



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

*Thursday, 29 April 2010.*

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# DÁIL ÉIREANN

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*Déardaoin, 29 Aibreán 2010.*  
*Thursday, 29 April 2010.*

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

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*Paidir.*  
*Prayer.*

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## **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 requests under Standing Order 32.

**Deputy Terence Flanagan:** I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the need for the Minister for the Environment, Heritage and Local Government, to immediately give help to the 20,000 householders whose homes are beginning to crumble around them because of the presence of the defective pyrite in the foundations of their home. This issue is causing significant stress and anxiety for many young couples who also find themselves in negative equity. I ask the Government to intervene to help deal with this issue.

**Deputy Aengus Ó Snodaigh:** Go raibh maith agat a Cheann Comhairle. Ba mhaith liom cead a lorg rún a rith chun an Dáil a chur ar athló chun déileáil leis an gnó rí-thábhachtach seo. I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the failure of the Government to address the chronic overcrowding in the prison system which was condemned last night by the president of the Prison Officers' Association and the urgent need to lift the recruitment ban on the Probation Service which has directly resulted in the loss of 21 probation officers and community service supervisors and is reducing the capacity of the service to monitor offenders post-release and to supervise community service orders, which consequently compounds the overcrowding problem in our prisons.

**Deputy Frank Feighan:** I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the continued confusion over people's right to cut turf which is causing untold inconvenience and anger among rural people. I ask the Government to begin dialogue with the turf-cutters and with all the stakeholders to ensure the turf-cutters can maintain their right to cut turf while also ensuring the protection of the environment. The turf-cutters have been asking for maps since 1997 and they still have not received them. I call on the Minister for the Environment, Heritage and Local Government to come clean and begin a dialogue with the turf-cutters.

**Deputy Dinny McGinley:** We need to keep the home fires burning.

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

### **Order of Business.**

**The Tánaiste:** It is proposed to take No. *a9*, motion re ministerial rota for parliamentary questions; No. 9, motion re payment to the social insurance fund under section 9(9)(a) of the Social Welfare Consolidation Act 2005; No. 22, Merchant Shipping Bill 2009 — Report Stage (resumed); No. 22a, statements on development in child welfare and protection services. It is proposed, notwithstanding anything in Standing Orders, that (1) Nos. *a9* and 9 shall be decided without debate, and any division demanded on No. 9 shall be taken forthwith, that the proceedings in relation to No. 22a shall, if not previously concluded, be brought to a conclusion at 3.30 p.m. today and the following arrangements shall apply; the statements of a Minister or Minister of State 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; the statements of each other Member called upon shall not exceed ten minutes in each case and Members may share time; and a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed ten minutes. The Dáil, on its rising today, shall adjourn until 2.30 p.m. on Wednesday, 5 May 2010.

**An Ceann Comhairle:** There are three proposals to be put to the House. Is the proposal for dealing with Nos. *a9* and 9, agreed to?

**Deputy Enda Kenny:** No. 9 is a payment to the social insurance fund under section 9(9)(a) of the Social Welfare Consolidation Act 2005. This matter was agreed at committee. The note from the Government Whip states that this is for a sum not exceeding €1.551 billion, to come from the Social and Family Affairs Vote to the social insurance fund, for people who are paying into contributory pensions, unemployment benefit and so on. The provision was made in the 2010 Estimates for the payment of an Exchequer subvention. Was the figure of €1.551 billion calculated as the amount by the Government when it presented the budget? In other words, was it understood that in the Social and Family Affairs Vote a subvention would have to be made to the social insurance fund to meet payments for contributory pensions and so forth? Was the figure calculated higher or lower than €1.551 billion? The fact that this payment must be made from the Social and Family Affairs Vote is testament to the scale and magnanimity of the Government's incompetence in getting the country back to work.

**Deputy Eamon Gilmore:** The Labour Party cannot agree to this proposal on the Order of Business this morning because the Government has broken its promise to 300,000 low-income families whose costs for home heating oil will be increased on Saturday with the introduction of the new carbon levy. When the levy is imposed, it will increase the price of heating oil by 9% which comes on top of an increase already this year of 37%.

When the Government cut the pay and social welfare payments of low-income families, it justified it on the grounds that prices were coming down. This is a case, however, where the Government itself is increasing prices. When it announced this during the budget, the Government promised a special allowance to offset the increase for low-income families dependent on home heating oil before the carbon levy would be introduced. That promise was made by the Minister for Finance and repeated by the then Minister for Social and Family Affairs, Deputy Mary Hanafin, the Minister for Communications, Energy and Natural Resources, Deputy Eamon Ryan, and the Tánaiste. This promise has now been broken.

I know the Marie Antoinettes in the Green Party may say of low-income families, “Let them heat by alternative energy measures”.

**Deputy Bernard J. Durkan:** They can hug trees to keep warm.

**Deputy Olwyn Enright:** They can put on woolly jumpers.

**Deputy Paul Kehoe:** They can go for a walk in the park.

**An Ceann Comhairle:** We are drifting somewhat from the Order of Business.

**Deputy Eamon Gilmore:** Many families will be severely impacted by this levy’s introduction. A promise was made to them but it has been broken. The carbon levy will be introduced on Saturday but there is no sign of the special allowance. Yesterday, the Taoiseach said they can wait until October for it which is unacceptable. Accordingly, the Labour Party is not prepared to agree to the Order of Business.

**The Tánaiste:** It is only in the past ten years that the social insurance fund has been in surplus.

**Deputy Olwyn Enright:** It is not in surplus now.

**Deputy Olivia Mitchell:** It has all been spent.

**Deputy Bernard J. Durkan:** That is not true.

**Deputy Pádraic McCormack:** Where did it all go?

**An Ceann Comhairle:** The Tánaiste without interruption.

**The Tánaiste:** The €1.55 billion from the Social and Family Affairs Vote was provided for in this year’s Estimate. It is a technical matter that must go before the House.

**Deputy Olwyn Enright:** Is it just a technical matter?

**Deputy Enda Kenny:** The note on it states provision was made for the payment of an Exchequer subvention. Was the subvention calculated by the Government higher or lower than €1.5 billion?

**The Tánaiste:** It is exactly the same as what was contained in the Social and Family Affairs Vote.

On the issue of home heating oil increases, as the Taoiseach said, the relevant Ministers are working towards a new scheme which will be available at the time heating supplements were heretofore made available.

**Deputy Eamon Gilmore:** That is not what the Tánaiste promised. She is breaking her promise.

**Deputy Emmet Stagg:** The allowance was promised for 1 May.

**The Tánaiste:** These will be available in the usual season for such allowances. As the Minister for Social and Family Affairs reiterated, access to the exceptional needs measures are still available.

[The Tánaiste.]

Question, “That the proposal for dealing with Nos. a9, and 9 without debate, be agreed to”, put and declared carried.

**An Ceann Comhairle:** Is the proposal for dealing with No. 22a agreed to? Agreed.

Is the proposal that the Dáil on its rising today shall adjourn until 2.30 p.m. on Wednesday, 5 May 2010, agreed to?

**Deputy Enda Kenny:** It is not agreed to. We should be here next Tuesday. Matters are in a serious state but this House has refused to change its way in how it accepts responsibility, accountability and transparency in the interests of the people. There is no reason, except for a long outlived tradition, that the House should not be sitting again on Tuesday to debate urgent and important business.

We are now hearing reports from the European Commission regarding the Government’s attitude towards Anglo Irish Bank. There are serious matters to be considered concerning the international markets and Greece, Spain, Portugal and Ireland. It is important these issues are debated. I see no reason that the House cannot come back next Tuesday to debate this important business in the people’s interests. I object to this proposal to come back on Wednesday.

**Deputy Eamon Gilmore:** There is no justification for the House adjourning until 2.30 p.m. on Wednesday. The public holiday is on Monday. This House should be sitting as normal on Tuesday. I understand the 2.30 p.m. arrangement on Wednesday is to facilitate the commemorative event at Arbour Hill earlier in the day which is an added reason that we should be sitting on Tuesday. There is no shortage of business to be dealt with next week.

On the matter I raised earlier, the Tánaiste is wrong. She herself made a promise that the special allowance would be brought in before the carbon levy was introduced. This is an issue the Labour Party would like to return to on Tuesday if the House were sitting.

Other matters which could be addressed on Tuesday include the plight of the 800 workers in Quinn Insurance, the implications of what is happening in Greece for the euro and our economy and the messages from Brussels on the Government’s plans for Anglo Irish Bank. This is apart from the long list of legislation the Government has promised but not delivered.

There is no justification whatever for adjourning the House until Wednesday. This is happening because the Government is taking every opportunity and excuse to be out of the House so it will not be answerable to the Dáil and Members of the Opposition. It is running away from the problems of the country and being accountable to the House for them.

**Deputies:** Hear, hear.

**Deputy Bernard J. Durkan:** Ducking and diving from it all.

**Deputy Tom Sheahan:** The Government should just have an election.

**Deputy Caoimhghín Ó Caoláin:** The Sinn Féin Deputies support the proposition that the Dáil returns on Tuesday as normal to engage in its business. It is important given all the serious matters that have presented and are in the offing, in particular, this morning’s announcement of the threatened loss of a significant number of jobs in Quinn Insurance.

It is incredible that the House would vote itself a day in lieu of a bank holiday Monday. It is as if we only worked for three days and we should get a day off because Monday is a closed

day. We work every day of the week and with Monday as the bank holiday we should be back as normal on Tuesday as there are serious matters that need to be addressed. It is imperative the Dáil should start on Tuesday as normal.

Question put: "That the Dáil, on its rising today, shall adjourn until 2.30 p.m. on Wednesday, 5 May 2010 be agreed to."

The Dáil divided: Tá, 69; Níl, 61.

Tá

Ahern, Bertie.  
 Ahern, Michael.  
 Ahern, Noel.  
 Andrews, Barry.  
 Andrews, Chris.  
 Aylward, Bobby.  
 Blaney, Niall.  
 Brady, Áine.  
 Brady, Cyprian.  
 Brady, Johnny.  
 Byrne, Thomas.  
 Calleary, Dara.  
 Carey, Pat.  
 Collins, Niall.  
 Conlon, Margaret.  
 Connick, Seán.  
 Coughlan, Mary.  
 Cregan, John.  
 Cuffe, Ciarán.  
 Curran, John.  
 Dempsey, Noel.  
 Dooley, Timmy.  
 Finneran, Michael.  
 Fitzpatrick, Michael.  
 Fleming, Seán.  
 Flynn, Beverley.  
 Gogarty, Paul.  
 Gormley, John.  
 Grealish, Noel.  
 Hanafin, Mary.  
 Harney, Mary.  
 Haughey, Seán.  
 Healy-Rae, Jackie.  
 Hoctor, Máire.  
 Kelleher, Billy.

Kenneally, Brendan.  
 Kennedy, Michael.  
 Killeen, Tony.  
 Kitt, Michael P.  
 Kitt, Tom.  
 Lenihan, Conor.  
 Lowry, Michael.  
 McEllistram, Thomas.  
 McGrath, Mattie.  
 McGuinness, John.  
 Moloney, John.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M. J.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 O'Connor, Charlie.  
 O'Dea, Willie.  
 O'Donoghue, John.  
 O'Flynn, Noel.  
 O'Hanlon, Rory.  
 O'Keefe, Batt.  
 O'Keefe, Edward.  
 O'Rourke, Mary.  
 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.  
 Broughan, Thomas P.  
 Burton, Joan.  
 Byrne, Catherine.  
 Carey, Joe.  
 Connaughton, Paul.  
 Coonan, Noel J.  
 Costello, Joe.  
 Coveney, Simon.  
 Creed, Michael.  
 Creighton, Lucinda.  
 D'Arcy, Michael.  
 Deasy, John.  
 Deenihan, Jimmy.  
 Doyle, Andrew.

Durkan, Bernard J.  
 English, Damien.  
 Enright, Olwyn.  
 Feighan, Frank.  
 Ferris, Martin.  
 Flanagan, Charles.  
 Flanagan, Terence.  
 Gilmore, Eamon.  
 Higgins, Michael D.  
 Hogan, Phil.  
 Howlin, Brendan.  
 Kehoe, Paul.  
 Kenny, Enda.  
 Lynch, Ciarán.  
 McCormack, Pádraic.  
 McEntee, Shane.  
 McGinley, Dinny.

Níl—*continued*

McHugh, Joe.  
 Mitchell, Olivia.  
 Morgan, Arthur.  
 Neville, Dan.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Donnell, Kieran.  
 O'Dowd, Fergus.  
 O'Mahony, John.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 O'Sullivan, Maureen.  
 Penrose, Willie.  
 Perry, John.

Rabbitte, Pat.  
 Reilly, James.  
 Ring, Michael.  
 Sheahan, Tom.  
 Sheehan, P. J.  
 Sherlock, Seán.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Stanton, David.  
 Timmins, Billy.  
 Tuffy, Joanna.  
 Upton, Mary.  
 Wall, Jack.

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

Question declared carried.

**An Ceann Comhairle:** I call Deputy Kenny on the Order of Business.

**Deputy Enda Kenny:** Perhaps the Tánaiste will explain to the House the current Government position in regard to Anglo Irish Bank. The Tánaiste will recall that in January 2008 Fine Gael indicated clearly its view that Anglo Irish Bank should be wound down in an orderly fashion. This has been since then completely resisted by Government as a matter of policy. Fine Gael, which has been the only party to call for a wind-up of that bank, has since January 2008 made clear its position in this regard.

The Minister for Finance, Deputy Lenihan, when addressing the House on 30 March 2010 in regard to banking stated in respect of Anglo Irish Bank that winding up that bank is not and was never a viable option. He went on to point out that an immediate fire sale would cost upwards of €30 billion and that in addition the State would have to fork out a further €70 billion. The Minister further stated that he could not, as Minister for Finance, countenance such a course of action and that winding up the bank is not and was never a viable option. In response yesterday on Question Time to a question from Deputy Bruton the Minister clearly indicated he is now considering a wind-up of Anglo Irish Bank and a break up of that bank into a good and bad bank.

11 o'clock

**An Ceann Comhairle:** I apologise but I must interrupt the Deputy. We have a problem in terms of the Order of Business being used as Question Time.

**Deputy Enda Kenny:** This is a matter that affects every person who must now pay for the carry on inside Anglo Irish Bank and for the manner in which the Government has transferred Mr. FitzPatrick's loans on to the backs of the taxpayer.

**An Ceann Comhairle:** The matter can be pursued through other channels.

**Deputy Enda Kenny:** In addition to informing the House of what is now the Government's attitude to Anglo Irish Bank, perhaps the Tánaiste will confirm if the Government has had any soundings from the European Commission on this matter. I understand that Commissioner Almunia has a view, not yet expressed publicly, about the Government putting further money into Anglo Irish Bank. Has the Government received any soundings or advice from the Commission in this regard? What is the Government's position on Anglo Irish Bank in view of the changed position of the Minister for Finance who yesterday indicated that he is now coming

round to the view put forward by the Fine Gael Party in January 2008 that this bank should be wound down in an orderly way, that the deposits should be protected and that the bank should be broken up into a good and bad bank?

**An Ceann Comhairle:** Before I call on the Tánaiste to reply I must point out to the House that the matters being raised are serious and it is not appropriate for Members to try to deal with them on the Order of Business. I ask the Tánaiste to be brief in her reply. These matters are serious and there are other ways of raising them in the House——

**Deputy Terence Flanagan:** Where?

**Deputy James Reilly:** Next Tuesday, when the Dáil is not sitting.

**An Ceann Comhairle:** ——including at Question Time or on the Adjournment debate.

**Deputy Enda Kenny:** I agree.

**An Ceann Comhairle:** To expect what are important answers to a serious question to be given on the Order of Business is problematic.

**Deputy Enda Kenny:** I agree. We have a daft situation whereby every day Members are being asked to split hairs in terms of whether they can raise an issue of public importance.

**Deputy Noel Dempsey:** What goes on in this House in regard to the Order of Business is daft.

**Deputy Enda Kenny:** I can relate this issue to the legislation which this House debated and which was guillotined and forced through by Government who would not listen to any voice other than its own. It is entirely appropriate that the Ceann Comhairle show flexibility——

**An Ceann Comhairle:** I have always been flexible.

**Deputy Enda Kenny:** ——in respect of a matter which is of serious importance.

**An Ceann Comhairle:** I do not disagree with the Deputy's assertion on that matter.

**Deputy Enda Kenny:** I would like to hear the Government's response on this matter.

**An Ceann Comhairle:** Other business is not appropriate. I will allow a brief response from the Tánaiste.

**Deputy Enda Kenny:** The Ceann Comhairle and I know that when he says to Deputies that they should find another way of raising a particular issue he is merely fobbing them off.

**An Ceann Comhairle:** No.

**Deputy Enda Kenny:** This is supposed to be——

**An Ceann Comhairle:** We are anxious to provide the forum——

**Deputy Enda Kenny:** ——the forum of the people where Members can raise issues relevant to them. This is a matter of considerable economic catastrophe for thousands of people.

**An Ceann Comhairle:** If the Deputy is suggesting we need to reform the Order of Business, I will listen to him.

**Deputy Enda Kenny:** I am waiting to hear the Tánaiste's full and comprehensive response.



**The Tánaiste:** The Government's policy has not changed. I will reiterate the Government's policy.

**Deputy Enda Kenny:** What about what the Minister said yesterday?

**The Tánaiste:** Perhaps Members will wait to hear what I have to say. The cost of an immediate liquidation is prohibitive and that option was not taken up. Members will be aware that a plan is being developed by Anglo Irish Bank. That plan was sent to the European Commission, the views of which are being taken on board and which I will not reiterate here because I do not base any of what I say on whispers or innuendo. This is a matter in process. The bank is developing a plan and it will have various options. It will be subject to analysis by the Minister for Finance. It will come before Government at that stage. To reiterate once again, the most important thing from the Government's perspective is that any plans for the future of the bank must be in the best interests of the taxpayer.

**Deputy Enda Kenny:** I must respond to that.

**An Ceann Comhairle:** We cannot pursue this now. A brief observation only.

**Deputy Enda Kenny:** Did I or did I not hear the Minister for Finance say he would consider the question of an orderly wind-down of Anglo Irish Bank? The Tánaiste, speaking on behalf of the Government this morning, stated there is no change in the Government's position in so far as Anglo Irish Bank is concerned. This position was outlined repeatedly by Ministers, including the Minister for Finance on 30 March when he stated: "I cannot, as Minister for Finance, countenance such a course of action. Winding up the bank is not and was never a viable option." Did I or did I not hear him say yesterday that "I am now prepared to consider the question of an orderly wind-up of this bank"?

**An Ceann Comhairle:** The Deputy must put that to the line Minister.

**The Tánaiste:** This story will gather legs again. As the Minister for Finance has always indicated during parliamentary questions, he will always take on board suggestions from people on the Opposition benches on any issues and he has done so vociferously in all the debates.

**Deputy Phil Hogan:** Nonsense. He says it but he never does it.

**Deputy James Reilly:** Is there a change in policy or not?

**The Tánaiste:** The Minister indicated at that time that he does not have a closed mind on the issue. He is open to suggestions on how the best outcome will be achieved.

**Deputy Enda Kenny:** Yes, he does.

**The Tánaiste:** It will be on the basis of the best outcome for the taxpayer.

**Deputy Enda Kenny:** I am sorry——

**An Ceann Comhairle:** Deputy Kenny, please. We cannot pursue this matter in this manner on the Order of Business.

**The Tánaiste:** That is the situation.

**An Ceann Comhairle:** We must find another way.

**The Tánaiste:** Unfortunately for the Opposition, it must await the plan and the deliberations of the Government before this matter is brought to finality by the European Commission.

**An Ceann Comhairle:** This is a very serious matter and we must find another way to deal with it.

**Deputy Enda Kenny:** These were the words of the Minister for Finance.

**An Ceann Comhairle:** It would be more appropriate if we had the Minister for Finance here. He is the relevant line Minister.

**Deputy Enda Kenny:** He stated that “I cannot, as Minister for Finance, countenance such a course of action”. If there is no change in policy, why would the Minister for Finance say what he said yesterday?

**An Ceann Comhairle:** I call on Deputy Kenny to co-operate with the Chair on this matter.

**Deputy Enda Kenny:** This was the view put forward by the Fine Gael Party in January 2009.

**Deputy James Reilly:** The Tánaiste is ducking and diving.

**The Tánaiste:** I am not ducking and diving.

**Deputy Eamon Gilmore:** There is an issue that arises for the Order of Business. When will the House be informed by the Government as to current Government policy in respect of Anglo Irish Bank? It is clear the Government’s position in respect of the bank is a moving feast. It started out with the blanket guarantee and it then moved on to nationalisation. We were told at the time there would not be any cost to the taxpayer.

**An Ceann Comhairle:** Deputy Gilmore, please. We have heard the exchange between myself and Deputy Kenny. We have a problem with this matter at this time on the Order of Business. It is a serious issue but the parties should find an alternative time to deal with it over a prolonged period.

**Deputy Bernard J. Durkan:** When? On Saturday or Sunday?

**Deputy Charles Flanagan:** We asked to discuss it next Tuesday.

**Deputy Eamon Gilmore:** With the greatest of respect, the problem the Ceann Comhairle has with this being raised on the Order of Business pales into insignificance compared to the problem the taxpayers of the country have in paying for this cesspit of a bank. We need to know where exactly the Government is on this issue now. The bank was guaranteed and then it was nationalised. The Government has been back to the House on several occasions looking for money and more money. Thousands of millions of euro was sought time after time to pour into the bank. As Deputy Kenny stated the last time the Government came back looking for the House to approve money for this, we were told there was no question of winding down this bank. Yesterday, the Minister for Finance signalled that is now under consideration. We hear there are considerations in the Commission in Brussels in respect of what the Government is doing.

**An Ceann Comhairle:** I was not here at Question Time yesterday but I am sure supplementary questions were asked on this matter at that point.

**Deputy Eamon Gilmore:** The Tánaiste has now acknowledged that this is a changing situation again, that the Government will be reconsidering the issue and that it will come back to the House again. My question is perfectly in order, which the Ceann Comhairle will acknowledge. When will the Minister for Finance come back to the House and inform us of the position?

I understand it is the Minister for Finance's intention today to announce proposals for a national recovery bond, something the Labour Party has argued in favour of for some time. I am very glad this is taking place. The only thing about which I remind the Government is that we are now two years into the recession. Albeit late, I welcome the fact that a national recovery bond is to be announced. However, when he announces it today at whatever press event is organised, will the Minister for Finance take questions? Will he inform the public at that stage about his plans for Anglo Irish Bank? Will he come into the House and make a statement on the current Government position on Anglo Irish Bank? It would at least be useful to know what is this week's position. We will wait for next week to hear next week's Government position.

**Deputy Noel Dempsey:** What is the Labour Party's position on the Croke Park deal? Is the Labour Party split?

**An Ceann Comhairle:** A very brief reply from the Tánaiste. I do not wish to allow an expansive debate on this matter at this point.

**Deputy Eamon Gilmore:** The Minister, Deputy Dempsey, should stop politicising it.

**Deputy Noel Dempsey:** That is exactly what Deputy Gilmore is doing.

**An Ceann Comhairle:** Minister Dempsey, please.

**Deputy Noel Dempsey:** Deputy Gilmore is trying to make a political football out of everything.

**Deputy Eamon Gilmore:** The Minister will sink it.

**An Ceann Comhairle:** I call on the Minister and the Deputy to refrain from engaging across the floor.

**Deputy Noel Dempsey:** He should have a little courage and stop the soundbites.

*(Interruptions).*

**An Ceann Comhairle:** Minister Dempsey, please. Deputy Durkan, please.

**Deputy Paul Kehoe:** Every Thursday is the same.

**The Tánaiste:** The situation is——

**Deputy Michael Ring:** The Minister should be put on a Dublin bus or something to get rid of him.

**An Ceann Comhairle:** Can we have the Tánaiste without interruption, please?

**Deputy Michael Creed:** The Fianna Fáil pit bull is loose.

**The Tánaiste:** I wish to reiterate the facts. The situation is that Government policy has not changed. The situation is that the Government would have been prohibited at the time from winding up the bank. The situation and the facts are that a revised plan is being prepared by

the new management in the bank. It is being drafted at present and it will be analysed by the Minister and his advisers. The matter will go to Government and will then go to the European Commission at which stage the European Commission will make a decision. The timeframe for the plan to be with the Commission is the end of May.

**Deputy Enda Kenny:** It is the Government's bank.

**The Tánaiste:** I do not have an exact date as to when the plan will be completed and brought before the Government but it will await that decision in due course. I will not add to any innuendo, assimilations, soundings, soundbites or anything else.

**Deputy Enda Kenny:** The Minister for Finance was not making innuendo. He was stating a fact.

**The Tánaiste:** These are the facts of the situation.

**An Ceann Comhairle:** I call Deputy Bernard Durkan.

**Deputy Bernard J. Durkan:** I refer to none of the above.

**An Ceann Comhairle:** Come on, Deputy Durkan, please.

**The Tánaiste:** We might get a question.

**Deputy Bernard J. Durkan:** I am delighted the Minister for Transport is so anxious to answer questions in the House this morning. It is not his usual post.

**Deputy Noel Dempsey:** I have a big file with the answers here.

**Deputy Bernard J. Durkan:** He has them all lined up. That will be very useful for next week. I refer to the legal costs Bill. I have asked the Tánaiste previously about it in the House. There is much concern among the community in general about legal costs. Is there any indication from Government as to whether it intends to bring it into the House as a matter of urgency or maybe next year or maybe never? I have two more questions.

**The Tánaiste:** Next year.

**An Ceann Comhairle:** I call Deputy Tom Sheahan.

**Deputy Bernard J. Durkan:** There has been painful progress of the Multi-Units Developments Bill which my colleague has also repeatedly raised in the House. My colleagues on all sides of the House have raised this matter.

**An Ceann Comhairle:** I advise the Deputy that Bill is in the Seanad. We have raised this a number of times.

**Deputy Bernard J. Durkan:** No, I am not asking about the Seanad.

**An Ceann Comhairle:** I advised that it is in the Seanad.

**Deputy Bernard J. Durkan:** One never refers to the Seanad in this House, as the Ceann Comhairle is aware. That is the practice.

**An Ceann Comhairle:** It is important we are aware of what is taking place elsewhere.

**Deputy Bernard J. Durkan:** This is in order and the Ceann Comhairle knows it as well as I do. Will the Tánaiste indicate when that Bill might appear in this House? Many people are concerned about it and wonder about the answer to the question. Will the Tánaiste give some indication? She is getting advice.

**An Ceann Comhairle:** The Deputy should note that is a matter for the other House.

**Deputy Bernard J. Durkan:** No, it is not a matter for the other House. It is a matter for this House.

**An Ceann Comhairle:** The Upper House must process it and, obviously, it cannot come back until that House has completed its work.

**Deputy Bernard J. Durkan:** It is promised in this House and it had been amended before it came here.

**The Tánaiste:** We are anxious to get it moved along. The committee amendments have been brought to the Upper House. Hopefully, we will be able to deal with it as quickly as possible when it has been completed in the Seanad.

**An Ceann Comhairle:** I call Deputy Tom Sheahan.

**Deputy Bernard J. Durkan:** Will the Tánaiste indicate if it is possible to find out when we might expect to find it in this House? It might not come before the House before the summer.

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

**Deputy Bernard J. Durkan:** This is a serious matter.

**An Ceann Comhairle:** This House cannot interfere with the deliberations in the Seanad.

**Deputy Bernard J. Durkan:** If this Bill does not come before the House before the summer recess, then a serious problem exists.

**An Ceann Comhairle:** That is unrealistic.

**Deputy Bernard J. Durkan:** Will it come before the House before the summer recess?

**An Ceann Comhairle:** Is that information available?

**Deputy Bernard J. Durkan:** Someone should know.

**An Ceann Comhairle:** The Seanad is part of the Oireachtas. The legislation is before the Senators.

**Deputy Bernard J. Durkan:** I am sorry. The Ceann Comhairle's interpretation is wrong.

**An Ceann Comhairle:** This House is not going to get into the business of arm-twisting the Seanad.

**Deputy Bernard J. Durkan:** I will ask my question on promised legislation again. It is hard enough to get answers to legitimate questions.

**Deputy Noel Dempsey:** Without looking for answers to illegitimate questions.

**Deputy Bernard J. Durkan:** Can I ask the question again? Can the Tánaiste, the Ceann Comhairle or somebody else tell me when the Bill will appear in this House? Will it be here before the summer recess? It is an important question.

**An Ceann Comhairle:** It has to be passed by the Seanad before it comes back here.

**Deputy Bernard J. Durkan:** It is not the Ceann Comhairle's job to answer that question.

**The Tánaiste:** It is not my job either.

**An Ceann Comhairle:** The reality is that I have obligations to the House.

**Deputy Bernard J. Durkan:** I want the Tánaiste to answer it.

**The Tánaiste:** I do not order the business of the Seanad.

**Deputy Seán Barrett:** The Tánaiste should ask the Minister for Transport when the Bill will be introduced.

**The Tánaiste:** It is a matter for the Seanad to complete its consideration of the Bill.

**Deputy Bernard J. Durkan:** It is the Government's business.

**The Tánaiste:** I am sure it is doing its utmost in that regard. When the Bill has been passed by the Seanad, we will work with the Whips to try to facilitate it as quickly as possible here.

**Deputy Bernard J. Durkan:** The question again is——

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

**Deputy Bernard J. Durkan:** I am sorry. Will that Bill appear in the House before the summer recess?

**An Ceann Comhairle:** I have shown the Deputy much tolerance.

**Deputy Noel Dempsey:** This is the kind of nonsense for which the parties opposite wanted to come back on Tuesday. It is a waste of time.

**An Ceann Comhairle:** Does Deputy Durkan have a question on legislation?

**Deputy Bernard J. Durkan:** The Ceann Comhairle's job is not to suppress me.

**An Ceann Comhairle:** I am not suppressing the Deputy. I am trying to accommodate him.

**Deputy Bernard J. Durkan:** His job is to allow Members of the House to ask questions which are in order on the Order of Business. This question is in order.

**An Ceann Comhairle:** Yes, but I have to ensure questions are in order.

**Deputy John Curran:** The Deputy has already received an answer.

**Deputy Bernard J. Durkan:** I am asking about a Bill that has been promised for five or six years. It has been on the Order Paper for that time.

**An Ceann Comhairle:** The Deputy has been advised that the Bill is in the Seanad.

**Deputy Bernard J. Durkan:** I take it that it will not be in the House before the summer recess.

**Deputy John Curran:** That is not what the Deputy was told.

**An Ceann Comhairle:** When it completes its journey through the Seanad, it will come back to this House.

**Deputy Bernard J. Durkan:** The answer to the question is that it is not coming before the House.

**Deputy Noel Dempsey:** The Deputy is making up his own answers.

**Deputy John Curran:** On a point of order, that is not the answer the Deputy was given.

**An Ceann Comhairle:** We know.

**The Tánaiste:** It does not matter.

**Deputy Bernard J. Durkan:** Is the Government Chief Whip now saying that the Bill is coming before the House?

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

**Deputy Bernard J. Durkan:** I have a query but nobody will answer it.

**Deputy Noel Dempsey:** The Deputy should write to the Clerk of the Seanad.

**An Ceann Comhairle:** The Tánaiste has answered the question.

**Deputy Bernard J. Durkan:** The Minister who does not answer questions wants me to write to the Clerk of the Seanad.

**Deputy Michael Ring:** One will not get an answer if one asks the Minister a question.

**Deputy Noel Dempsey:** How are you, Michael?

**Deputy Michael Ring:** We will see the Minister on Thursday.

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

**Deputy Bernard J. Durkan:** The Ceann Comhairle knows that my rights and privileges are being abused.

**An Ceann Comhairle:** The Deputy is holding up——

**Deputy Bernard J. Durkan:** My right to ask a question is being suppressed in this House.

**An Ceann Comhairle:** It is not being suppressed.

**Deputy Bernard J. Durkan:** The Tánaiste has refused to answer questions.

**The Tánaiste:** I have given an answer.

**An Ceann Comhairle:** I ask Deputy Durkan to co-operate with the Chair and with the House.

**Deputy Bernard J. Durkan:** I am co-operating with the Chair.

**Deputy Noel Dempsey:** He wants to go home to start his weekend early.

**An Ceann Comhairle:** If Deputy Durkan has another question on legislation, let us have it.

**Deputy Bernard J. Durkan:** The question on the Order of Business, on promised legislation, is whether the Bill will appear before the end of this session. Will it appear before the summer recess?

**The Tánaiste:** I do not know the answer to that question.

**Deputy Bernard J. Durkan:** That is good enough.

**The Tánaiste:** I do not order the business in the Seanad.

**Deputy Bernard J. Durkan:** We know now that it will not.

**The Tánaiste:** That is typical of the Deputy.

**Deputy Bernard J. Durkan:** The last question——

**The Tánaiste:** I give up.

**Deputy Bernard J. Durkan:** ——is on the national vetting Bill, which is urgently——

**The Tánaiste:** I will not answer any more of the Deputy's questions if he is going to make assumptions.

**An Ceann Comhairle:** On the national vetting Bill, ar aghaidh leat.

**Deputy Bernard J. Durkan:** Is the Tánaiste serious about that?

**An Ceann Comhairle:** Can the Tánaiste tell the House whether the national vetting Bill is promised?

**Deputy Eamon Gilmore:** She is joining the work to rule.

**The Tánaiste:** The national vetting legislation is being worked on as a priority.

**Deputy Bernard J. Durkan:** Did the Tánaiste say that she will not answer any more questions?

**The Tánaiste:** I said there is not much point in answering the Deputy's questions when he assumes what the answers will be.

**Deputy Bernard J. Durkan:** The Tánaiste can choose to answer a question or to refuse to do so. If she does not know the answer to a question, she can say so.

**An Ceann Comhairle:** Deputy Durkan is being disruptive.

**Deputy Bernard J. Durkan:** No, a Cheann Comhairle.

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

**Deputy Bernard J. Durkan:** I am asserting my rights as an elected Member of this House.

**Deputy Noel Dempsey:** The Deputy is abusing his rights.

**Deputy Bernard J. Durkan:** They should be protected by the Chair.



**An Ceann Comhairle:** I will protect them as long as the Deputy is in order.

**Deputy Tom Sheahan:** In April of last year, the Minister for Finance gave a commitment that, as a matter of urgency, he would find a comprehensive solution for credit union members whose financial circumstances have required them to seek to refinance their loans. We have been told that a strategic review of credit unions has been commissioned, to take place over the next 18 months, and that appropriate legislative reform will follow on from the results of that review. I urge the Tánaiste to ask the Minister for Finance not to proceed with section 35 of the Central Bank Reform Bill 2010 until this review has been carried out. I do not see any point in——

**An Ceann Comhairle:** Is this leading to a question on promised legislation?

**Deputy Tom Sheahan:** ——pushing through changes in the Central Bank Reform Bill 2010 at a time when a strategic review of the credit unions is taking place. These measures should be sidelined, rather than being introduced as part of the Central Bank Reform Bill 2010.

**An Ceann Comhairle:** Can the Tánaiste tell the House whether primary or secondary legislation is promised in this area?

**Deputy Tom Sheahan:** Could they be set aside until the 18-month review of the credit union structure has been completed?

**The Tánaiste:** I will have to revert to the Deputy.

**Deputy Aengus Ó Snodaigh:** My question is within the bounds of legislation. Is it proposed to introduce amending legislation to deal with the situation in Grangegorman? The Minister has said that ideas and proposals will be considered by the Cabinet soon. We have not seen any progress since we passed the Grangegorman legislation a number of years ago. Is it proposed to introduce amending legislation if the sale of the other institutes of technology does not go ahead? In such an eventuality, the Government will not have the money to proceed with the Grangegorman plan, as set out in the Grangegorman Development Agency Act 2005.

**The Tánaiste:** I have been asked by those involved to visit the area and I intend to do so. I will bring a comprehensive response on this matter to the Cabinet fairly quickly.

**Deputy Jan O'Sullivan:** I would like to ask about an issue I raised last Tuesday, in advance of that evening's meeting of the Fianna Fáil Parliamentary Party. Has it been decided to introduce legislation in relation to the victims of thalidomide, to issue them an apology and to negotiate an agreed settlement with them? I understand that this matter was debated on Tuesday evening by the Fianna Fáil Parliamentary Party. On a second matter, according to the media the Minister for Health and Children will announce later today that approximately €200 million is to be taken out of the health budget. She has not come before this Parliament in that regard. No such measure was provided for in the Estimates we discussed earlier this year, which were referred back from the committee.

**An Ceann Comhairle:** A parliamentary question to the Minister for Health and Children would elicit the information being sought by the Deputy.

**Deputy Jan O'Sullivan:** It is a question of the health of the nation.

**An Ceann Comhairle:** I do not disagree with the Deputy's sentiment.

**Deputy Jan O’Sullivan:** The moratorium on recruitment is already putting huge gaps in people’s right to health care, as set out in legislation.

**An Ceann Comhairle:** I ask the Deputy to raise the matter by means of parliamentary question.

**Deputy Jan O’Sullivan:** The withdrawal of funding I have mentioned is to be done unilaterally by the Minister, without any kind of discussion in this Chamber, on behalf of the people of Ireland.

**An Ceann Comhairle:** I know. The Deputy should submit a parliamentary question.

**Deputy Jan O’Sullivan:** We have been told in no uncertain terms that the health services cannot take the cut that is apparently to be announced today, by which time the House will be about to go into recess until next Wednesday afternoon.

**An Ceann Comhairle:** We will make inquiries about the legislation on thalidomide.

**Deputy Jan O’Sullivan:** Is the Government going to make any comment at all on the erosion of the health services that is apparently to be announced today?

**An Ceann Comhairle:** The Deputy needs to submit a parliamentary question.

**Deputy Jan O’Sullivan:** The Minister, Deputy Harney, never comes in here to tell us what she is doing. She did not even come in last night to respond to a cross-party motion on the victims of Michael Neary.

**An Ceann Comhairle:** The line Minister will be present for Question Time in due course.

**Deputy James Reilly:** On the same matter, representatives of the Irish Thalidomide Association have met members of Fianna Fáil. I understood that the matter was to be discussed at a meeting of the Fianna Fáil Parliamentary Party, but we have not heard any news on any decisions that were taken or any improvements that are to be made.

**An Ceann Comhairle:** Is the Deputy inquiring about possible legislation?

**Deputy James Reilly:** I raised Deputy O’Sullivan’s second matter — the impact of the breakdown in the talks — two days ago. Where will the €200 million cutbacks be made? What will be the implications of those cutbacks for patients?

**An Ceann Comhairle:** The Deputy knows the routine in respect of these matters.

**Deputy James Reilly:** I would like to raise three other matters. I can do so now while I am on my feet, or I will sit down and raise them later. The first issue is the proposed public health (alcohol) Bill.

**An Ceann Comhairle:** I will call the Deputy later on the other issues.

**Deputy James Reilly:** That is fine. We are entitled to know where these cuts will be made and how they will affect the citizens of this country.

**Deputy Jan O’Sullivan:** We want to know what path is being taken. We are here to get answers.

**The Tánaiste:** I am delighted that members of the Opposition are so interested in the deliberations of the Fianna Fáil Parliamentary Party. Unfortunately, one needs to be a member of that party before one can hear what is discussed at it.

**Deputy James Reilly:** If one is a citizen, one suffers the consequences of those discussions.

**Deputy Paul Kehoe:** One can read about it in the newspaper the next day.

**The Tánaiste:** If the Deputies want to join Fianna Fáil, as honorary secretary I will certainly consider their applications.

**Deputy James Reilly:** I would not say the Tánaiste is too busy in that department.

**The Tánaiste:** I am afraid we are. I remind the Deputy that Fianna Fáil is the largest party.

**Deputy James Reilly:** It is dwindling rapidly.

**Deputy Enda Kenny:** Lemmings.

**Deputy Jan O'Sullivan:** The HSE represents nobody.

**The Tánaiste:** On the issue that has been raised, all I can say is I will get further clarity on whether legislation is necessary to establish the fund. While I do not think it will be necessary, I will revert back to the Deputies when that is clarified. A decision has been made on the provision of new support measures and special care packages, the designation of a senior manager and the payment of a once-off *ex gratia* payment. I will have to get clarity on whether legislation is needed to establish the fund. I doubt that we do, but I will revert back to the Deputies.

**Deputy Jan O'Sullivan:** What about an apology?

**Deputy Mary Upton:** On 29 March last, the clients and staff of the Ballyfermot and Inchicore home help service received a letter informing them that due to cuts in funding imposed by the HSE, the service was forced to implement drastic cuts in the home help service.

**An Ceann Comhairle:** Deputy——

**Deputy Mary Upton:** I have no other way of getting information on this matter.

**An Ceann Comhairle:** It is sounding very much out of order, even on a Thursday morning.

**Deputy Mary Upton:** Maybe the Ceann Comhairle can tell me how I can get information on it.

**An Ceann Comhairle:** I suggest that the Deputy should table a parliamentary question.

**Deputy Mary Upton:** I have tried.

**Deputy James Reilly:** If she does, she will be told it cannot be answered because of the dispute.

**Deputy Bernard J. Durkan:** There is no point in getting that answer.

**An Ceann Comhairle:** She could try to raise it on the Adjournment.

**Deputy Mary Upton:** I sought an Adjournment which was refused.

**Deputy Bernard J. Durkan:** The Deputy will need some luck to get that answered.

**Deputy Mary Upton:** I sought an Adjournment; it was refused. I sent two e-mails to the HSE and got no reply. I submitted a question to the Minister and her reply stated, “If these matters remain of continuing concern to you, however, I would invite you to raise them with me again in due course”. Meanwhile, the staff and clients of the Ballyfermot Inchicore home help service do not know what is happening.

**An Ceann Comhairle:** It is a serious issue for the people involved.

**Deputy Mary Upton:** Perhaps the Ceann Comhairle can tell me how I can get that information.

**Deputy Bernard J. Durkan:** What would the Ceann Comhairle do?

**An Ceann Comhairle:** The Adjournment.

**Deputy Mary Upton:** I was refused the opportunity to raise it on the Adjournment.

**An Ceann Comhairle:** The Deputy could write directly to the Minister.

**Deputy James Reilly:** It is a waste of time.

**Deputy Mary Upton:** I have done that. I am out of ideas.

**An Ceann Comhairle:** I have listed three options for you.

**Deputy James Reilly:** They are all a waste of time.

**Deputy Mary Upton:** I have tried them all.

**An Ceann Comhairle:** For a Deputy who is always in order in the House——

**Deputy Mary Upton:** Thank you.

**An Ceann Comhairle:** ——you are bordering on disorder at this point.

**Deputy Mary Upton:** I want to know how I can get this information.

**An Ceann Comhairle:** On the Adjournment, Deputy.

**Deputy Mary Upton:** I have been already refused an Adjournment debate. Can the Ceann Comhairle assure me I will get a debate on it?

**An Ceann Comhairle:** The Deputy can resubmit the request and we will consider it in the normal way.

**Deputy Enda Kenny:** Tell her you will grant it.

**Deputy Mary Upton:** That is not much help.

**An Ceann Comhairle:** We will remember your sentiments at this point.

**Deputy Mary Upton:** Meanwhile, the clients and staff of the home help service are waiting to see what will happen to them. They cannot get the information and they need to know what is happening.

**Deputy Jan O’Sullivan:** On a point of order, the Minister for Health and Children seems to be the only Minister who is sending us those replies——

**Deputy Bernard J. Durkan:** Yes.

**Deputy Jan O’Sullivan:** ——which state that if a Deputy is concerned about a matter he or she should submit another question because the Minister cannot answer it. Can the Ceann Comhairle explain why other Ministers are able to answer our queries?

**An Ceann Comhairle:** The Chair does not have responsibility for replies. I have no control or influence over these matters.

**Deputy Jan O’Sullivan:** Do you not have a responsibility to ensure that Ministers are consistent in replying?

**An Ceann Comhairle:** The Deputy can raise the matter directly with the Minister. I am sure she would be amenable to discussing the matter with her. I call on Deputy Costello.

**Deputy James Reilly:** The brother of Elvis.

**Deputy Joe Costello:** We will shortly have statements on developments in child welfare and protection services. One of the findings of the Murphy report, which was produced by the Murphy commission, was that the legislation on HSE protection for children was seriously defective and inadequate, and that there was a need for urgent legislation to be put in place. Where is that legislation? The report has been with the Government for 12 months at this stage. Is there any sign of that legislation?

Considering that almost three years ago the European Union produced a standard hotline for children who were missing, which was available in all member states——

**An Ceann Comhairle:** Is this leading to an inquiry about promised legislation?

**Deputy Joe Costello:** This is relevant. Eleven countries in the European Union——

**An Ceann Comhairle:** The preamble is unnecessary.

**Deputy Joe Costello:** ——have established it. Given that there is so much trafficking of children in this country and that so many children go missing, when will we establish that hotline and pass the necessary legislative mechanism?

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

**The Tánaiste:** I am not aware of legislation on that, but I will revert to the Deputy.

**Deputy Joe Costello:** What about the legislation which was sought by the Murphy report? We will discuss the issue shortly. The Murphy report contends the HSE is seriously defective in terms of legislative provisions to deal with the protection and welfare of children and that urgent legislation is required. That was published 12 months ago.

**The Tánaiste:** As the Deputy knows, the Minister of State at the Department of Health and Children indicated that, arising from the Murphy report, a number of initiatives were being taken by him. Those have been articulated by the Minister of State——

**Deputy Joe Costello:** Articulated.

**The Tánaiste:** ——and a number of actions have been taken, in particular in the context of new resources being made available for social work. On the specific legislation, I will have to revert to the Deputy. It is not listed.

**Deputy Charles Flanagan:** As there are serious social and health problems associated with the proliferation of head shops in this State, what is the position with regard to promised legislation? We hear from the Minister for Justice, Equality and Law Reform outside the House, from the Minister for Health and Children, from the Minister for Community, Rural and Gaeltacht Affairs, Deputy Pat Carey and the Government Whip, Deputy John Curran, all of whom have indicated that they will tackle this problem, but none of whom has commenced any form of initiative. In terms of discussing promised legislation, what is the exact policy of the Government on head shops? Who is the lead Minister? What is the precise legislative framework, as promised by the Government on numerous occasions? It appears that one hand does not know what the other is doing.

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

**The Tánaiste:** No, there is no promised legislation. Regulations have been drawn up——

**Deputy Charles Flanagan:** There is no promised legislation.

**The Tánaiste:** ——by the Minister for Health and Children, which have been forwarded to the European Commission. An interdepartmental group, headed by the Ministers, has been working on a number of initiatives to deal with these issues and to determine what actions need to be taken in the Department of Health and Children, the Department of the Environment, Heritage and Local Government and the Department of Justice, Equality and Law Reform. All of that is being done under the auspices, and with the support, of the Attorney General. We have drawn up the regulations, they have gone to the European Commission and there are a number of other initiatives being taken, in a multifaceted way, to deal with this issue.

**Deputy Charles Flanagan:** There is no promised legislation?

**An Ceann Comhairle:** There are regulations.

**Deputy Charles Flanagan:** Did I hear the Tánaiste say there was no promised legislation?

**The Tánaiste:** There are regulations.

**Deputy Charles Flanagan:** The Minister for Justice, Equality and Law Reform has promised legislation.

**Deputy Noel Dempsey:** It is covered under the Misuse of Drugs Act.

**Deputy Charles Flanagan:** The Minister for Justice, Equality and Law Reform said he would introduce legislation. The Minister for Health is bringing in regulations.

