio-fuels sector and from the new emerging markets like China and India, prices in Ireland also increased to record levels. Growers here reacted to the high prices by increasing the acreage sown and this resulted in a bumper harvest in 2008.

Similarly when world prices subsequently declined, this trend was mirrored in Ireland. Despite a significant drop in Irish grain production in 2009, grain prices also declined and on average were 30% lower than the 2008 level. Within the EU, market management policy for the cereals market is determined within the framework of the CAP. The intervention mechanism provides a safety-net in the event that market prices go below the intervention price. In Ireland market prices have remained well above the intervention level and there have been no offers into intervention in recent years, in contrast to the situation in many other Member States.

Food Labelling.

201. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the number of instances in respect of which checks by his Department have uncovered labelling or other documentation which appears to subvert traceability regulations in each of the past three years; the number of such checks carried out in this period; and if he will make a statement on the matter. [12187/10]

202. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the number of checks initiated by his Department to verify food labelling with particular reference to the country of origin and compliance with Irish and EU regulations in the each of the past three years; and if he will make a statement on the matter. [12188/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 201 and 202 together.

Responsibility for enforcement of labelling legislation rests with the Food Safety Authority of Ireland (FSAI) through its service contracts with my Department, the Sea Fisheries Protection Agency, the Health Services Executive, the Local Authorities and the National Consumer Agency. As far as my Department is concerned, labelling checks are carried out as part of the routine official checks at meat plants where there is a permanent presence of DAFF Veterinary or Technical staff. Checks are conducted on a random, risk based frequency and cover labelling, traceability/origin, identification of cattle, labelling of carcasses, meat, mince meat and meat products.

Questions Nos. 203 and 204 answered with Question No. 191.

Schools Building Projects.

205. **Deputy Seán Ó Fearghaíl** asked the Minister for Education and Science when the construction of a new school (details supplied), already planned, will now be expedited in view of its total destruction; and if he will make a statement on the matter. [12054/10]

Minister for Education and Science (Deputy Batt O’Keeffe): As the Deputy will be aware, the incident to which he refers only took place at the weekend. In the circumstances, my Department, with the assistance of the VEC, is currently concentrating efforts on providing alternative accommodation for the school to ensure that it can re-commence operation as quickly as possible. In this regard, I am pleased to be able to inform the Deputy that the VEC has offered to make accommodation available to the school in its new post primary building. My Department is appreciative of this offer and it is now working with the school to provide it with the necessary supports for its start up in this accommodation. Plans for a permanent home for the school will be considered in due course.

206. **Deputy Seán Ó Fearghaíl** asked the Minister for Education and Science if his attention has been drawn to the need for refurbishment and the provision of additional permanent accommodation at a school (details supplied) in County Kildare; his views on whether that there are particular expectations that these works will be permitted in view of the realignment of education provision which is planned for the area; and if he will make a statement on the matter. [12057/10]

Minister for Education and Science (Deputy Batt O’Keeffe): Due to industrial action on the part of some staff in the Department of Education and Science, I am not in a position to give full details of the project for the school referred to by the Deputy. However, as the Deputy

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will be aware, the progression of all large scale building projects, including the project for the school in question, from initial design stage through to construction will be considered in the context of the school building and modernisation programme. However, in view of the level of demand on the Department’s capital budget, it is not possible to give an indicative timeframe for the progression the project at this time.

School Accommodation.

207. **Deputy Olivia Mitchell** asked the Minister for Education and Science the progress that has been made on plans for a secondary school for the Stepside Leopardstown area of County Dublin; and if he will make a statement on the matter. [12080/10]

Minister for Education and Science (Deputy Batt O’Keeffe): The Forward Planning Section of my Department is in the process of carrying out detailed analysis of over 40 locations of highest population growth in order to identify the school accommodation requirements up to and including the school year 2014/2015. Given the increase in the birth rate in recent years the initial focus of this analysis is on primary school accommodation requirements and this will be followed by a more detailed analysis of post-primary school accommodation requirements. When the required reports have been completed for these initial areas selected the Forward Planning Section will continue to work on preparing reports on a priority basis for the remainder of the country. Overall accommodation requirements in the Stepside area will be considered in this regard.

School Enrolment.

208. **Deputy Richard Bruton** asked the Minister for Education and Science if he has plans to alter the age at which pupils may enrol in primary schools now that the provision of a pre-school year up to the age of 4.5 years has been put in place; and if he will make a statement on the matter. [12083/10]

Minister for Education and Science (Deputy Batt O’Keeffe): The compulsory school starting age in a National School is 6 years of age and the Rules for National Schools provide that a child must be at least 4 years of age before she/he may be enrolled in a National School. The primary school curriculum is designed as an eight year course, including a two year infant cycle followed by six years in standards from first to sixth, with children progressing to the next grade at the end of each school year. Pupils commencing school for the first time should be enrolled at the commencement of the school year in order to complete the full primary school course.