**Deputy Noel Dempsey:** There will be powers for the Garda

**Deputy Charles Flanagan:** Meanwhile, nothing is happening.

**The Tánaiste:** A number of actions have been taken by the Garda on this issue.

**Deputy Noel Dempsey:** It cannot break the law.

**Deputy Charles Flanagan:** It is a very serious social problem.

**The Tánaiste:** It is and no one disagrees with that.

**Deputy James Reilly:** The Garda is hamstrung by the law. The law and the regulations need to change.

**An Ceann Comhairle:** The Deputy can elaborate on the subject, but cannot do so on the Order of Business.

**Deputy James Reilly:** I have raised this issue three or four times.

**An Ceann Comhairle:** I accept that fully.

**Deputy James Reilly:** I have suggested what the Minister for Health and Children can do. She can issue a regulation——

**An Ceann Comhairle:** I was in the Chair when the Deputy raised the issue.

**Deputy James Reilly:** ——an instruction or a ministerial directive insisting that all——

**An Ceann Comhairle:** The subject is serious but we will have to find an alternative time.

**Deputy James Reilly:** ——products sold in these shops are passed by the Medicines Board or the Food Safety Authority.

**An Ceann Comhairle:** Deputy, resume your seat.

**Deputy James Reilly:** If that were done——

**An Ceann Comhairle:** Deputy, resume your seat.

**Deputy James Reilly:** ——they would have to submit every product to be sold to a local authority and it would stop this trade that is damaging our children's health.

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

**Deputy James Reilly:** The Government will not do it. It is deferring to the European Union to wait three months to get a nod. Britain did not do that. It went in early.

**The Tánaiste:** It does not have a leg to stand on.

**Deputy James Reilly:** Yes, it did not wait three months. It sought it retrospectively.

**An Ceann Comhairle:** Deputy, desist from engaging across the floor.

**The Tánaiste:** They do not have a leg to stand on.

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

**Deputy Joe McHugh:** Is the Tánaiste aware of the recommendation from the HSE to amalgamate two call centres following a review of the out-of-hours GP service? If she is aware of it, what is the Government's plan? Does it intend to close the centre in Galway or Letterkenny? That is the choice on the Tánaiste's desk. Does she intend to follow through on that recommendation? It is important that we know of the plans for it.

**An Ceann Comhairle:** Is there promised legislation?

**The Tánaiste:** The Health Information Bill will be dealt with next year.

**Deputy Joe McHugh:** I was going to raise this issue under the Health Information Bill but after listening to some comments this morning and given the lack of information which we were getting from parliamentary questions——

**An Ceann Comhairle:** There are other ways, Deputy.

**Deputy Joe McHugh:** ——the new Whip, Deputy Curran, should perhaps rename it the lack of information Bill because trying to get information from the HSE at the moment is a scandal. Stalinist Russia would not have a look-in.

**Deputy Michael Ring:** I will be in order this morning.

**Deputy James Reilly:** In good order.

**Deputy Michael Ring:** In good order. The Tánaiste has a very important function in Bunbeg on Saturday night. She might be making an announcement on the forthcoming *Údarás na Gaeltachta* elections. Fianna Fáil used to love elections but it no longer likes them. It does not like general elections, by-elections or *Údarás* elections. When will the *Údarás na Gaeltachta* Bill come before the House? The elections are due this year and we have to start planning for them. If they will not take place, a regulation will have to come before the House. The Tánaiste might have a cake in Bunbeg on Saturday night for my colleague, Deputy McGinley, whose birthday it is this week. I would like the Tánaiste to have a little cake for him.

**An Ceann Comhairle:** Is there promised legislation?

**The Tánaiste:** I am seriously worried that the Deputy knows all about my social life. If things were right I might jump out of the cake. I do not recall that I am in Dunbeg on Saturday night. There is promised legislation on *Údarás na Gaeltachta*. A review is taking place as part of the plan for *fiche bliain don ghaeilge* and I understand the Minister will bring proposals to the House quite soon because the *Údarás na Gaeltachta* elections are an issue.

**Deputy James Reilly:** Is the Ceann Comhairle forgetting I had a number of questions on legislation and he said he would come back to me?

**An Ceann Comhairle:** The Deputy has been on his feet many times this morning. Has he a question on legislation?

**Deputy James Reilly:** I wish to inquire about three Bills. The Ceann Comhairle has alluded to another Deputy being in order, even though it was the first time she came near to being in disorder. Does that not ring an alarm bell for him about the frustration Members feel about the lack of information coming back from the HSE? We cannot get answers out of the Minister for Health and Children or her Department.



[Deputy James Reilly.]

I refer to No. 69, the public health (alcohol labelling provisions). When will it come before the House? Will the Minister take the opportunity to ensure there is clear labelling of the calorie content of alcohol? That is currently not the case but it should be. We are experiencing an obesity epidemic and this legislation will help to inform people that there is more to the damage that alcohol can do because calorie content is also an issue.

When will No. 65, the human tissue Bill, come before the House? Will the Minister take the opportunity in this legislation to set up a transplant organisation? A national transplant office is needed. We have an appalling record in lung and heart transplants, particularly for cystic fibrosis sufferers. The transplant programme in the Mater Hospital is not delivering for our people and we need to know why. One of the reasons is there is not a proper co-ordinated service.

I also want to inquire about the public health (sunbeds) Bill. This simple legislation would ban the use of sunbeds by those under the age of 18. Their use causes skin cancer. Children under 18 need to be protected from that.

**The Tánaiste:** On the alcohol Bill, public consultation has been completed and submissions are being considered. Heads of the Bill and proposals will be circulated afterwards. There is no date for the human tissue Bill but heads have been circulated for consideration within Departments. They will then go to the Government. Consultation has been completed on the sunbeds Bill. I mentioned to the Minister that the issue has been raised in the House and I asked her to try to expedite it.

#### **Ministerial Rota for Parliamentary Questions: Motion.**

**Minister of State at the Department of the Taoiseach (Deputy John Curran):** I move:

That, notwithstanding anything in Standing Orders or in the Resolution of the Dáil of 14th June, 2007, setting out the rota in which Questions to members of the Government are to be asked, or in the Resolutions of the Dáil of 20th April, 2010, 22nd April, 2010 and 27th April, 2010, Questions for oral answer, following those next set down to the Tánaiste and Minister for Education and Science, shall be set down to Ministers in the following temporary sequence:

- Minister for Community, Rural and Gaeltacht Affairs
- Minister for Enterprise, Trade and Employment
- Minister for Justice, Equality and Law Reform
- Minister for Health and Children
- Minister for Arts, Sport and Tourism
- Minister for Foreign Affairs

whereupon the sequence established by the Resolution of 14th June, 2007, shall continue with Questions to the Minister for Social and Family Affairs.”

Question put and agreed to.

**Social Insurance Fund: Motion.**

**Tánaiste and Minister for Education and Science (Deputy Mary Coughlan):** I move:

That, notwithstanding anything in Standing Orders, leave is hereby given by the Dáil to introduce the following Additional Estimate for the service of the year ending on the 31st day of December, 2010:—

*Vote 38 — Social and Family Affairs: payment to the Social Insurance Fund (new subhead)*

and that a sum not exceeding €1,551,448,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2010, for payments to the Social Insurance Fund under Section 9(9)(a) of the Social Welfare Consolidation Act 2005.”

Question put and agreed to.

**Merchant Shipping Bill 2009: Report Stage (Resumed).**

Debate resumed on amendment No. 8:

In page 11, line 2, after “€100,000” to insert the following:

“or ten percent of annual turnover whichever is greater”.

—(Deputy Broughan.)

**An Ceann Comhairle:** The debate will resume on amendment No. 8. Amendments Nos. 10, 21, 19, 20, 24, 25, 27, 93 and 96 are related and all are being discussed together. Deputy Broughan is in possession.

**Deputy Thomas P. Broughan:** The Minister said on Committee Stage that he would have a rethink about the fine of €100,000. I am seeking to make similar amendments throughout the Bill to enable the imposition of a fine on maritime companies that misbehave of up to 10% of their turnover instead of €100,000. When I was Labour Party spokesperson on Communications, Marine and Natural Resources and the Minister held that portfolio, we examined the rules of Ofcom, the English communications regulator, which allowed for a fine of up to 10% of turnover. The Minister said he would examine it before Report Stage. It would be a drastic measure but the amendments provide for serious maritime carriage rules for dangerous substances. Should the Minister not have the power to seriously fine the companies concerned?

**Minister for Transport (Deputy Noel Dempsey):** The Deputy is correct that I undertook on Committee Stage to examine this to see if there was a means of doing what he wanted. I do not disagree with the principle. I examined this carefully but all the advice is that it would be difficult to implement in this type of legislation for a range of reasons, particularly the difficulty in establishing the turnover of the company, the skills sets needed to ascertain that within timeframes and so on.

I also indicated having studied the possibilities relating to the percentage rule that the better approach would be to wait until the consolidation of the merchant shipping legislation is undertaken in the Department and then to apply severe penalties uniformly across the new statute. I have undertaken to do this. It would not be feasible or practical at this stage to go the route the Deputy has outlined. I agree with the principle underpinning the amendments. Severe fines should be in place for offences under this section but it is not possible to do that in the manner outlined by the Deputy.

**Deputy Thomas P. Broughan:** I accept that but I hope the Minister will address this in the consolidation Bill. We in the Labour Party are determined to do this if we are in charge when that Bill is going through. I withdraw the amendment.

Amendment, by leave, withdrawn.

**Deputy Thomas P. Broughan:** I move amendment No. 9:

In page 11, line 13, after “radio” to insert “and microwave video”.

Since the last debate, I have received legal advice that the 1952 Act does not define “radio”. Why can all maritime life not be immediately accessible by controllers on shore in order that people at least would know what is going on? Is there a problem with that? This also relates to a series of amendments.

**Deputy Noel Dempsey:** No. The current legal provision is designed to be as flexible as possible and to cover all means of telecommunications, including all means of radio transmission. It is more helpful that the definition is so broad than trying to define every piece of equipment that might be useful in this area. The current definition is a benefit to the legislation, not a problem. The Deputy referred to a range of different systems on the last occasion we discussed this and it covers all of them.

Amendment, by leave, withdrawn.

Amendments Nos. 10 to 12, inclusive, not moved.

**An Ceann Comhairle:** Amendments Nos. 14, 17, 18, 21, 22 and 98 are related to amendment No. 13 and they may be discussed together by agreement.

**Deputy Thomas P. Broughan:** I move amendment No. 13:

In page 14, line 39, to delete “€500” and substitute “€5,000”.

The amendment relates to District Court fines. Where there is reference to fines in the Bill I considered it useful to increase the level of fines to the District Court maximum, in this case I suggest increasing the fine from €500 to €5,000. I took a similar approach in the remaining amendments. It is similar to the case of the €100,000; we would allow for flexibility for the court to impose a reasonable fine where there are contraventions of the regulations being imposed by the Minister. Why should the fine not be increased from €500 to the maximum, €5,000, in section 11 and similarly in the other sections?

**Deputy Noel Dempsey:** A general point in this regard is that the opportunity was taken to update fines in the Bill across a range of sections in the Merchant Shipping (Safety Convention) Act 1952, to which the Deputy referred. The advice I have received is that the fines on summary conviction have to be fair, reasonable and proportionate. On Committee Stage I indicated that account was taken of the relative proportion of the original fines. That has been carried right through in the sections as well. There is no point in attempting to put fines into a Bill that are not deemed to be fair, reasonable and proportionate because they will be struck down in court and will not have the effect all of us would desire. On that basis I ask the Deputy to withdraw the amendments.

**Deputy Thomas P. Broughan:** I accept the point the Minister is making. However, the Parts of the 1952 Act that we are changing are significant, for example, and relate to someone putting to sea without proper authority or planning. I grant the Minister is updating legislation from more than half a century ago. I will withdraw the amendments on that basis.

Amendment, by leave, withdrawn.

Amendment No. 14 not moved.

**An Ceann Comhairle:** Amendments Nos. 16 and 65 to 71, inclusive, are related to amendment No. 15 and they may be discussed together by agreement.

Bill recommitted in respect of amendments Nos. 15 and 16.

**Deputy Noel Dempsey:** I move amendment No. 15:

In page 15, to delete lines 5 to 17 and substitute the following:

“(a) in the case of a passenger steamer, the owner or master of the steamer, without prejudice to any other remedy or penalty under the Merchant Shipping Acts commits an offence and is liable—

(i) on summary conviction, to a fine not exceeding €5,000, or

(ii) on conviction on indictment, to a fine not exceeding €100,000.”.

Amendment No. 15 to section 11 is a consequential amendment — if tendering regulations are provided in Chapter 5 that I propose under amendments Nos. 65 to 71, it follows that an amendment is required to be made to the text of section 11 to exclude a reference to ‘tenders’. We are anticipating something that will occur later.

Deputy Broughan’s amendment No. 16 relates to the same provision covered by my amendment No. 15. He proposes to introduce a new method of determining the maximum monetary penalty that a court could levy on conviction. I have already indicated that I do not propose to introduce this alternative method in the Bill but instead to consider the matter in the context of the consolidation of the merchant shipping legislation. I have given a commitment to the Deputy on that basis.

Chapter 5 relates to the tendering operation regulations. The amendment inserts Chapter 5 in Part 3 to provide for the safety regulations of tendering operations. An increased number of tendering operations, the movement of passengers by boat from ship to shore and return, are being carried out here each year and the purpose of the amendment is to provide for safety regulation of tendering operations.

Amendment No. 65 provides section 50 to give definitions for the terms used in Chapter 5. Amendment No. 66 provides section 51 to set out application of Chapter 5. The owner or master of a passenger ship or boat who proposes to undertake a tendering operation must apply to the Minister for a permit to undertake the operation. This step consists of submitting a tendering operations safety plan. Amendment No. 67 provides section 52, which is the key enabling provision, to allow the Minister to make tendering operations regulations and prescribe requirements for safe operation.

Amendment No. 68 provides section 53 to regulate for the issue of permits to tender. An operator is prohibited from carrying out tendering operations without having a permit to tender in force. Amendment No. 69 provides section 54 to impose duties on owners and masters of a ship or boat in respect of the carrying out of tendering operations. Amendment  
12 o'clock No. 70 provides section 55 to confer the enforcement powers on surveyors of ships to inspect any ship or boat including a tender or vessel’s tender to check that a permit to tender is being complied with. Amendment No. 71 provides section 56 to set out the maximum monetary fines that the master or owner of a ship or boat are liable for if convicted in court for breach of the provisions in this chapter, tendering operation regulations or a permit to tender.

[Deputy Noel Dempsey.]

The effect of the three Labour Party amendments would be to require a court to determine matters. We have discussed the matter and there is no point in going over it again. It relates to the 10% annual turnover which we dealt with previously so I will not delay the House.

**Deputy Thomas P. Broughan:** This is where the Bill gets very complicated because we are dealing with amendments to amendments. My first two amendments seek to impose a greater penalty, namely 10% of turnover. The new Part of the Bill introduced by the Minister on Report Stage, which is the tendering operation regulations, appears to be a major improvement in terms of the administration of the operations.

I have tabled an amendment to the new section 67. The Minister might have noticed that it is an amendment to amendment No. 67 on page 39 of the amendments. I also introduce the issue of the flag, which is the theme of my amendments. I do not see why the reference to the flag state is not included at that point for the reasons I outlined previously. I also tabled a number of amendments on pages 40 and 41, which again, relate to 10% of turnover. They reiterate the two main amendments I tried to insert, which I tried to do throughout the Bill.

Amendment agreed to.

Amendment No. 16 not moved.

Bill reported with amendment.

Amendments Nos. 17 to 30, inclusive, not moved.

**An Ceann Comhairle:** Recommittal is necessary in respect of amendment No. 31 as it relates to the instruction to committee motion. Amendments Nos. 32 to 39, inclusive, are related. Amendments Nos. 31 to 39, inclusive, and any amendments thereto, will be discussed together.

Bill recommitted in respect of amendments Nos. 31 to 39, inclusive.

**Deputy Noel Dempsey:** I move amendment No. 31:

In page 23, between lines 13 and 14, to insert the following:

“PART 3  
RULES AND REGULATIONS FOR CERTAIN VESSELS  
CHAPTER 1  
*Chemical Tanker Rules*

16.—In this Chapter—

“accepted international certificate of fitness (IBC)” has the meaning assigned to it by *section 19(8)*;

“chemical tanker rules” means rules under *section 18*;

“international certificate of fitness (IBC)” has the meaning assigned to it by *section 19(1)*;

“dangerous chemicals” means any liquid chemicals designated as presenting a safety hazard, based on the safety criteria for assigning products in Chapter 17 of the IBC Code or as provided for in the chemical tanker rules;

“IBC Code” means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk adopted by the Maritime Safety Committee of the IMO by resolution MSC.4(48) and as amended by—

(a) such committee by Resolutions MSC.10(54), MSC.14(57), MSC.16(58), MSC.28(61), MSC.50(66), MSC.58(67), MSC.102(73), MSC.176(79) and MSC.219(82), and

(b) the Marine Environment Protection Committee of the IMO by Resolutions MEPC.19(22), MEPC.32(27), MEPC.40(29), MEPC.55(33), MEPC.69 (38), MEPC.73(39), MEPC.90(45) and MEPC.119(52);

“IMO” means the United Nations International Maritime Organisation;

“MARPOL Convention” means the International Convention for the Prevention of Pollution from Ships 1973, as amended by the Protocols of 1978 and 1997;

“noxious liquid substances“ means any substance indicated in the Pollution Category column of chapters 17 or 18 of the IBC Code, or provisionally assessed under the provisions of regulation 6.3 of Annex II to the MARPOL Convention, as falling into categories X, Y or Z or as may be prescribed by the Minister in the chemical tanker rules.”.

This amendment inserts a new part, Part 3, headed “RULES AND REGULATIONS FOR CERTAIN VESSELS”, into the Bill. The rules and regulations are set out in separate chapters, numbered from 1 to 7. Chapter 1 contains the chemical tanker rules. The legislation contains enabling provisions for the regulation and survey of Irish chemical tankers and the inspection and enforcement of the applicable SOLAS provisions for all chemical tankers engaged on international voyages. Ireland has two chemical tankers on its flag.

Amendment No. 31 provides section 16 to set out definitions of terms used in Chapter 1. Amendment No. 32 provides section 17 to set out the application of Chapter 1 and amendment No. 33 provides section 18. The latter is the key enabling provision to allow the Minister for Transport to make chemical tanker rules to prescribe structural, operational and survey requirements for chemical tankers.

With regard to the amendments proposed by the Labour Party, section 18, to be inserted by amendment No. 33, enables the Minister to make rules and regulations to prescribe the requirements for Irish chemical tankers, including survey requirements. The Minister has no power to prescribe survey requirements, as proposed by Deputy Broughan, in respect of all ships travelling and berthed in Irish waters. Other ships must be surveyed and given certification in their own state and our surveyors of ships can board and inspect any of these ships when berthed in an Irish port to check for certification and compliance. Ships that are not compliant may be detained until the matters are rectified. The point being made by the Deputy in his first amendment to amendment No. 33 is covered in the legislation as it stands.

The Deputy’s second amendment to amendment No. 33 reads: “In subsection (3)(a), after “ships” to insert “including the requirement for double hulls”. SOLAS requirements regarding the construction of ships, including the requirement as to hulls, will be prescribed in the enabling regulations pertaining to section 18, and the requirement for double hulls or any other type is not a criterion that would be set out as an express requirement in the section that enables the categorisation of chemical tankers into classes. The term “configuration” in subsection (3)(a) covers the internal arrangements for a ship. This includes the hull type. I ask the Deputy to withdraw his amendment.

[Deputy Noel Dempsey.]

The Deputy's final amendment to amendment No. 33 is one on which he has been consistent. It seeks the insertion of "the flag under which the vessel is registered" as one of the matters to which regard must be had. The same requirements will apply to all vessels to which the section pertains, not just particular flags. The spirit of the amendment is covered.

Amendment No. 34 provides section 19 for the certification and endorsement of continued compliance. A chemical tanker is prohibited from going to sea without having the required certification of fitness. The SOLAS international certificate of fitness ceases to be in force if the survey and other specified requirements are not met and upon transfer of the ship to the flag of another state.

Amendment No. 35 provides section 20 to impose duties on owners and masters to have chemical tankers comply with the chemical tanker requirements.

Amendment No. 36 provides section 21, which provides for continued compliance with standards and prohibits unauthorised changes to the structures and equipment of the ship after it has been surveyed.

Amendment No. 37 provides section 22, which sets out requirements on transfer of an Irish ship to a flag of a state to which SOLAS applies. The Minister, if requested, must forward details of the previous certification and ship survey reports. If the chemical tanker transfers to our flag from another SOLAS state, we can request details of its certification of fitness and survey history.

Amendment No. 38 provides section 23, which confers enforcement powers on surveyors of ships to check for compliance with this chapter on chemical tanker rules through inspection of chemical tankers and the issue of notices of non-compliance. Amendment No. 39 provides section 24, which sets out the maximum monetary fines.

The three Labour Party amendments are consistent with what Deputy Broughan has said in the past on fines. Rather than delay the House, I refer him to my previous comments in this regard.

**Deputy Thomas P. Broughan:** Amendment No. 1 to amendment No. 33 seeks that the construction rules for chemical tankers would apply to all ships in Irish waters. The Minister is saying every country should do its own thing. The problem with the flag states is that countries such as Mongolia will never see the ships under its flag. I do not understand the logic of the Minister. If we stop a ship, are we not effectively applying the rules to another flag? Why not provide that all ships in Irish waters must have these safeguards?

We had considerable debates on the double hull issue at different times with the Department responsible for marine affairs. We sought that there would be no more single-hulled tankers because of the kind of devastation now evident in the Gulf of Mexico, albeit for a different reason. Our proposal was to ensure disasters such as that pertaining to the *Exxon Valdez* could not happen again. The Minister is stating he will include a reference to double hulls in the rules. Why not just include in the regulation a stipulation that ships must have double hulls and that if they enter our vast waters without such a construction they will immediately be in danger under our legislation? This should be a *sine qua non* of running maritime affairs properly.

With regard to amendment No. 3 to amendment No. 33, I wanted a reference to "the flag" in respect of construction rules for all the types of vessels in question. I recall the effort of the great Tony Ayton in the last two parts of the debate to try to have spuriously flagged vessels, or vessels with flags of convenience, made amenable to the legislation of great maritime countries such as Ireland. I do not see why what I propose should not be included.

My amendments to amendment No. 39 relate to the offence pertaining to chemical carriage rules. The Minister should opt for an open-ended fine or 10% of annual turnover rather than €100,000. To be consistent, I propose that this be included throughout the Bill.

**An Leas-Cheann Comhairle:** Amendment No. 31 is before the House. We are dealing with amendments Nos. 31 to 39, inclusive, and all amendments thereto. We are on Committee Stage again on this broad range of amendments so it is open to Deputies to contribute again.

**Deputy Noel Dempsey:** I want to clarify the points raised by Deputy Broughan, who has genuine concerns. The reason all countries must be responsible for their own vessels is that we do not have the facilities to examine all the fleets around the world. I accept the point of the Deputy that some flags are somewhat dubious but the legislation is as set out because we do not have the manpower or other facilities to ensure every fleet around the world is in compliance. We are proposing here that chemical tankers which come into our waters should be safe. We have the right to go on board and inspect and we have the right if there is anything wrong to detain a vessel when it is in Irish waters. This is why that distinction is being made. I take the point the Deputy is making, but the best safeguard is that our scarce resources would be used to look after affairs within Irish ports and in our own area.

The second point deserves some clarification as well in terms of why we are including “double hull” in the regulation rather than defining this in regulation. It is fairly simple and straightforward. We do not want to introduce primary legislation if, for instance, the rules and regulations were changed and it was a case of a triple hull or a different design or specification being inserted. In the event it is better to deal with that by way of regulation rather than primary legislation, so it is a matter of efficiency in that regard.

**Deputy Thomas P. Broughan:** It is really fundamental for those types of vessels.

**Deputy Noel Dempsey:** It is fundamental, and once the rule is there that it has to be “double hull”, this has to be applied. There is no question of it not applying or people being able to get away with it because it is not in the law. It will be in the regulation, which as the Deputy appreciates, is secondary legislation. I just wanted to clarify those two points.

Amendment agreed to.

**Deputy Noel Dempsey:** I move amendment No. 32:

In page 23, between lines 13 and 14, to insert the following:

“17.—This Chapter applies to—

(a) Irish ships to which Part B of Chapter VII of the Annex to the Safety Convention applies engaged in the carriage of bulk cargoes of dangerous chemicals or noxious liquid substances other than petroleum or similar flammable products, and

(b) to any other ship to which such Part of that Chapter applies, engaged in such carriage while in any port in the State, unless it would not have been in such port but for stress of weather or any other circumstance that neither the master nor the owner of the ship could have prevented or forestalled.”.

Amendment agreed to.

**Deputy Noel Dempsey:** I move amendment No. 33:



[Deputy Noel Dempsey.]

In page 23, between lines 13 and 14, to insert the following:

“18.—(1) The Minister may, in relation to any ships to which this Chapter applies, make rules (“chemical tanker rules”)—

(a) prescribing requirements for the hull, superstructure, subdivision and stability, electrical installation, equipment and machinery and fire protection of such ships,

(b) regulating repairs, alterations, modifications and outfitting relating thereto, and

(c) requiring any such ships which are Irish ships to be surveyed to such extent, and in such manner and at such intervals as may be prescribed.

(2) Without prejudice to *subsection (1)* chemical tanker rules may include requirements for all or any of the following matters—

(a) ship survival capability and location of cargo tanks,

(b) ship arrangement,

(c) cargo containment,

(d) cargo transfer,

(e) materials of construction, protective linings and coatings,

(f) cargo temperature control,

(g) cargo tank venting and gas-freeing arrangements,

(h) environmental control,

(i) electrical installations,

(j) fire protection and fire extinction,

(k) mechanical ventilation in the cargo area,

(l) instrumentation,

(m) personnel protection,

(n) special requirements and operational requirements, including training of on-board personnel,

(o) specification of carriage requirements for the carriage of particular products to which the IBC Code does not apply which may pose safety and pollution hazards where it is considered by the Minister that some safety precautions may be appropriate, and

(p) notification of accidents or defects.

(3) In making chemical tanker rules the Minister may categorise ships into different classes having regard to one or more of the following, where appropriate—

(a) the size, or configuration of such ships,

(b) the service for which such ships are to be employed,

(c) the nature and duration of voyages to be undertaken,

(d) the type of cargo carried including the severity of the environmental and safety hazards involved,

(e) the age and date of construction of ships, and

(f) such other matter or matters that the Minister considers appropriate to take into account in the circumstances.

(4) Different chemical tanker rules may be made for the carriage of bulk cargoes of different dangerous chemicals or noxious liquid substances carried by different classes of ships for different circumstances and for different areas of operation.

(5) Chemical tanker rules shall include such requirements as appear to the Minister to be necessary to implement the provisions of the Safety Convention, including the IBC Code, in relation to the carriage of bulk cargoes of dangerous chemicals or noxious liquids.

(6) The powers conferred on the Minister by this Chapter are in addition to the powers conferred by any other enactment enabling him or her to prescribe the requirements that ships to which this Chapter applies must comply with.

(7) (a) Subject to *paragraph (b)*, where the chemical tanker rules require that a particular fitting, material, appliance, apparatus, item of equipment or type thereof shall be fitted or carried in a ship to which this section applies, or that any particular provision shall be made, or any procedure or arrangement shall be complied with, the Minister may allow any other fitting, material, appliance, apparatus, item of equipment, or type thereof to be fitted or carried, or any other provision, procedure or arrangement to be made in that ship, if he or she is satisfied, by trial thereof or otherwise, that such fitting, material, appliance, apparatus, item of equipment or type thereof or that any particular provision, procedure or arrangement is at least as effective as that required by the rules.

(b) *Paragraph (a)* does not allow operational methods or procedures to be made an alternative to a particular fitting, material, appliance, apparatus, item of equipment, or type thereof, unless provided for in the chemical tanker rules.”.

**Deputy Thomas P. Broughan:** I move amendment No. 1 to amendment No. 33:

In subsection (1)(c), in the first line after “ships” where it secondly occurs, to insert “or ships travelling or berthed in Irish waters”.

Amendment put and declared lost.

**Deputy Thomas P. Broughan:** I move amendment No. 2 to amendment No. 33:

In subsection (3)(a), after “ships” to insert “including the requirement for double hulls”.

Amendment put and declared lost.

**Deputy Thomas P. Broughan:** I move amendment No. 3 to amendment No. 33:

“(g) the flag under which the vessel is registered.”.

Amendment put and declared lost.

Amendment No. 33 agreed to.

**Deputy Noel Dempsey:** I move amendment No. 34:

In page 23, between lines 13 and 14, to insert the following:

“19.—(1) (a) Where after a declaration of survey, made by a surveyor of ships under the chemical tanker rules in respect of an Irish ship to which this Chapter applies, is received by the Minister and if he or she is satisfied that the ship complies with such rules as are relevant to the ship and provided, where relevant—

(i) a safety equipment certificate under section 22(1) of the Act of 1952, a radio certificate under section 23(1) of the Act of 1952 and a cargo ship safety construction certificate under section 4(1) of the Act of 1966, or

(ii) a cargo ship safety certificate under *section 13(1)* of this Act, is in force in respect of the ship, he or she shall issue, in respect of the ship, an International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk (“international certificate of fitness (IBC)”), in the form prescribed by the Minister in the chemical tanker rules.

(b) In this subsection “declaration of survey” means a declaration made under section 272 (as applied by section 27(2) of the Act of 1952 and section 3(4) of the Act of 1966) of the Principal Act.

(2) An Irish ship in respect of which an international certificate of fitness (IBC) is in force shall be subject to such further surveys as are provided for under the chemical tanker rules to ensure that the ship continues to comply with the requirements of such rules.

(3) Where following a survey referred to in *subsection (2)*, the Minister is satisfied that the ship continues to comply with the requirements of the chemical tanker rules, he or she shall endorse the international certificate of fitness (IBC) to that effect.

(4) Subject to *subsections (5) and (6)*, an international certificate of fitness shall be in force for a period not exceeding 5 years or such shorter period as may be specified in it. The certificate may be cancelled where the Minister is satisfied that the ship no longer complies with any of the requirements of the chemical tanker rules applicable to it.

(5) The Minister may extend the period for which an international certificate of fitness (IBC) under this Chapter may be in force, to a period not exceeding 5 years and 5 months as may be prescribed in the chemical tanker rules.

(6) An international certificate of fitness (IBC) ceases to be in force—

(a) if any relevant survey of the ship has not been completed within the periods specified for such survey as prescribed by the chemical tanker rules or as required under *section 21(2)(b)*,

(b) if the certificate is not endorsed under *subsection (3)*,

(c) upon transfer of the ship to the flag of another state, or

(d) upon any unapproved change to the ship referred to in *section 21(1)*.

(7) Sections 27(9) and 28(1) of the Act of 1952 apply in relation to international certificates of fitness (IBC) as they apply to a certificate the issue of which is authorised under that Act.

(8) Section 28(2) of the Act of 1952 applies in relation to international certificates of fitness (IBC) as it applies to a certificate issued under that Act and an International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk issued by the government of another country, other than the State, to which the Safety Convention applies, under the Safety Convention, in respect of a ship to which this Chapter applies, other than an Irish ship, and accepted as having the same force in the State as an international certificate of fitness (IBC) shall be referred to as an accepted international certificate of fitness (IBC).

(9) (a) A ship to which this Chapter applies must not proceed or attempt to proceed to sea without an international certificate of fitness (IBC) for the time being in force in respect of it.

(b) A ship which proceeds or attempts to proceed to sea without an international certificate of fitness (IBC) for the time being in force in respect of it in contravention of *paragraph (a)* shall be regarded as an unsafe ship for the purposes of *Chapter 7*.

(10) The reference to an international certificate of fitness (IBC) in *subsection (9)* and in *sections 20(4)* and *24(2)(a)* and *(c)* shall, in the case of a ship to which this Chapter applies, other than an Irish ship, be construed as a reference to an accepted international certificate of fitness (IBC).

(11) The Minister may authorise on his or her behalf a person to issue, endorse, cancel or extend an international certificate of fitness (IBC).”.

Amendment agreed to.

**Deputy Noel Dempsey:** I move amendment No. 35:

In page 23, between lines 13 and 14, to insert the following:

“20.—(1) It is the duty of the owner and master of an Irish ship to which this Chapter applies—

(a) to ensure that it complies with the chemical tanker rules, and

(b) to maintain such ship in conformity with the chemical tanker rules to ensure that the ship in all respects remains fit to operate without danger to the ship or the persons on board.

(2) It is the duty of the owner and master of an Irish ship to which this Chapter applies—

(a) before the ship is put into service,

(b) before the international certificate of fitness (IBC) is issued in its respect for the first time, and

(c) before the ship continues in service after the expiration of its international certificate of fitness (IBC),

to have the ship surveyed by a surveyor of ships or such other person as the Minister may authorise for such purpose, in accordance with the chemical tanker rules.

(3) It is the duty of the owner and master of an Irish ship to which this Chapter applies to have the ship surveyed under *section 19(2)* or *section 21(2)(b)*, where required.

[Deputy Noel Dempsey.]

(4) It is the duty of the master and owner of a ship to which this Chapter applies to ensure that an international certificate of fitness (IBC) for the time being in force in respect of the ship is available on board for examination at all times.

(5) (a) Without prejudice to section 23 of the Act of 2000, whenever an accident occurs to an Irish ship to which this Chapter applies, or a defect to such ship is discovered, either of which affects the safety of the ship or the efficiency or completeness of its life-saving appliances or other equipment required by the chemical tanker rules the master or owner of the ship must, at the earliest opportunity, report the matter to the Chief Surveyor or any other surveyor of ships in the Marine Survey Office, Department of Transport.

(b) In case the ship is in a port of a state to which the Safety Convention applies, other than the State, the owner or master must also report, at the earliest opportunity, to the appropriate authorities of the government of that state.”.

Amendment agreed to.

**Deputy Noel Dempsey:** I move amendment No. 36:

In page 23, between lines 13 and 14, to insert the following:

“21.—(1) No change shall be made in the structure, equipment, fittings, arrangements and material covered by a survey under the chemical tanker rules, other than by direct replacement, without the approval of the Minister or a person authorised by him or her for such purpose.

(2) Following receipt of a report referred to in *section 20(5)(a)* the Chief Surveyor or other surveyor of ships notified shall—

(a) if the ship being an Irish ship is in the jurisdiction of another state to which the Convention applies, ensure that the matter is reported by the master or owner of the ship to the appropriate authorities of the government of that state, and

(b) arrange for any additional survey which in his or her opinion may be required in the circumstances under the chemical tanker rules.”.

Amendment agreed to.

**Deputy Noel Dempsey:** I move amendment No. 37:

In page 23, between lines 13 and 14, to insert the following:

“22.—In the case of a transfer of an Irish ship to which this Chapter applies to the flag of a state to which the Safety Convention applies, being a party also to the MARPOL Convention, the Minister shall, if requested within 3 months of such transfer, transmit, as soon as possible, to the appropriate authorities of the government of such state, a copy of the international certificate of fitness (IBC) applicable to the ship before the transfer and, if available, copies of the relevant survey reports.”.

Amendment agreed to.

**Deputy Noel Dempsey:** I move amendment No. 38:

In page 23, between lines 13 and 14, to insert the following:

“23.—(1) A surveyor of ships may board and inspect any ship to which this Chapter applies for the purpose of seeing that it complies with this Chapter and the chemical tanker rules.

(2) If a surveyor of ships finds that a ship fails to comply with any provisions of this Chapter or the chemical tanker rules he or she shall give a notice in writing to the owner or master stating in what respect the ship fails to comply with them.

(3) A surveyor of ships may board and inspect any ship for the purposes of seeing that a notice given under *subsection (2)* has been complied with.

(4) A surveyor of ships may for the purposes of an inspection make such tests (either on the ship or ashore or at dock), ask such questions, inspect such documents or records and have access to such parts of the ship as he or she considers appropriate for that purpose.”.

Amendment agreed to.

**Deputy Noel Dempsey:** I move amendment No. 38:

In page 23, between lines 13 and 14, to insert the following:

“24.—(1) If an owner or master of a Irish ship to which this Chapter applies fails to comply with any of the duties required of him or her under *section 20* (other than *subsections (4)* and *(5)* of that section) then the owner of the ship (if in fault) and the master of the ship (if in fault) commits an offence and is liable—

(a) on summary conviction, to a fine not exceeding €5,000, or

(b) on conviction on indictment, to a fine not exceeding €100,000.

(2) In the case of a ship to which this Chapter applies—

(a) an international certificate of fitness (IBC) for the time being in force in respect of the ship is not available on board for examination as required under *section 20(4)*,

(b) the owner or master of the ship, without reasonable excuse, fails to make a report as provided for in *section 20(5)(a)* or *(b)*, or

(c) the ship proceeds or attempts to proceed to sea—

(i) without an international certificate of fitness (IBC) for the time being in force in respect of the ship in contravention of *section 19(9)(a)*,

or

(ii) being regarded as an unsafe ship under *section 19(9)(b)*, in contravention of a notice of detention under *section 66*,

then the owner of the ship (if in fault) and the master of the ship (if in fault) commits an offence and is liable—

(i) in the case of an offence under *paragraph (a)* or *(b)*, on summary conviction, to a fine not exceeding €5,000, and

[Deputy Noel Dempsey.]

(ii) in the case of an offence under *paragraph (c)*, on summary conviction—

(I) to a fine not exceeding €5,000, or

(II) on conviction on indictment, to a fine not exceeding €100,000.

(3) If a ship, in respect of which a notice has been given to its owner or master under *section 23(2)* which requires compliance with the rules before the ship proceeds to sea, proceeds or attempts to proceed to sea, without compliance as required in the notice, then the master or owner (as the case may be) commits an offence and is liable—

(a) on summary conviction, to a fine not exceeding €5,000, or

(b) on conviction on indictment, to a fine not exceeding €100,000.”.

Amendments Nos. 1 to 3, inclusive, to amendment No. 39 not moved.

Amendment No. 39 agreed to.

Bill reported with amendments.

**An Leas-Cheann Comhairle:** Recommittal is necessary in respect of amendments Nos. 40 to 48, inclusive, which are related and will be discussed together. Is that agreed? Agreed.

Bill recommitted in respect of amendments Nos. 40 to 48, inclusive.

**Deputy Noel Dempsey:** I move amendment No. 40:

In page 23, between lines 13 and 14, to insert the following:

“CHAPTER 2

*Liquefied Gas Carriage Rules*

25.—In this Chapter—

“accepted international certificate of fitness (IGC)” has the meaning assigned to it by *section 28(8)*;

“international certificate of fitness (IGC)” has the meaning assigned to it by *section 28(1)(a)*;

“liquefied gas” means any liquefied gases having a vapour pressure exceeding 2.8 bar absolute at a temperature of 37.8°C and certain other substances as shown in Chapter 19 of the IGC Code, when carried in bulk or as may be prescribed by the Minister in the liquefied gas carriage rules;

“liquefied gas carriage rules” means rules under *section 27*,

“IGC Code” means the International Code for the Construction and Equipment of Ships carrying Liquefied Gases in Bulk adopted by the Maritime Safety Committee of the IMO by Resolution MSC.5(48) and as amended by such Committee by Resolutions MSC.17(58), MSC.30(61), MSC.32(63), MSC.59(67), MSC.103(73), MSC.177(79) and MSC.220(82);

“IMO” means the United Nations International Maritime Organisation.”.

This particular amendment is similar to the others in respect of chemical tankers and tenderings. This one deals, however, with liquefied gas carriage rules. It inserts Chapter 2 to provide enabling provisions for the regulation and survey of Irish gas carriers and the inspection and enforcement of the applicable SOLAS provisions for gas carriers engaged in international voyages. We have no gas carriers on our flag at present. Amendment No. 40 provides section 25 to set out the definitions for the terms used in the chapter.

Amendment No. 41 provides section 26 to set out the application of Chapter 2. Amendment No. 42 provides section 27, which again is the key enabling provision to allow the Minister for Transport to make gas carrier rules to prescribe structural, operational and survey requirements for gas carriers.

Amendment No. 43 provides section 28 for certification and endorsement of continued compliance. A gas carrier is prohibited from going to sea without having the required certificate of fitness and the SOLAS international certificate of fitness ceases to be enforced if the survey and other specified requirements are not met, and also in the transfer of the ship to another state.

Amendment No. 44 provides section 29 to impose duties on owners and masters to have a gas carrier comply with the requirements in respect of gas carriage rules.

Amendment No. 45 provides section 30 to require continued compliance with standards and prohibit unauthorised changes to the structure and equipment of the gas carrier ship after it has been surveyed.

Amendment No. 46 provides section 31 to set out requirements on transfer of an Irish gas carrier ship to a flag of a state to which SOLAS applies. The Minister, if requested, must forward details of the previous certification and survey reports. If a gas carrier transfers to our flag from another SOLAS state we can request details of its certification of fitness and its history. Amendment No. 47 provides section 32 to confer enforcement powers on surveyors of ships to check for compliance with this chapter in gas carrier rules through inspection of gas carriers and the issue of notices of non-compliance. Amendment No. 48 provides section 33 to set out the maximum monetary fines that the master or owner of a ship is liable for if convicted in a court of a breach of specified statutory requirements.

**Deputy Thomas P. Broughan:** Obviously I welcome Chapter 2, the series of amendments Nos. 40 to 48, inclusive, on liquefied gas carriage. I sought, as with the chemical carriers, to insert a number of amendments, which again would have opened up the maximum fine. These are amendments Nos. 1 to 3, inclusive, to amendment No. 42, which would have opened up the possibility of a fine equivalent to 10% of turnover. It is the same argument I made before.

I have introduced similar amendments with regard to the requirements for double-hulled vessels and the construction rules for ships travelling through or berthed in Irish waters, and also on the subject of flags.

On the previous Stage I asked the Minister about the IGC code for the construction and equipment of ships carrying liquefied gases in bulk, to which he referred in passing. I may have mentioned this with regard to chemical tankers also. What is the situation when a ship is transferred to a flag of convenience, for example? Is it possible that, despite SOLAS, ships will be travelling around the globe and through our extensive waters without IGC certificates? The Minister is saying he will track this.

The Minister told us during the previous Report Stage discussion that 65 or perhaps 70 ships were carrying the Irish flag. What is the update on the Irish Maritime Development Office? He stated that we had chemical carriers but that so far we do not have liquefied natural gas carriers. These are issues in which the public is interested. The Oireachtas Joint Committee on Transport is always asking the Irish Maritime Development Office to come before it to provide



[Deputy Thomas P. Broughan.]

updates, because there was much interest, under the previous Department, in the work of that development office and the number of ships — for example, Italian ships — that were being re-flagged to Dublin or Cork.

How does the IGC code apply in respect of amendments Nos. 40 to 48?

**Deputy Noel Dempsey:** The Deputy asked about ships transferring to flags of convenience. If a ship is transferring from an Irish flag, its certificate lapses automatically and the new flag state must supply a certificate. SOLAS is an international agreement involving much co-operation between countries. Ships which try to escape compliance with the codes are tracked by various states with the co-operation of other countries.

At the moment, Ireland has 30 internationally trading merchant ships with a gross tonnage, GT, of more than 500. These are mainly general cargo ships but there are a number of feeder container ships. There are two small chemical oil tankers, a research ship and a lighthouse tender ship. There are no internationally trading passenger ships with a GT of between 300 and 500 flying the Irish flag. There are a number of ships, but most of these operate domestically. As I mentioned earlier, there are no internationally trading oil tankers in the 150-500 GT size category. As well as merchant ships, there are 100 domestic passenger ships ranging in size from 12 to 300 passengers — these are the island ferries, sightseeing vessels and so on.

We have 55 fishing vessels of length greater than 24 m and 220 fishing vessels between 15m and 24 m. These are currently being entered into the new survey safety certification regime, into which all vessels must be entered by 1 October. There are about 1,500 small fishing vessels of less than 15 m on the register. In addition, there are several thousand recreational craft which are technically Irish ships. Recreational craft with a net tonnage of more than 15 are not required to be registered when they operate within the State or the UK. Any recreational craft owned by an Irish citizen or body corporate which sails beyond Ireland or the UK must be registered with an Irish flag.

The Deputy asked about flags of convenience. This phrase does not actually refer to a formally recognised system. There are officially recognised systems in both the EU and the international organisations for identifying the high-risk ships mentioned by the Deputy. As the Deputy will recall, there are black, grey and white lists of flag states which are published under the Paris memorandum of understanding. The lists are published on a website and are used by safety inspectors to target various ships visiting Irish and European ports. Details of the inspections and detentions carried out under the port state control regime are published on the Department's website. The Deputy made a point about people trying to escape compliance with the codes. Much information is made public and shared by the various signatories to the memorandum and more generally under the SOLAS provisions. Thus, there is no easy escape for them.

The Deputy mentioned that the Joint Committee on Transport wished to invite representatives of the Irish Maritime Development Office to appear before the committee. I am not sure whether he said it was having difficulty with this——

**Deputy Thomas P. Broughan:** No; it is just that we have not got around to it.

**Deputy Noel Dempsey:** I am sure they will be more than willing to appear before the committee.

**Deputy Thomas P. Broughan:** Yes. In the previous Dáil, when there was a Department with responsibility for the marine under Deputy Dempsey, there were interesting developments in

the IMDO, but from what the Deputy just read out, nothing much has changed in the last couple of years. This may have to do with fiscal rules and so on.

With regard to flags of convenience, from my own viewpoint and that of the labour movement, the situation is clear. Many reports have been done by SIPTU and by the International Transport Workers' Federation, and we clearly know which are flags of convenience and which are genuine flags. All Governments have shied away from addressing this issue. The British Government came closest to having a go at it when Mr. Prescott, a former mariner, was the Deputy Prime Minister, but we have not yet remotely come to grips with the issue. It is clearly an issue of concern. All we need is one major disaster and serious questions will be asked about this legislation, just as we are asking about financial regulation at the moment. I appeal to the Minister to adopt these amendments.

Amendment agreed to.

**Deputy Noel Dempsey:** I move amendment No. 41:

In page 23, between lines 13 and 14, to insert the following:

“26.—This Chapter applies to—

(a) Irish ships to which Part C of Chapter VII of the Annex to the Safety Convention applies, engaged in the carriage of cargoes of liquefied gases in bulk, and

(b) to any other ship to which such Part of such Chapter applies, engaged in such carriage while in any port in the State, unless it would not have been in such port but for stress of weather or any other circumstance that neither the master nor the owner of the ship could have prevented or forestalled.”.

Amendment agreed to.

**Deputy Noel Dempsey:** I move amendment No. 42:

In page 23, between lines 13 and 14, to insert the following:

“27.—(1) The Minister may, in relation to any ships to which this Chapter applies, make rules (“liquefied gas carriage rules”)—

(a) prescribing requirements for the hull, superstructure, subdivision and stability, electrical installation, equipment and machinery and fire protection of such ships,

(b) regulating repairs, alterations, modifications and outfitting relating thereto, and

(c) requiring any such ships which are Irish ships to be surveyed to such extent, and in such manner and at such intervals as may be prescribed.

(2) Without prejudice to *subsection (1)* liquefied gas carriage rules may include requirements for all or any of the following matters—

(a) ship survival capability and location of cargo tanks,

(b) ship arrangement,

(c) cargo containment,

(d) process pressure vessels and liquid, vapour, and pressure piping systems,

[Deputy Noel Dempsey.]

- (e) materials of construction,
- (f) cargo pressure and temperature control,
- (g) cargo tank vent systems,
- (h) environmental control,
- (i) electrical installations,
- (j) fire protection and fire extinction,
- (k) mechanical ventilation in the cargo area,
- (l) instrumentation (gauging and gas detection),
- (m) personnel protection,
- (n) filling limits for cargo tanks,
- (o) use of cargo as fuel,
- (p) requirements for the carriage of particular cargoes,

(q) operating requirements including cargo information, compatibility of cargo to be carried, personnel training, entry into spaces, carriage of cargo at low temperatures, protection equipment, cargo emergency shutdown and alarm systems and cargo transfer operations, and

- (r) notification of accidents or defects.

(3) In making liquefied gas tanker rules the Minister may categorise ships into different classes having regard to one or more of the following, where appropriate—

- (a) the size, or configuration of such ships,
- (b) the service for which such ships are to be employed,
- (c) the nature and duration of voyages to be undertaken,

(d) the type of cargo carried including the severity of the environmental and safety hazards involved,

- (e) the age and date of construction of ships, and

(f) such other matter or matters that the Minister considers appropriate to take into account in the circumstances.

(4) Different liquefied gas carriage rules may be made for the carriage of bulk cargoes of different liquefied gases carried by different classes of ships for different circumstances and for different areas of operation.

(5) Liquefied gas carriage rules shall include such requirements as appear to the Minister to be necessary to implement the provisions of the Safety Convention, including the IGC Code, in relation to the carriage of bulk cargoes of liquefied gases.

(6) The powers conferred on the Minister by this Chapter are in addition to the powers conferred by any other enactment enabling him or her to prescribe the requirements that ships to which this Chapter applies must comply with.

(7) (a) Subject to *paragraph (b)*, where the liquefied gas carriage rules require that a particular fitting, material, appliance, apparatus, item of equipment or type thereof shall be fitted or carried in a ship to which this section applies, or that any particular provision shall be made, or any procedure or arrangement shall be complied with, the Minister may allow any other fitting, material, appliance, apparatus, item of equipment, or type thereof to be fitted or carried, or any other provision, procedure or arrangement to be made in that ship, if he or she is satisfied, by trial thereof or otherwise, that such fitting, material, appliance, apparatus, item of equipment or type thereof or that any particular provision, procedure or arrangement is at least as effective as that required by the rules.

(b) *Paragraph (a)* does not allow operational methods or procedures to be made an alternative to a particular fitting, material, appliance, apparatus, item of equipment, or type thereof, unless provided for in the liquefied gas carriage rules.”.

Amendments Nos. 1 to 3, inclusive, to amendment No. 42 not moved.

Amendment No. 42 agreed to.

**Deputy Noel Dempsey:** I move amendment No. 43:

In page 23, between lines 13 and 14, to insert the following:

“28.—(1) (a) Where after a declaration of survey, made by a surveyor of ships under the liquefied gas carriage rules in respect of an Irish ship to which this Chapter applies, is received by the Minister and if he or she is satisfied that the ship complies with such rules as are relevant to the ship and provided, where relevant—

(i) a safety equipment certificate under section 22(1) of the Act of 1952, a radio certificate under section 23(1) of the Act of 1952 and a cargo ship safety construction certificate under section 4(1)(a) of the Act of 1966, or

(ii) a cargo ship safety certificate under *section 13(1)* of this Act, is in force in respect of the ship, he or she shall issue, in respect of such ship, an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk (“international certificate of fitness (IGC)”), in the form prescribed by the Minister in the liquefied gas carriage rules.

(b) In this subsection “declaration of survey” means a declaration made under section 272 (as applied by section 27(2) of the Act of 1952 and section 3(4) of the Act of 1966) of the Principal Act.

(2) An Irish ship in respect of which an international certificate of fitness (IGC) is in force shall be subject to such further surveys as are provided for under the liquefied gas carriage rules to ensure that the ship continues to comply with the requirements of those rules.

(3) Where following a survey referred to in *subsection (1)*, the Minister is satisfied that the ship continues to comply with the requirements of the liquefied gas carriage rules, he or she shall endorse the international certificate of fitness (IGC) to that effect.

[Deputy Noel Dempsey.]

(4) Subject to *subsections (5) and (6)*, an international certificate of fitness (IGC) shall be in force for a period not exceeding 5 years or such shorter period as may be specified in it and may be cancelled where the Minister is satisfied that the ship no longer complies with any of the requirements of the liquefied gas carriage rules applicable to it.

(5) The Minister may extend the period for which an international certificate of fitness (IGC) may be in force to a period not exceeding 5 years and 5 months as may be prescribed in the liquefied gas carriage rules.

(6) An international certificate of fitness (IGC) ceases to be in force—

(a) if any relevant survey of the ship has not been completed within the periods specified for such survey as prescribed by the liquefied gas carriage rules or as required under *section 30(2)(b)\*\**,

(b) if the certificate is not endorsed under *subsection (3)*,

(c) upon transfer of the ship to the flag of another state, or

(d) upon any unapproved change to the ship referred to in *section 30(1)\*\**.

(7) Sections 27(9) and 28(1) of the Act of 1952 apply in relation to international certificates of fitness (IGC) as they apply to a certificate the issue of which is authorised under that Act.

(8) Section 28(2) of the Act of 1952 applies in relation to international certificates of fitness (IGC) as it applies to a certificate issued under that Act and an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk issued by the government of another country, other than the State, to which the Safety Convention applies, under such Safety Convention, in respect of a ship to which this section applies, other than an Irish ship, and accepted as having the same force in the State as an international certificate of fitness (IGC) shall be referred to as an accepted international certificate of fitness (IGC).

(9) (a) A ship to which this Chapter applies must not proceed or attempt to proceed to sea without an international certificate of fitness (IGC) for the time being in force in respect of the ship.

(b) If a ship to which this Chapter applies proceeds, or attempts to proceed, to sea without a valid international certificate of fitness (IGC) for the time being in force in respect of the ship in contravention of *paragraph (a)* it shall be regarded as an unsafe ship for the purposes of *Chapter 7\*\*\**.

(10) The reference to an international certificate of fitness (IGC) in *subsection (9)* and in *section 29(4)\*\*\*\** and *33(2)(a)\*\*\*\*\** and (c)\*\*\*\*\* shall, in the case of a ship to which this Chapter applies, other than an Irish ship, be construed as a reference to an accepted international certificate of fitness (IGC).

(11) The Minister may authorise on his or her behalf any person for the purpose of issuing, endorsing, cancelling or extending an international certificate of fitness (IGC).”.

Amendment agreed to.

**Deputy Noel Dempsey:** I move amendment No. 44:

In page 23, between lines 13 and 14, to insert the following:

“29.—(1) It is the duty of the owner and master of an Irish ship to which this Chapter applies—

(a) to ensure that it complies with the liquefied gas carriage rules, and

(b) to maintain such ship in conformity with the liquefied gas carriage rules to ensure that the ship in all respects remains fit to operate without danger to the ship or the persons on board.

(2) It is the duty of the owner and master of an Irish ship to which this Chapter applies—

(a) before the ship is put into service,

(b) before the international certificate of fitness (IGC) is issued in its respect for the first time, and

(c) before the ship continues in service following the expiration of its international certificate of fitness (IGC),

to have the ship surveyed by a surveyor of ships or such other person as the Minister may authorise for that purpose, in accordance with the liquefied gas carriage rules.

(3) It is the duty of the owner and master of an Irish ship to which this Chapter applies to have it surveyed under *section 28(2)\*\** or *section 30(2)(b)\*\*\**, where required.

(4) It is the duty of the owner and master of a ship to which this Chapter applies to ensure that an international certificate of fitness (IGC) for the time being in force in respect of the ship is available on board for examination at all times.

(5) (a) Without prejudice to section 23 of the Act of 2000, whenever an accident occurs to an Irish ship to which this section applies, or a defect to such ship is discovered, either of which affects the safety of the ship or the efficiency or completeness of its life-saving appliances or other equipment required by the liquefied gas carriage rules the master or owner of the ship must, at the earliest opportunity, report the matter to the Chief Surveyor or any other surveyor of ships in the Marine Survey Office, Department of Transport.

(b) In case the ship is in a port of a state to which the Safety Convention applies other than the State, the master or owner must also report, at the earliest opportunity, to the appropriate authorities of the government of that state.”.

Amendment agreed to.

**Deputy Noel Dempsey:** I move amendment No. 45:

In page 23, between lines 13 and 14, to insert the following:

“30.—(1) No change shall be made in the structure, equipment, fittings, arrangements and material covered by a survey under liquefied gas carriage rules made under this Chapter, other than by direct replacement, without the approval of the Minister or a person authorised by him or her for such purpose.

(2) Following receipt of a report referred to in *section 29(5)(a)\*\** the Chief Surveyor or other surveyor of ships notified must—

[Deputy Noel Dempsey.]

(a) if the ship is in the jurisdiction of another state to which the Convention applies, ensure that the matter is reported by the master or owner of the ship to the appropriate authorities of the government of that state, and

(b) arrange for any additional survey which in his or her opinion may be required in the circumstances under the liquefied gas carriage rules.”.

Amendment agreed to.

**Deputy Noel Dempsey:** I move amendment No. 46:

In page 23, between lines 13 and 14, to insert the following:

“31.—In the case of a transfer of an Irish ship to which this Chapter applies to the flag of a country to which the Safety Convention applies the Minister shall, if requested within 3 months of such transfer, transmit, as soon as possible, to the appropriate authorities of the government of such country, a copy of the certificate of fitness (IGC) applicable to the ship before the transfer and, if available, copies of the relevant survey reports.”.

Amendment agreed to.

**Deputy Noel Dempsey:** I move amendment No. 47:

In page 23, between lines 13 and 14, to insert the following:

“32.—(1) A surveyor of ships may board and inspect any ship to which this Chapter applies for the purpose of seeing that it complies with this Chapter and the liquefied gas carriage rules.

(2) If a surveyor of ships finds that a ship fails to comply with any provisions of this Chapter or the liquefied gas carriage rules he or she shall give a notice in writing to the owner or master stating in what respect the ship fails to comply with them.

(3) A surveyor of ships may board and inspect any ship for the purposes of seeing that a notice given under *subsection (2)* has been complied with.

(4) A surveyor of ships may for the purposes of an inspection make such tests (either on the ship or ashore or at dock), ask such questions, inspect such documents or records and have access to such parts of the ship as he or she considers appropriate for that purpose.”.

Amendment agreed to.

**Deputy Noel Dempsey:** I move amendment No. 48:

In page 23, between lines 13 and 14, to insert the following:

“33.—(1) If an owner or master of a ship to which this Chapter applies fails to comply with the duties required of him or her under *section 29* (other than *subsections (4)* and *(5)* of that section) then the owner of the ship (if in fault) and the master of the ship (if in fault) commits an offence and is liable—

(a) on summary conviction, to a fine not exceeding €5,000, or

(b) on conviction on indictment, to a fine not exceeding €100,000.

(2) In the case of a ship to which this Chapter applies—

(a) an international certificate of fitness (IGC) for the time being in force in respect of the ship is not available on board for examination in contravention of *section 29(4)*,

(b) the owner or master of the ship, without reasonable excuse, fails to make a report as provided for in *section 29(5)(a)* or *(b)*, or

(c) the ship proceeds or attempts to proceed to sea—

(i) without an international certificate of fitness (IGC) for the time being in force in respect of the ship in contravention of *section 28(9)(a)*, or

(ii) being regarded as an unsafe ship under *section 28(9)(b)*, in contravention of a notice of detention under *section 66*,

then the owner of the ship (if in fault) and the master of the ship (if in fault) commits an offence and is liable—

(i) in the case of an offence under *paragraph (a)* or *(b)*, on summary conviction, to a fine not exceeding €5,000, and

(ii) in the case of an offence under *paragraph (c)*—

(I) on summary conviction, to a fine not exceeding €5,000, or

(II) on conviction on indictment, to a fine not exceeding €100,000.

(3) If a ship, in respect of which a notice has been given to its owner or master under *section 32(2)* which requires compliance with the rules in accordance with the notice before the ship proceeds to sea, proceeds or attempts to proceed to sea, without compliance as required in the notice, then the owner or master (as the case may be) commits an offence and is liable—

(a) on summary conviction, to a fine not exceeding €5,000, or

(b) on conviction on indictment, to a fine not exceeding €100,000.”.

Amendments Nos. 1 to 3, inclusive, to amendment No. 48 not moved.

Amendment agreed to.

Bill reported with amendments.

**An Leas-Cheann Comhairle:** Recommittal will be necessary for amendment No. 49. Amendments Nos. 50 to 56, inclusive, are related. Amendments No. 49 to 56, inclusive, and any amendments thereto may be discussed together by agreement.

Bill recommitted in respect of amendments No. 49 to 56, inclusive.

**Deputy Noel Dempsey:** I move amendment No. 49:

In page 23, between lines 13 and 14, to insert the following:



[Deputy Noel Dempsey.]

### ”CHAPTER 3

#### *Nuclear Carriage Rules*

34.—In this Chapter—

“accepted international certificate of fitness (INF)” has the meaning assigned to it by *section 37(7)(b)*,

“international certificate of fitness (INF)” has the meaning assigned to it by *section 37(1)(a)*;

“high-level radioactive wastes” means liquid wastes resulting from the operation of the first stage extraction system or the concentrated wastes from subsequent extraction stage, in a facility for reprocessing irradiated nuclear fuel, or solids into which such liquid wastes have been converted;

“IMO” means the United Nations International Maritime Organisation;

“incident” means any occurrence or series of occurrences, including loss of container integrity, having the same origin which results or may result in a cargo release (through escape from its containment system or the loss of a cargo package), or probable cargo release of packaged irradiated nuclear fuel, plutonium or high-level radioactive wastes;

“INF Code” means the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships, adopted by the Maritime Safety Committee of the IMO by Resolution MSC. 88(71) and as amended by such committee by Resolutions MSC.118(74), MSC.135 (76) and MSC.178(79);

“nuclear cargo” means packaged irradiated nuclear fuel, plutonium or high-level radioactive wastes carried as cargo;

“plutonium” means the resultant mixture of isotopes of that material extracted from irradiated nuclear fuel from reprocessing;

“irradiated nuclear fuel” means material containing uranium, thorium and/or plutonium isotopes which has been used to maintain a self-sustaining nuclear chain reaction.”.

These amendments introduce Chapter 3, which is similar to previous chapters and deals with nuclear carriage. The intention of the Chapter is to introduce enabling provisions for regulation and survey of Irish nuclear carriers and the inspection and enforcement of the applicable SOLAS provisions for all nuclear carriers engaged in international voyages. We do not have a nuclear carrier under our flag at present. The amendment will provide a legislative basis in our national law for the implementation of SOLAS provisions on the carriage of nuclear cargo. In response to concerns raised by Deputy Broughan, it does not represent any intention to engage in such an activity on Irish ships.

Amendment No. 49 provides for section 34, which sets out definitions. Amendment No. 50 provides for section 35, which sets out the application of Chapter 3.

Amendment No. 51 provides for section 36, which enables the Minister for Transport to formulate the nuclear carriage rules and prescribe structural operational and survey requirements for Irish ships engaged or intending to engage in the carriage of nuclear cargo. Amendment No. 52 provides for section 37, which prescribes the certification requirements for nuclear carriers. Such vessels are prohibited from going to sea without the required certification. The

SOLAS international certificate of fitness ceases to be in force if survey and other specified requirements are not met or on transfer of the ship to another state.

Amendment No. 53 provides for section 38, which imposes duties on owners and masters to ensure their ships comply with the statutory requirements in respect of the carriage of nuclear cargo. Amendment No. 54 provides for section 39, which requires continued compliance with standards and prohibits the making of any unauthorised change to an Irish ship once it has been surveyed.

Amendment No. 55 provides for section 40, which confers enforcement powers on the surveyors of ships to check for compliance with this Chapter and nuclear carriage rules through the inspection of ships and the issuance of notices of non-compliance. Amendment No. 56 provides for section 41, which sets out the maximum monetary fines for which the master or owner of a ship is liable if convicted in court of a breach of a specified requirement for the carriage of nuclear cargo.

The amendments proposed by Deputy Broughan were discussed previously and my earlier comments would apply to them.

**Deputy Thomas P. Broughan:** The rules governing the construction and passage of nuclear carriers are of great interest to many people. What rules apply at present under international maritime law and the treaties to which we subscribe? The biggest stocks of plutonium and uranium in the world are located in Sellafield, just across the Irish Sea from County Louth. Can the Minister assure us that ships which carry lethal spent nuclear fuels are not travelling through Irish waters?

A number of issues have arisen in recent decades. On one occasion, we sought clarification from the International Atomic Energy Agency on the movement of nuclear waste through our waters. There were also sagas involving old ships that had been irradiated and were sailing to the east coast of the UK for breakage. The previous Minister for Transport, Mr. Cullen, reassured people about incidents which arose in 2002 and 2004.

How does the international code for the safe carriage of packaged irradiated fuel, plutonium and high level radioactive waste on board ships apply to flag states? Section 37 refers to ships carrying waste as being unsafe vessels but the new rules being introduced would allow their passage through our waters. It is a conundrum. The Minister argues that we are applying international conventions but is it in our interest to align ourselves with international practice?

My amendments No. 1 and 2 to amendment No. 51 deal with the structure of double hulls and flag states, respectively. The most unsafe vessels of all are registered in flag states. We need reassurance on these points.

My amendment No. 1 to amendment No. 53 provides that the rules governing nuclear carriage shall apply to all vessels in Irish waters. Amendment No. 2 to amendment No. 53 provides that owners and masters have a clear duty to fulfil these rules where their ships enter our waters.

This is an extraordinary and difficult Bill and this new section is bigger than the original. It is a messy way to legislate and I do not know why these matters were not included in the original legislation.

I have provided for fines of 10% of turnover in regard to nuclear carriage violations because we would be dealing with very wealthy companies. I accept that we are subscribing to international conventions but I have grave concerns about unsafe ships passing through our waters.

**Deputy Fergus O'Dowd:** I share Deputy Broughan's concerns. The vast majority of Irish people are not happy with the transport of nuclear materials anywhere near this country. There

[Deputy Fergus O'Dowd.]

was a famous incident some years ago when nuclear waste was being transported to Sellafield where the then Minister for Foreign Affairs, Deputy Dermot Ahern, sent out Air Corps spotter planes to have a look at what was going on.

I fully accept the issue of the context of the ship in which such materials are being carried. However, if there is an accident or an incident involving any of these ships, either in international waters close to us or in Irish waters, the key point of which people would be concerned is the capacity to respond if they would be allowed in. The Minister stated there is no present Irish carrier but if such a ship were to enter our waters, there are serious issues that could arise in terms of an accident on that ship such as a fire or a leakage of nuclear material. Notwithstanding the 1 million to one chance of that happening, I suppose one could argue that the attack on the Twin Towers in New York on 11 September 2001 was a 1 billion to one chance but it still happened. Therefore, we must look at the issue of how an accident or incident would affect the capacity of this country to respond. Theoretically, it could have long-term implications for our fishing industry at the very least. No doubt the Minister would not have a problem with the regulations having to take due cognisance of and regard to that potential possibility, remote as it may be. Whatever rules and regulations the Minister would make would no doubt be of international standard and should be the most stringent possible.

The other issue that arises hypothetically is that in the future Government policy may change. There is an increasing nuclear lobby in this country and there are signs of it everywhere. People in my constituency — it is a cross-party view in County Louth — are very much opposed to a nuclear plant being built in Ireland. If, however, that were the case, it would involve delivery of nuclear materials which presently are not delivered to this State. I refer to what might happen down the line, in five, ten or 15 years or whatever. I would ask the Minister to reflect on those issues in his response. There has been a consensus in this Parliament for many years, both in Government and Opposition, that we would not welcome the nuclear industry here. We have stronger legislation than we ever had in that regard. It is not the Minister's intention in this legislation that the position will change. Nevertheless, the fact that he is talking about making rules down the road could have implications if that were to happen.

Those are the two issues. The first relates to the terms of an incident or accident. The second is the hypothetical question, if there were a nuclear industry here, notwithstanding Deputy Dempsey's opposition to it, of what extra special, if any, safeguards would be built in.

**Deputy Noel Dempsey:** I reiterate to both Deputies that this legislation cannot control movement of nuclear cargo ships. That is not the purpose of the legislation. Whether we in this country like the prospects of having nuclear power, nuclear energy or any kind of nuclear vessels in the area or not — we generally do not — we still must legislate for the fact that there are such vessels which may come into Irish waters at various times. Notwithstanding the concerns the Deputies expressed which I share, the Bill strengthens the position on inspection and compliance with international standards, etc., to ensure that the vessels in which any of this nuclear material may be carried, as cargo or even used as a source of power, will be as safe as possible and safe to the highest international standards. That is what this legislation is about. I am satisfied that the legislation goes as far as it possibly can and it adopts all of the international criteria, practices, etc. From that point of view, I make that general point. Of course, it would be better if no ships carrying any kind of nuclear cargo came anywhere near the country. I accept what the Deputy has said.

On the general question of an accident or anything else that might arise from ships or cargo, as has been happening in different areas, the emergency task force or committee would be convened. It is laid out in the various Departments' websites. Depending on the crisis, the

relevant Department would lead in that regard. In this case, the Department of the Environment, Heritage and Local Government has drawn up a plan about nuclear fallout. In the case of the volcanic ash, as we saw the Department of Transport dealt with it. The weather crisis was dealt with by the Department of the Environment, Heritage and Local Government.

In the event of a crisis, the emergency task force or committee would be convened and all Departments relevant to the issue would be——

**Deputy Thomas P. Broughan:** They would want to do it faster than they did at Christmas with the ice and snow.

**Deputy Noel Dempsey:** The only crisis that arose there was the crisis on the Wednesday when it occurred in Dublin, as I told Deputy Broughan. The people around the country were dealing with it quite adequately up to that point in time.

Deputy O'Dowd asked about an incident or accident, and what criteria would be put in place if at some stage in the future we had a nuclear industry in Ireland. That is something that would have to be considered. It is hypothetical, as the Deputy stated. I cannot answer his question because people would need to know what exactly we were talking about, whether it was an industry, a power station or whatever. However, all of that would have to be dealt with the IEA, EISs, etc., during the course of the planning process.

**Deputy Thomas P. Broughan:** The Minister was a Minister for the Environment and the Leas-Cheann Comhairle was a distinguished Minister for the Environment.

**Deputy Noel Dempsey:** I am not distinguished as well.

**Deputy Thomas P. Broughan:** Deputy Howlin certainly was.

People who create waste should deal with the waste. We had this discussion in the energy area as well on the matter of creating the energy base load which we must have to protect our country and our people. Obviously, there has been a debate.

People would ask why drag spent plutonium rods or whatever around the world by sea. The basic point of the Labour Party amendments is that there are 300,000 square miles which the Marine Institute is always telling us are our seas, we have a guardianship role for those seas and we should begin to take that seriously. Some 0.5 million square kilometres of ocean is our ocean to protect, to look after and to defend and my amendments seek to do that. First and foremost we should take responsibility so that whoever comes into it is answerable to us. That is why I will press some of these amendments.

Amendment agreed to.

**Deputy Noel Dempsey:** I move amendment No. 50:

In page 23, between lines 13 and 14, to insert the following:

“35.—This Chapter applies to—

(a) Irish ships to which Part D of Chapter VII of the Annex to the Safety Convention applies, engaged or intending to be engaged, in the carriage of nuclear cargo, and

(b) to any other ship to which such Part of such Chapter applies, engaged in such carriage while in any port in the State, unless the ship would not have been in any such port but for stress of weather or any other circumstance that neither the master nor the owner of the ship could have prevented or forestalled.”

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendment No. 51 has already been discussed with amendment No. 49. There are two amendments to amendment No. 51.

**Deputy Noel Dempsey:** I move amendment No. 51:

In page 23, between lines 13 and 14, to insert the following:

“36.—(1) The Minister may make rules (“nuclear carriage rules”) prescribing requirements for the carriage by ships to which this Chapter applies of nuclear cargo, and requiring any such ships which are Irish ships to be surveyed to such extent and in such manner and at such intervals, as may be prescribed.

(2) Without prejudice to *subsection (1)* nuclear carriage rules may include requirements for all or any of the following matters—

- (a) damage stability,
- (b) fire safety measures,
- (c) temperature control of cargo spaces,
- (d) structural considerations,
- (e) cargo securing arrangements,
- (f) electrical power supply,
- (g) radiological protection,
- (h) management and training,
- (i) shipboard emergency plan,
- (j) notification of an incident involving ships’ cargoes to which the nuclear carriage rules apply,
- (k) on-board documentation of cargo to which the nuclear carriage rules apply, and
- (l) emergency response and medical first aid relevant to incidents involving nuclear cargo.

(3) In making nuclear carriage rules the Minister may categorise ships into different classes having regard to one or more of the following, where appropriate—

(a) the nature of the cargo to which the nuclear carriage rules apply and the amount of radiation being given off, or emitted, therefrom measured in Becquerel (Bq), and

(b) the service for which such ships are to be employed, and such other matter or matters that the Minister considers appropriate to take into account in the circumstances.

(4) Different nuclear carriage rules may be made for the carriage of different nuclear cargo by different classes of ships for different circumstances and for different areas of operation.

(5) Nuclear carriage rules shall include such requirements as appear to the Minister to be necessary to implement the provisions of the Safety Convention, including the INF code, in relation to the carriage of nuclear cargo.

(6) The powers conferred on the Minister by this Chapter are in addition to the powers conferred by any other enactment enabling him or her to prescribe the requirements that ships to which this Chapter applies must comply with.”.

Amendments to amendment not moved.

Amendment agreed to.

**Deputy Noel Dempsey:** I move amendment No. 52:

In page 23, between lines 13 and 14, to insert the following:

“37.—(1)(a) Where after a declaration of survey, made by a surveyor of ships under the nuclear carriage rules in respect of an Irish ship to which this Chapter applies, is received by the Minister and if he or she is satisfied that the ship complies with the nuclear carriage rules relevant to the ship and provided, where relevant—

(i) in case the ship is a passenger ship, a general safety certificate under section 20(1) of the Act of 1952, and

(ii) in any other case, a safety equipment certificate under section 22(1) of the Act of 1952, a radio certificate under section 23(1) of the Act of 1952 and a cargo ship safety construction certificate under section 4(1) of the Act of 1966 or a cargo ship safety certificate under *section 13(1)* of this Act,

is in force in respect of the ship, he or she shall on application of the owner, issue, in respect of such ship an International Certificate of Fitness for the Carriage of INF Cargo (“international certificate of fitness (INF)”), in the form provided for in the nuclear carriage rules.

(b) In this subsection “declaration of survey” means a declaration made under section 272 (as applied by section 27(2) of the Act of 1952 and section 3(4) of the Act of 1966) of the Principal Act.

(2) An Irish ship in respect of which an international certificate of fitness (INF) is in force shall be subject to such further surveys as are provided for under the nuclear carriage rules to ensure that the ship continues to comply with the requirements of such rules.

(3) Subject to *subsections (4) and (5)*, an international certificate of fitness (INF) shall be in force for a period not exceeding 1 year or such shorter period as may be specified in it and may be cancelled where the Minister is satisfied that the ship no longer complies with any of the requirements of the nuclear carriage rules.

(4) The Minister or such person as he or she may authorise for the purpose, may extend the period for which an international certificate under this Chapter may be in force, to a period not exceeding 1 year and 5 months as may be specified in the nuclear carriage rules.

(5) An international certificate of fitness (INF) ceases to be in force—

[Deputy Noel Dempsey.]

(a) if any relevant survey of the ship has not been completed within the period specified for such survey as prescribed by the nuclear carriage rules or as required under *section 39(2)(b)*,

(b) if, following any inspection or survey, the Minister is not satisfied that the ship continues to comply substantially with the requirements of the nuclear carriage rules for such ships, or

(c) if, any of the certificates referred to in *subsection (1)(a)(i)* or *(ii)*, as are relevant to the ship, cease to be in force in respect of such ship—

(i) upon any unapproved change to the ship referred to in *section 39(1)*,

or

(ii) upon transfer of the ship to another state.

(6)(a) A ship to which this Chapter applies must not operate to carry nuclear cargo or proceed, or attempt to proceed, to sea without an international certificate of fitness (INF) for the time being in force.

(b) If a ship to which this Chapter applies operates to carry nuclear cargo or proceeds, or attempts to proceed, to sea without a valid international certificate of fitness (INF) for the time being in force in respect of the ship it shall be regarded as an unsafe ship for the purposes of *Chapter 7*.

(7) (a) Sections 27(9) and 28(1) of the Act of 1952 apply in relation to international certificates of fitness (INF) as they apply to a certificate authorised under that Act.

(b) Section 28(2) of the Act of 1952 applies in relation to international certificates of fitness (INF) as it applies to a certificate issued under that Act and any corresponding International Certificate of Fitness for the Carriage of INF Cargo issued by the government of another country, other than the State, to which the Safety Convention applies, under such Convention, in respect of a ship to which this section applies, other than an Irish ship, and accepted as having the same force in the State as a certificate of fitness (INF) shall be referred to as an accepted certificate of fitness (INF).

(8) The reference to an international certificate of fitness (INF) in *subsection (6)* and *sections 38(4)* and *41(2)(a)* or *(c)* shall, in the case of a ship to which this Chapter applies, other than an Irish ship, be construed as a reference to an accepted international certificate of fitness (INF).

(9) The Minister may authorise on his or her behalf a person to issue, cancel, or extend an international certificate of fitness (INF).”.

Amendment agreed to.

**Deputy Noel Dempsey:** I move amendment No. 53:

In page 23, between lines 13 and 14, to insert the following:

“38.—(1) It is the duty of the owner and master of an Irish ship to which this Chapter applies—

(a) to ensure that it complies with the nuclear carriage rules, and

(b) to maintain such ship in conformity with the nuclear carriage rules to ensure that the ship in all respects remains fit to operate without danger to the ship or the persons on board.

(2) It is the duty of the owner and master of an Irish ship to which this Chapter applies—

(a) before the carriage of nuclear cargo takes place and before the international certificate of fitness (INF) is issued in its respect for the first time, and

(b) before the ship continues to be engaged in the carriage of nuclear cargo following the expiration of its international certificate of fitness (INF), to have the ship surveyed by a surveyor of ships or such other person as the Minister may authorise for that purpose, in accordance with the nuclear carriage rules.

(3) It is the duty of the owner and master of an Irish ship to which this Chapter applies to have it surveyed under *section 37(2)* or *section 39(2)(b)*, where required.

(4) It is the duty of the owner and master of a ship to which this Chapter applies to ensure that an international certificate of fitness (INF) for the time being in force in respect of the ship is available on board for examination at all times.

(5) (a) Without prejudice to section 23 of the Act of 2000, whenever an incident or accident occurs to an Irish ship to which this Chapter applies, or a defect is discovered, either of which affects the safety of the ship or the efficiency or completeness of its life-saving appliances, or other equipment required by the nuclear carriage rules, the master or owner of the ship must, at the earliest opportunity, report the matter to the Chief Surveyor or any other surveyor in the Marine Survey Office, Department of Transport.

(b) In case the ship is in a port of a state to which the Safety Convention applies, other than the State, the owner or master must also report, at the earliest opportunity, to the appropriate authorities of the government of that state.”.

**Deputy Thomas P. Broughan:** I move amendment No.1 to amendment No. 53:

In subsection (1), in the first line after “ship” to insert “or any ship travelling or berthed in Irish waters”.

Amendment to amendment put.

The Dáil divided: Tá, 58; Níl, 66.

Tá

Allen, Bernard.  
Bannon, James.  
Barrett, Seán.  
Breen, Pat.  
Broughan, Thomas P.  
Bruton, Richard.  
Burton, Joan.  
Byrne, Catherine.  
Carey, Joe.  
Clune, Deirdre.  
Coonan, Noel J.  
Coveney, Simon.  
Crawford, Seymour.

Creed, Michael.  
Creighton, Lucinda.  
Deenihan, Jimmy.  
Doyle, Andrew.  
Durkan, Bernard J.  
English, Damien.  
Feighan, Frank.  
Ferris, Martin.  
Flanagan, Terence.  
Gilmore, Eamon.  
Higgins, Michael D.  
Hogan, Phil.  
Howlin, Brendan.



Tá—*continued*

Lynch, Ciarán.  
 Lynch, Kathleen.  
 McCormack, Pádraic.  
 McEntee, Shane.  
 McGinley, Dinny.  
 McHugh, Joe.  
 Mitchell, Olivia.  
 Morgan, Arthur.  
 Neville, Dan.  
 Ó Caoláin, Caoimhghín.  
 O'Donnell, Kieran.  
 O'Dowd, Fergus.  
 O'Keeffe, Jim.  
 O'Mahony, John.  
 O'Shea, Brian.  
 O'Sullivan, Jan.

Penrose, Willie.  
 Perry, John.  
 Rabbitte, Pat.  
 Reilly, James.  
 Ring, Michael.  
 Shatter, Alan.  
 Sheahan, Tom.  
 Sheehan, P.J.  
 Sherlock, Seán.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Stanton, David.  
 Timmins, Billy.  
 Tuffy, Joanna.  
 Upton, Mary.  
 Wall, Jack.

## Níl

Ahern, Michael.  
 Ahern, Noel.  
 Andrews, Barry.  
 Andrews, Chris.  
 Aylward, Bobby.  
 Blaney, Niall.  
 Brady, Áine.  
 Brady, Cyprian.  
 Brady, Johnny.  
 Byrne, Thomas.  
 Calleary, Dara.  
 Carey, Pat.  
 Collins, Niall.  
 Conlon, Margaret.  
 Connick, Seán.  
 Coughlan, Mary.  
 Cregan, John.  
 Cuffe, Ciarán.  
 Curran, John.  
 Dempsey, Noel.  
 Dooley, Timmy.  
 Finneran, Michael.  
 Fitzpatrick, Michael.  
 Fleming, Seán.  
 Flynn, Beverley.  
 Gogarty, Paul.  
 Gormley, John.  
 Grealish, Noel.  
 Hanafin, Mary.  
 Haughey, Seán.  
 Hoctor, Máire.  
 Kelleher, Billy.  
 Kenneally, Brendan.

Kennedy, Michael.  
 Killeen, Tony.  
 Kitt, Michael P.  
 Kitt, Tom.  
 Lenihan, Conor.  
 Lowry, Michael.  
 McEllistram, Thomas.  
 McGrath, Mattie.  
 McGrath, Michael.  
 McGuinness, John.  
 Moloney, John.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M. J.  
 Ó Cuív, Éamon.  
 Ó Fearghail, Seán.  
 O'Brien, Darragh.  
 O'Connor, Charlie.  
 O'Dea, Willie.  
 O'Donoghue, John.  
 O'Flynn, Noel.  
 O'Hanlon, Rory.  
 O'Keeffe, Batt.  
 O'Keeffe, Edward.  
 O'Rourke, Mary.  
 Power, Seán.  
 Roche, Dick.  
 Ryan, Eamon.  
 Sargent, Trevor.  
 Scanlon, Eamon.  
 Smith, Brendan.  
 Treacy, Noel.  
 Woods, Michael.

Tellers: Tá, Deputies Emmet Stagg and David Stanton; Níl, Deputies John Curran and John Cregan.

Amendment declared lost.

Debate adjourned.

**Child Welfare and Protection Services: Statements.**

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I welcome the opportunity provided by this debate to reflect on the important issue of child welfare and protection services and to discuss ongoing developments in this complex and sensitive area.

**An Leas-Cheann Comhairle:** I am sorry to interrupt the Minister of State but the House might come to order for these important statements.

**Deputy Seán Barrett:** I apologise.

**Deputy Barry Andrews:** The provision of appropriate robust and responsive child welfare and protection services remains a key priority for both myself, as Minister of State with responsibility for children and youth affairs, and the Government. The provision of these services is every bit as crucial as the delivery of critical care services and should be afforded that same priority in Health Service Executive, HSE, thinking and planning. Since children in need of the HSE's services are rarely in a position to advocate for themselves or demand better services, they have not in the past received the attention they deserve.

The past several months have seen much adverse reports on various aspects of those services provided to the most vulnerable members of society. Many of the issues are down to legacy and, on reflection, it can often seem as if the responses to the stories of abuse and neglect highlight only deficiencies and inadequacies in services.

There is a wide range of ongoing developments which I believe are improving the delivery of services and will ultimately result in better outcomes for children. The challenges should not be underestimated. There are few quick fixes and we must be honest about the job at hand. Child protection has rightly jumped up the health, political and media agenda and is closely scrutinised, a welcome catalyst for change. Further reports focusing on child protection will be the subject of parliamentary, public and media attention in the coming months. This will ensure the spotlight remains focused on the provision of children's services.

As a society, however, we must share in our responsibility of each and every individual playing their part in protecting our children from harm. However, when a member of the public, a teacher or a general practitioner reports an allegation of abuse, be it physical, sexual, emotional or neglect, it must be dealt with in a timely and professional manner.

At present, there are approximately 5,700 children in the care of the State. Between relative and general foster care, in excess of 5,100 children are accommodated. This reflects the Government's commitment to ensuring that children are placed in a stable and caring family environment, allowing them to develop close bonds that nurture their emotional and physical needs. Since 2003, funding for family support services has increased by 80%, with foster care funding up by 34% and residential care funding up by 7%. The smaller increase in residential care reflects the positive steps taken to prioritise foster care placements over residential care.

The Health Service Executive budget for 2010 for children and families is €536 million. This covers a wide range of services which include family support services, child protection services, youth homelessness, registration and inspection of children's residential centres in the voluntary sector and monitoring of children's residential centres in the voluntary and statutory sectors. An additional €15 million has been made available by Government in 2010 to fund the actions specified in the Ryan commission implementation plan, to which I will refer shortly.

There are many important steps being taken to drive reform in HSE service delivery. A welcome and positive development was the appointment some months ago of an assistant

[Deputy Barry Andrews.]

national director with responsibility for children and family services. I was adamant that this dedicated post was required to allow the HSE place a strong emphasis on the area in terms of delivery. Reform is needed, and the organisation is responding to the need for a unified vision and standardised practices. To build confidence among the families using these services and health professionals, these initiatives need to be rolled out nationally. I personally chair regular meetings with the assistant national director and his team to monitor all actions for the improvement of child welfare and protection services. The allocation and reallocation of resources or re-assignment of priorities can present industrial relations and other infrastructural difficulties, which must be dealt with sensitively.

As Members will be aware, last year the Government accepted in full the recommendations of the report of the Commission to Inquire into Child Abuse, which revealed very harrowing details of abuses perpetrated on children who had been placed by the State in residential institutions run by religious orders. In so doing, the Government made clear its intention to respond to each of the commission's recommendations. To this end, I was asked by the Taoiseach, Deputy Brian Cowen, to prepare an implementation plan drawing on experience from all relevant Departments and public bodies. I believe that in commissioning such a plan the Government clearly demonstrated its commitment to both the survivors of institutional care and to vulnerable children of today.

The plan, published in July last year, reflects in my view a comprehensive response to Mr. Justice Ryan's recommendations. In drawing up the plan, I consulted with survivor groups both here in Ireland and in the United Kingdom, all relevant Departments, children's advocacy groups and agencies involved in the delivery of services to at risk children including staff representative groups. The submissions I received were detailed and substantive. I am determined that children in care today and other vulnerable children will be protected from neglect and abuse with all of the resolve of the State.

The implementation plan contains a total of 99 action points to address each of the commission's 20 recommendations. I am chairing a high level group to monitor the implementation of the actions specified in this plan. The group includes representatives from my office, the HSE, the Health Information and Quality Authority, the Irish Youth Justice Service, the Department of Education and Science and the Garda Síochána. The group will meet twice a year and a progress report will be presented to Government each year. The first meeting of the monitoring group was held on 13 November 2009. The lifetime of the group will be a minimum of four years.

Child welfare and protection policy in Ireland has come a long way since the period covered by the commission. Since the time described in the report we have taken significant steps forward in terms of policy and legislative provision. Major pieces of legislation, such as the Child Care Act 1991 and the Children Act 2001, have been passed. Key policy initiatives such as the Children First national guidelines, the National Children's Strategy, the Agenda for Children's Services and the Irish Youth Justice Service Strategy have come into force. What the implementation plan sets out, however, is that despite this strong legislative and policy framework, service delivery for children in need and children at risk is not sufficiently co-ordinated, unevenly distributed nationally and must be addressed. While considerable improvements remain to be made in our services, I believe there is a commitment, on behalf of policy makers and practitioners, to see positive change.

One of the commitments of the Ryan implementation plan is to ensure all children in care have an allocated social worker and care plan. To this end there is a commitment to filling 270 HSE social worker posts, which are currently vacant, by the end of this year. The HSE Service Plan 2010 undertakes to recruit an additional 200 social workers for child protection services

— 50 by the end of the second quarter, a further 75 by the end of the third quarter and the final 75 in the fourth quarter. I understand from the HSE that the first candidates have now been interviewed and that by end June they expect to have an additional 50 social workers recruited. I also note that the HSE, as recently as last week, placed further recruitment advertisements, with a salary scale ranging from €43,000 to €56,000. This is against a backdrop of cuts in most other areas of public expenditure.

I have previously placed on the record of this House my appreciation for the work carried out by social work teams. I firmly believe that social workers, in dealing with difficult child protection cases, must be supported and guided by HSE management. I am sure that any person who has followed any recent child welfare cases through the courts appreciates the often very trying circumstances in which social workers operate.

Revised Children First guidelines were published on the Office of the Minister for Children and Youth Affairs, OMCYA, website in December 2009, in line with a commitment of the Ryan implementation plan. We intend shortly to print the guidelines and to undertake a wide ranging dissemination exercise. In addition to that, legislation is to be drafted to provide a duty to comply with Children First for all bodies in receipt of State funding. I recognise that there is a need for Children First to be uniformly implemented throughout the State.

The substance and principles of Children First are unchanged. The guidelines have been edited to provide greater clarity for those individuals and organisations looking for assistance in identifying and responding appropriately to child abuse. In this context, much of the background text has been removed or placed as an appendix to make the guidelines more user-friendly. Content has been updated where required to reflect new agencies, such as the HSE and the HIQA, and progress in service delivery, policy or in legislation since 1999.

An implementation framework is being developed to include independent inspection of compliance. It is also intended that a high level interdepartmental Children First group will be established to be chaired and serviced by the OMCYA. Subject to finalisation, the group is to have representatives from key Departments, namely, the Departments of Education and Skills, Justice and Law Reform, Tourism, Culture and Sport and Community, Equality and Gaeltacht Affairs. The group will be tasked with overall oversight of national implementation of the guidelines across the various sectors and any policy issues arising, and it will report to myself.

It is important to note that Children First, although not on a statutory basis, still brings with it very clear responsibilities for those who become aware of child protection issues and those responsibilities are those we would reasonably expect everyone in society to live up to in caring for children.

I recently established an independent review group on child deaths, comprising Ms Norah Gibbons of Barnardos and Mr. Geoffrey Shannon, child law specialist and recently re-appointed as the Government's special rapporteur on child protection. A third independent person of international standing will be appointed to the group following a consultation process. The group is being asked to examine existing information on deaths of children in care so as to validate the categorisation of those children who died from natural causes; and, in regard to children other than those who died from natural causes, examine existing reviews-reports completed by the HSE or by others on behalf of the HSE, or the health boards, and based upon that information, provide an overall report for publication. I have recently written to the chairman of the HSE asking him to validate the list of relevant cases, and the group has commenced its work. I am awaiting a response from the chairman of the HSE on the issue of validation but will not be surprised if the number arrived at is higher than the figures previously notified by the HSE.

[Deputy Barry Andrews.]

In the context of the publication of the reports into the deaths of Young Person A and Young Person B, I said it was unacceptable that the HSE did not have a standard system to manage the investigation and publication of reports into children who died in the care of the State. Thankfully, HIQA has now provided guidance for the HSE on serious incidents, including deaths of children in care. The independent group will present its report to me and I will lay the report before the Houses of the Oireachtas and publish it. Deaths of children in care is a highly sensitive subject, and I am determined to take on board any recommendations from the group as to how responses can be strengthened while remaining sensitive to a wide range of other needs. I fully accept the need for independence in this process, and note the comments of Mr. Shannon in his rapporteur's report in this regard.

In 2007, Mr. Shannon was appointed as special rapporteur on child protection. In the three year period since then his reports have informed policy and provided an objective and independent expert view of the child protection system — both criminal and civil — in Ireland. His third report was recently accepted by Government and published. On the subject of mandatory reporting, the position adopted by Mr. Shannon in his report reflects that of my office, namely, that mandatory reporting serves only to swamp child protection systems with high volumes of reports, often resulting in no commensurate increase in substantiated cases. I also accept the need identified by Mr. Shannon for all care facilities to receive independent and thorough inspections. My office is currently developing new regulations under the Health Act 2007 to allow for independent inspection of all children's residential centres and foster care services and to allow the independent registration and inspection of all residential centres and respite services for children with a disability, both committed to under the Ryan implementation plan.

I am very pleased that Mr. Shannon has agreed to continue to act as special rapporteur for a further period of three years. Following a re-engagement with the Church authorities in January 2009 and discussions involving the Church, the HSE and the OMCYA, a revised audit questionnaire was issued by the HSE in July 2009 to Catholic dioceses. In December 2009, the HSE wrote to all bishops requesting additional detailed information, including names of complainants, the persons against whom the complaint was made, and information in regard to reporting to the HSE-health boards and the Garda Síochána. The HSE received the last of the names of complainants and accused at the end of February and is now in the process of cross-referencing all names with files held by the Garda Síochána.

The HSE has a dedicated team working on preparation of its audit report and has engaged the services of an independent consultant to ensure that the process is conducted to the highest international standard. It hopes to have the report in regard to the dioceses completed in the near future. On the audit of the Religious Orders, the HSE is analysing returns from approximately 140 Orders and provides updates on progress to my office on an ongoing basis. As I stated previously in the Dáil, the Government is determined to ensure the Catholic Church is reporting current allegations of sexual abuse to the Health Service Executive and the Garda Síochána.

In February 2010, the Joint Committee on the Constitutional Amendment on Children produced its third and final report on family law matters of the Twenty Eighth Amendment of the Constitution Bill 2007, including an alternative wording for that amendment. The report deals with the rights of children under the Constitution and the statute and case law concerning adoption, guardianship, care proceedings, custody and access to children. I welcomed publication of the committee's final report, the contents of which are now under consideration by the Government. A senior officials group, reporting to the Cabinet sub-committee on Social Inclusion, has been reconvened to co-ordinate the responses of each Department.

It is recognised good practice and policy to where possible place children with extended family members. It is, therefore, a very positive development that of the children placed by the HSE with foster carers approximately one-third are placed with relative carers. While I recognise this is an important development for the benefit of children I am aware of the challenges also facing us in this area.

I acknowledge that in a situation where a child has been placed with a relative on an emergency basis, there is evidence that full assessments of those families have not occurred following an initial assessment. This is an unacceptable situation which the HSE must work to remedy as soon as possible. Another area of concern is the fact that approximately 84% of children in foster care with relatives and non-relatives have an allocated social worker. Again, it is not acceptable that 16% or approximately 815 children in foster care do not have an allocated social worker.

The many actions set out in the Ryan Implementation Plan were developed to assist me as Minister of State with responsibility for children and the HSE in resolving these problems and to ensure that all children in care receive the same level of appropriate and safe care whether with relatives or non-relatives. Integral to the workings of my office is its cross-departmental function and its endeavours to approach service delivery issues in a joined-up manner. Through strong contacts established with the HSE, the Garda Síochána, the Department of Justice, Equality and Law Reform and other Departments, State agencies and NGOs, I have experienced first-hand the shared emphasis on improving children's lives in this country. Examples of this include the joint HSE-Garda protocol on emergency out of hours placements, the preparation of legislation in conjunction with the Department of Justice and Law Reform, the high level inter-departmental Children First group referred to earlier and the consultative group that produced guidance in regard to the *guardians ad litem*. Contacts with all the aforementioned continue on a regular basis.

I once again reiterate the Government's commitment to address the crucial challenge of protecting the most vulnerable members of our society. When children are failed for whatever reason, they must be protected by society and the State must take on this role. As every parent knows, this is a complex and difficult task requiring ongoing commitment, imagination and hard work.

**Deputy Alan Shatter:** I listened with interest to the Minister of State's speech. I do not believe that within the limited time available to me I will have an opportunity to address each of the topics raised by the him but will try to cover a number of them which are of considerable importance.

The first issue I wish to address is the holding of a children's rights referendum. It is now nine or ten weeks since the committee chaired by Deputy O'Rourke, of which I was privileged to be a member, published its report. I find extraordinary that not a single Cabinet Minister has yet gone on record agreeing with the proposed constitutional amendment and that the Government has not confirmed a date for the holding of a referendum.

In the context of all of the scandals and disasters surrounding our child care services, it is not good enough to speak about prioritising children and children's rights and needs. We are drowning in a plethora of reports and good intentions. What we need is Government commitment. I call on the Government to state exactly where it stands in regard to the holding of this referendum, which should be held in 2010. Is the wording, worked through over two years on a cross-party basis in a committee attended by the Minister of State, his predecessor and Minister and Ministers of State at the Department of Justice, Equality and Law Reform, accepted? If a referendum is to be held the work undertaken in good faith by members of that committee needs to be explained to the public. The reason for change needs to be understood. The benefits

[Deputy Alan Shatter.]

of change, in the public interest and interests of children, need to be clearly understood by those who will vote in a referendum.