I have been informed by the Office of the Minister for Children and Youth Affairs (OMCYA) that under the free Pre-School Year in Early Childhood Care and Education (ECCE) scheme, which started in January 2010 children will normally qualify to participate in the scheme where they are aged between 3 years 3 months and 4 years 6 months on 1 September of each year. Exceptions to the upper age limit will be allowed where children are assessed by the HSE as having special needs or it is necessary to accept children at an older age due to the enrolment policy of the local primary school. The provision of a 15 month age range for eligibility is designed to give flexibility to parents to access the scheme at the most appropriate time for their children prior to commencing school and the majority of children who participate in the scheme would be expected to commence primary school between the age of 4 years 3 months and 5 years 6 months.

School Property.

209. **Deputy Richard Bruton** asked the Minister for Education and Science if schools are at liberty to dispose of lands for purposes other than education; and if he will make a statement on the matter. [12086/10]

Minister for Education and Science (Deputy Batt O’Keeffe): The Deputy may be aware that the vast majority of schools are privately owned and publicly-funded institutions with the interests of the State in the buildings constructed on these sites protected by way of long term leases. Generally, on foot of a request from the property owner and where my Department has determined that part of the school property is not required for educational purposes, the State interest can be surrendered. The future use of that portion of the property will then be a matter for the owners.

Schools Building Projects.

210. **Deputy Emmet Stagg** asked the Minister for Education and Science if the contract has been signed for the recommencement of the building of the national school at a location (details supplied) in County Kildare; and when the contractor will be on site. [12088/10]

Minister for Education and Science (Deputy Batt O’Keeffe): Due to industrial action on the part of some staff in the Department of Education and Science, I am not in a position to give full details on the school referred to by the Deputy.

211. **Deputy Olivia Mitchell** asked the Minister for Education and Science the time scale for the funding of the main building project at a school (details supplied) in Dublin 16 where the original building is a 1940s preventorium for children in the early stage of tuberculosis and the condition of the building now constitutes a serious health and safety risk; and if he will make a statement on the matter. [12091/10]

Minister for Education and Science (Deputy Batt O’Keeffe): A major capital project at the school to which the Deputy refers is currently at an advanced stage of architectural planning. The progression of all large scale building projects, including this project, from initial design stage through to construction is dependent on the prioritisation of competing demands on the funding available under the Department’s capital budget. The proposed building project will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the delivery of the project at this time.

In the meantime, however, it is open to the school authority to apply to the Planning and Building Unit of my Department for emergency works funding for capital works of an urgent nature. Grants from this fund are available for very urgent works, primarily of a major health and safety nature, to schools that require them.

Departmental Correspondence.

212. **Deputy Mary Upton** asked the Minister for Education and Science if he will respond to correspondence (details supplied); and if he will make a statement on the matter. [12094/10]

Minister for Education and Science (Deputy Batt O’Keeffe): Due to industrial action on the part of some staff in the Department of Education and Science, I am not in a position to give details of the case referred to by the Deputy.

Vocational Education Committees.

213. **Deputy James Bannon** asked the Minister for Education and Science the position regarding Longford Vocational Education Committee, which has played a major role in the education of the persons of County Longford for generations; and if he will make a statement on the matter. [12119/10]

215. **Deputy James Bannon** asked the Minister for Education and Science the position regarding Longford, Westmeath, Roscommon, Leitrim and Sligo vocational education committees, which have played a major role in the education of persons in these counties for generations; and if he will make a statement on the matter. [12125/10]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 213 and 215 together.

I assume the Deputy is referring to the recommendations contained in the Report of the Special Group on Public Service Numbers and Expenditure Programmes to reduce, from 33 to 22, the number of Vocational Education Committees. In September when I spoke at the annual conference of the Irish Vocational Education Association (IVEA) I indicated publicly my general intentions in relation to the future organisation of the VEC system. I invited the IVEA and other interested parties to make written submissions if they wished that I would consider in finalising proposals. Furthermore the Programme for Government includes a specific commitment to develop proposals for the reorganisation of the number of Vocational Education Committees. The Deputy will appreciate that in advance of bringing the matter before Government, which I expect to do in the coming period, it would not be appropriate for me to comment on any particular element of the reorganisation.

State Examinations.