Essentially what has happened is that the report has been published and so far buried by Government, with no commitment given. I am disappointed that the Minister of State yet again, in terms of the holding of the referendum and on the wording of an amendment, kicked to touch and simply genuflected in its direction and told us it is being considered by an internal Government committee. I do not believe this is good enough or that this matter is receiving the priority required to ensure we finally extend to children the constitutional protection to which they are entitled and to remove some of the discriminations inherent in our current law with regard to children as a consequence of revisions in our Constitution.

I listened to what the Minister of State had to say about our child care and protection services. I am conscious that he has been in his current position — he may correct me on this if I am wrong — for approximately two years and that he inherited the mess left by his predecessors and the failure of Fianna Fáil in Government over a decade to truly prioritise the needs of children and to ensure we had a proper functioning child care and protection service. The Minister of State referred to the HSE and legacy issues. The word “legacy” is a nice neat technical word for describing neglect and utter failure over a decade to put in place systems, procedures and structures that ensured the Children First child protection guidelines of 1999 were properly applied.

It is interesting to note a quote, included in the report by Geoffrey Shannon which the Government has accepted, by former Minister of State with special responsibility for children, Deputy Frank Fahey, on the occasion of the publication by the Department of Health and Children of the Child Protection Guidelines 1999 which states that the guidelines were to be applied consistently by health boards, Departments and organisations which provide services to children and that they were to support and guide health professionals, teachers, members of the Garda Síochána and the many people in sporting, cultural, community and voluntary organisations who come into regular contact with children and are therefore in a position of responsibility in recognising and responding to possible child abuse. This was at a time when it was the health boards who administered our child care and protection services.

We then enacted the Health Act 2004 which put in place the HSE. During the Second Stage debate on that Bill on 23 November 2004, the then and current Minister for Health and Children, Deputy Harney, stated:

This is a once in a generation event. It is our chance to put in place modern effective management to make the best use of these tremendous resources we applying to health and to get clear value and clear results for that money. To achieve this, we badly needed clarity of roles and accountability, political responsibility for the Minister and management responsibility for the management.

Where are we today? We have a dysfunctional, chaotic child care and protection service, grossly mismanaged with a plethora of reports, one commissioned by the Minister of State’s office, acknowledging that at no stage have the Children First, child care and protection guidelines been uniformly or properly applied across the country.

The Minister of State has acknowledged that in December 2009 he published a revised form of the child protection guidelines, which appeared quietly on a website. I find it extraordinary, in the context of the recognition that there was a need to revise the guidelines because of the failure of the HSE to properly apply them and the need to bring them up to date because of developments that occurred in the context of the creation of other agencies in the intervening

period, that the Minister would come into this House on the last week in April, more than four months since they were put on his website, and inform us that they would be published and that finally something would be done to ensure the professionals working on the frontline with children are aware of the detail of the new child protection guidelines. How is that prioritising children and ensuring they are given the protection to which they are entitled?

I find especially questionable the ongoing, obsessive secrecy with regard to our child care and protection services. When a family, individual child or children are in trouble or difficulty and require support, of course their names should be kept confidential and they should have available assistance and services in a manner that does not produce widespread newspaper reports. However, we must have a service that is accountable and transparent. The Minister of State acknowledges that the reports published into the tragic deaths of Tracy Fay and David Foley are grossly inadequate in the context of accountability and other issues. The Minister of State was powerless to ensure appropriate reports were published.

I do not know in what parallel universe this is taking place, whether it is the fault of the Minister of State or the HSE. The HSE was able to publish a report into the death of Tracy Fay and appeared to operate in a universe as if the full report had never been laid before this House. Even more deplorable, the true story of what happened in the tragic life of Tracy Fay has been told but the true story of what happened to David Foley has been covered up. That is not about protecting his dignity or protecting confidentiality of family members. There is an over-riding obsession within the HSE to protect the reputation of those who have not properly delivered the service expected in accordance with their statutory duties and employment responsibilities. The failure to publish relates more to protecting those who have failed to do their jobs properly within the HSE, especially at management level, and who too frequently and tragically ignored recommendations made by hard-pressed, frontline social workers, who feared for the future of these two young people and who have feared for the future of other young people.

I put it to the Minister of State that we must bring accountability and transparency to the process. I am disappointed that in his speech today, the Minister of State omitted any reference of any description to a very important report. It is especially important in the context of the monitoring committee the Minister of State has declared established. I do not know whether the Minister of State has had sight of this report, whether it is yet another bloc of information the HSE has failed to furnish to him or whether this report has been deliberately covered up because it is yet another devastating indictment of child care and protection services, their structure and management and because it contains substantial recommendations for reform, which the HSE has no wish to make public for fear its capacity to implement such recommendations would be monitored and those involved would be held accountable. Perhaps this is the case and I am willing to give the Minister of State the benefit of the doubt in this regard. Perhaps he knows nothing of this report and he should be informed. However, if he is aware of this report the issue of accountability attaches to the Minister of State as well.

The report to which I refer was commissioned by the HSE, prepared by the PA Consulting group and furnished to the HSE in October 2009. The report which I am laying before the House today, because I believe it should be in the public domain, is entitled *Inspiring Confidence in Children and Family Services: Putting Children First and Meaning It*. That would represent a change. This report, commissioned by the HSE and furnished to it last October has not been widely circulated. It has never been published and we do not know what has been done on foot of it to implement the recommendations contained in it. We do not know if anyone was monitoring it. We do not know what recommendations have been accepted or rejected. We do not even know whether the Minister of State has seen this report.



[Deputy Alan Shatter.]

I call on the Minister of State to inform the House in his reply today whether he has seen it. If he has seen it, why was it not referred to today in his statement to the House? I also wish to know why Geoffrey Shannon, a person of integrity and decency who has been re-appointed by the Government the child protection rapporteur, was not furnished with this report before he completed his report for 2009, the recommendations of which the Minister of State maintains the Government accepted. Geoffrey Shannon's report was only laid before the House and made publically available on 21 April.

One recommendation on page 68 in Geoffrey Shannon's report calls for an independent, national review of the current child protection system to be carried out. It recommends that review should involve examination of child protection data, international practice and consultations with stakeholders to identify the primary child protection concerns and areas in need of reform. This was published in April 2010 by the Minister of State. Interestingly, when the Minister of State informed us in his statement today that the recommendations made by Geoffrey Shannon had been accepted, he did not state that particular recommendation had been accepted. That recommendation, presumably made at the end of 2009 and published in April 2010, is interesting because it seems it had already been implemented by the HSE before it was made in the report. That is because of the job done by PA Consulting for the HSE, at a cost to the State of I do not know how much.

It is also interesting that some of the criticisms the report makes of the child care and protection service simply replicate what was contained in the review published by the Minister of State's Department, which was paid for by taxpayers at the end of July in 2008. However, this dates from October 2009. This report concludes that the structure and model of child care service is grossly inadequate and essentially incapable of providing proper protection for children.

The report emphasises something I have maintained for some time, something I believe is a disgrace and a scandal, that is, our child care and protection services are not child-centred. Essentially, the primary concern is the delivery system and structure of the HSE. I refer to the report, which states, "the needs of children are secondary to the needs of the delivery system".

Why was no reference made to this report? There is a need to let in the light if we are to have a truly functioning, accountable child care and protection service that can be monitored and which we can determine whether approvals have been made and whether defects are being addressed. Such reports as this should be in the public domain and it is extraordinary that this report is not in the public domain.

This attitude to the issue is not only within the HSE but within Government as well. On Tuesday this week, I tabled a question to the Minister for Justice, Equality and Law Reform calling on him to publish the protocol that exists between the HSE and the Garda Síochána to deal with missing children. The response was to refuse to publish it or furnish it to me on the basis that it was an operational matter between the Garda Síochána and the HSE. This is a protocol not even widely known among social workers related to what to do when a child in care goes missing. I refer to the websites of the children's authorities throughout England. There are similar protocols on such websites outlining the relationship between the police in England and the local authorities responsible for child welfare. It is extraordinary that the Department of Justice, Equality and Law Reform and the Minister took the view this was something that should not be published. I believe the protocol should be available as well. That protocol has been received by me, although not through the Minister for Justice, Equality and Law Reform. The report to which I have referred and the protocol are both publicly available on a Fine Gael website, [www.letinthelight.ie](http://www.letinthelight.ie). I assure the Minister of State that we will continue

to do everything possible to campaign to ensure we have an accountable and properly transparent child care and protection service, within which the huge gaps and deficiencies are properly and adequately addressed.

The manner in which the HSE released truncated reports, purporting to summarise the tragedies that occurred in the lives of Tracey Fay and David Foley, to the media at 3 p.m. or 3.30 p.m. last Friday evening is a classic example of everything that is wrong with our child care and protection services. The truncated reports detailed the recommendations that were made and the pretence that was the HSE's response to these recommendations. The HSE published a statement on its website suggesting that everything is fine now that all of the issues have been addressed. In its response, the HSE failed to make any reference to the huge deficiencies that were detailed in a document last October. We do not know of any timeline for remedying those deficiencies. I appreciate that since this document was published, Mr. Phil Garland has been appointed as national director of children's services. I am not naive enough to believe that as a result of his appointment, everything is rosy in the garden, as presented by the HSE to the media late on Friday evening. The HSE hoped the reports it published last Friday would receive little notice and little publicity.

I am aware that for a long time, no one was able to identify who was in charge of the child care and protection services. We need a statutory change. The Minister of State or his successor should be put in charge. When I heard that Mr. Garland had been appointed, I welcomed it because I was familiar with his reputation. However, when I observed the manner in which these issues were dealt with last Friday, heard the public comments he made after Fine Gael published the report into the tragic death of Tracey Fay and noted his silence about this report, I started to fear that his good intentions were being overwhelmed by the appalling ethos that applies within the HSE, which involves keeping one's head down, saying nothing, keeping everything confidential, not letting in the light and ensuring nobody is ever held accountable for anything that goes wrong. I want the priority within the system, which is to preserve the system rather than to protect children, to be changed.

**Deputy Joe Costello:** I would like to share time with Deputy Tuffy.

**Acting Chairman (Deputy Michael P. Kitt):** Is that agreed? Agreed.

**Deputy Joe Costello:** I am pleased to have an opportunity to discuss the development of child welfare and protection services. As Deputy Shatter has said, no proper model of child care services exists at present. The structure that is in place is grossly inadequate, seriously flawed and very secretive. Nobody knows what is going on. This is particularly sad given that we are talking about this country's children. We are supposed to cherish the children of the nation but, since the foundation of the State, that has not been the case. The opposite has happened over the decades. It is a sad reflection on the manner in which we have done our business at all levels. The pillars of society — the church and the State — have been found seriously wanting in this regard. Not only have they been negligent, but in many cases they have colluded in the mistreatment and mismanagement of the children of this country.

It is incredible to think that this most vulnerable of all areas enjoys the least legislative or constitutional protection. Eighty years or more after the foundation of the State, it is not good enough that there is no constitutional framework, outside a passing reference to their parents, to protect children or to consider their welfare. We have yet to arrange a referendum on a constitutional amendment that would provide a constitutional framework in this area for once and for all. Legislative provisions could then be enacted to develop that framework, in which the children of the country would have the necessary protections in law.

[Deputy Joe Costello.]

The early discussions we had on the issue of the sexual and physical abuse of children by those who were entrusted with their care focused on the failures of the State authorities, including the Department of Education and Science, and the failures of the clergy in parishes and institutions. Members are familiar with the Ferns report, the Ryan report and last year's Murphy report, each of which revealed an atrocious and horrific litany of abuses. Nobody would imagine that such abuses could happen to adults in a totalitarian regime, but we had such a regime for children, in effect. Innocent children were taken from their homes and imprisoned in institutions for the early formative years of their lives. Their parents trusted the clergy in the Archdiocese of Dublin and other dioceses to look after them, but instead they were abused. Nobody cried halt. None of the institutions of the State said anything. The law enforcement authorities often colluded in these activities. The Garda was not informed in many cases. When it was informed, it seldom took any action.

It is incredible to think that the entire paraphernalia that was built to provide a civilised society in Ireland after the foundation of the State could not find a means of putting proper monitoring and supervising mechanisms in place. This did not just happen once or twice — it happened decade after decade between the 1930s and the 1980s. We are still coming to terms with the extent of what was going on. Some of those who were involved continue to hold various positions. The leadership of the church, in particular, was diabolical. Leadership was only shown in order to effect a cover-up, protect the church, avoid scandal and ensure the reputation of the church was not tainted. At the same time, the church was being destroyed internally by excesses of the clergy, including those in positions of authority. One has to ask how it could have happened. It did happen. There was nobody to prevent it from happening.

I would like to speak about the importance of the findings of the two reports, the most recent of which was the Murphy report on the huge Archdiocese of Dublin. The findings, which were based on a representative sample of 47 priests, were atrocious. The Ryan report on the residential institutions and industrial schools also painted a very grim picture. I often come across cases of this kind in my constituency of Dublin Central. Over the years, many of those who ended up in St. Patrick's juvenile institution or Mountjoy Prison, in particular, had long legacies of incarceration as children in industrial and reformatory schools throughout the country. As long ago as 1979, I conducted a survey of 200 prisoners and found that 80% of them had been to reformatory or industrial schools. It was just atrocious. However, there was no real interest in dealing with this terrible situation.

It was bewildering to learn that innocent children were abused by clergy in many parishes in my constituency on the north side of Dublin, like other parts of the city. Their lives were taken away and they were traumatised. This happened in the parishes, as distinct from the wholesale State institutionalisation which took place in working class areas and poorer areas of the city where the manner in which children were treated was almost like ethnic cleansing. They were taken out of their communities and put into these schools.

It is important that we do not leave it at this. There have now been a number of inquiries. Each one has thrown up greater horrors. Every diocese in the country should have an inquiry. People might say this is too much to do but it has to be done. What we have seen, where inquiries have taken place, clearly reveals that there was a common practice which was not limited to the narrow geographical boundaries of the dioceses of Ferns and Dublin or to the institutions or reformatory schools. Clearly, it was wider. The other reason for doing that is because so many of the priests were moved around within dioceses and to other dioceses. In order to clear the air and to ensure we can build on the past and move into the future, we must do that.

A number of other things need to be done. The Murphy commission found that the legislation governing the role of the HSE in dealing with child sexual abuse was limited and inadequate, and that the Government should introduce measures to correct that defect. I asked the Tánaiste on the Order of Business whether any measures were in train and she knew nothing about it, so I presume there are none.

I would like to know if there has been any progress in the Garda inquiry which was instituted last July and whether any files have been sent to the Director of Public Prosecutions. The European Union established a hotline for missing children, 116000-EU, in 2007 which is working in 11 member states. I asked the Tánaiste about it on the Order of Business and she knew nothing about it. Why can Ireland not get it? There are hundreds children missing from our care services — we have seen that in recent years — whom nobody knows anything about. We also have a bad track record on human trafficking, including the trafficking of children. That is an urgent matter which should be dealt with.

I wish to refer to adoption. We have made a mess out of it. It is a serious matter which concerned thousands of parents in this country. We have taken shortcuts and there have been irregularities. The Minister of State instituted an investigation on this matter regarding one particular agency. Many parents have been left in the lurch. It is another area in which we need to get our act together in terms of the protection and welfare of children.

There has been some recent speculation that the churches and religious institutions would get together and make a substantial contribution to the construction of the national paediatric hospital on the Mater site. That would be wholly appropriate. They have caused so much damage to children that it would be symbolic were they to put the assets and funds into providing an institution for the care, attention, welfare and treatment of children.

**Deputy Joanna Tuffy:** When Deputy Higgins spoke on this report in December he said what was important was preventing a scandal rather than addressing the rights of the child. From the reading I have done on the report it seems to have been a major motivating factor in terms of the people who failed in their obligations. The key issue now is to address the rights of the child. We should have an explicit statement in our constitution. A number of speakers mentioned that in their speeches.

I acknowledge that many progressive steps have been taken over our history on the rights of the child. The 1916 Proclamation spoke about cherishing all the children of the nation equally. The universal children's allowance was introduced in the 1940s. Our education system in general has done well in educating our children over the years. Court cases have often vindicated the rights of the child and have interpreted the Constitution, as it stands, as having rights for the child implicitly within its articles. The Ombudsman for Children was recently established so there has been progress.

On the other hand, there is much in our history which demonstrates that we have treated children as if they were not human beings with the same rights as adults. I was a child in school when corporal punishment was still in place. I experienced it and remember children I knew who were treated very cruelly when corporal punishment was used by people in charge of them in school. Very often it involved people taking out their own problems on vulnerable children, as opposed to chastising the children for anything they had done.

I often wonder why it is acceptable to have primary school children in very derelict buildings but do not have the same standards for buildings for second and third level education. The primary sector, in terms of the school buildings which are in place, is the neglected part of our education system and we need to do something about that.

[Deputy Joanna Tuffy.]

There is still an element in our society that believes that children should be seen and not heard. What is as dangerous as what was outlined in the Murphy report is that there is still a prevalent view in Irish society that children are the property of their parents. It is time that we took on that view and explicitly stated in our Constitution that children have unique rights and are human beings. We should set out those rights in the Constitution. There is no perfect way to do that but the wording the Joint Committee on the Constitutional Amendment on Children has developed is good. It is progress and I hope the Government makes sure we put that referendum to the people before the end of the year.

On how we respond to the reports, one issue which arises is what we do now in regard to education and its patronage. It is very important that we do not have a knee-jerk reaction. We should not have the idea that there is one model of education, which is very often promoted by a private group, which is somehow purer than another which is promoted by a private group. That was the issue. The church was a private institution that was funded, in terms of education, by the State. The proper accountability and transparency was not in place in the provision of that education.

I acknowledge that a lot of the good came from that educational model. My child attends a very good Catholic school which is as multi-denominational as any other. It caters for many different nationalities and children of many different religions. It is a very progressive school, which is the case for most Catholic schools in the country. We need consultation on what the best model is for education.

The State should provide a national system of education to ensure that every child has the right to education. There should be democratic accountability in terms of how education is provided. When that process is being carried out, we need to involve all of the stakeholders, including the church and those involved in Catholic schools.

The point was made that Catholic schools discriminate against children in their enrolment policies. Other models of schools also discriminate against children. Paul Rowe, chief executive officer of Educate Together, has published a letter in a newspaper today which states it would have a first come, first served enrolment policy in a school in Lucan. The current first come, first served policies can be as discriminatory to children as other enrolment models and that must be recognised.

As we discuss the Ryan and Murphy reports and how we redress the suffering of the victims and so on, it is important that we do not continue to make mistakes in how we vindicate children's rights. Every day we read newspaper reports of court cases relating to the abuse of children or to children in inappropriate exploitative relationships with adults but the Government still has done nothing about the flawed legislation passed in 2006 in response to the Supreme Court judgment that found the 1935 Act unconstitutional. The Government still has not legislated to strengthen our laws to protect young people against predatory adults. It also has not introduced amending legislation to the Child Care Act, flaws in which were also identified by the children's committee to which I referred earlier. It is our role to legislate. There will be huge publicity about the wildlife and dog breeding legislation, yet, four years on, nothing has not been done about a key legislative issue, which is the protection of children's rights.

**Deputy Caoimhghín Ó Caoláin:** I welcome these statements and the continuing focus of the House on the issue of child welfare and protection. We recently addressed the third and final report of the Joint Committee on the Constitutional Amendment on Children and I again call on the Government to table legislation to hold a referendum on the issue of children's rights as a matter of urgency. While anxious that the referendum is proceeded with in the current

year, a range of measures and services need to be improved or put in place now in order that children can be properly protected and can have their rights vindicated.

The failures of the past are becoming well documented. Only last week, we had the publication of the HSE's summary reports on the deaths of two teenagers in State care — Tracy Fay, who was 18 years, and David Foley aged 17, both of whom died from drug overdoses. The reports found the HSE had failed adequately to address their care, protection and accommodation needs. They exposed tragic systemic failures. The care of Tracy Fay is described as “wholly inadequate”. During her first six months in care, she was accommodated in nine different places. Eight years ago, her body was discovered in a disused coal bunker but official Ireland is only now acknowledging how it failed this child.

The report on David Foley shows that an incredible 32 agencies were in some way responsible for him, although he did not avail of all their services. He was accessing out-of-hour services and hotels for almost two years before he was received into voluntary care. I acknowledge that the Minister of State has apologised for the delay in publishing the reports. However, the reports are inadequate in terms of detail and there is an absence of transparency and accountability. We need the publication in full of all reports on the deaths of children in State care. I urge the Minister of State to note this and to respond at the appropriate time. He stated:

Every exposure of failures in our children's services identified by HIQA, State inquires or the media must lead to action and improvement on the part of Government and statutory agencies. It is the HSE's statutory responsibility to deliver children's services. It is my political responsibility to ensure that appropriate services are delivered.

I do not doubt his sincerity in that commitment; the contrary is my view. We can only hope that he is supported by his Cabinet colleagues and that the political will and the necessary resources will be forthcoming to fulfil the commitment.

The systematic failures that still allow children to be victimised or neglected today need to be addressed. Only last year the Ballydowd centre in west Dublin was closed after a damning report by the Health Information and Quality Authority, HIQA. The closure raised major concern over child services in this State. The centre was in existence for only nine years and it cost €13 million to put in place, yet it had to be closed because of its unsuitability for the troubled children for whom it catered. The HSE presided over a facility in which, as HIQA stated, there were “not enough staff to run the unit consistently and safely”. The HIQA national children in care inspection report, which included the report on Ballydowd, is a severe indictment of State failure to protect children. It highlights “serious deficits in standards aimed at safeguarding vulnerable children, including lapses in vetting procedures for staff and foster carers working with children”. These are issues that I, along with others, have repeatedly raised in questions to the Minister for Health and Children and at the Oireachtas Joint Committee on the Constitutional Amendment on Children.

I reiterate what I have said on several occasions in this Dáil and in committee. Our child protection services are still woefully inadequate. There are insufficient social workers and other front line workers and support systems. Children are in grave danger but the services are not in place to make the interventions required. The nightmare is happening every day. Most of this abuse takes place in the family home and this cannot be stated often enough. If the services are not put in place then the State will be just as culpable as it was in the past when it conspired with the church to cover up the abuse of children.

The Minister for Health and Children, who has ultimate responsibility, and the Minister of State, who has direct responsibility for children, must act with urgency to bring the care of vulnerable children up to acceptable standard or else we will have more Ryan reports in years

[Deputy Caoimhghín Ó Caoláin.]

to come, only then they will reflect this era. The child protection crisis in this State requires a more concerted and high level approach than that taken by the Government currently. It is regrettable that the Taoiseach did not use the opportunity of the Cabinet reshuffle to appoint a full Minister for children, as I have called for on behalf of Sinn Féin. Others have also reflected that to be their view.

Last week, the Third Report of the Special Rapporteur on Child Protection, authored by Geoffrey Shannon, was published. The report was described by the Children's Rights Alliance as "a comprehensive, careful and considered analysis of the child protection landscape in Ireland, which makes a series of important recommendations for reform". Its key recommendations include to establish independent, statutory inquiries to respond to suspected fundamental failings of child care system — such inquiries should be public unless circumstances preclude this; to carry out an independent national review of our current child protection system to identify the primary child protection concerns and areas needing reform, including child deaths; to place Children First: National Guidelines for the Protection and Welfare of Children on a statutory footing; prior to this step, the guidelines should be amended to introduce a differential response model into our child protection system; to establish a committee on child welfare and protection within the office of the Minister for children and youth affairs to oversee inquiries into serious child protection failings; to ensure all care facilities receive independent and thorough inspections, including residential centres for children with intellectual disabilities and for separated children — where necessary, legislation to provide for this must be enacted; to place guidelines for the appointment, role and qualifications of guardians *ad litem* published by the Children Acts Advisory Board on a statutory footing and establish a regulatory body for guardians *ad litem*; and to reform our laws and court practice in regard to sexual offences against children. I endorse each of those recommendations and the other recommendations in the report and urge the Minister of State and his colleagues in the Government to set about implementing them.

I wish to highlight now a number of concerns that have been raised with me from within the child care and protection sector. HIQA has produced a set of draft standards for children in care which aim to cover both residential and foster care. Even though many of the same principles apply, these are two different areas of care and require different approaches. It has been represented to me that the new draft standards show a lack of awareness and in-depth understanding of the reality of foster care. That is not surprising given that foster carers have not been properly represented as critically important stakeholders. Foster carers very often see what is being done, or not being done as is too often the case, by the HSE and often have serious concerns and objections about the way matters are decided or managed.

The Childcare (Amendment) Bill 2009 still refers to "detaining" children and young people. It should instead provide for accommodating children and young people in secure accommodation. After-care should be enshrined as a right in legislation, as not all young people who are 18 years old have cognitive and functional abilities commensurate with their chronological age. They fall through a gap in the system, often with the most tragic results. Multi-modal assessments should be available to all children and young people in care, to obviate problems or at least diminish their manifestation.

I reiterate our call for the children's referendum to go ahead. As I have stated previously, the amendment should 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 committee's report were enshrined in the Constitution, the State would have sufficient legal power to intervene on behalf of all children at risk, regardless of their parents' marital status.

Some of the wording in the proposed amendment was inspired by the UN Convention on the Rights of the Child, UNCRC, which Sinn Féin believes should be the absolute minimum in standards when it comes to children's rights. The principles in the UNCRC have been reiterated in numerous international and national treaties and it is now time this State took a rights-based approach to how children are treated in its laws and policies. While Sinn Féin has been a long-time advocate of enshrining children's rights in the Constitution, we must remember that there are not only legal issues to be resolved in order to enhance the rights of children. If we as Members of the Oireachtas, parents, and as people residing in this State, are to entrust the care of those children whose families can no longer care for them to the State, then the State's care regimes must be accountable and they must be able to fulfil their functions.

The clock is moving on. I thank the Minister of State, Deputy Barry Andrews, for his attendance and attention this afternoon. I endorse the call of the Children's Rights Alliance on the Minister of State to explain why the next State report to the United Nations Committee on the Rights of the Child, on its progress in implementing the UN Convention on the Rights of the Child is now one year late. The Government signed the UN Convention on the Rights of the Child on 30 September 1990 and ratified it on 28 September 1992. By ratifying the UNCRC, the State committed itself to promote, protect and fulfil the rights of children as outlined in the articles of the UNCRC. The UN Committee on the Rights of the Child, a body of 18 internationally elected independent experts on children's rights, monitors progress towards implementing those rights.

As a state party to the UNCRC this State is required to submit periodic reports describing progress towards implementing the UNCRC in this country. Submissions are also received from non-governmental organisations and independent human rights bodies. This State's report was due to be published a year ago yesterday but has yet to materialise. Does this expose a lack of commitment on the part of the State to the process and to the UN Convention on the Rights of the Child itself? I ask the Minister of State to respond at the appropriate time.

It has been pointed out that many of the great strides to vindicate the rights of children in this country in recent years have been made on the back of the UN convention and its robust processes, playing a crucial role, for example, in ensuring the publication of a national children's strategy and the establishment of the office of the Ombudsman for Children. I will conclude with this appeal, this report should be published immediately. If that is not possible, I ask the Minister of State to make a statement explaining why it is not.

**Deputy Mary O'Rourke:** I welcome the opportunity to speak on children in general. I hope this type of debate will be an ongoing event in Parliament. It is a very good idea. There might not seem to be much interest in the matter but there is, and that interest is only fully realised every time there is a general report on child care or a diocesan report on clerical sex abuse when there is much exclamation and debate. It is important that we have such debates on an ongoing basis.

I very much welcome many of the matters to which the Minister of State, Deputy Barry Andrews, referred. I will return to those in a moment. Given that each speaker mentioned the referendum on the rights of the child it would be wrong of me not to do. I have already expressed my views clearly in another forum which was extensively reported. I understand the report has gone to a co-ordinating committee in which the views of the various Departments will hold sway. That is very important. I am sure the opinions of Dr. Geoffrey Shannon, who is the official rapporteur to the Government, will also place great weight on the conclusions that will be reached and then we will have the input of the Attorney General.

The Joint Committee on the Constitutional Amendment on Children is now defunct. We signed ourselves out of existence when we signed the third report. That approach should be



[Deputy Mary O'Rourke.]

considered by many committees currently in operation in the Houses. Some committees are very good and give great value but others appear to be drifting aimlessly. Perhaps a system could be introduced whereby projects are adopted by committees and that they would have a task to complete. When the task is fulfilled it could be considered whether the committee would be encouraged to continue its work in some other sphere of activity within the original terms of reference according to which the committee was set up.

It would be helpful if the Minister of State, Deputy Barry Andrews, who sits at the Cabinet table, and who to all intents and purposes is the same as a full Cabinet Minister, would seek clarification that the referendum will go ahead and an approximation of when it will take place rather than an actual date. I accept it would not be possible to give a definite date. Much of the difficulty surrounding the date of the referendum is due to the fact that when anyone reports on it he or she links it with the three by-elections. That is wrong. If the referendum is of such overriding importance then it should be held on its own without any other business obtruding on it or taking from its importance. One could say the by-elections will only take place in Donegal, Dublin South and wherever the third one is——

**Deputy Barry Andrews:** Waterford.

**Deputy Alan Shatter:** Waterford.

**Deputy Mary O'Rourke:** Yes, Waterford. The spokespersons will be out thumping the streets in those constituencies. However, I believe it is but a political ploy within the media to seek to link the referendum to by-elections, thus leading people to say that if they do what I have described, they will sign themselves out of work, for instance. The referendum should be held independently, irrespective of the number of by-elections to be held.

It is not widely known but the Minister of State, Deputy Barry Andrews, has €3 million in his budget under a subheading called "Referendum" for the holding of a referendum. He cannot say there is no money to have a referendum because he has it for that purpose. Consequently, there should be some momentum towards holding it.

Every member of the committee has worked hard on this issue and they have produced the report. There was a sense of something having happened, yet nothing has happened. There should be, in the short to medium term, an outline of how best and when to proceed. Each member of the committee that produced the report should seek to be active in the constituencies explaining it and outlining why we arrived at certain decisions. All the information is in the big yellow book but it should be explained in plain and simple terms to voters. This would be very worthwhile. There should be no onus on the Government to link the referendum to the by-elections. It is important that the referendum be held on its own and there should be no attempt to have it linked to the by-elections.

Bearing in mind all that happened, it was stated by some Members that much of the work of the Office of the Minister for Children is, sadly, linked to the publication of reports, be it the Ryan report, Murphy report or future reports. I am sure the future reports will be many and abject. There is a brouhaha over the reports. Individuals in media advertisements, civil servants, Ministers, Cabinet meetings, memoranda, etc., combine to create great sorrow over what happened and expectation over what must now be done. Underlying this is the continuing work of the Office of the Minister for Children, the constant observations he must make and the constant engagement he must have with the HSE.

I was very pleased to see so much has happened with regard to the Ryan report implementation plan. The Cabinet accepted the recommendations of the Ryan report, which was an

amazing feat for any Cabinet. I do not believe I ever sat at a Cabinet table at which all the recommendations of a report were accepted. I congratulate the Minister of State, Deputy Andrews, on this.

The group's role is to see that implementation of the recommendations is effected clearly, concisely and with alacrity. I congratulate the Minister of State on getting the go-ahead for the appointment of the social workers. Nobody talked about this. In a time of great retrenchment, the filling of 270 social worker posts by the end of this year will be an enormous achievement. I saw an advertisement in this regard last weekend and that is why I was interested in what the Minister of State had to say. I was also interested in the emoluments that obtain. The social workers will be well worth it because their work is not of a kind that is constantly lauded throughout the land. To provide for the posts was very good. Progress is ongoing on the revised Children First guidelines.

The Minister of State referred to the assistant national director for children and families, Mr. Phil Garland. I met him at a function held recently by Ms Emily Logan and was very struck by his common sense, his enthusiasm for his work, the framework under which he will work and the outlook for his work.

The Minister of State has established an independent review group on child deaths. What he has asked it to do is very significant. I also congratulate the Minister of State and his officials on their work. There will always be dreadful reports and cases that will strike each of us to the core of our hearts although we wish no child would ever be disturbed or disarranged in life, particularly in Ireland. Significant structured progress has been made that will yield fruit.

The issue of the referendum remains. Much work has to be done to establish goodwill towards the wording that has been agreed upon, which I presume is the wording that will be accepted by the Cabinet. There will be a long lead-in time in that regard and, consequently, the sooner we know the date of the referendum, even if it is in the medium term, the sooner we can all get back to work on the issue. I am glad to have been able to speak on this matter.

**Deputy Dan Neville:** I welcome the opportunity to contribute to this important debate. I would like to take up where Deputy Shatter left off regarding the report he has laid before the House, Inspiring Confidence in Children and Family Services, a strategic view of the delivery and management of children and family services prepared for the HSE by PA Consulting. Some of its findings are of great concern. The attempt to suppress the report is also of concern. Having received it last October, one would have expected the Minister to have laid it before the Houses, thus allowing a debate to ensue.

Let me consider some of the key findings of the report. It is a valuable report but it is shocking in what it exposes regarding management and the Children First guidelines. One of the key findings is that there is an urgent requirement to set out and communicate direction for the services. It found there is no shared view about what the service model should look like within the HSE. The report states, "The HSE needs an overall strategy and service model that will provide guidance to local managers and practitioners on how they should be delivering services for children". Surely this is an essential requirement in the management of child protection in the HSE but it is not present according to the report.

The report also states, "This lack of overall direction has a profound effect on the outcomes children can expect in different parts of the country". It states that there are significant and in many cases unnecessary variations across the local health offices in how Children First is being managed and delivered. These variations can be traced to the different priorities and practices of the former health boards which have endured with the establishment of the HSE in 2005. This means that depending on where children at risk live in Ireland, they can expect to receive

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different services from their local health boards. In some local health offices children and their families can expect to receive practical support to help them achieve “upward spirals” in managing the challenges in their lives.

The PA consultants report states that more visible leadership was required across the levels of service as well as tighter management. Implementation of the recommendations of the Ryan Commission implementation plan and the report of the HSE taskforce will not happen, it stated, without visible leadership at all levels in the organisation. Surely these reports are a key to the future efficiency of the Executive. The implication is that there is no visible leadership at all levels.

To inspire confidence within the HSE and externally, the report states that tighter management is required as regards resources, quality of practice and outcomes for children, surely a key issue in relation to child protection. The present outcomes for children are criticised. The current management style, according to PA, tends to be reactive, crisis driven and focused on individual cases. There is a great deal of management traffic around individual cases, but much of this is not purposeful in the sense of building better delivery methods to secure better outcomes. Therefore, we have a lot of management activity, but it is not aimed at the outcomes for children, which should be the key objective rather than the system itself. At a fundamental level, as the report states, there is no clear understanding of the respective roles of professionals working with children and HSE managers. This contributes to a disconnect between service delivery at national, regional and local levels. Structures for delivering the service need to be simplified and clearer. There is a distance between frontline staff and the top of the organisation, which is unhelpful in terms of service delivery.

The report also states that it is unclear where responsibility, accountability and authority lie for children and family services, particularly at local level. At a fundamental level, this means people within the HSE and outside do not know who is responsible for child protection. At the levels of the delivery system, people can have responsibility without corresponding authority. Some inherent tensions were detected between two critical local roles, the principal social worker and the child care manager. In that regard the report states, “These can work well, but they depend on the quality of relationships.” Roles have been also tailored over the years to manage specific issues, adding to the complexity of delivery. Roles and responsibilities, therefore, need to be simplified and clarified.

Within the HSE, the report states, that working and referring cases across the service is still complicated. There are issues around how professional and service boundaries constrain referrals between services. A more profound issue relates to identified service gaps, for example, access to psychological services for children who clearly have behavioural issues but are not diagnosed as psychotic. This can often leave social workers managing very complex cases without appropriate service supports. Supports for social workers and their managers are underdeveloped. Social work professionals work in one of the most challenging areas in the HSE. The human scale of what they have to do is of enormous significance.

The reports states that there is inconsistent application of practice in implementing child protection and support. There are significant and unhelpful variations, in practice, across the local health offices, for example, in relation to how patients are referred and how risk is assessed and the thresholds between the different levels of service required. The service is not being managed based on current intelligence.

The HSE, states PA, currently produces a wealth of data on how children and family services are being delivered. That is positive, but it goes on to state, however, that this is not being routinely used by managers across the service to provide intelligence on how it is being deliv-

ered, resources allocated and what outcomes the service is delivering for children. The current data are not perfect, but nonetheless represent a sound starting point from which to deliver intelligence-led delivery of service. It shows that the intelligence and information exists within the HSE, but it is being ignored. That is the only interpretation one can put on that.

Based on the findings of the report, it was recommended that the HSE should take the following actions. It should agree and communicate a clear service model for the future that focuses on outcomes for children. This should guide both managers and all practitioners on their priorities for engaging with children at risk. The executive, it recommends, should be consistent in how it delivers services, strengthens collaboration and provides supports for people working with children and their families. An intelligence system should be developed that uses currently available data to improve the service and to simplify and make clearer key roles and responsibilities across the delivery system.

The report's focus has been to propose changes that are absolutely necessary, according to PA, to bring clarity to key roles both internally and externally, ensuring that the structure reflects and drives key functions. I congratulate Deputy Shatter for laying this before the House. Surely, the only interpretation that may be put on this report is that we have a dysfunctional child protection service.

**Deputy Pat Breen:** I welcome the opportunity to participate in the statements on this very important issue, the development of child welfare and protection services. I commend my party colleague and Front Bench spokesman, Deputy Shatter, on all the work he has done on behalf of the victims. In recent years, as a result of the bravery of these victims, the true extent of the abuse and the neglect inflicted on children in the care of church and State in this country has been revealed, and it is shocking.

The commission set up to inquire into child abuse reported in 2009 that sexual abuse was endemic in State-run institutions for boys and girls and that children lived a life of daily terror, having been beaten over more than five decades. The report is a sad indictment of church and State authorities who were in charge of these institutions. No matter where one travels outside Ireland now, one finds the recent media reports on the Catholic Church have been broadcast on televisions all over the world. Ireland is one of many European countries where this has happened.

The commission, during its investigations, heard harrowing cases of abuse from people. Almost 2,000 children spent their childhood in 216 institutions in the country, mainly between the 1940s and the 1980s. We then had the publication of the Murphy report into sexual abuse in the Dublin archdiocese. That report found that 320 children were abused by 46 priests in that diocese between 1975 and 2004. The Murphy report concluded that one of the biggest tragedies of the abuse was that children were not listened to or believed and that those in authority were covering up. It is extremely worrying that even as far back as 20 years ago these children were not believed. I am thankful that things have changed.

None of these investigations would have been possible, and the true extent of the abuse would never have been revealed, were it not for the bravery of the victims who have spoken out. I salute those victims for their courage, which has struck me whenever I met them. Many other victims are suffering in silence and may never be able to speak out. Children who are abused carry the scars with them for the rest of the lives. It is a life sentence for many of them. I have met many of these victims in more recent times, and it can be seen in their faces that they carry scars.

So many children have been destroyed by abuse. It is not only in institutions that abuse takes place; it also takes place in family homes, and many people are afraid to speak out about it.

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Our Constitution, and the 1916 Proclamation, promise to cherish all our children equally; however, even today, many children in this country are at serious risk and are being let down by those in responsibility who are charged with looking after them. The reports into the deaths of two young teenagers, which were first published by my colleague Deputy Shatter, point to the fact that the safety of children who are under State care is still not guaranteed. That is why I welcome today's discussion. I have no doubt that were it not for Deputy Shatter's action in publishing the first of these reports, the HSE would have dragged its heels and the official reports would never have been published.

These vulnerable children were let down by society and by the fact that we do not have an adequately resourced, 24-hour social service to deal with cases such as these. Our social services are of the fire brigade type; they do not have the resources to be anything else. Last week, the Government's special rapporteur on child protection, Geoffrey Shannon, called for an independent review of social services for vulnerable children. Does the Minister of State support this view and, if so, when will he set up this review? It should be set up immediately.

Between 2000 and 2008, approximately 7% of unaccompanied minors dealt with by the HSE went missing. That is extremely worrying. Between 2000 and 2009, a total of 501 children went missing from the care of the HSE. Only 67, or 13%, of these children were retraced. Twenty-two unaccompanied minors went missing from State care in 2008; only five of these children were later located. In 2007, 32 children went missing, only 12 of whom were traced. Again, it was required for Deputy Shatter to publish the joint protocol agreed between the Garda Síochána and the HSE for dealing with children who go missing in care. This is a serious problem, and there is concern that some of the children who go missing are trafficked and subjected to sexual exploitation.

There have been several investigations, and report after report has been published, but little has been done to deal with the situation. Many organisations have introduced clear child protection policies and established clear guidelines on reporting cases of abuse. There was a high-profile case in the UK a few years ago in which the caretaker of a school abused and murdered two children attending the school. It is good that clear guidelines have been established on the reporting of abuse.

Garda vetting is part of that process, and something to which I draw the attention of the Minister of State. As a result of the increased demand for vetting, more than 400,000 applications are received each year. There is a major backlog, with applications taking anything from four to 12 weeks to be processed. I urge the Minister to ensure this procedure is speeded up. Employers use the procedure to ensure that individuals convicted of abuse or other crimes are not employed or offered other positions of responsibility in working with children, young people or vulnerable adults. Voluntary organisations are availing of this service. The Garda Vetting Office in Thurles needs more resources to deal the large volume of cases. I appeal to the Minister of State to bring this matter to the attention of his colleague, the Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern.

Children's perceptions of the system which has been set up to protect them are not good. The report on service users' perception of the Irish protection system found that children who used the system found it to be "unsympathetic". Calls to the ISPCC's Childline service increased by almost 25% last year. This in itself speaks volumes. Childline received more than 815,000 calls last year but, unfortunately, was able to answer only 512,000 of them, an answer rate of 62%. According to Childline, there are thousands of children who continue to suffer abuse, and services are not in place to assist these children and their families. Many children in this country continue to be denied their basic human rights. In 2010, it is a sad indictment of this country. Many speakers have raised the importance of holding a referendum on

children's rights. I urge the Minister to give a clear commitment to hold this referendum and to inform the House when it will take place.

The Government needs to commit more resources to addressing this major challenge of protecting the most vulnerable people in our society. When we fail children, it is extremely sad. It is up to the State, and us as legislators, to make sure we protect them. As the Minister of State said in his final words, it will require commitment, imagination and hard work to assist these children.

**Deputy Joan Burton:** Most people in Ireland found the revelations of recent years about what was happening in institutions in the archdiocese of Dublin and other dioceses to be stunning and shocking. We should pause to think of the people who highlighted this and made it a subject of discussion in Ireland despite an incredible culture of inherited secrecy. They endured, at times, public and political odium for having the courage to speak out. In addition, many within the church who were unhappy with what was going on earned the odium and criticism of the church.

Politicians like Dr. Noel Browne, Frank Cluskey and a succession of Deputies from various parties have sought to change the culture of secrecy which turned this country into a closed society after independence. People can find it difficult to understand how closed societies can develop in countries that are fanatically Islamic but the manner in which people thought and addressed issues in post-independence Ireland was governed by secrecy and a church-State relationship in which the former had the upper hand. Politicians bent their knees to the former Archbishop of Dublin, Dr. McQuaid, and other churchmen. Dr. McQuaid's influence was at least as powerful as that of the President, Taoiseach and Cabinet of his day. People who dared to dissent from the powerful princes of the church found it difficult to air their views. Irish society owes a huge debt to the ground breaking journalists and film-makers, including Mary Raftery and Bruce Arnold, who tried to describe what really happened. However, I am not convinced that the culture of secrecy and the tendency to defend the *status quo* no longer holds sway over significant parts of the public service.

The victims who spoke so courageously to the Ryan commission must have found it incredibly difficult to share their intimate and painful stories. A shocking revelation in the Ryan report is that many leading churchmen, including officeholders, were trained in canon and civil law. These were not ignorant people. They were fully aware of the serious nature of these crimes under both canon law and the criminal code.

One of the images of the century is the photograph of Irish bishops dressed in their long robes and kissing the Pope's ring. This was, of course, an all-male delegation which did not even include a nun as adviser, never mind lay women. I am sure most younger people would find it extraordinary to learn how senior members of the Irish church regard themselves. The only people who have distinguished themselves in this difficult period have been the Archbishop of Dublin, Diarmuid Martin, and several of the Northern bishops, who are trying to find a framework that can address the appalling abuse suffered at the hands of clergy.

Many of the abused children came from working class areas. Their parents were not well off and were flattered that a priest would befriend their sons or daughters. Religious families were likely to admire the church and welcome their local priests as friends or patrons. The extent to which these priests felt free to pick out vulnerable children in working class communities is extraordinary. In some cases where parents became aware that something was wrong, the full majesty of the law was used to brush their concerns aside.

The work of the Murphy commission should be expanded to cover other dioceses because while it may be argued that the report on the Archdiocese of Dublin established a pattern of

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abuse and that subsequent investigations may not reveal much more, I imagine those who were abused in other dioceses feel it is important to have their stories confirmed so that they can reassert their value as human beings.

I argued earlier that the culture of secrecy continues to pervade areas of public administration in a very unhealthy way. This is a hangover from the days when Ministers and the Civil Service were dominated by clerical thinking. A number of recent issues reflect this culture.

This week, I have listened to descriptions by adoptees of their search for their birth parents. I urge the Minister of State at the Department of Health and Children, Deputy Barry Andrews, to let in the light. His Department holds to the incorrect and out-of-date notion that adoption case workers, be they nuns or lay people, agreed some sort of clause which gave complete confidentiality to mothers giving their children up for adoption and is not breakable this side of the grave. For the past 25 years, Canada, Australia, New Zealand and the United Kingdom have dealt with the issues that arise when people search for their birth parents.

There are three parties to an adoption, namely, the birth parents, the child and the adoptive parents, and they are bound intimately together forever. This does not mean people do not love and respect their adoptive parents but the Minister of State would do a huge service if he removed the fear and allowed the Adoption Board and the various adoption societies to let in the light. Some adopted people will never seek out their birth parents but that search is part of others' realisation of their individuality. It is wrong that the Department and the Adoption Board refuses to facilitate searches. The voluntary register was always intended as a sham. I do not know how much money was wasted on it but I would be amazed if it reconnected 100 families. I ask the Minister to provide a platform for debate. There are three sets of interests to be considered, but adopted persons have a right. A child has a fundamental right, under the UN Convention, to know who his or her parents are and to know their biological and personal history.

It is a hangover from clerical domination of this country that this approach still exists here when we know that it has been successfully done in a number of countries without people's worlds collapsing around them. It can be done sensitively and intelligently and I encourage the Minister of State to do that.

**Deputy James Reilly:** I thank my colleague, Deputy Shatter, for bringing out this new report. When the anger subsides, there is a sense of sadness that time and again, reports are suppressed, redacted and delayed. *Cui bono* — to whose benefit? Certainly, it is not to the benefit of children, nor to memory of those who died in care.

I will start with a series of questions. I do not wish to be overly cynical, but I wonder will we get answers. Why are the reports being suppressed? Why are they taking so long to come to light? Why are children being put at risk? Why are there not sufficient social workers? Why do children not have a constant key worker?

At a talk given by Fr. Peter McVerry, who deals with the homeless, the other night in Donabate organised by Donabate and Portrane Community Council he informed us in a simple way about some of the difficulties that children and homeless people have, their lack of self-esteem and their sense of worthlessness. Often their families let them down and did not care for them. They then go into what we call euphemistically "care" and find that they are sent from Billy to Jack, not knowing until the last minute where they will sleep that night. One person had 40 different workers involved in his case and God knows how many different bed and breakfast accommodations he stayed in over his life, which was a short one. It is all the more sad when one considers that he volunteered to go into care. The message he got on a daily basis from our care services and from us was that we did not care. We did not care enough

to have one person to whom he could turn, with whom he could have a bond, with whom he could trust, and whom he could feel respected and cared for him. The sad fact is he is not just one, but one of many.

The importance that all psychiatrists and psychologists attach to a child's need in terms of his or her normal development to have someone to whom he or she can turn is well known, and all the problems that arise from not having that person as a constant are also well known. This is not a child-friendly service, as if there was any need for me to say it. The reports that we have seen to date prove that beyond doubt. There are many good people working within the service but they lack a cohesive structure.

The report states, better than I ever could, what is wrong with this system. There is no effective early intervention. Many of the children who become homeless and whose parents care for them could have remained at home had the intervention taken place in the home earlier to support that child and to support the parents to support the child, but that is not happening. We do not even have sufficient inpatient beds for children and adolescents with mental health issues, which is another reason people end up homeless and on the street. Those are matters we need to look at and about which we can do something.

This report shows a chaotic system. It states that it is unclear where responsibility, authority and accountability lies for the children and family services, particularly at local level. There is an echo of that throughout the HSE. The Fitzgerald report showed that people did not know what their jobs were and did not know who was reporting to whom. We should not be surprised to see it in our child care services.

I will not attack the Minister of State, Deputy Barry Andrews, personally about this. He has a duty of care and I want to know by the time these statements are finished his plan to improve the situation. Much of this he has inherited and I am not laying it at his door. From this point on, he must be seen to be proactive, to change this and to be open and transparent. Who gains by all of this secrecy? The children do not.

The report also states that at all levels of the delivery system people can have responsibility without corresponding authority, that supports for social workers and their managers are undervalued, and that there is inconsistent application of practice, protection and supports. It states that the service is not managed based on current intelligence that there is no single remedy or quick fix. That seems to be an approach that is taken continually. It states that the scale of the change is not to be underestimated and ultimately requires fundamental change at corporate and individual level to deliver and support services.

I want to move on to other parts of the report. It states that there is no communication, no proper protocols, no planning for the forward movement of a child in care through the system. The reports states that the authors' finding that the framework for child protection is clearly articulated at national level through Children First but that the HSE has struggled to convert this national framework to a sensible and understandable model for delivering child protection that reflects international experience and research.

The report states that the HSE has still not agreed how it will implement the agenda for children services. It states that the absence of a clear model for delivering child protection in the context of wider children and family supports is a major constraint on the current delivery. It goes on and on. It state, for example, that the needs of children come second to the demands of the service, and that collaboration between services and agencies is uneven and for the most part unacceptable from the perspective of the child.

The HSE was set up several years ago with the idea of having one body to deliver a uniformity of care and service throughout the country, yet what we find is disfunctionality and outcomes predicted on geography. It has failed at every level to do what it was set up to do. I ask the



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Minister of State to help us and inform the House and the people as to how he will address this. This requires fundamental change. One of the fundamental matters is that all of the reports should be made available.

When the Comptroller and Auditor General points out that he does not know whether PPARS cost €180 million, €200 million or €220 million and no one is held responsible, is there an echo when the Minister of State tells the Dáil in March that there were 20 children in care who died and a few days later that figure rises to 23? Do we know how many have died in care?

How can we learn from all our mistakes if reports are continually suppressed? How can we, as Deputy Shatter already pointed out, have a situation where somebody is asked to do a review and recommends a full review without knowing that a full review has already been done a year before? It is an insult to the individual concerned and to the children. That is at a senior management level and, I suspect, at a political level too.

Many people and some of the previous speakers want to lay all of this at the doorstep of the clerics in some indirect fashion. I do not. I blame the lack of accountability in public life, the lack of transparency and the lack of fairness.

This report was made available because, yet again, Deputy Shatter sought it out and made it available. I do not understand why the Minister of State does not come up front and make such reports available. He should open up the debate and let in the light on children, as the campaign says. He should bring consistency to how the HSE delivers services, strengthen, collaborate and provide supports for people working with children, develop an intelligence-led system that uses data currently available and simplify and make clear the key roles and responsibilities. We must get away from the system, described by a man called Balint many years ago as this collusion of anonymity, which states: "I am not responsible for that part, they are not responsible for this part and he was not responsible." The result is children die and children who survive care end up as dysfunctional adults and may be homeless for years. It is time this society grasped the nettle and took a new approach. This is within the gift of the Minister of State by ensuring that all reports are made available and published. There should be an open, frank and public debate.

The Children's Rights Alliance issued a statement on 9 March:

Statistics on preventable or unusual child deaths and the findings and learnings from inquiries are not systematically gathered and hence it is not possible to track and evaluate cases, establish trends and give clear recommendations on how such deaths could be prevented. Ultimately, information about the death of one child may lead to the prevention of another.

This is a key point.

**Deputy Bernard J. Durkan:** I thank my colleague, Deputy Shatter, and others for making this debate possible. Like the Acting Chairman, I spent a considerable period of time as a member of a health board. Like every other Member of this House, including Deputy Reilly and others, I gleaned some degree of experience over that time. A number of speakers referred to issues which resonate readily with regard to the reporting system. When a concern is expressed by either a public representative or a practitioner, a sequence of events is supposed to take place. Up the line reporting is supposed to happen. Reference has been made to people who have responsibility without authority. Everybody has responsibility and authority; they have responsibility for acknowledging what exists and reporting to the next highest authority. That is the pecking order and the way the system is supposed to work. However, this is not the way things are working even yet.

Last week, I received what I can only describe as petulant correspondence from a staff member of the HSE, inquiring in a condescending fashion as to what I was inquiring about. I had brought to the attention of the authorities the concern of a parent in respect of the welfare of a child. It would have been far better for the individual concerned to go about his or her business and address the issue and make an accurate report of findings. My experiences over the years have not changed in that regard. I have had occasion to bring to the attention of at least three Departments, by way of parliamentary questions and telephone calls and by every means available to me as an elected public representative, the concern expressed by a parent or parents in respect of the welfare of a child who was enticed away from home by an older person. I went through all the processes and procedures and followed all the rules and regulations. I encouraged those with and without authority to take responsibility. I attended case meetings. However, the result was that nothing happened. The statutory authorities did not respond and, eventually, the concerned parent was forced to go to court, at the individual's own expense, to obtain rights for the child. This is an appalling situation. This did not happen 20 or 30 years ago, but within the past two years and it continues to happen.

I do not wish to castigate people who have responsibilities because Members of this House are castigated enough from time to time and I am sure we are very highly regarded by all the people who do the castigating. However, the time has come for everybody to stand up and speak for themselves and from their respective corners. From my experience, I have found serious breaches in the action required to be taken by the responsible authorities at several levels in all of the Departments with responsibility in this area.

In a case referred to in the past week, I was asked for clarification from the Department of Education and Science and this is to be welcomed. I expect to hear from another Department that it is not possible to give me the information in the time available. When issues of child welfare and child abuse which cause public concern arise, it is usually discussed after the event. Sometimes these matters are brought to the attention of the authorities before the event, with ample time for everybody concerned to take action. Sadly and tragically, it is only when one deals directly with a case that one fully recognises and appreciates the degree to which urgent action is required and this means instantaneous action on a 24-hour basis. This also means follow-up action and careful observation of the developments in each individual case. If this does not take place, then further serious problems will ensue. It is then that people decide to divest themselves of responsibility. It is only when things go wrong that those who had authority and responsibility ask for more legislation but it is too late at that stage.

There have been several serious cases of child neglect and child abuse where existing legislation was quite ample to deal with the situation and no action was taken. I do not wish to list the individual cases but I am fully aware of all the circumstances in each case. In assessing the situation we must be very careful and assume that very vulnerable people — children — are involved. We, as legislators, and others outside the House in responsible positions have a particular responsibility to act with authority.

It is easy to make the excuse that one has no authority but it should be a case of going to the person who has authority. This action is open to everybody. One must have regard to the fact that one cannot wrongfully accuse a person but if there is a genuine concern, one must go to the person in authority and bring the concern to his or her attention so that action can be taken. We should not have to wait for six months, six weeks or six years for action to ensue.

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I thank all the contributors to the discussion which was very informative and showed speakers to be well-informed. This discussion underlines what the Oireachtas does best. Having a much

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calmer discussion about this, without the white heat from an unfolding drama, is a much more constructive approach.

The Government remains committed to a referendum which will give expression to children's rights in the Constitution. The Joint Committee on the Constitution was asked to put together a consensual and agreed wording which was published after two years of deliberations in February 2010. Each Department is now determining how the proposed wording will impact on policy. The Government will then consider their memorandums and make up its mind on the wording and the date for the referendum. I am aware of the dangers of unravelling the political consensus which was so carefully and creatively put together at the constitutional committee. I remain committed to this referendum and believe it is an important piece in the jigsaw of making Ireland a safer place for children and ensure their rights will weigh more heavily.

We must end putting parental considerations or institutional reputations before the rights of the child. That would be a lasting legacy after all these reports and it would mean we have a more mature society and can allow children to have rights in and of themselves.

I note Deputy Shatter's intention to publish the PA Consulting report today. I have no difficulty with this but I must point out it was never intended for publication. It is a management document to drive change in the delivery of child services, stopping, for example, the confusion between social worker and child manager to which Deputy Neville referred.

The report also recommended the establishment of a leadership position to deal with child protection. Phil Garland has been appointed HSE assistant national director for children and families. The report is beginning to bear fruit. We are, however, in an industrial relations situation which has made it somewhat difficult to drive change.

There has been a proliferation of reports, particularly about the implementation of Children First. Members quoted from the PA Consulting report when they could have easily quoted from the my office's report on the programme which had the same narrative and raised the same issues such as differential compliance. I am getting tired of having to defend the existing position on Children First. We need change and have the guidelines implemented uniformly across the country with no postcode lottery or excuses anymore.

While I am willing to accept political responsibility, I cannot do this job on my own. Neither can Phil Garland do his job on his own. He needs buy-in at the highest level of the HSE while I need buy-in at the highest political levels. When we were responding to the Ryan report—

**Deputy Alan Shatter:** Is there resistance to this buy-in?

**Deputy Barry Andrews:** No.

The Government responded to the Ryan report with an implementation plan. We have already put in place leadership positions with specific responsibility for children and families. An additional 200 social workers will be recruited which in the current economic context is an extraordinary commitment. Not only is €15 million provided for the implementation plan to effect these changes, €3 million has been set aside for a referendum this year, as Deputy O'Rourke said.

There is not enough reference to child protection at the highest level of the HSE. I have never heard its chief executive officer, Professor Drumm, make a speech on child protection. The new HSE chief executive officer will have to take this on at the highest level. We are now falling over reports on the implementation of Children First when we need to move on.

Children First is the core document for child protection and welfare services. While we are ambitious about the referendum, if we cannot get the implementation of Children First right then we will have nothing to shout about.

I reject the claims of a cover-up of failings of child protection. The terms quoted from the PA Consulting report were the same used in the report published last week by the HSE such as “wholly inadequate and unprofessional responses to children’s protection and welfare” and “services that did not deliver to children”.

The only material missing in the HSE report was the specific details about what happened to the poor unfortunate individuals contained in the case review which was published by Deputy Shatter. I have telephone calls to my office on a regular basis from their families concerned about these continuing revelations. Instead of highlighting their details, we need to learn from their experiences.

I have always been the staunchest supporter of social workers. The PA Consulting report stated social workers work in the most challenging area of the HSE. However, if social workers want to be treated as the professionals they are, then failure to achieve minimum professional standards must carry with it consequences, as it does in every other profession. That itself is a catalyst for change and an improvement.

We are at a particular point in reforming the delivery of child welfare and protection services. The HSE has initiated its own reforms with the setting up of regional directors of operations and different changes in responsibilities. We have begun the reform of the delivery of child welfare and protection services particularly with standardising business processes. We will be introducing a knowledge management system that will ensure that at any one time we will be able to elicit the kind of information we need.

I do not doubt the motives behind Deputy Shatter’s “Let in the Light” website but I reject the notion we are trying to cover anything up. We are trying to drive change while protecting privacy, particularly that of the children of these unfortunate people who have died. We must strike a balance between protecting their privacy and having transparency and full disclosure. We are not trying to hide behind their privacy.

Deputy Breen raised the issue of delays in the Garda vetting process of which I am aware. The Garda has informed me it is recruiting more personnel to deal with the backlog. Deputy Burton raised the sensitive issue of adoption tracing and asked for it to be opened up to see how many people have been matched. The number of matches is on average the same as it is in other jurisdictions which the 2009 Adoption Board annual report identified.

However, a Supreme Court judgment on a pre-1952 adoption, of which Deputy Shatter is aware, states a balance must be struck between the right to privacy of the natural mother and the right to know. It is an extremely sensitive issue.

Deputy Reilly asked why so many reports were redacted. I recall that recently when Deputy Shatter asked at the Joint Committee on Health and Children for the reports into the cases of young person A and B to be published, he said he did not mind if they were redacted.

**Deputy James Reilly:** In the absence of any report a redacted one is better than nothing but it is not the best report to receive.

**Deputy Barry Andrews:** I accept that. It is better than nothing. That is the reason we put certain reports into the public domain as best we can. It should not be assumed that because that is not done in a timely fashion it supports a view that we are tolerant of cover-up because we are not.

## Ceisteanna — Questions.

### Priority Questions

1. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if he was consulted on and approved of Coillte's proposal to become involved in nursing home development; and if he will make a statement on the matter. [17245/10]

**Minister of State at the Department of Agriculture, Fisheries and Food (Deputy Seán Connick):** My Department has been appraised of the details of Coillte's multi-annual business plan, as submitted in its strategy document, and is supportive of its business strategy.

The company's strategy document, *Destination 2012: Make it Happen*, submitted to the Department in April 2009 outlined a number of strategies for the future development of the company. Land development is one of those strategies and includes obtaining planning permission for housing and other developments that enhance the value of sites. This is a continuation of a strategy adopted by the company in the past two decades.

The strategy document described possible development projects, which included the development of nursing care facilities. Coillte identified a possible development opportunity in this area based on projected demographics.

The company carried out a feasibility study on the development of nursing care facilities on Coillte properties during the summer of 2009. Coillte advise that the opportunity for new nursing care facilities is strong, given a projected quadruple increase in the population of 65 years and upwards in the next 14 years, the introduction and strict application of new standards of facilities and operations under the auspices of the Health Information and Quality Authority, HIQA, and the introduction of legislation supporting deferred payment for access to facilities — the Fair Deal scheme — which will underpin the viability of nursing home operators.

In the course of its investigations Coillte met a number of potential developers of nursing care facilities who were interested in developing Coillte sites. One such company was Kilbrew Recuperation and Nursing Care, which currently operates an award winning nursing home and independent living facility at Curragha, County Meath.

Following discussions with Kilbrew, Coillte authorised the company to apply for planning permission on behalf of Coillte for five nursing care-independent living developments on Coillte property in December 2009. These planning submissions have been validated by the planning authorities and their designs have been verified to be in compliance with HIQA standards.

The company submitted applications as follows:

County	Nearest town/village	Site area (hectares)	No. of beds	Size of proposed building	Independent living units/area	Car park spaces
Wexford	Wexford	8.6	108	6,486m <sup>2</sup> (single storey)	10/584m <sup>2</sup>	59+14
Cork	Castlemartyr village	2.0	90	5,799m <sup>2</sup> (two storey)	None	40
Clare	Ennis	3.2	82	5,559m <sup>2</sup> (two storey)	None	31
Galway	Carrabane Village	5.6	100	6,030m <sup>2</sup> (two storey)	9/531m <sup>2</sup>	45+15
Mayo	Westport	1.8	86	5,393m <sup>2</sup> (one & two storey)	None	76

The current position on the five planning applications is that planning permission has been refused for the site in Wexford; the planning authorities have sought further information relating to the sites in Cork and Clare; and consideration of the applications for the remaining two sites in Galway and Mayo has been deferred.

Coillte has advised that the company's focus is on leveraging the development value of the land and that it is not its intention to get involved in operating nursing homes. Its intention is to realise the value of the sites by selling the planning permitted sites on to third parties.

**Deputy Michael Creed:** At the outset I want to avail of the opportunity to congratulate the Minister of State, Deputy Connick, on his appointment. I am sure the Leas-Cheann Comhairle would wish to join me on that——

**An Leas-Cheann Comhairle:** I would, and have done so previously.

**Deputy Michael Creed:** ——and to wish him well in his tenure as Minister of State. By way of observation, and then there were two, which begs the question: who now holds responsibility for the food portfolio? That is an issue for a later question.

At a time when Coillte and the State are missing all of the targets they set — the target in the renewed programme for Government is 10,000 hectares per annum — how appropriate is it that the State forestry body, Coillte, would be involved in nursing home development? The Minister of State will be aware, as I am sure is the Minister, Deputy Smith, that some years ago the question of an internal audit arose and findings against Coillte about State aid premiums being paid to the State forestry body. I do not know if that matter was ever resolved but is there a question in this instance that is equally applicable? We were here before Christmas approving a borrowing facility of up to €400 million for Coillte not knowing anything about the nursing home development. Does an issue arise in this instance about capital allowances being made available to a semi-State body which has support from the State in terms of its financial position? It is unfair competition. This is something that should not be countenanced. All of Coillte's resources should be put into developing forestry and related activities.

**Deputy Seán Connick:** I thank the Deputy for raising his concerns with me but would point out to him that under the renewed programme for Government, to which he alluded, there is a strong commitment to forestry. I was somewhat enthused by my initial meetings, not just with the forestry liaison group but the officials within the Department and the other people I have met, and the renewed vigour about the forestry sector. It is one of the few indigenous industries. I am fortunate to have two in my folio in terms of fisheries also, an area in which we see great potential for further development.

Coillte has responsibility for almost 7% of the total land mass of this country. It averages out at about 4% per county and therefore is almost the equivalent of two counties. Surely the Deputy is not arguing the case that we should allow that quantity of land to be sterilised or not used for other purposes. There are opportunities that Coillte has identified. I met with the chief executive officer and the chairman of Coillte last week ahead of the report being published and was impressed with their commitment to the programme. As the Deputy is also aware, there is a review of the said forestry policy under which Coillte's operations will come up for review.

**Deputy Michael Creed:** We had the publication of Coillte's profits and, regrettably, the trajectory is going in the wrong direction. The profits for 2009 are approximately €4 million. Given that we have legally binding targets to meet in respect of reducing our CO<sub>2</sub> emissions, does the Minister not believe it is financially questionable — I believe it beggars belief — that the State would facilitate investment of scarce resources into nursing homes at a time when, if we do not invest in the core objective of Coillte, that is, afforestation and other biomass initiatives, we

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will be penalised financially? Coillte should be using every spare euro it has to drive the afforestation programme, which is way off target. It is fine to have 10,000 hectares under the renewed programme for Government but I remind the Minister that in 1994 we planted 20,000 hectares. In 2009, however, we planted 6,500 hectares. How will we increase that figure to 10,000 if we do not insist that Coillte drives all its resources into its core objective, which is afforestation?

**Deputy Seán Connick:** The Deputy will understand it is an extremely difficult trading area for any company at this time, and Coillte is no different from any other company. It had a difficult year last year, as did many other companies in the country. There is a business focus to what it is trying to achieve. I would again point out to the Deputy that the interdepartmental group, with Coillte representation dealing exclusively with its functions and operations, is currently sitting and we hope to have a report on that later in the year. At that time we will lay the report before the Houses and the Deputy can repeat his comments at that stage but Coillte has a responsibility. There are opportunities. I see opportunities from the point of view of job creation, investment and a return to the Government and therefore I will support, as best I can, the opportunities that Coillte and the Department will identify to advance those particular opportunities.

**Deputy Michael Creed:** Will it be compliant with State aid requirements?

**Deputy Seán Connick:** I cannot answer that question. The Deputy will understand that in my new position that is something to which I cannot refer. I will raise the issue with my officials and ask them to respond to the Deputy directly on that issue.

**Deputy Michael Creed:** Will they deal with the premiums paid to Coillte as well?

### **Agri-environment Options Scheme.**

2. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food if he will adjust the agricultural environmental option scheme to allow for a provision by land-holders who are eligible for the scheme to manage roadside verges to ensure against illegal dumping, maintenance of roadside hedgerows and ensuring adequate drainage of surface water from the roads. [17105/10]

**Deputy Seán Connick:** Under the new agri-environment options scheme which the Minister, Deputy Smith, launched on 30 March, farmers will be paid to undertake identifiable and verifiable environmental actions and have a menu of options from which to choose. The actions are designed to contribute to the priorities of biodiversity, water quality and climate change. The Government has provided for the launch of the new scheme at a rate of up to €5,000 for approximately 10,000 participants.

The EU regulations governing the agri-environment options scheme allow for the encouragement of the sustainable use of agricultural land through agri-environment payments. The actions described by the Deputy are outside the scope of the regulations and cannot be included in the scheme. The enforcement of national legislation relating to illegal dumping and the maintaining of roadside vegetation is a matter in the first instance for the Minister for the Environment, Heritage and Local Government.

I am confident, however, that the agri-environment options scheme will deliver many environmental benefits in other ways. I believe it can build on the success of REPS, which has done so much since 1994 for water quality, biodiversity, conservation and landscape enhancement. It has also brought welcome income benefits to farmers, with more than €342 million paid out to REPS participants last year which was the highest level in any year since the scheme

began. Payments due to REPS farmers this year will continue at this high level. Farmers will continue in REPS up to the end of 2014. By the time the scheme finally comes to an end, payments to farmers will have exceeded €3 billion.

The agri-environment options scheme was introduced following long and complex negotiations between my officials and the European Commission, which determined its structure and content. Participants in the new scheme will be paid to undertake identifiable and verifiable environmental actions. They have a menu of options from which to choose those actions which best suit their particular circumstances. My officials have recently sought the Commission's agreement to some minor further changes, which I believe will further enhance the attractiveness of the new scheme to farmers. I will review the position in the light of the experience gained over the coming months in implementing the scheme.

**Deputy Seán Sherlock:** With the Leas-Cheann Comhairle's permission, I, too, wish to warmly congratulate Deputy Connick on his accession to the position of Minister of State. I wish him well and look forward to working with him.

I am disappointed with the Minister of State's response. If the scheme is designed with biodiversity in mind, will the Minister of State acknowledge that hedgerows in particular and road margins and the biodiversity within is being threatened by the illegal dumping of plastics, which, in turn, will have an effect on biodiversity over time? Will he also acknowledge that there could be an opportunity, through this scheme, for farmers to work in partnership with the local authorities to ensure drainage mechanisms are put in place? We could potentially have an arterial drainage type scheme at a local level and could also, by incentivising farmers to maintain the hedge rows, create from this some degree of income.

**Deputy Seán Connick:** I thank Deputies Sherlock and Creed for their best wishes. I, too, look forward to working with them. I agree with Deputy Sherlock in regard to litter being a difficulty throughout the country. Like him I, too, am working with my colleagues at constituency level, including the local authority, county council and tidy towns committees to address this issue on our roadways.

The Deputy will understand the difficult economic background pertaining to the announcement of this scheme. But for the heavy pressure applied by the Minister for Agriculture, Fisheries and Food and Minister for Finance we would not have been able to achieve the introduction of this scheme. We sought Commission approval for the scheme, which was difficult to get through. The figures initially started at approximately €1,400 per farmer. Through the negotiation skills of my colleagues and intervention by the Minister for Finance that figure was increased to a level of €5,000 maximum. We must now justify and account for every penny we spend. This is a much more flexible and simpler scheme to operate. Like Deputy Sherlock I, too, was visited in my office by many farmers last year in regard to the announcement of the finishing of REPS. The introduction of this new scheme is a welcome addition. I believe the feedback to this announcement will be positive. I expect a large number of people will apply for and benefit from it.

**Deputy Seán Sherlock:** I believe this is a missed opportunity. If the scheme is so diverse, is not a whole farm scheme and relates to issues such as tree planting, moor land grazing, lake catchments, mixed grazing and conservation of wild bird habitat then I honestly believe an opportunity has gone abegging to do something to stem the tide of illegal dumping and to bring farmers and landowners into partnership in terms of seeking to alleviate that problem. I accept the Minister of State's response.

**Deputy Seán Connick:** All Deputies are disappointed at the level of litter in our hedgerows and on roadsides around the country. This is an issue which I am sure we are all focused on



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trying to improve. I remind the Deputy that the scheme is being reviewed on an ongoing basis. I understand the Minister will be keeping a close eye on potential additions that may be required if systems or actions are not working. Currently, 12 actions are covered under the scheme.

### **Carcase Classification Systems.**

3. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the level of discrepancy and wrongful clarification of carcasses identified during the 415 control visits to meat plants in 2009 to monitor the accuracy and performance of cattle grading machines, involving 41,000 carcasses; if this information is available for each of the past three years; the steps being taken to improve the clarification process and to remedy errors identified; and if he will make a statement on the matter. [17246/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Beef carcase classification is traditionally based on a visual assessment of the carcase by a human classifier and, prior to the introduction of mechanical classification, critics would have regarded such human assessment as subjective, prone to error and lacking consistency.

Mechanical classification was introduced in Ireland more than five years ago and is now well established and accepted as an independent, objective and consistent system for classifying beef carcasses. The mechanical classification system is objective because it makes use of certain measurements of the carcase, by the machine, to determine carcase classification as opposed to the subjective visual assessment of the human grader.

Since the introduction of mechanical classification, officials of my Department have carried out regular unannounced inspections of meat plants to monitor the accuracy and performance of the classification machines. This assessment of the classification, for both conformation and fat, is carried out using sub-classes within each main class in order to further refine the classification assessment of the beef carcase. For example, conformation main class O can be divided into sub-classes O+ and O–, with O+ being the best in this main class and O– the worst.

My officials check the machine classification results of at least 80 carcasses during control visits. On each occasion, the performance of the machine is compared to the performance criteria laid down in the relevant EU regulations. Overall, the classification machines continue to operate well within the performance thresholds provided for in the relevant EU regulations.

Since the introduction of machine classification, all data concerning machine checks by my officials are stored electronically, which facilitates accurate and comprehensive monitoring of the machine performance.

**Deputy Michael Creed:** For the purposes of clarification, I am not advocating we revert to the human classification system. I am in favour of the mechanical classification system. The Minister will be aware of two issues, namely, recent media reports regarding the level of discrepancy in the mechanical classification system and the extraordinary angst among farmers in regard to the introduction of the new quality payment system and new grade of classifications. Under the previous system, there were five grades of classification. We now have multiples of that number. What can be done to improve the efficiency and accuracy of the current classification system?

**Deputy Brendan Smith:** I am glad Deputy Creed referred to the report in one of our daily national newspapers which totally misinterpreted the data given to them, causing as he correctly stated, anxiety among farmers who are sending cattle for slaughter and payment. I assure Deputy Creed — it is important to put this on record — that there is large-scale checking by human classifiers of the mechanical results. There are certain performance criteria laid down

in respect of EU tolerance limits. In 2009, 41,034 carcasses were checked. On average, within the tolerance level the bias is -0.06. The tolerance level in Europe is plus or minus 0.3. We are actually five times below the top of the tolerance level and as such are very accurate in regard to the analysis carried out. Those are the figures in regard to conformation. In regard to fat, we are only at a level that is one-sixth of what is tolerated. I hope I am making myself clear. We are accurate.

Deputy Creed rightly pointed out that there were criticisms in the past of the human classifier system. That was a subjective exercise. Any of us can go out and look at animals and give our views in regard to what they might be worth and so on. That is a human, subjective assessment and, naturally, people's views will vary. The mechanical classification brings this to a new level and we should be satisfied with it. I trust this accurate report will be carried into the future. I understand the anxiety among farmers, to which the Deputy referred, who read a report that misinterpreted the data supplied.

**Deputy Michael Creed:** I monitor the Minister's statements and I did not see any reference to it. It would have been useful if a clarification had been issued on the matter. As I recall, the report suggested up to 10% or 20% were wrongly classified.

**Deputy Brendan Smith:** Yes. It was ridiculous.

**Deputy Michael Creed:** That amounts to hundreds of thousands of carcasses and it could have raised the spectre of pluses or minuses for the individuals and payments on individual carcasses. However, I welcome the Minister's clarification on the matter in the context of the new quality payment system, which is having a difficult bedding-in time, but which I support in principle. It should have operated side-by-side with the old system for a period. It would have been wiser to proceed with its introduction in that way.

**Deputy Brendan Smith:** It is very important to put on record for everyone that the machines have continued to perform very well when assessed using the performance criteria laid down in the EU regulations. As I remarked earlier, classification was based on a visual assessment of the beef carcass by the classifier. Since the introduction of the mechanical classification of beef carcasses, the performance of the classification machine in each beef processing plant has been monitored by regular unannounced inspections by officials from the Department. The classification results of beef carcasses are downloaded from a mechanical classification system onto a hand-held computer and the official assesses the result of at least 80 carcasses previously classified by the machine. This assessment of classification is carried out using subclasses for each main class. The performance of the machine is determined using the same scoring criteria laid down in the EU regulation for authorisation purposes. As I indicated earlier, by and large, the checks are essentially in balance when both checks are carried out.

### **Grant Payments.**

4. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the strategic objectives he will achieve through the delivery of his recently announced sheep scheme; and if he will make a statement on the matter. [17247/10]

**Deputy Brendan Smith:** The sheep sector is a valuable part of the economy with two-thirds of its product destined for export and its future dependent on its ability to meet the needs of the market. I have always acknowledged this fact and have developed a strategy to provide specific supports to the sector.

On the financial side, I assigned €7 million from the 2009 single farm payment national reserve to 13,000 hill sheep farmers under the uplands sheep payment. As the Deputy is aware, earlier this month I launched a three-year €54 million grassland sheep scheme, the funding for

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which comes from unused single payment funds. Its main objective was to provide a much-needed boost to sheep farmers' incomes. As the scheme focuses on flocks with breeding ewes, it should also provide an incentive to farmers to maintain their production levels, which is vital for the future of a viable sheep industry in Ireland. This scheme should underpin other initiatives being taken to assist the sector. Bord Bia will spend up to €1 million this year on the promotion of sheep and lamb at home and abroad and Teagasc has allocated almost €1.5 million for sheep research during the course of this year.

Work is also being undertaken by the Department, its state agencies and the industry on foot of the recommendations of the sheep industry development strategy group, commonly known as the Malone report. This report provides a clear framework for progress for the sector. While the responsibility for implementing most of the group's recommendations fall on the industry, several are within the remit of the Department and the state agencies under its aegis, which have made significant progress in implementing them.

I refer to some of the initiatives taken, including the establishment of Sheep Ireland 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 providing the technical and professional service required. Another initiative is the establishment of the lamb quality assurance scheme in 2007. This scheme is operated by Bord Bia and now has approximately 8,085 participants. In addition, 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. Finally, 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 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.

The support provided for processing facilities under the beef and sheepmeat capital investment fund underlines the Government's commitment to the sector. Also, under the rural development programme, an indicative figure of €8 million has been allocated for sheep fencing and mobile handling facilities to help sheep farmers in reducing labour input. I am confident all the initiatives outlined will be of significant assistance in developing a strong and sustainable sheep sector in future.

**Deputy Michael Creed:** The Minister's credibility with the sheep farming community is at an all-time low. Even the €7 million promised for upland farmers has not been paid in full to date, never mind the €27 million promised in May 2007, which was a figment of Fianna Fáil's imagination in the lead-up to the election.

We are where we are in terms of the national economy and its finances because the stock response to any problem is to throw money at it. This is why I am critical of the €54 million sheep scheme announced by the Minister. All it does is throw money at the problem and it has no strategic objective underpinning it and such a provision should have been considered. Since the critical issue in the sheep industry is the free-fall of breeding ewe numbers in recent years, it would have been a desirable objective for the Minister to have indicated to participants in the scheme that one of the objectives over the three years should be to increase ewe breeding numbers by 5%. At least that would have reversed the free-fall and provided a sustainable future for the industry. That is one objective that could have been achieved.

**Deputy Brendan Smith:** I totally disagree with Deputy Creed. We are not throwing money at anything. We are providing a very valuable investment.

**Deputy Michael Creed:** The Minister is simply throwing money at it. There is no objective.

**Deputy Brendan Smith:** I noticed Deputy Creed's statement on the Wednesday after Easter when I launched the scheme. I recall that he both welcomed it and criticised it the same sentence.

**Deputy Tom Sheahan:** It is an art form.

**Deputy Michael Creed:** I am pleased the Minister reads my press releases.

**Deputy Brendan Smith:** Of course I do. I introduced the €7 million upland sheep scheme last year. That was the totality of the funding available from the unused funds to which I had access in 2009. I stated I would dedicate that funding to the sheep sector because of the difficulties it has gone through. More than €5 million of that €7 million has been paid out. Queries were made to certain people. It is not all——

**Deputy Michael Creed:** What about the €27 million?

**Deputy Brendan Smith:** The figure was €7 million in 2009.

**Deputy Michael Creed:** What about the €27 million promised in May 2007?

**Deputy Brendan Smith:** We are discussing the upland sheep scheme now. More than €5 million has been paid down. We have introduced schemes that are altogether administratively simple, under which we do not have a necessary inspection process that costs money. I refer to the new €18 million scheme. Department officials were engaged in widespread consultation with each of the farming organisations. We sought a balance between the needs of the sheep farmers on hill land and low land. I believe one of the first things we must do is arrest the decline in the flock numbers in the country.

**Deputy Michael Creed:** What has the Minister done about it?

**Deputy Brendan Smith:** We are providing assistance now. Sheep farmers and their representatives have warmly welcomed this investment, which is very important and will maintain an increased——

**An Leas-Cheann Comhairle:** I call Deputy Creed for a brief supplementary question.

**Deputy Michael Creed:** The fact that the farm organisations welcome it does not of itself make it correct or right. It does not mean that when one is spending public or taxpayers' money one simply throws it at a problem without any strategic objective underpinning it. Notwithstanding the fact that the IFA and others have welcomed it, I stand by my criticism that throwing €18 million at the sheep sector is not the solution. We should have sought to spend the €18 million but to seek a return for that investment.

*4 o'clock*  
We seek for those involved to increase breeding ewe numbers and improve the gene pool of the national flock by running a pedigree ram with the flock or whatever. These are strategic objectives but I regret to say this scheme has all the hallmarks of the Fianna Fáil strategy that got us into the mess we are in by throwing public money at problems with no strategic objectives underpinning them.

**Deputy Brendan Smith:** I totally reject what Deputy Creed has said. I refer to genetics. We have established Sheep Ireland which will be very important for improving the genetics. People will not remain in a sector if they do not get an adequate return.

**Deputy Michael Creed:** The Minister should have realised that during the past two years while they were losing their shirt.

**Deputy Brendan Smith:** The market decides that as well. This is a support to help the industry to maintain a critical mass such that we have adequate product for the processing industry as well. We export two thirds of what we produce in this country. This very important sector is worth €250 million per annum. The targeted additional funding that is to be provided will arrest the decline in numbers that has occurred over recent years. I believe it will set the sector on a firm footing to expand, rather than stand still, in the future.

### **Common Agricultural Policy.**

5. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if he will give details of his most recent discussions on the issue of ongoing review of the Common Agriculture Policy post 2013; and if he will make a statement on the matter. [16889/10]

**Deputy Brendan Smith:** I launched a consultation process with stakeholders in July 2009 to obtain their views on the EU agriculture policies which will serve Ireland and the EU best in the years to come. I am pleased with the responses I received, which will help to inform our position during the important negotiations that lie ahead. In this House last month, I announced my intention to establish a consultative committee on the Common Agricultural Policy after 2013. The first meeting of this committee is scheduled to take place on 12 May. The committee comprises all the major farming and agriculture representative organisations that are involved in social partnership, as well as a number of academics. The EU Commissioner for Agriculture and Rural Development, Dr. Dacian Ciolos, recently launched a public consultation process to give all stakeholders and interested parties an opportunity to express their views on the future of the Common Agricultural Policy. In parallel with this process, the Commission has called for specific submissions on rural development in the context of CAP after 2013. My Department has written to interested stakeholders to advise them how to participate in both consultation processes and to encourage them to do so, to ensure Ireland's voice is heard at every stage. Commissioner Ciolos will host a conference in July to discuss the findings from these consultations.

Broad discussions on the future of the Common Agricultural Policy have been under way since the second half of 2008, when the French Presidency held a first policy debate at an informal meeting of the Agriculture and Fisheries Council. Since then, every Presidency has contributed to the debate. The Czech Presidency focused on the issue of direct payments to farmers and the Swedish Presidency focused on rural development issues. At the meeting of the Agriculture and Fisheries Council in March, the Spanish Presidency got agreement on its conclusions on the role of market management measures after 2013. The Belgian and Hungarian Presidencies, which make up the trio Presidency up to 30 June 2011, fully endorsed these conclusions. In addition to the discussions at Council level, my officials and I continue to engage with other member states and the Commission bilaterally on the future of the CAP. In this regard, I recently met the new Commissioner for Agriculture and Rural Development to outline my objectives, including the need for a robust and properly funded CAP. Commissioner Ciolos has accepted my invitation to visit Ireland in July. This will be a timely visit as it will be just in advance of the publication of the Commission's formal communication on the future of the CAP. I will take this opportunity to remind the Commissioner that my overarching view, which I have repeatedly expressed at meetings of the Council and bilaterally to my ministerial colleagues, is that we need a strong and adequately resourced Common Agricultural Policy after 2013.

**Deputy Michael Creed:** I wish the Minister well in his negotiations. I believe 2010 will be a critical year. I suggest that the Commission's final document will differ little from the policy outline it will publish later this year. Does the Minister agree that the first critical phase of the negotiations on the post-2013 Common Agricultural Policy will involve securing an adequate EU-wide budget for the policy? The second critical phase will involve ensuring we retain as much as possible of the €1.3 billion we currently get. There seems to be a great deal of talk about shifting funds from Pillar 1 to the rural development side under Pillar 2. Does the Minister agree that we cannot have vibrant rural communities and rural enterprises if we do not have viable farming enterprises? Does he accept that any attempt to switch funding from the farm gate to the broader rural community is misguided in so far as it might endeavour to revitalise or retain a vibrant rural economy?

**Deputy Brendan Smith:** My first meeting with the new Commissioner after his appointment was a week after he took office. I emphasised that the agricultural community throughout the EU should be transmitting a better message to the citizens of the Union. I said we need to remind those outside the agrifood sector that the Common Agricultural Policy benefits every citizen in the Union. I pointed out that the policy is hugely important from the perspectives of food security, rural development and the provision of public goods. I made those points to strengthen our proposals, plans and arguments in favour of an adequately resourced Common Agricultural Policy. That is a fundamental starting point. At the most recent European Council meeting of Heads of Government, the Taoiseach and another Head of Government were instrumental in strongly advocating that the EU 2020 document should make adequate reference to the potential of the agrifood sector to contribute significantly to economic renewal in Europe, for example by providing more jobs. All of that has to be considered in the context of the importance of the Common Agricultural Policy. Far too often, we read ill-informed commentary at national level to the effect that the policy is designed to transfer funds to the farming community. It is a ridiculous argument. The objective of the Common Agricultural Policy is to give the citizens of Europe a secure supply of safe food. It generates many other benefits in areas like regional and rural development.

**Deputy Michael Creed:** Two other issues that relate to the Common Agricultural Policy are beginning to move centre stage. I refer to the issues of energy security and climate change. Is the Minister exploring the possibility that additional funding for Irish agriculture could be secured, if not through the CAP process itself, through related initiatives? Is that an option? In the context of the political impetus at EU level to address the issues of climate change and energy security, is it possible that we would be rewarded for having a model of agricultural production with a low carbon base?

**Deputy Brendan Smith:** I suggest that the agrifood sector should derive more funding from the research, development and innovation directorate. We discussed that issue with the new EU Commissioner, Mrs. Máire Geoghegan-Quinn, quite recently. I did not respond to the point the Deputy made earlier about the importance of Pillar 1. I am totally committed to Pillar 1. If we ensure direct payments continue to be made to farmers, we will provide some stability with regard to income levels. Adequate market management measures and stronger anti-volatility measures are of similar importance. With regard to climate change, which is hugely important, I have consistently argued at EU level that the Common Agricultural Policy can contribute to the enhancement of the environment through its environmental schemes. I have always said that the Union's efficient food production systems should not, under any circumstances, be threatened by any new international environment or climate change agreement. If we were to lessen the food production base in Europe, by definition we would move

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production to less efficient systems. All aspects of the farming and agrifood sector will be considered in the context of the important discussions that are under way. I have informed the Chairman of the Joint Committee on Agriculture, Fisheries and Food that Commissioner Ciolos will be asked to address the committee, with its agreement, during his forthcoming visit to Ireland.

### Other Questions.

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#### River Basin Management Plans.

6. **Deputy Noel J. Coonan** asked the Minister for Agriculture, Fisheries and Food the discussion he has had with the Department of the Environment, Heritage and Local Government regarding the expected impact on the farming community of new river basin management plans; and if he will make a statement on the matter. [16963/10]

**Deputy Seán Connick:** The implementation of the water framework directive, under which river basin management plans are being developed, is a matter for the Minister for the Environment, Heritage and Local Government. Draft river basin management plans for each of the river basin districts were published on 22 December 2008 and were open for public consultation for six months until 22 June 2009. The draft plans provided an assessment of the status of Ireland's water bodies, proposed the environmental objectives to be achieved and suggested measures which will be required to achieve the objectives. The measures proposed in the draft plans included a range of existing measures, such as the implementation of the nitrates regulations, and a range of possible supplementary measures for consideration. The river basin management plans are due to be finalised by 30 June 2010. My Department made a detailed submission as part of the public consultation process. It has had further input, where appropriate, through its involvement in working groups established under the auspices of the Department of the Environment, Heritage and Local Government. It is also represented on the water framework directive national advisory committee, which is chaired by the Department of the Environment, Heritage and Local Government. From the point of view of agriculture, the nitrates regulations are the primary measures under the water framework directive in terms of improving water quality. Studies such as the EPA review of the nitrates regulations and my Department's agricultural mini-catchment programme, which is due to report from 2012, will provide information on the effectiveness of those agricultural measures in reducing pollution of water by nitrates and phosphates from agricultural sources. If these findings show there is a need for additional agricultural measures, it would be appropriate to consider them in the context of a future revision of the nitrates regulations after 2013.

**Deputy Michael Creed:** Where stands the issue of the lead authority or the single agency in respect of inspecting compliance with the nitrates directive? It is 12 or 18 months since the Minister, Deputy Smith, announced he had an agreement with the Minister, Deputy Gormley, on this issue, namely, that there would be a single agency and that we would rule out duplication?

The nitrates directive was adopted only three years ago. In that period more than €2 billion has been invested by farmers in farm facilities to improve their compliance with the directive. Why are we now discussing supplementary measures after the extraordinary investment by and commitment from farmers?

**Deputy Seán Connick:** I again thank the Deputy for raising the issue with me. I take the opportunity to welcome the fact that we at least have a time scale and schedule because the plans have been discussed for the past five years. By 20 April the plans will be adopted — it is a reserve function if necessary. Alternatively, it will be adopted by executive function by 14 May. The EPA is to submit a report to the Minister by 31 May 2010 and the Minister is to make amendments, if any, by 30 June 2010. Plans are due to come into effect from 9 July 2010.

The Deputy is aware that the Department is concerned about the impact it will have on the agricultural sector. Again, we are mindful of the fact that it is all about clean water and ensuring that we reduce the level of nitrate in our water, not just in our rivers but also our lakes, across all sectors. I am sure the Deputy is acutely aware of the what we saw last winter, in terms of the level of flooding and the difficulties which that posed at that particular time.

On supplementary measures, we will be informed about them from the findings of the EPA review of the nitrates regulations. It will inform the Department of its position regarding where it will stand. The Department has also raised concerns about specific proposals on the use and control of pesticides, over grazing remediation and aquacultural licensing. It is an area on which we are keeping a close eye.

**Deputy Seán Sherlock:** I am glad the Minister of State mentioned the word “flooding” because one can have all the nitrates alleviation measures in the world, but if one does not tackle the issue of flooding it does not amount to anything. Would the Minister of State acknowledge that since the serious flooding last year nothing has been done, in concrete terms, to instigate measures which would prevent such flooding happening again, in particular in the Shannon basin region? The consultation process is lagging behind the need for direct action on flooding events, such as those we saw in the west and throughout the Shannon region. Action is now needed and it precedes the consultation process. We should not envisage a situation in the coming months like that which we saw previously, in terms of its effect on agriculture.

**Deputy Seán Connick:** I reject the accusation that nothing has been done. As the Deputy is aware, there was an immediate and swift response to the difficulties which people had. My colleagues across several different Departments were involved in setting up measures in terms of funding for people who were badly affected and also dealing with local authorities to examine the level of flooding which took place. As the Deputy is aware, a number of investigations are taking place across the country. I do not accept the Deputy’s contention that nothing has been done.

Farming, like every other industry, has to work in conjunction with nature. We all want to protect the environment and our flood plains. It is difficult when one sees the situation which has developed whereby people may have built on flood plains. It is another issue which we may deal with at some stage in the future. I live in New Ross and have dealt with flooding on an ongoing basis because I operated beside a river. I am acutely aware of the awful hardship which is suffered by people when they experience this.

From an agricultural perspective, the bottom line is that the directive is about ensuring clean water. Farmers have to deal with environmental situations on a daily basis. We cannot deal with pollution which is caused by heavy rain or flooding. We have to work together to ensure we get the right balance.

**Deputy Seymour Crawford:** I wish to follow up on the question asked by Deputy Creed regarding the consultation between the different authorities on who will be doing inspections



[Deputy Seymour Crawford.]

or if any inspections will be carried out. It is a very serious problem for farmers who are now answerable to many different groups. It is vital that inspections are reduced to a minimum.

The Minister of State referred to the weather had last year. We cannot go by the calendar structures, as far as spreading slurry and things like that are concerned. In Northern Ireland, the authorities across the Border from where I live have a much more realistic system, whereby farmers can decide when the best time to spread slurry, that is, when the ground is dry and the weather is suitable. Has the Minister examined that system?

**An Leas-Cheann Comhairle:** It is somewhat of an extension of the question.

**Deputy Seán Connick:** It is a very big extension. Inspections are currently being carried out, not just by the Department of Agriculture, Fisheries and Food but also by the local authorities. We have examined the situation. There is now a combination of co-operation between the local authorities and the Department on the level of inspections. It is an area which is currently being examined. The Minister, Deputy Smith, will probably examine it at some stage in the future. We are acutely aware of the level of inspection and the difficulties which farmers now have in dealing with the number of inspectors which are arriving on their farms. I will take the Deputy's comments on board and the Minister, Deputy Smite, might revert to him regarding same.

I am aware, as I come from an agricultural constituency, that the issue of farming by calendar is one which is of concern to farmers. However, we have rules and regulations in place. We must comply with the European Union regulations. I lobbied the Minister on these matters until I was appointed a Minister of State. As I said, there are regulations with which we must comply and, in that instance, we have done so to date.

**Deputy Seán Sherlock:** The Minister of State is in a position to change the system now.

**Deputy Seán Connick:** I am not sure about that yet. I will let the Deputy know as soon as I find out.

### **Harbours and Piers.**

7. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food the progress that has been made since May 2008 to develop the pier at Cromane, County Kerry; and if he will make a statement on the matter. [16940/10]

**Deputy Seán Connick:** Kerry County Council proposes to construct a new pier at Cromane. The proposed pier will be the property of that local authority who will be responsible for its development, maintenance and repair. Under the fishery harbour and coastal infrastructure development programme my Department has, in previous years, allocated funding to Kerry County Council to progress works at Cromane. This programme operates on an annual basis and provides funding for approved projects up to an agreed amount or 75% of the total cost in the year, whichever is the lower.

Approval for funding in any particular year does not imply any commitment of funding in future years and any funds not drawn down before the end of that calendar year return to the Exchequer. The summary of the funding my Department approved for the project in recent years is as follows: €150,000 in 2004; €200,000 in 2006; €500,000 in 2007; and €750,000 in 2008, a total of €1.6 million. I understand, however, that Kerry County Council has encountered difficulties in acquiring lands required to progress this project and is working to move matters forward.

No application in respect of the Cromane project was submitted by Kerry County Council for consideration for funding under the 2009 programme. Due to the current budgetary situation, funding cannot be provided for local authority owned facilities under the 2010 programme. Funding under the 2010 programme has been allocated to meet contractual commitments and essential safety and maintenance works. It is hoped that in the future, when the Exchequer situation improves, my Department will be in a position to recommence funding projects for the development and repair of local authority owned facilities under the fishery harbour and coastal infrastructure development programme.

**Deputy Tom Sheahan:** To date €1.6 million has been spent and there is not even a defined access route or site for the pier. Do I take it no funding was applied for in 2009 and the Department will not be unable to provide funding this year? It is a logical deduction that the project has stalled. Does the Minister of State anticipate it going any further this year?