214. **Deputy James Bannon** asked the Minister for Education and Science the reason a person (details supplied) in County Longford who is sitting their leaving certificate in 2010 has been refused a reader and scribe for all their examinations; and if he will make a statement on the matter. [12121/10]

Minister for Education and Science (Deputy Batt O’Keeffe): The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations including organising the holding of examinations and determining procedures in places where examinations are conducted including the supervision of examinations. I can inform the Deputy that the Commission operates a scheme of Reasonable Accommodations in the Certificate examinations. Applications for such accommodations are submitted by schools on behalf of their students. In view of this I have forwarded your query to the State Examinations Commission for direct reply to you.

Question No. 215 answered with Question No. 213.

School Accommodation.

216. **Deputy Jack Wall** asked the Minister for Education and Science the results of the demographics of the determination of the number of placements needed for a catchment area (details supplied); and if he will make a statement on the matter. [12126/10]

Minister for Education and Science (Deputy Batt O’Keeffe): Due to industrial action on the part of some staff in the Department of Education and Science, I am not in a position to give the details requested by the Deputy. However, I can say that a new state of the art post primary

school building with capacity for 400 pupils will be opening in the area concerned shortly. In accordance with my Department's policy, the post primary schools in the area, between them, should have sufficient capacity.

School Placement.

217. **Deputy Jack Wall** asked the Minister for Education and Science the criteria for the right of a child to obtain a placement in a secondary school within the area of the child's own place of birth; and if he will make a statement on the matter. [12127/10]

218. **Deputy Jack Wall** asked the Minister for Education and Science if he is satisfied that a lottery system is the best means of determining entry to secondary school; and if he will make a statement on the matter. [12128/10]

Minister for Education and Science (Deputy Batt O'Keeffe): I propose to take Questions Nos. 217 and 218 together.

The question of enrolment in individual schools is the responsibility of the managerial authority of those schools. My Department's main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking places. This may result, however, in some pupils not obtaining a place in the school of their first choice.

It is the responsibility of the managerial authorities of schools to implement an enrolment policy in accordance with the Education Act, 1998. In this regard a Board of Management may find it necessary to restrict enrolment to children from a particular area or a particular age group or, occasionally, on the basis of some other criterion. The criteria to be applied by schools in such circumstances are a matter for the schools themselves. This selection process and the enrolment policy on which it is based must be non-discriminatory and must be applied fairly in respect of all applicants. Under section 15 (2) (d) of the Education Act 1998, each school is legally obliged to disclose its enrolment policy and to ensure that as regards that policy that principles of equality and the rights of parents to send their children to a school of the parents choice are respected.

Section 29 of the Education Act 1998, provides parents with an appeal process where a Board of Management of a school or a person acting on behalf of the Board refuses enrolment to a student. Where a school refuses to enrol a pupil, the school is obliged to inform parents of their right under Section 29 of the Education Act 1998 to appeal that decision to either the relevant Vocational Educational Committee or to the Secretary General of my Department. The National Educational Welfare Board (NEWB) is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child. The NEWB advises parents to apply to more than one school in order to assist in securing a school placement. The Board can be contacted at National Educational Welfare Board, National Headquarters, 16-22 Green Street, Dublin 7 or by telephone at 01-8738700.

Schools Building Projects.

219. **Deputy Brian Hayes** asked the Minister for Education and Science the position regarding the 78 projects announced as commencing construction in 2009 which have completed the tendering process; the number on which construction will begin in 2010; and if he will make a statement on the matter. [12129/10]

Minister for Education and Science (Deputy Batt O'Keeffe): The current position with regard to the 78 projects I announced is as follows:

[Deputy Batt O’Keeffe.]

- 11 projects have been completed and handed over to the school authorities
- 25 projects are currently under construction
- 30 projects are at tender stage
- 12 projects are at pre-tender stage.

I expect the 30 projects currently at tender stage to progress to construction in 2010. The 12 projects currently at pre-tender stage will proceed to tender and construction as soon as possible.

Higher Education Grants.

220. **Deputy Jack Wall** asked the Minister for Education and Science the reason a person (details supplied) in County Kildare who has a residence card here has not received an education grant; and if he will make a statement on the matter. [12132/10]

Minister for Education and Science (Deputy Batt O’Keeffe): Due to industrial action on the part of some staff in the Department of Education and Science, I am not in a position to give details of the case referred to by the Deputy.

School Accommodation.

221. **Deputy Frank Feighan** asked the Minister for Education and Science if he will provide funding in respect of the monthly cost of renting prefabs for a school (details supplied) in County Roscommon. [12171/10]

Minister for Education and Science (Deputy Batt O’Keeffe): Due to industrial action on the part of some staff in the Department of Education and Science, I am not in a position to give full details of the school referred to by the Deputy. However, I can confirm to the Deputy that schools seeking approval to acquire additional temporary accommodation can apply to my Department on the appropriate form. Such applications are then processed in the normal fashion.