**Deputy Seán Connick:** The Deputy will probably be aware that there were a number of difficulties with the application to An Bord Pleanála for this pier. In 2009 the board annulled the Kerry County Council compulsory purchase order, CPO, as the route for the road access outlined in that application was different from that which went to public notice in 2005. There are also difficulties with land acquisition. The Deputy should be in constant contact with the local authority on this matter. It is my intention to visit Kerry and I will be interested in what progress, if any, has been made with the €1.6 million committed to the project by my Department. There was no call for funding in 2010 because the Department had to honour contractual commitments and it did not have Exchequer funding to provide more money to the project. The Deputy should liaise closely with the county council regarding this project.

**Deputy Tom Sheahan:** Do I understand correctly that Kerry County Council did not apply for funding in 2009 or 2010? I am glad the Minister of State will visit Kerry. I would love to bring him to Cromane.

**Deputy Michael Creed:** With Deputy Healy-Rae.

**Deputy Tom Sheahan:** Nothing can be seen on the ground for the €1.6 million. The site for the pier has changed on a number of occasions. The current site seems to be the most expensive but I am not an engineer. One must take the Ring of Kerry to get direct access to the proposed pier. I look forward to the Minister of State visiting the site and, hopefully, we can move the project forward collectively.

Like my colleagues, I congratulate Deputy Connick on his elevation to the ministerial ranks.

**Deputy Seán Connick:** I thank the Deputy for his best wishes and I look forward to visiting Kerry.

The council did not apply for funding in 2009 because An Bord Pleanála had an issue with the planning application. The Department did not put a call out for funding in 2010 because we did not have funds to give out and we had commitments with which we had to comply. We have committed €1.6 million to the project to date. While I am not familiar with the project on the ground, I would like to think an amount of work has been carried out to date. I understand the logic and thinking behind the project is to facilitate aquaculture and fisheries in the area. I am committed to ensuring we take advantage of this. Perhaps there will be an opportunity to meet local public representatives such as the Deputy and council officials when I make my visit to ascertain the current position on this matter.

### **Cereal Sector.**

8. **Deputy Tom Hayes** asked the Minister for Agriculture, Fisheries and Food his views on the increase in malt imports; and if he will make a statement on the matter. [16995/10]

**Deputy Brendan Smith:** I presume the Deputy is referring to recent reports of imports of malt from the UK by a major Irish brewer. This is a private commercial matter for the company in which I have no role. However, since my Department has had a long association with the malting barley industry in Ireland, I am naturally interested in developments in this area. With regard to its decision to use imported malt, I understand the company continues to source 90% of its malt requirement for their brewing operation in Ireland and its commitment in this regard is unchanged.

The past decade has seen significant changes in the malting barley industry in Ireland. My Department's association with the growing of malting barley began with the introduction of a Guinness-initiated programme of breeding and trialling, dating back to the early 1900s, to improve the varieties of malting barley available to Irish growers. This association was formalised in 1971 when my Department and Guinness agreed to share the operating costs of the programme. The programme ceased in 2002 with Guinness withdrawing from it.

A number of other significant developments also took place in the brewing industry in Ireland at that time. These changes resulted in a new operating relationship and cost structure arrangement between my Department and the malting industry on the programme of variety breeding and trialling. The malting industry and my Department collaborate in identifying the most suitable barley varieties for malting through the official Department variety evaluation programme. The industry pays an annual fee to the Department for providing this service.

The past decade has also seen increased focus and discussion between maltsters and growers' representatives with regard to the prices being paid. However, this is a matter exclusively for the growers and the malting companies. Irish grain growers have a well established track record of producing high quality malting barley which has been facilitated by the breeding and trialling programme to which I have referred and I am confident they will continue to produce this high quality product.

**Deputy Michael Creed:** I thank the Minister for his reply, which was somewhat reassuring. Tillage farmers have had a difficult few years and recent media reports about the levels of imports of malting barley have given rise to concern. Will the Minister remain vigilant on this issue in order that this industry can be retained at its current level?

**Deputy Brendan Smith:** I agree with the Deputy that the cereal industry has gone through a difficult time. Top quality product is grown here. I spoke to the chief executive officer of Greencore regarding his company's termination of its interest in this business in Ireland. Greencore is still in negotiations with the IFA regarding redress for farmers whose contracts have been terminated and an appeals mechanism is being established. The Minister of State is also conscious of difficulties that have arisen for farmers in his area and in other counties. I assure the Deputy we will remain in contact. My officials met a number of farming organisation representatives yesterday about the issue of cereals and the growing of malting barley.

**Deputy Seán Sherlock:** I am also reassured by the Minister's reply. Given the alleged breaches of contract, will a mechanism be introduced to facilitate the compensation of farmers for loss of contract? Potentially, the company has abused its dominant position by allegedly breaching contracts. What is the Minister's view on that?

**Deputy Brendan Smith:** One of the issues brought to my attention by farmers at one stage in regard to pricing is the disagreements between the farming organisations and Greencore Malt about the price paid for the crop over a number of years. Apart from considering the price to be too low, the fact that Greencore Malt only set the price at harvest time placed the farmer in a more vulnerable position than usual as well. Deputy Connick and I spoke to the chief executive officer of Greencore about the issue and the company has been in contact with the IFA.

**Deputy Michael Creed:** The Minister could facilitate forward selling.

**Deputy Brendan Smith:** I am not privy to the negotiations and how they have progressed but I hope there will be redress for farmers whose contracts have been terminated. I understand consideration is being given to the establishment of an appeals mechanism. It is an important product for an important Irish brand. Any of us who sample the product can always attest to its quality. We are proud that the raw material is grown to a high standard in our own country.

**Deputy Seán Sherlock:** Not if one is loyal to Beamish.

**Deputy Brendan Smith:** I mean no disrespect to other good products.

### **Dairy Sector.**

9. **Deputy Enda Kenny** asked the Minister for Agriculture, Fisheries and Food his views on whether milk supply levels have dropped 10% during the first two weeks of the quota year; and if he will make a statement on the matter. [16985/10]

**Deputy Brendan Smith:** Milk supplies are subject to a number of variables, including price, climatic and other factors. On the 2009 to 2010 quota year, which ended on 31 March 2010, preliminary figures from the co-ops indicate that milk deliveries were 9.82% under-quota nationally for the year as a whole.

Milk markets have been subject to extremes of volatility in recent years. From the high prices in 2007, world dairy markets returned to far lower levels in 2008, primarily due to a collapse in demand caused by the global economic downturn. That trend continued into 2009, before gradually improving later in the year. Adverse weather conditions in 2009 were also a significant factor in the supply levels in that year.

The outlook for 2010 is far more optimistic. In 2009, I continually pressed the European Commission to take all appropriate actions to deal with the dairy market situation and the implementation of a range of support measures helped to stabilise the market. The application of the full range of market support measures helped to put a floor under prices, which began to stabilise last autumn and have recovered significantly since then. They needed to recover significantly. The medium-term prospects for global dairy markets are also good. Growth in wealth and population is forecast to stimulate strong levels of demand for dairy products and returns should improve to all parts of the sector.

While the very cold first quarter of 2010 was not conducive to grass growth, temperatures have increased recently and the price outlook is far more positive than at this time last year. Returns on milk deliveries are supplied to the Department on a monthly basis by milk processors. The figures in respect of April 2010 will not be compiled until mid-May. At this point, therefore, I am not in a position to comment on milk supplies for the first two weeks of the quota year.

**Deputy Michael Creed:** Is the Minister concerned that if the trend were to continue that not only would it call into question viability inside the farmgate, but it would also call into question the sustainability of jobs in the agrifood sector? Will he comment on that issue?

Does the Department have a method of tracking the profile of people exiting the dairy industry? I do not claim to have carried out any scientific analysis but my observation is that many of the people now exiting the dairy industry are not the small producers but are medium to large producers. That is an alarming development. The Minister and his officials would do well to track developments in that regard, analyse them and take steps to address what is happening because those producers are the engine of the dairy industry and this development is giving cause for concern. I do not in any way undermine the fact that producers of all sizes in the dairy sector are under pressure but the people I have seen exiting in the biggest numbers are at least medium-sized quota holders.

**Deputy Brendan Smith:** Regarding the drop in production, even though we do not have official figures, we have made informal contacts with the industry. It has been suggested that in the first two weeks of April deliveries were considerably down, perhaps in excess of 6% compared to the same period last year, due primarily to restricted grass growth as a result of the prolonged cold spell. However, more recent evidence received through informal checks with the industry indicates that the situation appears to have improved considerably in the past ten days. Current expectation is that supply will be within 2% or 3% of last year's total by the end of the month.

We want to maintain our production base. Reports of people leaving the industry suggest a mix of producer size. Those in various processing sectors and co-operatives indicate that there is no set pattern. We will analyse the situation further.

Last year, when additional quota became available to this country as a result of the health check of the Common Agricultural Policy, I devoted a certain percentage of it to new entrants. Based on the applications, the quality of the entrants was extremely high. Unfortunately, we had to disappoint well-qualified applicants. Another scheme is currently under way which I expect will be oversubscribed as well.

**Deputy Seán Sherlock:** We all have to be seen to be doing something when it comes to the dairy sector but it appears that every mechanism that could be put in place has been put in place. I refer to the market management regime, the export refund scheme and intervention stocks. Will the Minister acknowledge that until such time as there is a pick-up in global demand that the system will remain as it is for some time? Perhaps I am wrong but it appears that not much more can be done in terms of intervening to facilitate a recovery until such time as global demand for milk and milk-based products picks up.

**Deputy Brendan Smith:** What Deputy Sherlock said is correct. It is often a case of supply and demand. Buoyancy will return to the market and that will ensure an adequate price will be returned right along the dairy chain. The market management measures put a floor under the price. Last year, we argued that they were extremely important but we would have liked to have had that floor at a higher level under the price. The poor price last year in conjunction with the harsh winter contributed to a lower production. We hope the weather, fodder and good grass will contribute to an increase in production this year. The recent auction and the Fonterra auction have given a strong signal to the market on an improved situation. I hope the increases that have occurred since autumn of 2009 and the spring will again lift in April.

### Rural Environment Protection Scheme.

10. **Deputy Joe Costello** asked the Minister for Agriculture, Fisheries and Food if he will provide a breakdown of the level of REP scheme penalties on a county basis; if he will further provide a breakdown of penalties by measure; and if he will make a statement on the matter. [16931/10]

**Deputy Brendan Smith:** The details requested are contained in a tabular statement which will be circulated to Members. Under EU regulations, the Department is required to carry out controls each year on 5% of participants in REPS. These controls involve a full check of the farm plan as well as an on-farm inspection. Where farmers are found to be in breach of their undertakings, a penalty must be imposed. The penalties are set out in the scheme documentation. A farmer on whom a penalty is imposed has the right to appeal it locally in the first instance. If he is not satisfied with the outcome, he can appeal further to the Agriculture Appeals Office, and ultimately to the Ombudsman.

The financial value of penalties imposed since REPS began in 1994 is less than 1% of the total paid over that period to farmers, which now stands at more than €2 billion. This indicates that the penalty regime is reasonable and is applied sensibly, and also indicates the generally high level of compliance among farmers.

REPS has been one of the most successful schemes operated by the Department. It has delivered multiple benefits to the environment in terms of water quality, biodiversity, conservation and landscape enhancement. It has also brought welcome income benefits to farmers, with more than €342 million paid out to REPS participants last year, which was the highest level in any year since the scheme began. Payments due to REPS farmers this year will continue at that high level. Farmers will continue in REPS right up to the end of 2014. By the time the scheme finally comes to an end, payments to farmers will have exceeded €3 billion.

On 30 March this year, I launched a new agri-environment scheme using EU funding secured from modulation and the European Economic Recovery Package. A substantial top-up from the national Exchequer will allow for up to 10,000 farmers to be admitted to the new scheme at a rate of up to €5,000 a year for five years. The scheme is designed to make a positive contribution to the priorities of biodiversity, water quality and climate change. In those respects I am confident that it will build on the success of REPS and that it will be widely attractive to farmers. The number of individual penalties imposed per county will be circulated.

#### REPS 3

County	Number of Penalties imposed 2009	Number of Penalties imposed 2010
CARLOW	51	14
CAVAN	68	19
CLARE	96	40
CORK	333	62
DONEGAL	186	76
DUBLIN	6	3
GALWAY	271	164
KERRY	115	30
KILDARE	49	12
KILKENNY	98	33
LAOIS	89	28
LEITRIM	58	45
LIMERICK	125	32
LONGFORD	83	11

[Deputy Brendan Smith.]

County	Number of Penalties imposed 2009	Number of Penalties imposed 2010
LOUTH	12	2
MAYO	196	77
MEATH	59	9
MONAGHAN	45	2
OFFALY	105	52
ROSCOMMON	84	33
SLIGO	50	66
TIPPERARY (NR)	136	25
TIPPERARY (SR)	89	36
WATERFORD	73	31
WESTMEATH	71	43
WEXFORD	132	81
WICKLOW	41	50
Totals	2,721	1,076

## REPS 4

County	2008 Scheme Year Penalties	2009 Scheme Year Penalties
CARLOW	18	16
CAVAN	114	33
CLARE	40	50
CORK	121	126
DONEGAL	343	100
DUBLIN	8	5
GALWAY	302	140
KERRY	263	125
KILDARE	21	35
KILKENNY	39	37
LAOIS	44	44
LEITRIM	98	21
LIMERICK	137	52
LONGFORD	19	40
LOUTH	9	7
MAYO	283	68
MEATH	22	18
MONAGHAN	73	35
OFFALY	39	80
ROSCOMMON	282	35
SLIGO	142	23
TIPPERARY (NR)	68	61
TIPPERARY (SR)	76	60
WATERFORD	87	46
WESTMEATH	39	43
WEXFORD	81	45
WICKLOW	13	47
Totals	2,781	1,392

**Deputy Seán Sherlock:** I do not have access to the tabular information. However, I accept the Minister's reply. In posing the question I was interested in finding out why farmers were becoming liable for penalties and what was the source of the non-compliance. If we had a record of that information, matters could be rectified in future.

**Deputy Brendan Smith:** I do not have an exact percentage breakdown between the reasons for the different types of penalty imposed. We will carry out a scoping exercise and provide the results to the Deputy. We did not have the time to gather that information in the time available as there is pressure to make payments in the REPS area.

By and large the farmer undertakes to comply with a number of conditions of the scheme. The penalties cover breach of scheme requirements, for example, not undertaking work signed up to or failing to complete the term of the contract and other issues such as late submission of payment claims. It is unusual but that actually happens.

Having spoken to officials towards the end of November last year I learned we had sent out a card that only had to be signed and sent back. We want to have the money sent out before the end of the year. We had to send out reminders to people and had to put a notice in the newspapers asking them to help us. We said we had the money, wanted to pay it and asked that the documentation be returned. It is not the most onerous task to return a payment claim. We will try to obtain for the Deputy, through a scoping exercise, the types of penalties that exist. At times an inspection will take place and the inspector will ask the person in question to rectify something that is relatively minor.

**Deputy Seán Sherlock:** How many did not submit payment claims or did so late?

**Deputy Brendan Smith:** I believe the number is relatively small but late submissions necessitate otherwise unnecessary clerical work by the Department. It costs us to write to people. We even telephone people to ask them to return their claims before the end of the year so we can pay them. That is not always the biggest problem. Inspectors are trying to finalise submissions when they visit individual farmers.

**Deputy Martin Ferris:** The Minister will agree that the farmers in Kerry would not be too disappointed if they received a penalty of 1% given that they have been waiting since 15 December to receive their REPS payments.

Over €8 million is owed to REPS farmers in Kerry. Is it possible that payment could be speeded up? Some farmers are heavily in debt to the banks and the banks are putting pressure on them to make repayments. The farmers are depending on receiving their REPS payments in order to do so.

**Deputy Brendan Smith:** Deputy Ferris and all Members from Kerry have spoken to me on a number of occasions regarding delays in payments from the two offices in County Kerry. From recollection and from having spoken to Oireachtas colleagues in the past day or two, I note approximately 60% of payments had been made in County Kerry. There was a difficulty over staffing in the office but it has been resolved today. I hope we will be able to make payments rapidly.

**Deputy Martin Ferris:** I welcome the fact that the issue has been resolved because there has been no change to the figure of 60% that I received about six weeks ago.

**Deputy Michael Creed:** The deadline of 17 May is looming. There are cases to be considered in the Department in respect of single farm payments and the agri-environment options scheme and some in respect of REPS 4. Some of those who applied to join REPS 4 did so over 12



[Deputy Michael Creed.]

months ago and have had no communication whatsoever from the Department. They expect, in the coming days, to receive a reply indicating in some fashion that their applications are deficient. They will have to return the applications through their planners by 17 May.

One should bear in mind the planners are working night and day to make single farm payment submissions and they are trying to deal with new applicants under the agri-environment options scheme. Some applications for REPS 4 have been with the Department for over 12 months. There is a small handful of cases nationwide. Can there be some leniency in those cases? If planners are logistically unable to submit all the applications and paperwork to the Department by 17 May, farmers will be the losers, through no fault of the planners. The planners submitted the applications in good faith over 12 months ago and have heard nothing from the Department.

**Deputy Brendan Smith:** I discussed the relatively small cohort to which the Deputy referred with officials relatively recently. I will obtain an update and inform the Deputy of the outcome on Tuesday next. I asked whether there was a provision that could facilitate those who, through no fault of their own, had not the opportunity to return a form.

**Deputy Michael Creed:** A period of 12 months or more is unacceptable.

**Deputy Brendan Smith:** The schemes are run very efficiently. Many applications that are received are deficient. At times, the Department sends back applications for further clarification and in respect of which further data must be submitted. The replies do not always come as expeditiously as the Department would like. We want to ensure farmers receive their payments rather than deny them the opportunity of participating in a scheme.

**Deputy Seán Sherlock:** The Minister stated the problem in Kerry was sorted today. What exactly does he mean by that?

**Deputy Brendan Smith:** In order to sign off on some applications so payments can be made, officials of a certain rank are required. In the offices in question, we had no officials of that rank. An agreement has been reached to allow for officials to be put in place who will be able to sign off on the forms.

**Deputy Seán Sherlock:** When?

**Deputy Brendan Smith:** That will start immediately in regard to Kerry.

**Deputy Seán Sherlock:** When can the farmers expect their payments?

**Deputy Brendan Smith:** I presume they will be sent out quite rapidly, although everybody will not have them on Monday.

*Written Answers follow Adjournment Debate.*

### **Adjournment Debate Matters.**

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Joe Costello — the need to oppose any upgrade in EU-Israeli relations until there is an improvement in Israel's behaviour towards the Palestinian population in Gaza and the West Bank; (2) Deputy James Bannon — the retention of scan, X-ray and other facilities at the Midlands Regional Hospital, Mullingar, County Westmeath; (3) Deputy Joan Burton —

the need to provide adequate primary and second level schools for Tyrellstown, Dublin 15; (4) Deputy Pat Breen — the need to amend the Waste Management Acts 1996 to 2008; (5) Deputy Seán Sherlock — the need to retain all services and maintain full capacity of Cobh community hospital, County Cork; and (6) Deputy Lucinda Creighton — the management of funding within the Dublin Inner City Partnership.

The matters raised by Deputies Bannon, Sherlock, Costello and Burton have been selected for discussion.

### **Adjournment Debate.**

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#### **Hospital Services.**

**Deputy James Bannon:** I thank the Office of the Ceann Comhairle for allowing me time to raise this urgent matter, namely, the need for the Minister for Health and Children to clarify her position on the Midlands Regional Hospital, Mullingar. I would like her to assure me this evening that the withdrawal of services from the hospital and the refusal of scan and X-ray services to public patients are not indicative of the closure of the hospital by stealth. The hospital is a valuable and much-needed health facility for the midlands.

What exactly are the Minister's plans for the hospital? The completion of phase 2B at the hospital must be one of the longest sagas of inefficiency on the part of her Department, despite the ring-fencing of €57 million for the hospital 12 years ago. This sum has ended up being drip fed over the past 12 years and work has not been completed to date. Longford-Westmeath was assured services in the area would be fully supplied and remain at the hospital. However, among other cutbacks, the breast cancer unit was withdrawn in November 2007, 25 beds have been closed at the hospital, front-line staff numbers have been reduced, budgets have been cut, transport vouchers have been withdrawn and now *post mortem* services are to be redirected to Tullamore hospital. Scans and X-rays are apparently unavailable for public patients and lives are being put at risk.

Last September, the HSE supported the issuing of bogus appointments for a consultant dermatologist in a department that did not exist at the hospital. This meant seriously ill patients were being given appointments for a consultant who had left the hospital six months previously. A new consultant had not been appointed and the department was effectively closed. Appointments were cancelled at the last moment and patients were strung along in a blatant cover-up.

I draw the attention of the Minister of State, Deputy Connick, to the latest health-threatening cutback at Mullingar hospital. I ask that a full investigation be carried out by the Minister for Health and Children in regard to it. Public patients are being refused scans and X-rays at the hospital and it is alleged that general practitioners are being forced to refer patients to Dublin hospitals on a private basis. This is putting the gun to the heads of vulnerable patients, who are, once again, being forced to put their hands into their own pockets to avail of necessary procedures.

It is scandalous that the Department of Health and Children is putting in place measures to ensure patients must either go without investigative procedures or pay privately for scans or X-rays. If this is a deliberately orchestrated response to general practitioners' referrals, the Minister should consider her position. If it is the case, I will accept nothing less than a resignation from her because she is totally incompetent and inefficient in her administration of the health service.

[Deputy James Bannon.]

Irrespective of whether this scandal is geared to close the hospital by stealth or not, it should be thoroughly investigated. If this is happening in Mullingar Regional Hospital, then the chances are that this directive is in place around the country. Longford lost its hospital, which was closed in 1986. Guarantees were given that a full service would be available to all in Mullingar. This is not proving to be the case. Longford-Westmeath relies on this valuable hospital, which is one of the top performing hospitals in the country. It must be supported by the HSE in an open and fully transparent manner, with all the necessary services being provided.

I stress that a deliberate and cold-hearted campaign of axing services in Mullingar Regional Hospital, to the detriment of the health of the people of Longford-Westmeath will not be tolerated and questions must be answered by the Minister.

Why are patients being denied life-saving procedures? Why is it that under this Minister's watch patients' lives are continually being put at risk in this hospital? I demand answers here this evening.

**Minister of State at the Department of Agriculture, Fisheries and Food (Deputy Seán Connick):** I thank the Deputy for raising the question which I am taking on behalf of my colleague, the Minister for Health and Children, Deputy Mary Harney.

The Midland Regional Hospital at Mullingar, MRHM, is part of the Dublin Midlands Hospital Group. The aim of the hospital is to deliver a quality-driven, people-centred service to the population of Dublin-Midlands and in particular the Longford-Westmeath area.

The Deputy's question assumes there has been a withdrawal of services at Mullingar Hospital and also a refusal to provide scan and X-ray facilities to public patients. The HSE has confirmed that there has been no withdrawal of such services at Mullingar. On the provision of scan and X-ray facilities, a recent nationwide survey conducted by HSE HealthStat revealed that access to radiology for urgent cases in the MRHM catchment area is the best in the country. This is achieved through the diligence of the radiologists in the Department reviewing individually every request for CT, MRI and ultrasound, and prioritising them. While this can be a very time-consuming process, it is considered to be an efficient and effective process by the consultant radiologists at Mullingar hospital.

The trend in modern medicine practice is to use more and more investigation. From a clinical perspective, not all of this is considered to be helpful. However, a consultant radiologist at Mullingar has indicated that in many cases GPs' requests can be unnecessary, resulting in the waiting times for more appropriate examinations taking longer than necessary. Consultant radiologists at Mullingar hospital return a number of requests to the referring doctor for various reasons, usually because the test requested is inappropriate for the clinical problem. This practice applies to requests from both general practitioners and internal requests from doctors in the hospital.

I am informed that, for example, international evidence shows that in the case of back and neck injury presentations, unless there is evidence of neurological damage, the use of imaging is not indicated. Inappropriate requests are not accepted for scans on any patient, whether public or private, at the hospital. The HSE has categorically confirmed to the Department that all patients, both public and private, are treated equally for the purposes of radiology requirements at Mullingar Hospital.

Where scans are available from private providers, the criteria used to decide whether they are required may be different. This could give the mistaken impression that these private patients are getting a better service.

The activity and volume through the Radiology Department at Mullingar hospital is constantly increasing year on year. The position on radiological tests at the hospital during 2008 and 2009 is an increase of 2.5%. I am confident that services at the Midland Regional Hospital Mullingar are designed to deliver the best and most appropriate services to all of its patients and will continue to do so into the future.

**Deputy Seán Sherlock:** I should say at the outset that Cobh community hospital is a facility that is very well-regarded by the people of Cobh. I have been asked by my Labour Party colleagues on Cobh Town Council to raise this issue as a matter of urgency because there is a situation whereby the National Treatment Purchase Fund has taken over the fair deal scheme as it relates to Cobh hospital. That will have serious permutations for the cost per patient per week in that it is stated that the possible drop in fees from €1,200 to €800 per bed per week could result in a serious deficit. Obviously a deficit in funding would have an impact on the ability of the patients to remain within the hospital in the first instance, but also severely impact on the hospital's ability to take in new patients.

It is a 38-bed hospital and there are approximately 40 staff. What goes to the heart of this is the issue whereby care for our older people who are in community-based facilities is being eroded by this Government through a process of stealth. The Government's model of health care is about rolling back the State and these wonderful community-based facilities so that they may be completely and utterly subsumed into a private nursing home model, thereby rolling back the stakeholders that communities have within these hospitals which make them the excellent facilities they are. It is all being done under the wonderful guise of HIQA rules and the fact that these institutions are older. Anything that is deemed to be older in this new paradigm we have with this Government is deemed not to be of sufficient standard.

I want to speak for hospitals such as Cobh, the welfare home in Youghal and Nazareth House in Mallow, all of which provide an excellent standard of care, but are now under threat because of the new rules that have come into play through the fair deal scheme and the new punishing HIQA standards. All I want to do here is make the case for Cobh community hospital, in that it is an excellent facility. There is a significant buy-in from the people of Cobh into this hospital. The staff coterie is very loyal to the hospital. The patients there are happy, and I would hope the Government ensures the continuation of this hospital in perpetuity, especially for the older people of Cobh who will use it, hopefully, into the future.

**Deputy Seán Connick:** I thank Deputy Sherlock for raising this issue which relates to the nursing home support scheme, "a fair deal". The scheme commenced on 27 October 2009 and the HSE is now processing applications.

The scheme was introduced in order to address the fundamental inequity in the treatment of public and private long-term nursing home residents and in order to alleviate the financial hardship being experienced by long-term residents in private nursing homes. Prior to the introduction of the scheme, many people in long-term nursing home care experienced unaffordable care costs over periods of many years. The result was that many people had to sell or remortgage their houses or had to turn to family and friends in order to find the money to meet their care costs.

A fundamental purpose of the new scheme, therefore, was to offer assurance to one of the most vulnerable groups in society — those in need of long-term nursing home care — that such care will be affordable and will remain affordable for as long as they need it. In order to achieve these objectives of equity and affordability, the new scheme involves a fundamental change in the way in which long-term nursing home care is funded and, consequently, the way in which nursing homes and community hospitals are funded. In the past, many of these facili-

[Deputy Seán Connick.]

ties were allocated a lump sum annually. In contrast, the new scheme supports the individuals in need of long-term residential care, not the facilities providing the care. This means that funding follows the patients, regardless of whether they choose a public, private or voluntary nursing home, and ensures that these facilities are not being funded for empty beds.

In order to qualify for the scheme, all private nursing homes, including Cobh community hospital, must negotiate and agree a price for the cost of care with the National Treatment Purchase Fund. This is a necessary feature of the scheme due to the commitment by the State to meet the full balance of the cost of care over and above a person's contribution.

5 o'clock As stated above, the nursing homes support scheme only applies to long-term nursing home care. Nursing homes and community hospitals can continue to have separate agreements with the HSE for the provision of other services, for example, day care, respite and convalescence.

Finally, the Government is committed to developing a financially sustainable funding model to support all long-term care services, both community and residential care services. It is envisaged that this work would also encompass short-term residential care such as respite and convalescence care. This commitment by Government was made in the social partnership agreement, Towards 2016, and preliminary work has commenced within the Department of Health and Children on the analysis of funding models.

### Human Rights Issues.

**Deputy Joe Costello:** I am pleased to have an opportunity to raise this issue on the Adjournment.

I understand the OECD is planning to confer member status on Israel at its next meeting on 10 May, and that our Government will be supporting this move. I already raised this matter with the Minister at the Joint Committee on European Affairs, and the committee, at my request, wrote yesterday to the Minister protesting against Ireland's support, as a member of the OECD, for Israel's becoming a full member in the present circumstances. The road map for the accession of Israel to the OECD Convention, which was adopted in November 2007, states:

The Council reaffirms that OECD Membership is committed to fundamental values, which candidate countries are expected to share. These fundamental values serve as the foundation of the like-mindedness of OECD Members and have been expressed in various OECD Ministerial Communiqués. [. . .]

These fundamental values include a commitment to pluralist democracy based on the rule of law and the respect of human rights, adherence to open and transparent market economy principles and a shared goal of sustainable development.

The key phrases here are "pluralist democracy" and "respect for human rights". If we now give our *imprimatur* to Israel's accession, we are effectively saying that we acknowledge that Israel is not in breach of human rights in its relations with the Palestinian people and that it is a pluralist democracy.

I will quote one or two things the Minister for Foreign Affairs, Deputy Martin, has said in this regard. He wrote in *The New York Times* on 5 March this year:

I view the current conditions prevailing for the ordinary population [in Gaza] as inhumane and utterly unacceptable, in terms of accepted international standards of human rights. . . . I genuinely believe that the medieval siege conditions being imposed on the people of Gaza are unacceptable.

In December 2009, the Minister described Gaza as “an open prison”. If that is the view of the Minister — which presumably reflects the view of the Irish Government — how can he back Israel’s OECD membership? The decision is to be made on 10 May. The only way to address this would be for the Minister to raise at that meeting the issues and concerns that have been expressed throughout Ireland, including the invasion of the Gaza strip in December 2008, which continued into January 2009, and the fact that since then Gaza has effectively been an open prison, as the Minister said — actually, a closed prison. A total of €4.5 billion in funding has been collected from the international community, including the Quartet. Israel will not allow people to move freely from Gaza; nor will it allow any repairs, development or construction work to take place. The proper response would be for the Minister to argue, on Ireland’s behalf, that this matter should be postponed and no decision should be taken until there is clear, demonstrable proof that Israel will fulfil its human rights obligations under international law — obligations that are part and parcel of the accession process to the OECD. Failing that, Ireland should dissent from the decision on Israel’s accession to the OECD.

**Deputy Seán Connick:** I thank the Deputy for raising this matter on the Adjournment. The Minister for Foreign Affairs appreciates the opportunity afforded by this debate to address on the floor of the House these matters, to which the Minister has replied in several parliamentary questions over the last week or so, including a reply issued today to a written parliamentary question tabled by Deputy Costello. The Minister welcomes the engagement of the Oireachtas on this matter as well as that of civil society organisations, several of which met with our ambassador to the OECD in Paris last week, and others who will meet officials from the Department of Foreign Affairs during the course of next week.

In June 2008, at the annual Association Council meeting with Israel, the EU agreed in principle to further enhance its relationship with Israel. The EU restated this agreement in principle at its December 2008 External Relations Council. Ireland agreed with this decision, but acted with other member states to ensure that the decision of the External Relations Council included a clear linkage to the EU’s political concerns in the region, especially progress on the peace process.

Following the Gaza conflict, Ireland and other member states argued that for the EU to proceed at this time with the proposed upgrade would be open to misinterpretation, both in the wider Middle East region and in Israel itself. In June 2009 the Council agreed that the time was not right to proceed with the upgrade. This remains the position for now. It is the Government’s view that nothing has happened to alter that decision. For practical purposes, co-operation with Israel continues to be guided by the existing Action Plan.

With regard to the proposed accession of Israel to the OECD, it should be recalled that the OECD has periodically enlarged its membership since its foundation in 1961 with 20 members, including Ireland, to its current membership of 30. In 2007, the OECD ministerial council meeting decided, by consensus, to open accession discussions with five countries, including two EU partners: Estonia, Slovenia, Chile, Israel and the Russian Federation. The OECD accession process involves submission of an initial memorandum which sets out the country’s position on more than 200 OECD legal instruments, and technical accession reviews by 22 OECD committees assessing the country’s compliance with the OECD *acquis* — that is, the organisation’s standards for multilateral co-operation. These obligations include liberalisation commitments under the OECD investment instruments, adoption of national laws which comply with the requirements of the OECD anti-bribery convention, and commitments related to environmental policy. A final decision is made by the Council of the OECD to invite the candidate country to accede.

[Deputy Seán Connick.]

An invitation to accede to the OECD is based upon the applicant country's compliance with the organisation's *acquis* and does not relate to or imply approval for other actions or policies of that state. This is a very important point, which must be emphasised. Agreeing to an application from a particular state to accede to the OECD does not in any way indicate the OECD's approval of other policies or practices of the country concerned. What the 30 members of the OECD are acknowledging is that a successful applicant is in compliance with the organisation's *acquis*.

An accession agreement with Chile was signed on 11 January of this year and it will accede formally to the organisation once ratification procedures are completed. It is expected that Slovenia, Estonia and Israel will complete their accession procedures this year. The accession process for Russia is moving at a slower pace and there is currently no predicted date for completion. In the case of Israel, on the basis of formal opinions and all other relevant technical information, the Secretary-General of the OECD has recommended to the OECD council that Israel be invited to accede to the organisation. It is expected that the OECD council will address this matter over the weeks ahead.

Throughout the Israeli accession negotiations, the EU has adopted a cohesive approach. It plans to issue a common statement at the OECD council when a decision to formally invite Israel to become a member is taken in the coming weeks. It is anticipated that the EU will note that Israel has taken a number of important steps forward through the adoption of new legislation, regulations and policy directions in many areas, including anti-corruption measures, the environment, competition and intellectual property rights. It is also likely to state that Israel is expected to demonstrate readiness for compliance with the recommendations made by OECD bodies in the accession process and to pursue reforms, especially in areas in which implementation periods were granted or commitments have been undertaken.

On one issue of particular sensitivity — that of statistics on Israel — the following footnote will appear in all OECD documents which include statistical data on Israel:

The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.

The use of this footnote will be formally agreed in an exchange of letters between the OECD and Israel which will be signed this evening in Paris. Taking all requirements of the accession process into consideration, the Minister for Foreign Affairs expects that Ireland will join the other 29 members of the OECD in formally inviting Israel to become a member. Upon acceding to the OECD, Israel, like all new members, will be subject to vigorous and objective peer review processes across a range of areas, including potentially sensitive ones such as labour standards and issues relating to income inequality and discrimination. We will work with partners in ensuring that Israel fully complies with all the obligations arising from OECD membership.

### **Schools Building Projects.**

**Deputy Joan Burton:** Tyrellstown in Dublin 15 is a vibrant community of over 2,000 houses and apartments built over the past eight years. It now has a population in excess of 5,000, many of them children. Many people will only have heard of Tyrellstown as a consequence of the tragic recent killing of one of its young residents, Toyosi Shittabey, a Nigerian born 15 year-old who was raised in Ireland and had promise as a footballer and athlete.

For the past eight years, successive Fianna Fáil Ministers for Education and Science have promised that significant new developments like Tyrellstown would get primary and secondary schools. After seven years, a permanent site for two primary schools was acquired in January 2010 at a cost of over €4 million. This seven acre site is intended to house Tyrellstown Educate Together and Mulhuddart national school. When will permanent buildings for these primary schools be built? These fine primary schools are in many ways the soul of their communities. It is a false economy to accommodate students in temporary buildings paid for by the Department of Education and Science.

A permanent secondary school building is also urgently needed for this community. The Department does not seem to have considered providing a new secondary school even though approximately 150 children graduate local primary schools every year and are dispersed widely across Dublin 7 and Dublin 15.

Tyrellstown is a fine, multicultural community and it is in shock at the killing of Toyosi. The lack of a second level school means that pupils who have been educated together in their local primary schools are dispersed when they go to secondary school. At a time when integration is really important, it is an appalling commentary on the Government and the Department that the community has no permanent primary school, secondary school, community facility or playing fields. This is a community full of soccer and GAA mad children. If we want a genuinely integrated community of Irish people and new Irish people, it is critically important that we educate children of diverse backgrounds together. Facilitating children growing up and playing sports together is the best way of ensuring integration for children and their parents.

A secondary school with a gym, sports hall and playing fields is taken for granted in many smaller communities. When will Tyrellstown get the resources it needs and deserves? Ireland was shocked by the death of Toyosi. There was a huge outpouring of support and sympathy for his family and friends. GAA and other sports clubs are working on the ground without facilities.

Many people in Tyrellstown bought their houses at the height of the Celtic tiger and are paying huge mortgages as well as their taxes. They deserve to see their tax money spent on much needed facilities for their children at primary and secondary level. Millions of euro in development levies were paid by people who bought their houses in Tyrellstown, yet this Government cannot provide the basic community facilities these levies were supposed to fund.

I seek a clear timetable for the construction of these schools. I see no reason that work cannot commence on these schools or steps taken to acquire a site for a secondary school and associated playing fields. The secondary school could be started on a temporary basis in the vacated prefab primary schools while the permanent building is being constructed.

The Minister of State at the Department of Education and Science, Deputy Mary White, and her ministerial colleagues expressed sympathy for the community after the death of Toyosi. These expressions were well meant but how can a community of 2,000 houses and 5,000 people be left without permanent facilities or opportunities for teenagers to play sports and attend school together? That is not a recipe for integration.

**Deputy Seán Connick:** I am replying to this matter on behalf of my colleague, the Tánaiste and Minister for Education and Science, Deputy Mary Coughlan. I thank Deputy Burton for raising this matter as it affords me the opportunity to outline to the Dáil the process being utilised to ensure that there will be adequate accommodation in schools at primary and post-primary levels in all parts of the country.

The forward planning section of the Department of Education and Science utilises the latest in geographical information system, GIS, technology to assist in planning school requirements in the future. The GIS contains geo-coded information on all schools in the country at primary



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and post-primary level. This information is linked to the relevant demographic information for those areas, which typically is supplied from the Central Statistics Office's census data, the general registrar of births, the Department of Social and Family Affairs, An Post's geo-directory and information supplied by local authorities through development plans. Growth projection figures are applied to the existing population with a view to assessing future requirements and identifying the areas experiencing highest growth at primary and post-primary level. In addition, there is ongoing liaison between the Department and local authorities to establish the location, scale and pace of major developments and their possible implications for school provision.

The forward planning section of the 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 2014-15. Given the increase in the birth rate in recent years, the initial focus of this analysis is on primary accommodation requirements and this will be followed by a more detailed analysis of post-primary accommodation requirements. Overall school accommodation requirements in the Tyrellstown and Mulhuddart areas, including requirements for additional post-primary accommodation, are being considered as part of this process. However, the Deputy will be aware that a new post-primary school with capacity to accommodate 1,000 pupils is currently under construction in Phibblestown and this should assist in easing accommodation pressures at post-primary level in the Tyrellstown-Mulhuddart area in the short term.

**Deputy Joan Burton:** That is a completely different area.

**Deputy Seán Connick:** The Deputy will be aware that the Department, under the terms of the Fingal model agreement, requested Fingal County Council to acquire a number of sites in the council's administrative area, including a site for Tyrellstown Educate Together and Mulhuddart national school. Following the recent acquisition of a site by the county council, the previous Minister included both schools in the announcement of 16 February 2010 on the appointment of a design team. Since February, departmental officials have held preliminary discussions with the local authority in regard to the schools. Template drawings for the project have also been prepared and a tender competition for the appointment of a project manager and design team is under way. Following completion of this competition, a contract will be awarded and it is anticipated that the project will progress through the design and construction phase as soon as possible thereafter.

Any further proposed building projects required arising from the forward planning section's analysis will be considered in the context of the Department's multi-annual school building and modernisation programme for 2010 and subsequent years. However, the House can rest assured that the Department is fully aware of the rapidly developing nature of the Dublin 15 area, including Tyrellstown, and the associated demands for school places.

The Dáil adjourned at 5.20 p.m. until 2.30 p.m. on Wednesday, 5 May 2010.

## Written Answers.

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

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

### **On-farm Investment Schemes.**

11. **Deputy Niall Blaney** asked the Minister for Agriculture, Fisheries and Food when he expects to be in a position to announce details of on-farm investment schemes for the pig and poultry sectors; and if he will make a statement on the matter. [16791/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** As part of proposals in relation to the use of unspent Single Payment Scheme and Modulation funds and the European Economic Recovery Programme, I announced in 2009 that, subject to the receipt of EU Commission approval, I intended to introduce support for a number of specific categories of farmers which would be focused on supporting productive investment. The measures include:

- A scheme for dairy farmers to make the necessary investment to adjust to expanding dairy opportunities and promote the operation of cost-effective commercial operations;
- Aid for sheep fencing and handling facilities to assist sheep farmers in reducing labour input in a vulnerable sector;
- Aid for farmers for water harvesting and conservation equipment, which will reduce water costs on farms;
- Animal welfare grants (a) for pig producers to assist in the conversion to loose housing for sows; and (b) for poultry producers to assist in the conversion to enriched cages, free range or barn systems.

EU Commission approval for the above-mentioned schemes has recently been received and, due to the relatively short time-frames for completion of the investment works concerned, my priority is to introduce the Sow Welfare and Poultry Welfare Schemes first. Arrangements will then be made to introduce the three remaining Schemes. Discussions are ongoing with the relevant farming organizations in regard to the terms and conditions of the Schemes concerned. These should be completed in the near future and I hope to be in a position to make an announcement regarding the Sow Welfare and Poultry Welfare Schemes at that stage.

### Common Agricultural Policy.

12. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the issues most likely to impact on the agriculture and food sector in the context of the current review of the Common Agricultural Policy; the degree to which he intends to ensure that this sector, which is vital to the Irish economy, is adequately provided for and developed in the future; and if he will make a statement on the matter. [17004/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Common Agricultural Policy will provide the main policy framework for development of the primary agriculture and agri-food industries in Ireland and the EU to 2020 and beyond. Currently the CAP underpins farm income through payments decoupled from production, manages extremes of price volatility through market management instruments and supports investment, environmental and wider rural economy measures under the Rural Development Programme.

Funding arrangements for the CAP are fixed until 2013 under the EU Financial Perspective 2007 to 2013. There will be competing pressures for funds under the new Financial Perspective from 2014 to 2020. This, together with an increasing “green agenda” and conclusion of the WTO Doha Development Agenda (DDA) will bring pressure for further changes to the current arrangements, post 2013. Formal negotiations have yet to begin on the CAP after 2013 although there have been a number of policy debates and informal exchanges on the future direction of agricultural policy. However, it is unlikely that full details of any new arrangements for the CAP will be agreed until late 2012.

I am very conscious of the importance of the EU ensuring security of food supply and recognising the need to maintain family farming in Europe. However, particularly as an exporting country, I am also conscious of the need for competitiveness and innovation. I would wish to see all of these objectives clearly reflected in the new CAP. My overarching aim is for a strong and properly resourced CAP guided by the twin principles of competitiveness and sustainability. Several initiatives are underway to anticipate and prepare for the more competitive environment facing the agri-food sector in the future and to address upcoming challenges facing the sector.

Strategies for the development of a consumer focused, competitive and sustainable agri-food sector capable of meeting the challenges of more liberalised markets and broader societal demands both at home and abroad are already set out in the Agri-vision 2015 report. These strategies identify the delivery of safe, high quality, nutritious food, produced in a sustainable manner for high value markets as the optimum road for the future of the Irish food industry. They span the entire food chain from primary production through processing to market access, which is key to developing export potential.

A high level Committee which I appointed is currently engaged in an in-depth review of strategic policy for the agri-food, forestry and fishing sector looking forward to 2020 to allow it to cope with pressures from the current economic climate, to deal effectively with broader sustainability issues such as climate change, food security and environmental management and to address some structural and other weaknesses that must be addressed if its full potential is to be realised. The Committee is expected to present a report in June of this year.

An inter-Departmental Market Access Group chaired by my Department and comprising representatives from the Departments of Foreign Affairs and Enterprise, Trade and Employment, An Bord Bia, Enterprise Ireland and Bord Iascaigh Mhara is currently engaged in a co-ordinated effort to identify potential market opportunities for the full range of Irish food and beverages, prioritisation of market initiatives and broader access issues.

Bord Bia published a Strategy to boost food exports for the period 2009-2011. The strategy comprises six key priorities to be addressed including enhancing the industry's position on its home market to capitalise on the potential for growth and expansion of exports with a particular emphasis on the Eurozone markets. In delivery of this strategy Bord Bia has implemented a comprehensive set of promotional programmes and services, which have been developed in consultation with industry bearing in mind the impact of the sterling differential on competitiveness. These initiatives, coupled with a proactive policy on my part and that of my Department in relation to evolving market situations, will help to position and consolidate the Irish agri-food sector in the home and global market.

### **Common Fisheries Policy.**

13. **Deputy Christy O'Sullivan** asked the Minister for Agriculture, Fisheries and Food his views in relation to the EU Commission's Green Paper on the reform of the Common Fisheries Policy; and if he will make a statement on the matter. [16789/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** 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. Minister Killeen, who had responsibility for the Fisheries portfolio at that time, appointed Dr. Noel Cawley to chair a nationwide public consultation process. The result of the extensive consultations contributed in no small way to Ireland's Response to the Green Paper which issued on the 23rd of February. Ireland's response 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. The report in its entirety and all formal submissions received during the public consultation process are available on [www.fishingnet.ie](http://www.fishingnet.ie).

The changes we consider necessary 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.

I attended a bilateral meeting with the Maria Damanaki, the new EU Commissioner for Fisheries and Maritime Affairs, on the 29th of March 2010. This meeting was arranged at my request to discuss the Report on "Ireland's Response" to the Commission's Green Paper on the Reform of the Common Fisheries Policy and to set out clearly Ireland's National position on the CFP reform. At this meeting we discussed many areas where we have common ground with the EU

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Commission. However, I made it quite clear that Ireland does not support the Commission's ideas expressed in the Green Paper which would allow our national fish quotas to be privatised and traded away to large European fishing companies. I stressed that one of Ireland's main objective in the Reform Process will be to protect the national fish quotas as a public resource to be used for the benefit of our family owned fleet and to support our coastal communities. Under the planned EU timetable for the review, a summary of the consultation process was published by the Commission. This 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 informal meeting of Agriculture and Fisheries Ministers to discuss the reform to be held in Vigo, Spain on the 4th and 5th May 2010. This meeting follows a Conference involving stakeholders which is being held on the 2nd and 3rd of May, also in Spain. It is planned that the outcome of this conference, together with the submissions received by the Commission and the outcome of other gatherings and conferences will inform the discussion at the Informal Council. The meeting is intended to inform a working document concerning reform options which will be prepared by the Commission and presented at the Agriculture and Fisheries Council scheduled for the 28th and 29th June 2010.

Nationally, I intend to continue close collaboration with the Federation of Irish Fishermen, indeed I met with the Federation just last week, 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.

#### **Domestic Abattoirs.**

14. **Deputy Michael D'Arcy** asked the Minister for Agriculture, Fisheries and Food if he has a national strategy aimed at developing local abattoirs in each county across the country; and if he will make a statement on the matter. [16969/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** There are abattoirs located in every county in Ireland. The regulation of local abattoirs is the responsibility of local authorities, who report to the Food Safety Authority of Ireland on this issue. I understand that there are 220 local abattoirs under the supervision of the local authorities, while 51 larger establishments come under the remit of my Department. In order to assist the development of this sector, small slaughterhouses and low-throughput meat establishments were included under the last round of funding provided through my Department's Capital Investment Scheme for the Marketing and Processing of Agricultural Products in 2008. Applications were sought from abattoirs and meat establishments with a view to:

- improving efficiency;
- adding value to products or producing new products;
- developing new markets, and
- contributing to the overall development of the sector generally.

Following a detailed evaluation and selection process, 31 small meat establishments were approved for funding of nearly €8 million towards overall investment in the sector of over €25 million. The projects included refurbishment of some abattoirs and one new abattoir. This investment, involving enterprises spread throughout 19 different counties, represents a very substantial commitment to the future of this sector. Technical support for artisan meat busi-

nesses is also available through a dedicated meat technologist employed by Teagasc. The technologist works with food businesses, Teagasc and other institutes to ensure best knowledge, skills and technology is made available through training, advice and technical support.

The deputy may also be aware that I have launched a major initiative to draw up a long-term strategy for the overall agri-food, forestry and fisheries sectors. I have appointed a Committee, chaired by Dr Sean Brady, to lead the strategy and my Department also established a web-based public consultation process. I am satisfied that this approach, incorporating all elements of the food supply chain, including the meat sector, provides the best potential for a comprehensive, joined up approach to ensuring the continued growth of the many different elements that make up our agri-food industry. The Committee will report in June.

### **Live Exports.**

15. **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. [16858/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Live exports continue to be an important outlet for Irish cattle, providing an essential element of competition with the beef trade. Following the abolition of Export Refunds on live animals, other than for breeding, this trade is now almost exclusively with other EU Member States. Live cattle exports surged to over 286,000 head in 2009 — almost double the level recorded in 2008. The main reasons for the resurgence in this trade were stronger calf exports to the Netherlands, greater feedlot demand in Spain and Italy along with a sharp rise in finished cattle exports to Northern Ireland and Great Britain. As the Deputy is aware from my reply to PQ 11805/10 on 11 March, overall exports of live cattle from Ireland in 2009 increased by 94% on 2008 levels with those to Great Britain increasing by 440% — the highest percentage increase to any destination.

As part of its remit to enhance the value of the beef and livestock industry generally, Bord Bia continues to work closely with the trade in providing current information and developing market opportunities for live cattle exports to Great Britain and elsewhere. It has, for example, carried out a survey of small- to medium-sized abattoirs which represent approximately 30% of UK throughput. This exercise yielded valuable information about which plants are already slaughtering Irish-born animals and those that would be willing to do so. An encouraging aspect of the survey results is that the majority of respondents have a positive attitude to processing Irish cattle.

Nevertheless, there are a number of commercial issues in relation to labelling and marketing that continue to affect the live trade to Great Britain. Firstly, the labelling of beef is governed by comprehensive EU regulations introduced in 2000, which prevent final retailers from describing product born in Ireland but finished in Britain as either British or Irish. This product would need, rather, to be labelled with the country of birth (Ireland), the country of rearing (Ireland and UK) and the country of slaughter (UK). Some retailers view these requirements as potentially confusing or ambiguous to British consumers.

Secondly, the British Quality Assurance Standard (Red Tractor), an independently operated Quality Assurance Scheme, is based largely on country of birth and residence. To qualify for the Red Tractor, animals must have been born in the UK and have resided on an approved farm for at least the final 90 days before slaughter. This condition excludes Irish-born animals from the standard which is the most widely used quality assurance mark amongst British retailers.

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Despite these challenges, the UK remains our largest single market for live cattle and I can assure the Deputy that the strong performance of Irish live exports last year has continued into the current year. In the period up to 10 April 2010, overall live exports are already over 55% ahead of the levels achieved during the same period in 2009. Again exports to Great Britain have performed very strongly and are significantly above those to other destinations, increasing by 176%, while those to Northern Ireland are up by 82% and those to other destinations by almost by 47%.

### **Fishing Industry Development.**

16. **Deputy Kieran O'Donnell** asked the Minister for Agriculture, Fisheries and Food his views on the opening of commercial bass fishing; and if he will make a statement on the matter. [16936/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I have been asked by the Federation of Irish Fishermen (FIF) to consider a proposal to allow a limited Commercial Sea Bass fishery in the Celtic Sea. The FIF has specifically proposed that vessels would be permitted to land only Sea Bass caught south of (fifty one degrees thirty minutes North) in area VII, which is an area approximately 50 KM off the South East coast of Ireland. Irish vessels are currently precluded from landing Sea Bass under the Bass (Conservation of Stocks) Regulations 2006 (S.I. No. 230 of 2006) and the Bass (Restriction on Sale) Regulations 2007 (S.I. No. 367 of 2007). The complete ban for the commercial fishing of sea bass applies to Irish fishing vessels in all areas while the vessels of other EU Member States are permitted to fish for sea bass, other than within Ireland's 6 mile coastal zone where a complete ban applies.

These regulations were introduced initially in conjunction with the Sea Bass Fishing Conservation Bye-laws, which imposes a bag limit on anglers of two bass in any one period of 24 hours and a ban on angling for bass during the spawning season, from 15th May to 15th June in any given year. The dramatic decline of Sea Bass stocks in the 1970's and relatively late spawning age of Irish Bass were the key reasons for the introduction of these measures in 1990, although Bass conservation by-laws were first introduced in 1975. I recognise that this is a very complex issue which may have impacts in areas aside from commercial fishing, such as angling tourism and marine bio-diversity. Indeed, I am conscious that a large number of continental and UK anglers visit Ireland every year for the sole purpose of Bass fishing.

In order to give the fullest consideration to this proposal, I have sought and received scientific advice from the Marine Institute in relation to the proposal by the FIF. In the same vein I have sought and received the advice of the Sea Fisheries Protection Authority in relation to proposal, from the perspective of the regulation of such a fishery. In addition to this advice, Minister Killeen wrote to Minister Lenihan in the Department of Energy, Communications and Natural Resources, who has responsibility for inland fisheries, including Bass angling, seeking his views on this proposal and Minister Lenihan has provided those observations.

In coming to a determination on what is a complex matter, I am very conscious of the need to maintain the current level of protection afforded to the inshore Sea Bass fishery. This factor is also recognised by the FIF which gives an assurance in its proposal, that the inshore Sea Bass fishery around our coast will not be the target of commercial fishing. I am currently considering the proposal together with the advice, observations and submissions made to date, in order to determine whether sufficient information is available in order to reach a determination on the matter. Such a determination will take account of the advices and observations received including the views of all stakeholders, including anglers.

### Single Payment Scheme.

17. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food the penalties imposed on the single farm payment for area discrepancies and cross compliance; if he will break down the cross compliance penalties by statutory management requirements; and if he will make a statement on the matter. [16925/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My Department, in the context of delivering the Direct Payment Schemes, is required to carry out on-the-spot inspections on a number of farms covering such issues as eligibility under the Scheme, compliance with EU legislation in the areas of the environment, food safety, animal health and welfare and plant health and ensuring that the farm is maintained in good agricultural and environmental condition. A minimum of 5% of Scheme applicants are required to be inspected under the eligibility rule. These checks are carried out to verify that the actual area claimed in the application form corresponds to the area held by the farmer and to ensure there are no overlapping claims or duplicate claims. Up to two-thirds of these inspections are carried out without a farm visit and using the technique of remote sensing.

The rate of on-farm inspection required for cross-compliance is 1% of those farmers to whom the Statutory Management Requirements or GAEC apply. However at least 5% of producers must be inspected under the Bovine Animal Identification and Registration requirements and 3% of sheep farmers as this level as prescribed under the relevant Regulations. In 2009, 8,700 farmers had their holdings selected for on-the-spot inspection out of some 126,000 who applied for the Single Payment Scheme — over 100,000 of these are also applicants for the Disadvantaged Areas Scheme while some 60,000 are applicants under the REPS scheme. The total value of these three schemes is in the region of €1.9 billion annually.

Some 7,455 of these inspections involved checking the eligibility of the land with 4,100 of these carried out using the technique of remote sensing. Following these checks, 1,255 applicants had their Single Payment Scheme payments reduced as a result of over-declarations. Some 800 of these were relatively minor and resulted in only a reduction to the payment with no additional penalty being recorded. In the remaining 458 cases, penalties were applied resulting in €1,101,201.95 being withheld from the payments under the relevant schemes. This represents just 0.06% of the €1.9 billion paid out under The Single Payment Scheme, Disadvantaged Areas' Scheme and Rural Environment Protection Scheme (REPS).

The EU regulations governing cross-compliance sets out a range of percentage reductions for non-compliance. Where non-compliance results from **negligence** on behalf of the farmer a 3% reduction may be applied but this can be reduced to 1% or increased to 5% depending on the extent, severity and permanence of the infringement. If the non-compliance were repeated within a 3- year period a multiplier of 3 must be applied. In the case of intentional infringement a 20% reduction is proposed but this could be reduced to 15% or increased to 100% depending on the extent, severity and permanence of the infringement. EU regulations also provide that where minor cases of non-compliance are detected a tolerance may be applied provided the farmer takes remedial action to correct the situation within a given timeframe.

A total of 1,155 farmers were subject to cross-compliance penalties under the 2009 Schemes for breaches of one or more Statutory Management Requirements while a further 367 farmers, while technically in breach of the requirements, did not suffer any penalty because of the tolerance regime applied for minor non-compliance. Where a farmer is found to be non-compliant, through negligence, under more than one SMR the penalties are not accumulative — only the higher penalty is applied. The bulk of penalties applied, 484 farmers, were for breaches of the rules relating to the identification and registration of bovine animals i.e. tagging, regis-



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tration and notification of movements and deaths. A further 292 farmers were penalised for breaches of the Statutory Management Requirements relating to identification and registration of ovine animals while 256 farmers were penalised for breaches of the Statutory Management Requirements relating to Nitrates.

To date breaches found during Cross Compliance Inspections in 2009 have resulted in a total of €472,223.84 being withheld from payments under the Single Payment Scheme, Disadvantaged Area Scheme and REPS. This represents just .03% of Ireland's national ceiling for the Single Payment Scheme of €1.3 billion.

### **Cereal Sector.**

18. **Deputy Terence Flanagan** asked the Minister for Agriculture, Fisheries and Food his priorities in the area of tillage sector reform; and if he will make a statement on the matter.  
[16988/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The maintenance of an efficient and viable cereals sector in Ireland is clearly very important. Not only does it generate an income to 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 and sustain this level of production in order to avoid over dependence on imported cereals.

Since Ireland is a deficit market for cereals, prices here are greatly affected by world prices and supplies. In 2007, increased demands for grain from the biofuels sector and the growing needs of new emerging markets like China and India drove up world grain market prices. In line with this rise in world prices, grain prices in Ireland increased to record levels during 2007 and growers here reacted by increasing the acreage sown. This resulted in a bumper harvest in 2008 with total grain production of almost 2.4m tonnes, the second highest on record.

However, the bad weather in the autumn of 2008 affected sowing of winter crops and this, coupled with poor returns for growers, led to the area planted being reduced again and consequently a decreased 2009 harvest output of about 1.86m tonnes, somewhat short of the long-term average of 2m tonnes. Despite the significant drop in production, grain prices were also down — on average 30% lower than the 2008 level. This illustrates the fact that the grain price in Ireland is a function of developments on EU and world markets rather than a function of domestic supply and demand developments. Preliminary indications from Teagasc for 2010 are that the total winter crops sown is similar to 2009 while early indications show spring barley sowings are lower than 2009.

I am confident that this year will see some recovery in returns for growers due to reductions in the main input costs and some increase in harvest prices, although clearly this still leaves the tillage sector some way to go to achieving acceptable margins. Despite the current economic down turn across the world, the ever-increasing demand for grain within the biofuel industry and growing consumption patterns in developing countries is likely to continue over the coming years. While the various price spikes experienced in recent times are unlikely to be repeated in the short term, it is certainly possible that average world grain prices will grow over the next decade at a faster rate than over the previous one.

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. In February I launched a major initiative to draw up a long-term strategy for the agri-food, forestry and fisheries sector and the position of the cereals sector will be examined in this context.

### **Carbon Tax.**

19. **Deputy David Stanton** asked the Minister for Agriculture, Fisheries and Food the likely impact of carbon tax on agriculture; and if he will make a statement on the matter. [16888/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The implementation of a carbon tax on fossil fuels is, in the first instance, a matter for my colleagues, the Minister for Finance and the Minister for the Environment, Heritage and Local Government. The Finance Bill, 2010, introduced carbon taxation of mineral oils which will apply to petrol, auto-diesel, kerosene, marked gas oil, liquid petroleum gas, fuel oil and natural gas. These increases, which, when VAT is included, amounted to 4.2 cent on a litre of petrol and 4.9 cent on a litre of diesel, arose from the application, in budget 2010, of a carbon charge on those fuels, at a rate equivalent to €15 per tonne of CO<sub>2</sub> emitted.

When introducing the levy, Minister Gormley explained the principle of carbon pricing, noting that this mechanism is widely accepted as the most effective way to secure emission reductions. It is the basis of the EU's Emission Trading Scheme, which applies to the bigger emitters such as power generators and industrial plants. It should be noted that, apart from installations that have already made very considerable emissions reductions through their participation in the EU's emissions trading scheme, no sector of society is exempt from this tax.

The aim of the carbon tax is to use the increase in cost as a catalyst to effect behavioural change with regard to the consumption of fossil fuel and thereby cause a subsequent reduction in emissions associated with that reduced consumption. There is a considerable degree of variability in this across the various farm systems. The expectation is that farmers like everyone else would seek to reduce fuel use and therefore reduce the costs associated with the carbon tax. My colleague, the Minister for Finance has advised that it is estimated that the amount of revenue arising from a carbon tax of €15 per tonne on Marked Gas Oil or 'green diesel' used by farmers is €12.5 million in a full year and as it is being applied from 1 May 2010 will amount to approximately €7 million in 2010.

It should be borne in mind that a significant financial concession is already afforded to the agriculture sector in the form of relief from excise duty on marked gas oil. Currently, excise duty on marked gas oil amounts to 4.7 cents per litre compared to an excise duty rate on auto-diesel, which, at 41 cents per litre, is almost ten times higher. Each litre of gas oil, whether used in a tractor or in a diesel engine car, will generate the equivalent of almost 3 kilograms of Carbon dioxide. In 2008, Greenhouse gas emissions associated with agricultural combustion were in excess of 850,000, tonnes of CO<sub>2</sub> equivalent.

I am acutely aware that the imposition of this levy is not without consequence for farmers and for tillage farmers in particular, however, with greenhouse gas emissions from agriculture accounting for almost 40% of Ireland's non-trading sector emissions, I am also very conscious of the need to effect a reduction in these emission levels. Along with my Government colleagues, I intend to closely monitor the implementation of this tax to ensure it is operating as intended and my Department, in conjunction with other relevant Departments and agencies, will ensure that guidance material, to inform farmers of how best they can reduce their on-farm energy use, particularly in terms of fossil fuel usage, is provided to the widest possible audience.

### Single Payment Scheme.

20. **Deputy Olivia Mitchell** asked the Minister for Agriculture, Fisheries and Food his views on whether farmers in some areas will receive a lower single farm payment on foot of changes to mapping requirements; and if he will make a statement on the matter. [16954/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** By way of general comment, it is clearly evident that the Single Farm Payment, under which over €1.25 billion is paid annually to Irish farmers, is an extremely important Scheme not just to the agricultural industry, but also to the rural economy as a whole. With regard to the specific issue raised by the Deputy, I wish firstly to emphasise that no changes have been made with regard to the definition of eligible areas under the Single Farm Payment. Historically, the vast majority of Scheme applicants have been making sufficient deductions from their claims to take account of such areas in that they reduced the area claimed on. However, in many cases as no mapping evidence supporting these deductions was provided, the ineligible features were not, therefore, recorded onto the Land Parcel Identification System (LPIS), my Department's computer-based land parcel tracking system. As LPIS underpins all the direct payments, it is crucial that it accurately reflects the true position on the ground, particularly given the audit scrutiny which this Scheme attracts not just in Ireland but in all Member States.

Under the provisions of the governing EU Regulations, payments under the Single Farm Payment may be made only in respect of eligible land and applicants under the Scheme are obliged annually to declare the land parcels available to them; details of the eligible area of the land parcels are recorded on LPIS. Details of the use and area claimed for each of some one million parcels on the LPIS system are registered and continually monitored by my Department.

Each year in advance of the closing date for the Single Payment Scheme, my Department sends preprinted application forms (which include a list of parcels declared by the applicant in question the previous year) to each applicant. It is the responsibility of all applicants to ensure that the details in each year's application are accurate. As a further aid to farmers, my Department issued maps of all lands parcels in early 2010. Applicants were advised of the need to carefully review these maps and to make the appropriate deductions, if any, to the area of eligible parcels as necessary. For example, where a house or other building has been constructed, farmers are required to submit maps outlining the exclusion with their applications to allow accurate deductions to be made. It is also necessary for applicants to exclude ineligible features such as scrub, roadways, etc. Therefore, the LPIS database has to be amended on an ongoing basis to reflect any permanent changes such as parcel boundary changes, addition of new parcels, etc.

In order to meet the EU requirements, my Department initiated a process whereby the ortho-photos of land parcels declared by applicants were reviewed. If it was deemed that some of the area of the parcels reviewed was ineligible arising from, for example, house-sites, farm-yards, ponds, trees and scrub, the ineligible areas were deducted from the claimed area and payments in respect of the period from 2005 were re-calculated. However, in the vast majority of cases, the applicants were making sufficient deductions for the ineligible features and, therefore, there were no over-payments in these cases.

As you are aware, these Schemes are fully and partially funded by the European Union and the relevant Competent Authorities in each Member State are obliged to ensure that the requirements of the governing EU Regulations are observed and that only valid applications that fully comply with the requirements are paid. The administration of these Schemes in each Member State is subjected to close scrutiny by officials of the EU Commission and the EU

Court of Auditors to ensure that the regulatory requirements are met and that the Schemes are applied in a uniform manner across the European Union.

### **Grant Payments.**

21. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the delays in processing REP scheme payments in the County Kerry area, with an estimated €8 million in outstanding payments to be processed; and if he will make a statement on the matter. [16893/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The processing of REPS 4 payments is governed by EU Regulations which require exhaustive administrative checks and on-the-spot inspections. In most parts of the country, the processing of payments is well advanced and the majority of participants have received their full payments for 2009. In a significant number of cases, however, the administrative checks raised issues and queries which required further detailed examination. My Department's staff have been working to resolve these as quickly as possible. Many of these cases require the applicants' planners to amend the farm plans that were submitted originally. The applicants concerned have been made aware of the position and the applications will be further processed without delay on receipt of amended plans.

I am acutely aware of the situation in the Department's local offices in Kerry where, because of the Government's moratorium on recruitment and promotion in the civil service, two supervisory posts have been vacant and where, as a result, the processing of payments has been delayed. I am pleased to announce that my Department is now putting arrangements in place to resolve the situation. This will enable the processing of claims to proceed and for payments to issue without further delay.

### **Dairy Sector.**

22. **Deputy John Cregan** asked the Minister for Agriculture, Fisheries and Food his views on whether market management measures have a continued role to play in relation to the dairy sector, notwithstanding recent improvements in milk prices; and if he will make a statement on the matter. [16793/10]

**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 manage 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. Last year I frequently 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.

I am committed to a strong and adequately resourced CAP after 2013 and I believe there is a continued role for existing market measures. The experience of the dairy sector in the past year reinforces this view. Furthermore, there is also a need for new measures which could assist in managing market volatility, and the Commission High Level Group on Milk is currently considering this issue. The Group was tasked with examining medium and long term ways of

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stabilising dairy farmers incomes and improving market transparency. It is expected that the Group will present a report by the end of June 2010.

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

#### **Fertiliser Use.**

23. **Deputy Kathleen Lynch** asked the Minister for Agriculture, Fisheries and Food his views on the Teagasc fertiliser use survey report; and if he will make a statement on the matter. [16908/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I want to compliment Teagasc on the work carried out by their National Farm Survey Unit and their Environmental Research Centre in order to publish their *Survey of Fertilizer Use in Ireland from 2004 to 2008 for Grassland and Arable Crops*. I am especially pleased to note that the survey demonstrates that the national usage of the major nutrients such as nitrogen, phosphorus and potassium on grassland and agricultural crops is now better matched with crop requirements. I note that Teagasc intend to monitor fertiliser use to ensure adequate nutrient status is maintained.

#### **Rural Environment Protection Scheme.**

24. **Deputy Joe Costello** asked the Minister for Agriculture, Fisheries and Food the amount that has been paid out to REP scheme farmers to date in 2010; and if he will make a statement on the matter. [16899/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** To date in 2010, €97 million has been paid to participants in REPS 3 and REPS 4.

#### **Beef Industry.**

25. **Deputy Mary Upton** asked the Minister for Agriculture, Fisheries and Food if he will provide a full breakdown of the beef carcass classification results since 15 December 2009 based on the Meat Industry Ireland price grid; and if he will make a statement on the matter. [16927/10]

35. **Deputy Willie Penrose** asked the Minister for Agriculture, Fisheries and Food the steps that are being taken to address the anomalies which have come to light in the grading system for beef; and if he will make a statement on the matter. [16916/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I propose to take Questions Nos. 25 and 35 together.

I wish to assure the Deputy that the mechanical classification system for beef carcasses continues to operate well within the performance criteria provided for in the relevant EU Regulations. Officials of my Department carry out regular checks on each of the 23 machines operating in beef processing plants. The classification results, including sub-classes within each

main class, backdated to mid February, will be available once computer programmes are completed to generate the required reports. Results prior to mid-February may not, however, be available for all beef processing plants, as the computer programmes in some plants, for price reporting to the Department, had to be amended following the introduction of sub-classes for classifying beef carcasses.

### **Farm Retirement Scheme.**

26. **Deputy Eamon Gilmore** asked the Minister for Agriculture, Fisheries and Food the number of farmers that have qualified for the early retirement scheme under the hardship provision announced by him; and if he will make a statement on the matter. [16902/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My Department received 175 applications following the temporary reopening of the Early Retirement Scheme from 23 September to 30 October, 2009. Sixteen of the applications have been approved for payment. Another 133 applications are currently being examined in my Department. Twelve of the applications could not be accepted for processing as they did not satisfy all of the Scheme conditions. In addition, 39 applications were returned to the applicants as they were submitted under the provision of the Early Retirement Scheme that envisaged the transferee being set up under the Young Farmers' Installation Scheme. As that scheme is closed to new applicants, the transferees in these cases could not satisfy that requirement. The applicants were offered the option of resubmitting their applications under an alternative provision of the Scheme which involved the holding being enlarged by the proposed transferee. To date, the transferees in 25 of these cases have secured additional land and the applications have been resubmitted and are being processed. The remaining 14 applicants have until 30 April 2010 to resubmit their applications.

### **Carbon Tax.**

27. **Deputy Deirdre Clune** asked the Minister for Agriculture, Fisheries and Food his views on whether the introduction of a carbon tax will have a serious cost competitiveness impact on farm business; and if he will make a statement on the matter. [16956/10]

81. **Deputy Brian O'Shea** asked the Minister for Agriculture, Fisheries and Food the amount that carbon tax on farm diesel will cost the sector annually; and if he will make a statement on the matter. [16912/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I propose to take Questions Nos. 27 and 81 together.

The implementation of a carbon tax on fossil fuels is, in the first instance, a matter for my colleagues, the Minister for Finance and the Minister for the Environment, Heritage and Local Government. The Finance Bill, 2010, introduced carbon taxation of mineral oils which will apply to petrol, auto-diesel, kerosene, marked gas oil, liquid petroleum gas, fuel oil and natural gas. These increases, which, when VAT is included, amounted to 4.2 cent on a litre of petrol and 4.9 cent on a litre of diesel, arose from the application, in budget 2010, of a carbon charge on those fuels, at a rate equivalent to €15 per tonne of CO<sub>2</sub> emitted.

When introducing the levy, Minister Gormley explained the principle of carbon pricing, noting that this mechanism is widely accepted as the most effective way to secure emission reductions. It is the basis of the EU's Emission Trading Scheme, which applies to the bigger emitters such as power generators and industrial plants. It should be noted that, apart from

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installations that have already made very considerable emissions reductions through their participation in the EU's emissions trading scheme, no sector of society is exempt from this tax.

The aim of the carbon tax is to use the increase in cost as a catalyst to effect behavioural change with regard to the consumption of fossil fuel and thereby cause a subsequent reduction in emissions associated with that reduced consumption. There is a considerable degree of variability in this across the various farm systems. The expectation is that farmers like everyone else would seek to reduce fuel use and therefore reduce the costs associated with the carbon tax. My colleague, the Minister for Finance has advised that it is estimated that the amount of revenue arising from a carbon tax of €15 per tonne on Marked Gas Oil or 'green diesel' used by farmers is €12.5 million in a full year and as it is being applied from 1 May 2010 will amount to approximately €7 million in 2010.

It should be borne in mind that a significant financial concession is already afforded to the agriculture sector in the form of relief from excise duty on marked gas oil. Currently, excise duty on marked gas oil amounts to 4.7 cents per litre compared to an excise duty rate on auto-diesel, which, at 41 cents per litre, is almost ten times higher. I am acutely aware that the imposition of this levy is not without competitiveness consequences for farmers and for tillage farmers in particular, however, with greenhouse gas emissions from agriculture accounting for almost 40% of Ireland's non-trading sector emissions I am also very conscious of the need to achieve reductions in these emission levels.

### **Rural Development.**

28. **Deputy Mary Upton** asked the Minister for Agriculture, Fisheries and Food when the new rural development schemes as announced by him in summer 2009 will actually be open for applications from farmers; and if he will make a statement on the matter. [16928/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My Department recently received EU Commission approval for the various targeted on-farm investment schemes announced by my Department in 2009. Due to the relatively short time-frames for completion of the investment works concerned, my priority is to introduce the Sow Welfare and Poultry Welfare Schemes first. Arrangements will then be made to introduce the three remaining schemes, including the Sheep Handling/Fencing Scheme. Discussions are ongoing with the relevant farming organizations in regard to the terms and conditions of the Schemes concerned. These should be completed in the near future and I hope to be in a position to make an announcement regarding the new Schemes at that stage.

### **Rural Environment Protection Scheme.**

29. **Deputy Richard Bruton** asked the Minister for Agriculture, Fisheries and Food his views on introducing greater flexibility in the application process for the agri-environment option scheme; and if he will make a statement on the matter. [16945/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The application procedure for the Agri-Environment Options Scheme has been simplified as much as possible, within regulatory and audit restraints, and will allow the majority farmers applying for the scheme to select actions suitable to their farm from a menu of options available by means of a simple tick box application form. There is no requirement to draw up a plan, except in cases where farmers have Natura or Commonage land, in which circumstances they must employ the services of a Planner.

### **Horse Breeding Industry.**

30. **Deputy Ruairí Quinn** asked the Minister for Agriculture, Fisheries and Food if he has made a decision in relation to the ownership of the Irish draft horse stud; and if he will make a statement on the matter. [16918/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** As the Deputy may be aware, the studbook for the Irish Draught Horse breed in Ireland is maintained by Horse Sport Ireland, which is approved by my Department in accordance with EU and national legislation to do so. In addition, my Department has received two applications to maintain studbooks for the Irish Draught Horse breed from the Irish Draught Horse Society Co-Op Ltd and the Irish Draught Horse Breeders Association. My Department is currently examining these applications and a decision on them will be made in due course.

### **Common Agricultural Policy.**

31. **Deputy Noel Treacy** asked the Minister for Agriculture, Fisheries and Food if he has plans to engage in a comprehensive process of consultation with interested stakeholders in relation to the future of the Common Agricultural Policy post-2013; and if he will make a statement on the matter. [16780/10]

67. **Deputy Seán Ó Feargháil** asked the Minister for Agriculture, Fisheries and Food his plans to discuss, with the EU Agriculture Commissioner, the future of the Common Agricultural Policy post-2013, particularly in the context of the EU Commission's anticipated communication on the future of the Common Agricultural Policy later in 2010; and if he will make a statement on the matter. [16781/10]

87. **Deputy Noel Treacy** asked the Minister for Agriculture, Fisheries and Food the consultation that has taken place to date in relation to the future of the Common Agricultural Policy post-2013; and if he will make a statement on the matter. [16779/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I propose to take Questions Nos. 31, 67 and 87 together.

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. In addition I announced in this House last month my intention to establish a Consultative Committee on the CAP after 2013. The first meeting of this Committee is scheduled to take place on 12 May. The Committee is comprised of all the major farming and agriculture related representative organisations involved in Social Partnership as well as a number of academics.

The Commissioner for Agriculture and Rural Development Dacian Ciolos, has also recently launched a public consultation process providing an opportunity for all stakeholders and any interested party to give their views on the future of the CAP. In parallel with this process, the Commission has requested specific submissions on Rural Development in the context of CAP post 2013. My Department has written to interested stakeholders in this regard advising them how to participate in both of these consultation processes and encouraging them to do so to ensure that Ireland's voice is heard at every opportunity. Commissioner Ciolos will host a conference in July to discuss the findings from these consultations.

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.



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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. At the March Agriculture Council meeting the Spanish Presidency got agreement on Presidency Conclusions on the role of market management measures post 2013. The Belgian and Hungarian Presidencies who make up the Trio Presidency up to 30 June 2011, fully endorsed these conclusions.

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 Cioloș, and outlined my objectives including the need for a robust and properly funded CAP. Commissioner Cioloș has also accepted my invitation to visit Ireland in July. This is a very timely visit as it comes just in advance of the publication of the Commission's formal Communication on the Future of the CAP and I will of course, be taking this opportunity to let the Commissioner know again that my overarching view which I have repeatedly expressed at meetings of the Council and bilaterally to my Ministerial colleagues, is that we need a strong and adequately resourced CAP after 2013.

### **Electricity Generation.**

32. **Deputy Damien English** asked the Minister for Agriculture, Fisheries and Food if he has plans to develop a co-ordinated strategy with the Department of the Environment, Heritage and Local Government on microgeneration of electricity on farms; and if he will make a statement on the matter. [16976/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The issue of micro generation of electricity is a matter in the first instance for my colleague the Minister for Communications, Energy and Natural Resources. The Deputy may be aware that in February 2009 Minister Ryan announced measures to encourage the on-site generation of electricity in homes and farms across Ireland. The Micro Generation Programme is being operated by ESB Customer Supply and supported by ESB Networks. Among the measures is a guaranteed price of 19 cent per kilowatt hour of electricity produced as a feed-in tariff applying to the first 4,000 micro-generation installations countrywide over three years.

The programme has the potential to provide 4,000 domestic customers, including farms, investing in micro-scale projects with a financial payment for electricity exported back to the grid. Alongside this programme, under the aegis of the Department of Communications, Energy and Natural Resources, the Sustainable Energy Authority of Ireland is administering a micro-generation programme supporting a number of micro scale projects to resolve outstanding technical issues including:

- Defining the requirements for qualification and certification of technologies; and
- Defining necessary arrangements for qualification, certification and training of installers.

My Department is involved on an ongoing basis with the Department of Environment, Heritage and Local Government on a wide range of environmental issues relevant to agriculture such as water quality, air quality, soils and biodiversity. It is my intention that my Department will continue to work with other Departments, Bodies and Agencies to advance the interests of the Agriculture sector.

### **Common Agricultural Policy.**

33. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food his views on the future of the Common Agricultural Policy; and if he will make a statement on the matter. [16699/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Common Agricultural Policy will provide the main policy framework for development of the primary agriculture and agri-food industries in Ireland and the EU to 2020 and beyond and it is of the utmost importance that it continues to underpin the development of a competitive and vibrant agricultural sector. My overarching aim is for a strong and properly resourced CAP guided by the twin principles of competitiveness and sustainability. I am very conscious of the importance to the EU of ensuring security of food supply and maintaining family farming in Europe. However, particularly as an exporting country, I am also conscious of the need for competitiveness and innovation. I would wish to see all of these objectives clearly reflected in the new CAP.

Full decoupling has been a success for Ireland and I remain committed to this approach. Decoupled payments remain the best way of underpinning the incomes of small family farms, while allowing them respond to market opportunities. It is also important to ensure adequate recognition for the high standards that apply to agricultural production in the EU. There is pressure from a number of sides for redistribution of funds between Member States. I am prepared to look at all options on this, but will also require our partners in Europe to be equally realistic in their expectations. Ultimately the distribution mechanism must be fair and must underpin the goals of competitiveness and sustainability. Any new mechanism must take into account the wide diversity of farming between Member States. Pillar 1 direct payments are income supports and we must recognise that the cost of living and cost of farming vary widely throughout the EU.

Many of our partners in Europe are now questioning the credibility of the historic basis of direct payments. I am opposed to an EU-wide flat rate payment and continue to see significant advantages to the historic model. I am prepared to look at the alternatives, particularly if other countries move from the “historic camp”. However, we need to find a basis that is acceptable and fair to all Member States and that meets our objectives of improved competitiveness and sustainability.

It is clear that there will be increased emphasis on the delivery of public goods, as well as an increased focus on measurable outcomes. Within this, there will be continued emphasis on “new challenges” identified in the Health Check. There are positives for Ireland in this, and I am open to engagement in the debate, provided that it does not come at the expense of the income support function of direct payments. As to market supports, my view is that the existing tools are appropriate and I believe there is broad agreement on this among Member States. For the future, I believe that there is also a need for new tools to address increased market volatility. We will look closely at the possibilities offered by risk management measures, for example. We would also be interested in examining the merits of systems that underpin revenue or income.

My view is that 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. In this regard, I support continuation of the current two-pillar structure. Ireland’s recent revised Rural Development Programme shows a clear focus on competitiveness and sustainability and points the way forward for that pillar. Axis 1 measures, particularly those directed at investment and which promote competitiveness, perform a pivotal

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role in encouraging efficiency and innovation in farming for the future. I believe that these measures are critical to the future of Irish and European farming and should be maintained and enhanced.

#### **Rural Environment Protection Scheme.**

34. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Fisheries and Food the number of REPS 4 plans that have been rejected to date per county; and if he will make a statement on the matter. [16895/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Details of the REP 4 plans that have been rejected are listed in the table below. My officials are in contact with applicants whose plans have been rejected to inform them of their right to appeal the decision. Alternatively, unless the application has been found to be fundamentally ineligible, the applicant may submit a new REPS 4 plan and application form on or before 17 May 2010. If an applicant chooses to lodge an appeal rather than submit a new plan and the appeal is unsuccessful, a new plan cannot be accepted after 17 May 2010.

County	Rejected Plans
Carlow	2
Cavan	3
Clare	0
Cork	10
Donegal	2
Dublin	1
Galway	0
Kerry	2
Kildare	2
Kilkenny	1
Laois	6
Leitrim	36
Limerick	9
Longford	0
Louth	1
Mayo	17
Meath	2
Monaghan	13
Offaly	4
Roscommon	1
Sligo	0
Tipperary Nth	1
Tipperary Sth	0
Waterford	1
Westmeath	2
Wexford	
Wicklow	3
Total	119

*Question No. 35 answered with Question No. 25.*

### **Animal Welfare.**

36. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food if he intends to review his decision to exempt all commercial dogs being transported out of Ireland from having a pet passport in view of the dog welfare concerns involved; and if he will make a statement on the matter. [16892/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I have not taken such a decision. Apart from exports to the UK (Ireland and the UK are in a common rabies free-movement zone), **all** dogs exported from Ireland, both commercial and non-commercial, must be accompanied by a pet passport. This passport is issued by my Department on foot of identification micro-chipping by the Private Veterinary Practitioner (PVP). The PVP subsequently completes sections in the passport concerning rabies vaccination and, in the case of commercial exports, health and fitness to travel, after which the animal concerned may be moved at a time to be decided by the owner.

### **Ministerial Functions.**

37. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food the Minister within his Department who now has distinct responsibility for food; and if he will make a statement on the matter. [16891/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** As Minister for Agriculture, Fisheries and Food, I have full ministerial responsibility for all of the Department's activities, including responsibility for Food. I am assisted by two Ministers of State, both of whom have specific special responsibilities. Deputy Sean Connick has Minister of State responsibilities for Fisheries and Forestry and Deputy Ciaran Cuffe has Minister of State responsibilities for Horticulture and Organics.

The manufacture of food and drink products is our main indigenous industry, with 800 companies employing over 45,000 people and producing over a third of our net export earnings from primary and manufacturing sectors and the Government is committed to ensuring that the agri-food sector is fully positioned to exploit future opportunities to the full. A 2020 Committee (a group of high level players from the sector, including farmers, primary processors, food and drink product manufactures) is currently preparing a draft strategy for the medium-term development of the agri-food (including drinks) fisheries and forestry sector for the period to 2020. The strategy will outline the key actions needed to ensure that the sector contributes to the maximum possible extent to our export-led economic recovery and the full development of the smart economy. The 2020 Committee is due to report in June.

### **Departmental Committees.**

38. **Deputy Máire Hctor** asked the Minister for Agriculture, Fisheries and Food the time-scale for the 2020 strategy 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. [16787/10]

72. **Deputy Máire Hctor** asked the Minister for Agriculture, Fisheries and Food the progress that has been made towards the development of a new strategy for the agri-food sector until 2020; and if he will make a statement on the matter. [16786/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I propose to take Questions Nos. 38 and 72 together.

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Work on the development of a strategy to further the growth of the agri-food, fisheries and forestry sectors to 2020 is well advanced. During 2009, my Department in collaboration with five State Bodies, Teagasc, Enterprise Ireland, Bord Bia, BIM, Marine Institute, completed a comprehensive analysis of the sector. In February 2010, I established the 2020 Committee and asked them to produce a short, sharp document setting out the key strategies required for the future development of the sector. At the same time, I published on the Department's website <http://www.agriculture.gov.ie/2020Strategy>, the completed analysis in the form of 5 Discussion Papers and 18 Background Papers. A web based public consultation process was also launched, seeking submissions from interested bodies on strategies and policies to guide the work of the 2020 Committee. 80 submissions have been received, have been posted on the Department's website and are being considered by the Committee.

The Committee, which has been widely drawn from the various sectors, has actively engaged in this intensive process and I believe that the output from this exercise will be both bold and practical and will set a clear path forward for the sector. The 2020 Committee is expected to finish its deliberations in June 2010.

### **Cattle Prices.**

39. **Deputy David Stanton** asked the Minister for Agriculture, Fisheries and Food his views on cattle prices at present; and if he will make a statement on the matter. [16887/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Product prices are a function of market forces and beef prices to date in 2010 are down over 2% on the corresponding period in 2009. Factors governing beef returns at present include, reduced consumer demand, stronger sales of cheaper cuts, currency movements, supply availability and the level of live exports. While I have no function in the determination of prices, I am, nonetheless, mindful of the difficulties that falling prices pose for producers. In this context, I have advanced various initiatives to support the sector.

My Department, in conjunction with Teagasc and Bord Bia, is driving the development of a number of non-price strategies to assist the sector in responding to market conditions. Among these are the breed improvement programmes, being progressed by ICBF, and the Animal Welfare Scheme for Suckler Herds. The objective of these policies is to utilise scientific and genetic data to further improve the quality of the cattle herd and, ultimately, returns to producers. Likewise, the Beef Quality Assurance Scheme administered by Bord Bia is crucial in reassuring consumers that Irish beef meets the highest standards of quality, safety and traceability. The QA standard is an important selling point in many of our markets and I note that over 30,000 certified farmers are now participating in this scheme with numbers continuing to grow strongly.

In conjunction with these initiatives, an enhanced Irish Beef Promotion Strategy for the period 2008-2013 is currently being implemented by Bord Bia. This strategy is based on differentiating and repositioning Irish beef in a number of key international markets, particularly the high-value EU markets which account for some 99% of Irish beef exports. My Department has also funded a beef processing development programme through Enterprise Ireland aimed at increasing efficiency and value added at processor level.

### **Animal Diseases.**

40. **Deputy Edward O'Keefe** asked the Minister for Agriculture, Fisheries and Food the

effect of receiving official recognition of Ireland's Aujeszky's disease control and eradication status; and if he will make a statement on the matter. [16784/10]

76. **Deputy Edward O'Keeffe** asked the Minister for Agriculture, Fisheries and Food the progress made towards attaining official recognition of freedom from Aujeszky's disease here, including co-operation with the Department of Agriculture and Rural Development in Northern Ireland; and if he will make a statement on the matter. [16785/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I propose to take Questions Nos. 40 and 76 together.

I am delighted to confirm that Ireland has achieved official EU recognition of our Aujeszky's disease control and eradication status. Attaining "Annex II" status is a very significant milestone in meeting the objective of the Aujeszky's Disease Control and Eradication Programme: eradicating Aujeszky's disease from the national pig herd. Attaining this national status also offers protection to the live pig trade, both now and into the future. We are now moving forward with Phase 3 of the Control and Eradication Programme, with the ultimate intention of moving to "Annex I" status — official disease freedom. All necessary resources for this phase have been put in place and herdowners will receive notification to test in the coming weeks. My officials are in regular communication with their counterparts in Northern Ireland with regard to Aujeszky's control and eradication.

#### **Natura 2000 Sites.**

41. **Deputy Eamon Gilmore** asked the Minister for Agriculture, Fisheries and Food when he will be in a position to clarify the payment of €150/ha in nature areas under the agricultural environmental options scheme; and if he will make a statement on the matter. [16901/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My proposal to increase the payment rate to €150 per hectare on Natura 2000 sites under the new Agri-environmental Options Scheme requires European Commission approval. A proposed amendment to the Scheme has therefore been submitted to the Commission and my officials are pressing for it to be dealt with as a matter of priority.

#### **Animal Diseases.**

42. **Deputy Ruairí Quinn** asked the Minister for Agriculture, Fisheries and Food if he will introduce a national vaccination programme for bovine viral diarrhoea; and if he will make a statement on the matter. [16917/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I have no plans to introduce a national vaccination programme for Bovine Viral Diarrhoea (BVD). In January 2009 I launched Animal Health Ireland (AHI), which operates, independently of my Department. One of the main aims of AHI is to identify and prioritise non regulated disease conditions such as BVD. AHI is a company limited by guarantee with its own Board of Directors and Chief Executive. It is part financed by my Department and by industry and is responsible for the distribution of information to stakeholders in relation to its programme of activities and has already begun to address the problem of BVD on Irish farms. Information on BVD is available on the Animal Health Ireland website at the following link <http://www.agriculture.gov.ie>.

#### **Common Fisheries Policy.**

43. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food the position

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he will be taking during negotiations on the reform of the Common Fisheries Policy.  
[16698/10]

74. **Deputy Christy O’Sullivan** asked the Minister for Agriculture, Fisheries and Food the outcome of his recent meeting with the new EU Fisheries Commissioner; and if he will make a statement on the matter. [16788/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I propose to take Questions Nos. 43 and 74 together.

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. Minister Killeen, who had responsibility for the Fisheries portfolio at that time, appointed Dr. Noel Cawley to chair a nationwide public consultation process. The result of the extensive consultations contributed in no small way to Ireland’s Response to the Green Paper which issued on the 23rd of February. Ireland’s response 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. The report in its entirety and all formal submissions received during the public consultation process are available on [www.fishingnet.ie](http://www.fishingnet.ie).

The changes we consider necessary 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.

I attended a bilateral meeting with the Maria Damanaki, the new EU Commissioner for Fisheries and Maritime Affairs, on the 29th of March 2010. This meeting was arranged at my request to discuss the Report on “Ireland’s Response” to the Commission’s Green Paper on the Reform of the Common Fisheries Policy and to set out clearly Ireland’s National position on the CFP reform. At this meeting we discussed many areas where we have common ground with the EU Commission. However, I made it quite clear that Ireland does not support the Commission’s ideas expressed in the Green Paper which would allow our national fish quotas to be privatised and traded away to large European fishing companies. I stressed that one of Ireland’s main objective in the Reform Process will be to protect the national fish quotas as a public resource to be used for the benefit of our family owned fleet and to support our coastal communities.

Under the planned EU timetable for the review, a summary of the consultation process was published by the Commission. This 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 informal meeting of Agriculture and Fisheries Ministers to discuss the reform to be held in Vigo, Spain on the 4th and 5th May 2010. This meeting follows a Conference involving stakeholders which is being held on the 2nd and 3rd of May, also in Spain. It is planned that the outcome of this conference, together with the submissions received by the Commission and the outcome of other gatherings and conferences will inform the discussion at the Informal Council. The meeting is intended to inform a working document concerning reform options which will be prepared by the Commission and presented at the Agriculture and Fisheries Council scheduled for the 28th and 29th June 2010.

Nationally, I intend to continue close collaboration with the Federation of Irish Fishermen, indeed I met with the Federation just last week, 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.

### **Departmental Programmes.**

44. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food the time frame for the conclusion of the research needed to gain approval of the operational programme for fisheries; and if he will make a statement on the matter. [16894/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Seafood Development Measure contained in the National Development Plan 2007-2013 is divided between the EU Co-funded Operational Programme and the National Seafood Development Operational Programme. The EU Co-funded OP has already commenced and has funded the 2008 decommissioning scheme which has allowed 46 boats to be decommissioned with grant aid totalling €36.6 million already paid during 2008 and 2009.

The National Seafood Development Operational Programme 2007-2013 was advertised for public consultation in October 2008. Following this consultation process, issues were raised by the Department of Environment, Heritage and Local Government and the Department of Communications, Energy and Natural Resources on behalf of CFB (Central Fisheries Board) regarding the grant-aiding of projects where environmental issues arise relating to compliance with the EU Birds and Habitats Directives and sea lice control on salmon farms. I have asked my officials to examine the OP and to draft options that would allow for the adoption of the OP taking into consideration the issues that were raised in the public consultation stage. I would hope to be in a position to come to a decision on this matter in the near future.

### **Animal Welfare.**

45. **Deputy Margaret Conlon** asked the Minister for Agriculture, Fisheries and Food the further steps that he envisages to enhance co-operation on animal health issues on an all-island basis; and if he will make a statement on the matter. [16778/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The All-Island Animal Health and Welfare Strategy provides a basis to enhance animal health and welfare standards and to have expanded opportunities for the export of livestock and livestock products with the ultimate objective to have policies and arrangements in place to facilitate the free movement of animals on the island. Ministers and officials will continue to meet regularly to



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develop, review and monitor policies. A formal structure is in place whereby working groups meet to focus on a range of critical issues such as disease control, animal identification and movement and data sharing. Consideration is given on an on-going basis to refocusing or expanding the remit of the working groups to concentrate on emerging issues where co-operation can be effective.

### **Food Industry.**

46. **Deputy Joan Burton** asked the Minister for Agriculture, Fisheries and Food the impact that grounding of flights as a result of volcanic ash has had on agricultural exports; and if he will make a statement on the matter. [16897/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The cancellation of flights following the volcanic eruptions in Iceland has had a low impact on the food industry. Up to 97% of food exports are moved by road and sea. Investment in the road infrastructure in Ireland means that containers can switch quite easily between ports. Some specialist seafood products are exported by air to Japan, but as this is not the peak season, impact on sales is not expected to be significant.

47. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food his plans for the future development and expansion of the beef, lamb, pigmeat, poultry, dairy and cereal sectors; the extent to which market forces have affected each sector negatively or positively on an annual basis over the past five years to date in 2010; and if he will make a statement on the matter. [17003/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The market performance of the meat, dairy and cereal sectors is a function of supply and demand, and has been affected by the recent global economic downturn, exchange rates and other factors. Plans for the future development of these agricultural sectors will be set out in detail in the forthcoming 2020 Strategy, which I plan to publish later this year.

### *Dairy Sector*

Market forces have a major influence on the returns to the dairy sector which fluctuate in accordance with the international dairy markets. Over the past few years the international dairy industry has witnessed extremes of volatility in product prices on an unprecedented scale. During 2007 dairy prices reached record high levels during the international commodity price boom. In 2008 world dairy markets returned to far lower levels primarily due to a collapse in demand caused by the global economic downturn. The slump continued into 2009 before gradually improving later in the year. I continually pressed the Commission to take all appropriate actions to deal with the dairy market situation and the implementation of a range of support measures helped to stabilise the market. The dairy market situation has improved considerably since last Autumn and more recently has shown signs of a robust recovery with increased commodity prices on world and EU markets, and a consequent rise in milk prices.

### *Beef*

Beef production is an extremely valuable component of the Irish economy with an export value of some €1.4 billion in 2009. Some 90% of Irish beef production is exported, with over 90% of product now being exported to the high value EU markets. Given recent developments

in the international and domestic economy, the immediate prospects for the Irish beef sector remain challenging. As a result of the importance of international trade, the impact of exchange rate developments will be important — particularly in relation to the UK, our largest single market — while, due to challenging economic conditions, a continuing switch to lower value cuts is evident in key markets.

While the market performance of, and price return on, beef products is a function of supply and demand, I am committed to working with the sector in responding to evolving market challenges and in providing a sound framework for the development of the sector. To this end, a number of policy initiatives have been developed or enhanced. These include, *inter alia*, the Suckler Cow Scheme, Bord Bia Irish Beef Promotion Strategies, Bord Bia Quality Assurance Scheme, Breed Improvement Programmes and the Beef and Sheepmeat Capital Investment Scheme. These complement the actions being undertaken by Teagasc and other State Agencies, and together are important in underpinning production, quality and the ongoing marketing success on the important EU markets. My Department will also continue to work with Bord Bia, the Department of Foreign Affairs and the industry to identify and develop other potential markets.

### *Pigmeat*

The pig sector remains an important component of the Irish agricultural sector. With a farmgate value of some €300 million, and employment in the industry of approximately 7,000, the sector provides an important source of income to rural communities all over the country. Almost half of Irish production is exported with the UK accounting for 50% of exports with the remainder split between Continental Europe and third countries. In common with other meats, returns to pig producers have fallen as a result of the economic recession. Prices fell in 2009 and have continued to decline during the early part of this year. Irish price movements over recent years have mirrored those of the EU as a whole.

Pork remains the most-consumed meat worldwide and consumption is expected to increase steadily over the next decade. In order to best position the Irish industry to share in that growth, I am progressing a number of initiatives. Teagasc has prepared a development strategy for the Irish pig industry, which identifies the issues facing the sector and makes certain recommendations. Measures have been proposed that need to be taken to position the sector for a successful future and a ‘Pig Industry Strategy Steering Group’, which includes representation from my Department and all sectors of the industry, has been established for the purpose of implementing the recommendations of this development strategy. I will continue to work with industry stakeholders to advance these recommendations.

On marketing and promotions, the domestic market remains the most important for Irish pigmeat, accounting for 50% of our production. Therefore, protecting and maintaining the market share of Quality Assured pigmeat in Irish retail is critical for the Irish industry. Bord Bia will continue to work with the industry and invest heavily in consumer promotions at retail and education programmes at food service level to promote Quality Assurance.

The ongoing marketing initiatives conducted by Bord Bia both at home and overseas are instrumental in supporting the pigmeat sector. Resources have been increased by Bord Bia, through the Marketing Fellowship Programme, in the market development of more customers for Irish pig meat within the EU. By targeting the end users and further manufacturers directly, we can shorten the supply chain and return greater value to exports. We currently export to over 20 non-EU markets and it is my policy and that of the Government to ensure that Irish

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producers have access to markets worldwide. My Department will continue to work with Bord Bia, and the Department of Foreign Affairs and the industry to identify and develop other potential markets.

### *Poultry*

The farm gate value of Irish-produced poultry meat is thought to be approximately €150 million. Despite considerable competition from imports the domestic industry has proven to be quite resilient in recent years. The majority of Irish product is consumed in this country with exports focussing largely on by-products. The target over the medium term is to increase the share of the Irish poultry meat market being supplied by Irish producers.

### *Lamb*

Although the scarcity of supply is currently helping to support producer prices, market forces have negatively affected the lamb sector in recent times. As one of the most expensive meats on the retail shelf, tightened consumer spending has impinged on demand on all main markets. A weaker euro/sterling exchange rate has reduced Ireland's competitiveness on the French market — our largest export market for lamb, where we compete directly with British exporters. Bord Bia's promotional strategy for the Irish sheep sector addresses these market forces in the following ways:

- By encouraging Irish consumers to buy more Quality Assured lamb.
- By collaborating with its French and English counterparts in a campaign to reverse the decline in consumption of lamb on the French market, which accounts for over 50% of our exports.
- By working with individual exporter to increase the amount of exports to higher value markets such as Germany and Scandinavia and thereby reduce Ireland's dependency on the French market.

Bord Bia will spend up to €1 million this year on such promotional campaigns.

Earlier this month I launched a three-year, €54 million grassland sheep scheme, the funding for which, comes from unused Single Payment funds. The focus of this scheme is on breeding ewes and it should help to prevent further declines in flock numbers, by giving farmers a real incentive to maintain their production levels. It should also provide sheep farmers with a much-needed boost to their incomes. The sector should also benefit under the Rural Development Programme, where an indicative figure of €8 million has been allocated for sheep fencing and mobile handling facilities, to help sheep farmers in reducing labour input. In addition to this extra funding, 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. Teagasc has also allocated almost €1.5 million for sheep research for 2010.

All of these supports complement the work being undertaken by my Department, its state agencies and the industry, following the recommendations of the Sheep Industry Development Strategy Group — “the Malone Report”. This report provides a clear blueprint for the development of a more profitable sheep sector in Ireland and covers production, processing and marketing. While most of the recommendations in the Malone report fall to be implemented by

the industry itself, my Department is playing its part by providing assistance for areas such as breeding and quality assurance.

### *Cereal Sector*

The maintenance of an efficient and viable cereals sector in Ireland is clearly very important. Not only does it generate an income to our tillage farmers but it also a key source of feed-stuffs for our livestock sector. Annual cereals production in Ireland has fluctuated around 2 million tones in recent years and it is desirable to try and sustain this level of production in order to avoid over dependence on imported cereals.

My Department operates a range of services aimed at improving the efficiency of, quality and viability of cereal production. These services include seed certification, seed testing and recommended list 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 cereals producers have consistently achieved some of the highest yields in the world.

### **Rural Environment Protection Scheme.**

48. **Deputy Seymour Crawford** asked the Minister for Agriculture, Fisheries and Food the number of REP scheme payments that are still outstanding in counties Cavan and Monaghan; when he hopes to have such payments finalised; and if he will make a statement on the matter. [16701/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Full payments have issued to 717 REPS 4 applicants in Cavan and 621 in Monaghan as of 23 April 2010, with further payments issuing this week. The processing of REPS 4 payments is governed by EU Regulations which require exhaustive administrative checks and on-the-spot inspections. In most parts of the country, the processing of payments is well advanced and the majority of participants have received their full payments for 2009.

In a significant number of cases, however, the administrative checks raised issues and queries which required further detailed examination. My Department's staff have been working to resolve these as quickly as possible. Many of these cases require the applicants' planners to amend the farm plans that were submitted originally. The applicants concerned have been made aware of the position and the applications will be further processed without delay on receipt of amended plans. My Department is working to resolve all outstanding issues and queries and my objective is to ensure that all outstanding payments issue as quickly as possible.

### **Sheep Production.**

49. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the steps which he is taking to support the sheep industry; and if he will make a statement on the matter. [16859/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My commitment to the sheep sector is well recognised. Earlier this month I launched a three-year, €54 million grassland sheep scheme, the funding for which, comes from unused Single Payment funds. I am confident that this scheme will provide a much-needed boost to sheep farmers' incomes, which should encourage them to stay in the sector. As the scheme focuses on flocks with breeding ewes, it should also provide a significant incentive to farmers to maintain their production levels, which is vital for the future of a viable sheep industry in Ireland. The sector

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should also benefit under the Rural Development Programme, where an indicative figure of €8 million has been allocated for sheep fencing and mobile handling facilities, to help sheep farmers in reducing labour input.

In addition to this extra funding, 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. Bord Bia will also spend up to €1 million this year on the promotion of sheep and lamb at home and abroad and Teagasc has allocated almost €1.5 million for sheep research for 2010. All of these supports complement the work being undertaken by my Department, its state agencies and the industry, on foot of the recommendations of the Sheep Industry Development Strategy Group — “the Malone Report”. This report provides a clear framework for progress for the sector.

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. Among the initiatives taken were:

- The establishment of ‘Sheep Ireland’ 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 establishment of the Lamb Quality Assurance Scheme in 2007. This Scheme is operated by Bord Bia and now has approximately 8,085 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.

In addition, the support being provided for processing facilities under the beef and sheepmeat capital investment fund underlines the Government’s commitment to the sector. I am confident that all of the initiatives I have outlined, will be of significant assistance in developing a strong and sustainable sheep sector for the future.

### **Cereal Sector.**

50. **Deputy Róisín Shortall** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the precarious situation grain farmers are in as a result of the decision by a company (details supplied) to import from England. [16921/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The decision referred to by the Deputy is a private commercial one for the company concerned and one in which I

have no role. In relation to their decision to use imported malt, I understand that the company continues to source 90 per cent of their malt requirement for their brewing operation in Ireland and that their commitment in this regard is unchanged.

#### **Installation Aid Scheme.**

51. **Deputy Ciarán Lynch** asked the Minister for Agriculture, Fisheries and Food the plans he has to deal with hardship installation cases locked out of the scheme in budget 2008; and if he will make a statement on the matter. [16905/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Young Farmers' Installation Scheme was suspended for new applications on 14 October 2008 against the background of the deterioration in the national finances. 941 applications for grant-aid were received by my Department under the Scheme prior to its suspension and these applications are being processed to payment stage as the claims are approved. An allocation of €4.5 million has been provided in this year's Estimates to meet the financial commitment involved in processing applications under the Scheme and the preceding installation aid schemes. I have no plans at present to reopen the Scheme to new applicants. If and when the Scheme is reopened, I will endeavour to ensure that priority is given to those persons who were intending to apply for grant-aid under the Scheme prior to its suspension.

#### **Fallen Animal Charges.**

52. **Deputy Willie Penrose** asked the Minister for Agriculture, Fisheries and Food the way he plans to address increasing fallen animal charges in the interest of small farmers; and if he will make a statement on the matter. [16915/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The disposal of fallen animals is subject to EU Regulations, notably Regulation (EC) No 1774 of 2002. These regulations require that animals which die on-farm must generally be disposed of through approved knackeries and rendering plants. My Department's contribution to the Fallen Animals Scheme ceased with effect from 14th April 2009. This was as a result of budgetary constraints and also reflects the greatly reduced incidence of BSE in this country. However I have continued to provide financial support for the collection of certain fallen animals, in particular bovines over 48 months of age, for sampling, as required under the ongoing national TSE surveillance programme.

With the ending of the Fallen Animals Scheme the cost of collection and rendering for animals not covered by the new scheme became a matter for negotiation between the individual collectors/rendering plants and their customers. My Department is continuing, within the boundaries of legal requirements, to make every effort to facilitate measures to maximise flexibility and enable reduction of costs in the rendering/collection system. This includes allowing cross border trade, permitting direct delivery by farmers to authorised plants and encouraging indigenous use of meat and bone meal (MBM) for energy purposes.

Approval conditions have recently been drawn up to facilitate the collection of fallen animals direct from farms by approved rendering plants, including arrangements to provide for TSE testing of these animals where required. Discussions are also ongoing between my Department and farmer and hunt representatives, to consider the feasibility of extending the network of plants authorised to act as knackeries. These measures are designed to help sustain competition in this sector and encourage fair pricing.

**Sheep Production.**

53. **Deputy Michael P. Kitt** asked the Minister for Agriculture, Fisheries and Food the basis on which payments under the recently announced grassland sheep scheme will be made; and if he will make a statement on the matter. [16773/10]

56. **Deputy Bobby Aylward** asked the Minister for Agriculture, Fisheries and Food when his Department will be making payments under the recently announced grassland sheep scheme; and if he will make a statement on the matter. [16771/10]

66. **Deputy Michael P. Kitt** asked the Minister for Agriculture, Fisheries and Food when is the closing date for applications to be made for the new grassland sheep scheme; and if he will make a statement on the matter. [16774/10]

80. **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. [16772/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I propose to take Questions Nos. 53, 56, 66 and 80 together.

As further evidence of my commitment to support the sheep sector, I recently announced the introduction of the Grassland Sheep Scheme. This is a three-year Scheme, with a total budget of €54 million. This funding, which comes from unused Single Payment funds, will provide a very important and timely boost to support incomes in the sheep sector over the next three years. I have deliberately kept the Scheme administratively simple, which will facilitate my Department making payments very shortly after the commencement date of 1 December 2010 (the commencement date for making payments under this Scheme in accordance with the provisions of the relevant EU Regulations). Farmers will find participating in the Scheme relatively easy, with three requirements, namely to:

- maintain ewes;
- complete the Sheep Census return; and
- submit the SPS application form by the closing date of 17th May 2010.

The ewe numbers eligible for inclusion in the 2010 Scheme will be based on the numbers as declared in the 2009 Sheep Census. The ewe numbers eligible for inclusion in the 2011 Scheme will be based on the average of the ewe numbers as declared in the 2009 and 2010 Sheep Census and the numbers eligible for inclusion in the 2011 Scheme will be based on the average of the ewe numbers as declared in the 2010 and 2011 Sheep Census.

Applicants must maintain sheep on an ongoing basis to retain eligibility for the 2011 and 2012 Schemes, i.e. he or she has to have sheep to declare in their 2011 and 2012 Sheep Census Sheep Returns. Applicants must also submit an SPS application each year to be eligible for the Scheme. The rate payable per hectare will be based on the number of 2010 SPS eligible hectares declared or area deemed eligible for payment, whichever is the lower, using two stocking densities as follows:

- 2.5 ewes per hectare for Mountain Type Grazing Land (as defined under the Disadvantaged Areas Scheme);

- 7 ewes per hectare for all other lands (including Most Severely, Less Severely Disadvantaged Area and non-Disadvantaged Areas).

The maximum area payable per Scheme-year is 84 hectares in respect of Mountain Type Grazing and 30 hectares for all other lands. The indicative rates of aid are as follows:

- Mountain Areas (0 to 20 hectares) : €30 per hectare
- Mountain Areas (20 to 84 hectares): €25 per hectare
- Lowland Areas: €70 per hectare.

The maximum Mountain Area payment is €100 higher than for Lowland Areas in recognition of the difficulties facing hill sheep farming.

The Scheme will maintain production as the supply of lambs is a key and fundamental element underpinning the sheep and lamb processing industry. This is a hugely valuable export-orientated part of the Irish agri-food sector, supplying a high-value product to consumer markets throughout Europe. The industry is worth around €250 million annually to the Irish economy with two-thirds of the product destined for exported.

### **Dairy Industry.**

54. **Deputy Jack Wall** asked the Minister for Agriculture, Fisheries and Food his policy to prevent a repeat of 2009 in the dairy sector; and if he will make a statement on the matter.  
[16929/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Over the past few years the international dairy industry has witnessed extremes of volatility in product prices on an unprecedented scale. During 2007 dairy prices reached record high levels during the international commodity price boom. In 2008 world dairy markets returned to far lower levels primarily due to a collapse in demand caused by the global economic downturn. The slump continued into 2009 before gradually improving later in the year. I continually pressed the Commission to take all appropriate actions to deal with the dairy market situation and the implementation of a range of support measures helped to stabilise the market. The dairy market situation has improved considerably since last Autumn and more recently has shown signs of a robust recovery with increased commodity prices on world and EU markets, and a consequent rise in milk prices.

I am committed to a strong and adequately resourced CAP after 2013 and I believe there is a continued role for existing market measures. The experience of the dairy sector in the past year reinforces this view. Furthermore, there is also a need for new measures which could assist in managing market volatility, and the Commission High Level Group on Milk is currently considering this issue. The Group was tasked with examining medium and long term ways of stabilising dairy farmers incomes and improving market transparency and will deliver a report by the end of June 2010.

Ultimately, the market is the source of income and to maximise profit the focus must be on competitiveness, efficiency and innovation. This was the aim of the Dairy Investment Fund which my Department provided funding of €114 million towards in 2007. This fund aided a total of 19 dairy processing investment projects, which will generate an estimated capital spend of €286 million at full production. The purpose of the Fund is to increase the efficiency of the



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main dairy outputs by supporting the upgrading of plant and buildings. This will assist operators in capturing new business in global markets and in developing new valued added products.

At producer level I have introduced measures to assist dairy farmers maximise their efficiency and competitiveness. Various initiatives have been taken in relation to the operation of the milk quota regime to improve efficiency of production. Furthermore, in July 2009 I announced proposals for the spending of more than €200 million on new investment measures in Irish agriculture as part of a revised Rural Development programme. These included the allocation from unspent Single Payment Scheme funds of €6 million per annum for the next three years to a scheme to encourage significant improvement in efficiency on dairy farms.

This Dairy Efficiency Programme is now up and running, and is helping dairy farmers to adopt best practice in the running of their enterprises by focussing on efficient grassland management, better breeding practices and improved financial management. This is being achieved through increased participation in discussion groups, and I am confident that the initiative can double the rate of involvement in such groups and make a significant contribution to helping the sector to deal with the challenges and the enormous opportunities that it is presented with. In addition, €45 million has been earmarked for an investment support scheme aimed at helping young dairy farmers to adjust to expanding dairy opportunities and make their commercial operations more cost effective.

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

#### **Single Payment Scheme.**

55. **Deputy Liz McManus** asked the Minister for Agriculture, Fisheries and Food the changes made to the eligible farmland areas for the purpose of applications for the single farm payment; the way he sees these changes affecting farmers; and if he will make a statement on the matter. [16910/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** No changes have been made with regard to the definition of eligible areas under the Single Farm Payment. Historically, the vast majority of Scheme applicants have been making sufficient deductions from their claims to take account of such areas in that they reduced the area claimed on. In many cases as no mapping evidence supporting these deductions was provided, the ineligible features were not, therefore, recorded onto the Land Parcel Identification System (LPIS), my Department's computer-based land parcel tracking system. As LPIS underpins all the direct payments, it is crucial that it accurately reflects the true position on the ground.

Under the provisions of the governing EU Regulations, payments under the Single Farm Payment may be made only in respect of eligible land and applicants under the Scheme are obliged annually to declare the land parcels available to them and details of the eligible area of the land parcels are recorded on LPIS. It is also necessary for applicants to exclude ineligible features such as scrub, roadways, etc. Therefore, the LPIS database has to be amended on an

ongoing basis to reflect any permanent changes such as parcel boundary changes, addition of new parcels, etc. In the vast majority of cases, the applicants were making sufficient deductions for the ineligible features and, therefore, there were no over-payments in these cases.

*Question No. 56 answered with Question No. 53.*

### **Live Exports.**

57. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food if he is actively supporting the re-opening of the north African live export trade; and if he will make a statement on the matter. [16926/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My Department facilitates international trade by providing prospective importing countries with the necessary assurances and certification in relation to the health and welfare of animals, and where demand exists, through the assessment and approval of means of transport to ensure that they meet the necessary animal health and welfare standards. In the past two years, my Department has hosted visits from two North African countries, who have expressed a tentative interest in re-opening their markets to live exports from Ireland. However, the economics of exporting live cattle outside the EU have been affected by an EU decision to abolish export refunds for live exports in 2005.

My Department will continue to support Irish operators who wish to export live animals, through its work in the approval of means of transport and certification of exports, and by actively engaging with the industry in Ireland, and with authorities in other countries, including those in North Africa, where a potential market demand has been identified.

### **Rural Environment Protection Scheme.**

58. **Deputy Emmet Stagg** asked the Minister for Agriculture, Fisheries and Food his plans to ensure that all farmers receive their 2010 REP scheme payment by the end of October 2010; and if he will make a statement on the matter. [16923/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Out of 29,376 farmers due payments in REPS 4, 100% payments have issued to over 21,000 as of 23rd April 2010, with a further 1,342 payments issuing this week.

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, those checks raised issues and queries, which required further detailed examination. The Department's staffs are working to resolve these as quickly as possible. Many of these cases require the applicants' planners to amend the farm plans that were submitted originally. The applicants concerned have been made aware of the position and the applications will be further processed without delay on receipt of amended plans. Insofar as payments in respect of 2010 are concerned, my objective is to process the claims arising as soon as the existing issues and queries are resolved and to ensure that the 2010 payments are made as soon as possible.

59. **Deputy Ciarán Lynch** asked the Minister for Agriculture, Fisheries and Food if he will give an assurance that farmers who apply for the agricultural environmental options scheme before 17 May 2010 will receive payment from a start up date of 1 June 2010; and if he will make a statement on the matter. [16906/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Subject to the need to carry out adequate administrative checks to meet regulatory and audit requirements, it is my intention to ensure that participants in the new Agri-Environment Options Scheme can start their contracts at the earliest possible date.

#### **Commercial Semi-State Bodies.**

60. **Deputy James Reilly** asked the Minister for Agriculture, Fisheries and Food if he or officials in his Department have had any discussions with Coillte and or Bord na Mona about a possible merger or strategic alliance; and if he will make a statement on the matter. [16998/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Neither I nor officials of my Department have made any proposal to Coillte or Bord na Móna regarding a possible merger or strategic alliance between the two organizations. A full review of state forestry policy, including the role, functions and operations of Coillte, is currently being undertaken in line with the commitment in the renewed Programme for Government. The terms of reference of the Group reviewing Coillte are:

“To make proposals for the development of Coillte in the context of national and EU policies on forestry, commercial state enterprises, the national economy, energy, climate change, the environment, tourism and recreation. The review will address the role of Coillte and its functions and operations including:

- Business Areas — forest management from afforestation through to log production, panel production, land use and renewable energy;
- Public Goods — climate change mitigation, recreation and protection of the environment, biodiversity, landscape, water resources and heritage;
- Corporate Development — funding, dividend policy, asset disposal, privatisation, wider share ownership, regulatory framework and relationships with stakeholders and organisations both public and private.”.

#### **Rural Environment Protection Scheme.**

61. **Deputy Johnny Brady** asked the Minister for Agriculture, Fisheries and Food if he is satisfied that the new agri-environment options scheme will be an attractive scheme for former REPS 3 participants; and if he will make a statement on the matter. [16775/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The new Agri-Environment Options Scheme (AEOS) allows farmers to select specific actions relative to their own farm for which payment of up to €5,000 per annum can be achieved. I am satisfied that the Scheme will prove to be attractive in particular to REPS 3 farmers, who will have previous experience and expertise in relation to the agri-environment actions contained in the new scheme and will be well placed to choose actions suitable to their circumstances. I would urge all farmers who are eligible to join the Scheme to look carefully at all of the information available with a view to ensuring that they maximise their payment.

#### **Proposed Legislation.**

62. **Deputy James Reilly** 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 he expects to enact this legislation; and if he will make a statement on the matter. [16999/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Government has approved the heads of the Forestry Bill, and discussions are continuing between my Department and the Office of the Attorney General with a view to finalizing the text. There is no specified timetable for its enactment. It would be my intention to introduce the Bill in the Houses of the Oireachtas as soon as possible.

#### **Animal Diseases.**

63. **Deputy Liz McManus** asked the Minister for Agriculture, Fisheries and Food the steps that were taken by his Department following the diagnosis of the first cases of bovine neonatal pancytopenia in County Cork on 13 April 2010; and if he will make a statement on the matter. [16909/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Veterinary Laboratory Service of my Department diagnosed the first cases of Bovine Neonatal Pancytopenia (BNP) in Ireland on 13 April. The cases involved two, two week old calves from the same farm in Cork which were submitted to the Regional Laboratory in Cork. BNP is a disease of calves less than one month of age which is variously referred to as “Calf Haemorrhagic Disease”, “Haemorrhagic Diathesis” or “Blood Sweating Disease”. No successful treatment has been identified to date. Cases were first identified in Germany in 2007 and have steadily risen in a number of European countries since then, with four cases confirmed in Northern Ireland.

There is no evidence that the condition is infectious or that it gives rise to food safety concerns. My Department’s Regional Veterinary Laboratories are available to assist herd-owners and veterinary practitioners with laboratory diagnosis and investigation of any suspicious cases as well as providing a free post mortem service for all calves which are considered suspects for this condition. Information on the condition is available on my Department’s website at the following link: <http://www.agriculture.gov.ie/>

#### **On-farm Investment Schemes.**

64. **Deputy Niall Blaney** asked the Minister for Agriculture, Fisheries and Food when he expects to be in a position to announce details of the various on-farm investment measures, which will be funded by unspent funds from the single payment scheme; and if he will make a statement on the matter. [16790/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My Department recently received EU Commission approval for the various targeted on-farm investment schemes announced by my Department in 2009. Due to the relatively short time-frames for completion of the investment works concerned, my priority is to introduce the Sow Welfare and Poultry Welfare Schemes first. Arrangements will then be made to introduce the three remaining schemes, including the Sheep Handling/Fencing Scheme. Discussions are ongoing with the relevant farming organizations in regard to the terms and conditions of the Schemes concerned. These should be completed in the near future and I hope to be in a position to make an announcement regarding the new Schemes at that stage.

#### **Departmental Committees.**

65. **Deputy Jack Wall** asked the Minister for Agriculture, Fisheries and Food the reason he

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has not established the farmers' charter monitoring committee and to set out his Department's level of compliance with the charter commitments; and if he will make a statement on the matter. [16930/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Farmers Charter Action Plan 2009-2011 was agreed with the farm organisations in May 2009. Further consultations subsequently took place with the farm organisations in relation to changes to a number of the main Department schemes, including the establishment and recent launch of the new Agri-Environment Options Scheme, and a Chairman of the Monitoring Committee has not yet been appointed.

It is however my intention to shortly appoint a Chairman, following consultation with the Social Partner Farm Organisations. Under the terms of the Charter agreement the new Monitoring Committee will meet three times a year, or otherwise as agreed, to monitor implementation of the Charter. The Monitoring Committee will also monitor service delivery and payment deadlines in respect of new schemes, or changes to Charter commitments following any changes to existing schemes. These will include new schemes under the revised Rural Development Programme such as the Agri-Environment Options Scheme and a number of new on-farm investment schemes due to be rolled out over the lifetime of the Programme.

*Question No. 66 answered with Question No. 53.*

*Question No. 67 answered with Question No. 31.*

#### **Afforestation Programme.**

68. **Deputy Seán Fleming** asked the Minister for Agriculture, Fisheries and Food his plans for the development of a sustainable forestry sector in view of its importance to farmers to the economy and to the environment; and if he will make a statement on the matter. [16782/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My Department is committed to promoting and supporting the development of a sustainable forestry sector for the benefit of farmers, the wider economy and the environment. To achieve this my Department promotes the planting of new forests through a range of attractive support measures — the Afforestation Grant Scheme, the Forest Environment Protection Scheme and the Native Woodland Scheme. These schemes provide 100% establishment grants and annual premiums for up to 20 years. In addition, my Department also provides supports towards the provision of forest infrastructure such as harvesting roads, along with grants to encourage forest owners to actively manage their forests and improve the quality of the final crop. Funding has also been provided for enterprises involved in the production and supply of wood fuels to the commercial and domestic heat sectors, along with start-up funding to a number of farm forest owner groups to work collectively to manage and market forest products and services.

#### **Dairy Industry.**

69. **Deputy John Cregan** asked the Minister for Agriculture, Fisheries and Food his views in relation to the continued need for the use of market management measures in the dairy sector in view of the ongoing fragile nature of the market; and if he will make a statement on the matter. [16792/10]

**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 manage 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 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.

I am committed to a strong and adequately resourced CAP after 2013 and I believe there is a continued role for existing market measures. The experience of the dairy sector in the past year reinforces this view. Furthermore, there is also a need for new measures which could assist in managing market volatility, and the Commission High Level Group on Milk is currently considering this issue. The Group was tasked with examining medium and long term ways of stabilising dairy farmers incomes and improving market transparency. It is expected that the Group will present a report by the end of June 2010.

#### **Food Industry.**

70. **Deputy Jim O’Keeffe** asked the Minister for Agriculture, Fisheries and Food the extent to which the six day stoppage of all flights into and out of Ireland due to volcanic ash has affected the export of perishable food from this country; the effects which this has had on Irish food producers; the measures which have been put in place to assist those food producers affected; and if he will make a statement on the matter. [16715/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The cancellation of flights following the volcanic eruptions in Iceland has had a low impact on the food industry. Up to 97% of food exports are moved by road and sea. Investment in the road infrastructure in Ireland and frequent sailings means that containers can switch quite easily between ports. Some specialist seafood products are exported by air to Japan, but as this is not the peak season, impact on sales is not expected to be significant.

#### **Rural Environment Protection Scheme.**

71. **Deputy Arthur Morgan** asked the Minister for Agriculture, Fisheries and Food if he will make a statement on the delay in paying REPS 4. [16700/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Out of 29, 376 farmers due payments in REPS 4, 100% payments have issued to over 21,000 as of 23rd April 2010, with a further 1,342 payments issuing this week. The processing of REPS 4 payments is governed by EU Regulations which require exhaustive administrative checks and on-the-spot inspections. In most parts of the country, the processing of payments is well advanced and the majority of participants have received their full payments for 2009. In a significant number of cases, however, the administrative checks raised issues and queries which required further detailed examination. My Department’s staff have been working to resolve these as quickly as possible. Many of these cases require the applicants’ planners to amend the farm plans that were submitted originally. The applicants concerned have been made aware of the position and the applications will be further processed without delay on receipt of amended plans. My Department

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is working to resolve all outstanding issues and queries and my objective is to ensure that all outstanding payments issue as quickly as possible.

*Question No. 72 answered with Question No. 38.*

73. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Fisheries and Food the reason 50% of Kerry REPS 4 farmers remain unpaid; and if he will make a statement on the matter. [16896/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The processing of REPS 4 payments is governed by EU Regulations which require exhaustive administrative checks and on-the-spot inspections. In most parts of the country, the processing of payments is well advanced and the majority of participants have received their full payments for 2009. In a significant number of cases, however, the administrative checks raised issues and queries which required further detailed examination. My Department’s staff have been working to resolve these as quickly as possible. Many of these cases require the applicants’ planners to amend the farm plans that were submitted originally. The applicants concerned have been made aware of the position and the applications will be further processed without delay on receipt of amended plans.

I am acutely aware of the situation in the Department’s local offices in Kerry where, because of the Government’s moratorium on recruitment and promotion in the civil service, two supervisory posts have been vacant and where, as a result, the processing of claims has been delayed. I am pleased to announce that my Department is now putting arrangements in place to resolve the situation. This will enable the processing of claims to proceed and for payments to issue without further delay.

*Question No. 74 answered with Question No. 43.*

**Job Creation.**

75. **Deputy Joan Burton** asked the Minister for Agriculture, Fisheries and Food the number of jobs that were created in the agricultural sector in 2009; and if he will make a statement on the matter. [16898/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The CSO publishes employment statistics each quarter in the Quarterly National Household Survey (QNHS). The QNHS estimates the number of persons employed in any given sector for that quarter rather than the inward and outward flows in terms of job creation and job losses in that sector for the quarter. In common with the overall economy, the effects of the global recession and downturn in the Irish economy has impacted negatively on employment levels in agriculture and other related sectors such as food and beverage production. The table attached shows employment comparisons between 2008 and 2009 in agriculture and related sectors.

Agriculture and Related Employment 2008-2009

	2008	2009
Primary Agriculture Forestry and Fishing	114.8	97.3
Manufacture of Food Products	45.8	42.2
Manufacture of Beverages	6.1	5.3

	2008	2009
Manufacture of Wood Products*	9.0	6.7

Source: CSO, QNHS-Quarter 2.

\*Excludes furniture.

Question No. 76 answered with Question No. 40.

### Food Industry.

77. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food the net value to the Irish Exchequer from food and beverage exports from 2008 to date in 2010; and if he will make a statement on the matter. [16920/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Bord Bia publishes annual data on the value of food and beverage exports. They estimate that in 2008 and 2009 over €15 billion worth of produce was exported by the sector. Their most recent estimates are that the value food and drink exports in 2009 declined by 12% to approximately €7.1 billion. This reduction was attributable to a number of factors including declines in the value of sterling against the euro as well as the ongoing global recession and weaker commodity prices. Over three quarters of exports go to high value markets in the UK and the EU with the balance going to the rest of the world. The table sets out details for 2008 and 2009, the most recent data available.

Food and Beverage Exports 2008-2009

	2008	2009*	Total 2008-2009	Change 2009 v 2008	
	€m	€m		%	€m
Dairy Products & Ingredients	2,290	2,000	4,290	-13%	-290
Prepared Foods	1,499	1,282	2,781	-14%	-217
Beef	1,607	1,400	3,007	-13%	-207
Beverages	1,229	1,071	2,300	-13%	-158
Seafood	335	303	638	-10%	-32
Poultry	203	180	383	-11%	-23
Pigmeat	343	290	633	-15%	-53
Sheepmeat	265	218	483	-18%	-47
Edible Horticulture & Cereals	148	213	361	44%	65
Live Animals	167	166	333	-1%	-1
<b>Total Food &amp; Drinks</b>	<b>8,086</b>	<b>7,123</b>	<b>15,209</b>	<b>-12%</b>	<b>-963</b>

\*2009 Provisional.

Source: Bord Bia estimates.

### Dairy Sector.

78. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food his views on restructuring in the dairy processing sector; the way he proposes to encourage, assist and facilitate this approach; and if he will make a statement on the matter. [16890/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Government is committed to ensuring that the Irish dairy sector reaches its full potential. One of the major challenges will be to ensure that Irish farming and the agri-food sector is at the heart of an



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evolving high-value food market, which is focused on quality and innovation. This is at the core of Government strategy under the AgriVision 2015 Plan which set out a series of actions to develop a competitive, innovative and consumer focused agri-food sector. As part of this plan, my Department provided funding of €114 million towards investment in dairy processing, which will generate an estimated capital spend of €286 million at full production. By stimulating necessary investment in the sector the Fund will help ensure the long-term competitiveness of the dairy industry in Ireland. In addition, various initiatives at producer level were taken in relation to the operation of the milk quota regime to improve efficiency of production. Furthermore, the Dairy Efficiency Programme and the investment support scheme for young dairy farmers have been put in place to encourage improved efficiency on dairy farms.

In terms of future policy development I expect to have a report by June from the 2020 Strategy Committee setting out strategies for the development of the agri-food sector. This will build on the actions taken by Government under the AgriVision 2015 Plan. The dairy industry itself is ultimately responsible for restructuring and rationalisation at processor level. Over the past year or so the industry has engaged in ongoing and wide ranging consultation with a view to restructuring milk processing in Ireland.

### **Fisheries Protection.**

79. **Deputy P. J. Sheehan** asked the Minister for Agriculture, Fisheries and Food if he has any proposals to create marine protected areas in the seas around the Irish coast; if he plans to introduce legislation to create MPAs; the agreements conventions or discussions that he has entered into to create MPAs; and if he will make a statement on the matter. [17002/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** In 2006 Ireland (the Minister for the Environment, Heritage and Local Government) formally designated 4 marine sites off the west and south-west coast of Ireland (Belgica Mound Province, Hovland Mound Province, the Northwest Porcupine Bank and the South West Porcupine Bank) as Special Areas of Conservation under the Habitats Directive (Council Directive 92/43/EEC) to conserve resident cold water coral reefs. Arising from concern that the continuous uses of active and passive fishing gears within the sites would undermine their conservation, in July 2006 Ireland asked the EU Commission to bring forward proposals for measures that would either provide for prohibition on fishing in these areas and/or would prohibit the use of fishing gear likely to cause damage to the coral reefs.

After extensive discussion and negotiation with all the stakeholders, a ban on all bottom trawling and fishing with static gears was introduced in these four areas in the TAC and Quota Regulation for 2008 (EU Council Regulation 40/2008). A derogation was allowed for certain pelagic fisheries using mid-water trawls that make no contact with the sea bed and as such do not pose a threat to the corals. The ban was renewed in the TAC and Quota Regulation for 2009 (EU Council Regulation 43/2009). The validity of the ban was then extended until 30 June 2011 in the Transitional Technical Measures Regulation (EU Council Regulation 1288/2

*Question No. 80 answered with Question No. 53.*

*Question No. 81 answered with Question No. 27.*

### **Agri-Environment Options Scheme.**

82. **Deputy Jan O'Sullivan** asked the Minister for Agriculture, Fisheries and Food if he is satisfied that measures have been taken to ensure that the agricultural and environmental

options scheme will commence on 1 June 2010 in the interest of utilising the full annual allocation for the scheme this year; and if he will make a statement on the matter. [16914/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Subject to the need to carry out adequate administrative checks to meet regulatory and audit requirements, it is my intention to ensure that participants in the new Agri-Environment Options Scheme can start their contracts at the earliest possible date.

### **Beef Imports.**

83. **Deputy Brian O'Shea** asked the Minister for Agriculture, Fisheries and Food if he is satisfied with the rate at which Brazilian authorities are clearing farms to export beef to the EU in view of the concerns of an association (details supplied); and if he will make a statement on the matter. [16911/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Since the beginning of 2008 Brazilian beef must be sourced from holdings in regions of the country approved for export to the EU that can provide for animal traceability. This supplementary certification requirement, proposed by the Commission and accepted by the majority of the Member States, was felt appropriate to guarantee hygiene and health status of beef exports to the EU. Imports into the EU from Brazil have evolved over the past four years as follows:

Year	Tonnes
2006	332,000
2007	364,000
2008	171,000
2009	149,000

*Source:* EU Commission.

It is the function of the Food and Veterinary Office (FVO) of the EU to monitor third countries and their application of their controls which have been accepted by the EU as offering equivalent guarantees to those operating in the EU for food of animal origin destined for export to the EU. In February and March 2008 the FVO undertook a mission to evaluate measures taken by the Brazilian Competent Authorities (CA) to address shortcomings it had identified on previous missions, in particular on traceability for cattle eligible to be slaughtered for export of their meat to the EU and on the system for approval of farms. Out of a total of 9,234 holdings which had been approved at that time the Brazilian Authorities proposed 106 farms for a renewed approval inspection for their entry on the EU approval listing which would be monitored by the FVO. The FVO highlighted the necessity for suitable training to guarantee consistency in the audit techniques used to ensure holdings were being operated to the required standards for export of meat to the EU. No changes to the EU's import conditions for beef were considered necessary at that time.

On a request from the Brazilian CA arrangements were put in place by the EU Commission, in April 2008, to provide training to core personnel in that country to promulgate the required standard for audit and approval of export holdings. Approximately 2000 (representing 2,400 farmers) have been listed as having received approval. A follow-up FVO mission to Brazil took place between 20 January and 2 February 2009 and noted significant improvements in the systems for animal registration, identification and movement and on the training of local inspection officials in accordance with the standards required for EU export. It concluded that with some further improvement to be undertaken by the CA the system is 'in general robust enough

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to deliver the guarantees requested by the Commission'. It is understood that a further FVO mission has taken place to Brazil recently and information is not yet available on the outcome.

Both I and my predecessors have emphasised to the Commissioner the necessity to be able to guarantee that food products imported into the EU are of an equivalent standard as those produced by our farmers. I have been assured that the Commission will not hesitate to take appropriate protection measures if a product, imported from a third country, represents a risk for the health of EC consumers, livestock or plants.

### **Food Industry.**

84. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food his views on the break-up of Glanbia; and if he will make a statement on the matter. [16919/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I have no role in the commercial operations of dairy companies. My objective is to ensure a policy framework which will facilitate the dairy industry, as a key part of the agri-food sector, to reach its full potential and to maximise the return from the marketplace on the basis of competitive, innovative and sustainable production of quality products. In this context I expect to have a report by June from the 2020 Strategy Committee setting out strategies for the development of the agri-food sector. This will build on the actions taken by Government under the AgriVision 2015 Plan.

As part of this plan, my Department provided funding of €114 million towards investment in dairy processing, which will generate an estimated capital spend of €286 million at full production. By stimulating necessary investment in the sector the Fund will help ensure the long-term competitiveness of the dairy industry in Ireland. In addition, various initiatives at producer level were taken in relation to the operation of the milk quota regime to improve efficiency of production. Furthermore, the Dairy Efficiency Programme and the investment support scheme for young dairy farmers have been put in place to improve efficiency on dairy farms. Ultimately of course it is a matter for the dairy industry itself to decide on restructuring and rationalisation at processor level having regard to the future evolution of supply and demand. As the deputy will be aware, over the past year or so the industry has engaged in ongoing and wide ranging consultation with a view to restructuring milk processing in Ireland.

### **Agri-Environment Options Scheme.**

85. **Deputy Johnny Brady** asked the Minister for Agriculture, Fisheries and Food the level of funding that is available for persons who will join the new agri-environment options scheme in 2010; and if he will make a statement on the matter. [16776/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Agri-Environment Options Scheme (AEOS) is a multi-annual scheme and provision has been made for up to 10,000 participants at a maximum annual rate of €5,000.

### **Grant Payments.**

86. **Deputy Jim O'Keeffe** asked the Minister for Agriculture, Fisheries and Food, further to Parliamentary Question No. 14 of 11 March 2010, the progress that has been made in dealing with the problems that have caused delays in processing REP scheme payments; when all outstanding payments will be made; and if he will make a statement on the matter. [16716/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Out of 29,376 farmers due payments in REPS 4, 100% payments have issued to over 21,000 as of 23 April 2010, with

a further 1,342 payments issuing this week. The processing of REPS 4 payments is governed by EU Regulations which require exhaustive administrative checks and on-the-spot inspections. In most parts of the country, the processing of payments is well advanced and the majority of participants have received their full payments for 2009. In a significant number of cases, however, the administrative checks raised issues and queries which required further detailed examination.

My Department's staff have been working to resolve these as quickly as possible. Many of these cases require the applicants' planners to amend the farm plans that were submitted originally. The applicants concerned have been made aware of the position and the applications will be further processed without delay on receipt of amended plans. My Department is working to resolve all outstanding issues and queries and my objective is to ensure that all outstanding payments issue as quickly as possible.

*Question No. 87 answered with Question No. 31.*

#### **Afforestation Programme.**

88. **Deputy Seán Fleming** asked the Minister for Agriculture, Fisheries and Food the value of the annual forestry premia to forestry owners here; and if he will make a statement on the matter. [16783/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** A total of €70,495,666 of premium payments was made to forest owners in 2009. To date in 2010, payments to the value of €54,079,014 have been paid. This will increase according as new afforestation applications are approved.

#### **Farm Retirement Scheme.**

89. **Deputy Michael D. Higgins** asked the Minister for Agriculture, Fisheries and Food the position regarding spouses of early retirement scheme applicants who have deceased during the period of the pension; if the pension is being withheld; if it will be restored; and if he will make a statement on the matter. [16903/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Since the first Scheme of Early Retirement from Farming was introduced in 1994, it has been the practice to continue to pay the pension to dependants of participants who died before the period of their pension had elapsed. This arrangement was provided for first scheme document which was approved by the Commission and in the Rural Development Programme, 2000–2006, under which the second Scheme was introduced. However, following recent audits of the Scheme by the European Court of Auditors and the European Commission, the Commission has informed my Department that this practice is not compatible with the governing Regulations and must be discontinued. I am considering the implications of the European Commission's comments. In the meantime, my Department has suspended the processing of new cases.

#### **Farm Inspections.**

90. **Deputy Emmet Stagg** asked the Minister for Agriculture, Fisheries and Food if he will implement a warning system rather than an immediate penalty for farmers who are inspected by his Department on behalf of local authorities; and if he will make a statement on the matter. [16924/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** This year, in an effort to minimise duplication of farm inspections, my Department agreed to carry out some 1,500

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farm inspections under the GAP regulations on behalf of the Department of Environment, Heritage and Local Government.

The EU regulations governing cross-compliance, which includes the Nitrates directive, set out a range of percentage reductions for non-compliance. Where non-compliance results from negligence on behalf of the farmer a 3% reduction may be applied but this can be reduced to 1% or increased to 5% depending on the extent, severity and permanence of the infringement. If the non-compliance were repeated within a 3 year period a multiplier of 3 must be applied. In the case of intentional infringement a 20% reduction is proposed but this could be reduced to 15% or increased to 100% depending on the extent, severity and permanence of the infringement.

EU regulations provide that where minor cases of non-compliance are detected a tolerance may be applied provided the farmer takes remedial action to correct the situation within a given timeframe. My Department applies this tolerance provision where appropriate.

### **Food Industry.**

91. **Deputy Róisín Shortall** asked the Minister for Agriculture, Fisheries and Food his views on the implementation of a statutory code of practice to ensure transparency in the grocery sector pricing model; and if he will make a statement on the matter. [16922/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** 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”.

The Government will give effect to this commitment by including a specific provision in the legislation, currently being prepared by my colleague the Minister for Enterprise, Trade and Employment to merge the National Consumer Agency and the Competition Authority, which will allow for the introduction of statutory Codes of Practice in areas such as the grocery goods sector. Minister O’ Keeffe expects to publish this legislation later this year. In the interim period until the legislation is enacted, the possibilities of agreeing a Voluntary Code, which would respect the interests of all parties, will be explored with all the relevant stakeholders. A Voluntary Code offers stakeholders the opportunity to develop a Code most suited to the dynamics of the Irish grocery goods sector and which could also form the basis of any subsequent statutory Code.

The Government is strongly committed to ensuring that Ireland continues to have vibrant agrifood food and retail sectors, particularly given the importance of these sectors to the national economy. The Government considers it important, therefore, that there is balance and transparency in the relationship between the various players in the grocery goods sector. The introduction of a Code of Practice, as provided for in the Programme for Government, is intended to achieve such a balance taking into account the interests of all stakeholders in the grocery goods sector including the interests of the consumer.

92. **Deputy Kathleen Lynch** asked the Minister for Agriculture, Fisheries and Food the impact of volcanic ash on agricultural production; and if he will make a statement on the matter. [16907/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** There was no reported impact of volcanic ash on Irish agricultural production. The European Food Safety

Authority concluded that “based on available information, the potential risk posed by fluoride in volcanic ash through contamination of drinking water, fruit, vegetables, fish, meat, milk and feed in the European Union is negligible”.

#### **Animal Welfare.**

93. **Deputy Margaret Conlon** asked the Minister for Agriculture, Fisheries and Food the benefits that he believes will arise from the recently agreed all-island animal health and welfare strategy; and if he will make a statement on the matter. [16777/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The development of an All-Island Animal Health and Welfare Strategy was agreed under the North South Ministerial Council arrangements, as part of the commitment to closer co-operation and joint approaches for the improvement of animal health and welfare on the island of Ireland. The Strategy provides a basis to enhance animal health and welfare standards and to have expanded opportunities for the export of livestock and livestock products. The ultimate objective of the All-Island Animal Health and Welfare Strategy is to have policies and arrangements in place that facilitate the free movement of animals on the island.

#### **Redundancy Payments.**

94. **Deputy Denis Naughten** asked the Minister for Enterprise, Trade and Employment when a redundancy payment will be awarded in respect of a person (details supplied) in County Mayo; and if he will make a statement on the matter. [17406/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** My Department administers the Social Insurance Fund (SIF) in relation to redundancy matters on behalf of the Department of Social and Family Affairs. There are two types of payment made from the SIF — rebates to those employers who have paid statutory redundancy to eligible employees, and statutory lump sums to employees whose employers are insolvent and/or in receivership/liquidation. I can confirm to the Deputy that my Department received a lump sum claim for the individual concerned on 11 January, 2010 and that the claim is currently being processed. It is expected that payment to the individual will be made within a three to four week period.

#### **Work Permits.**

95. **Deputy Michael D. Higgins** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to a campaign by Migrants Rights Centre Ireland for a change in the way in which the work permit system is operated; his views of the campaign’s aim which is to allow the employee the right to change employer as opposed to being bound to one; and if he will make a statement on the matter. [17433/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** My Department condemn any practices by employers that may result in non-compliance with employment rights entitlements or any other mistreatment of employees including those on employment permits. Ireland’s Employment Rights Legislation establishes the minimum statutory rights applicable to all people working in Ireland whether they are Irish citizens or otherwise. I would urge all whose employment rights are being breached by an employer or those who know of such exploitation to contact the National Employment Rights Authority (NERA).

[Deputy Dara Calleary.]

The Employment Permits Act 2006 sets out in legislation the rules governing employment permits. One of the main focuses of this Act was in increasing the rights and protections afforded to migrant workers and the means to ensure redress in the event of exploitative practices. The Act's provisions gave immigrants greater freedom, autonomy and control over their own employment choices by enabling workers for the first time to apply and re-apply for their own permit and allowing workers to change their employer after a period of a year and move to another employment in order to take advantage of better conditions or career options. Last year, my Department issued almost 1,500 employment permits in respect of employees changing to new employers. The Employment Permits Act 2006 provides for regular review of Ireland's economic migration policies and my Department keeps these policies under review on an on-going basis.

### **Redundancy Payments.**

96. **Deputy Paul Kehoe** asked the Minister for Enterprise, Trade and Employment the position regarding a statutory redundancy application in respect of a person (details supplied): when they will receive payment; and if he will make a statement on the matter. [17508/10]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** My Department administers the Social Insurance Fund (SIF) in relation to redundancy matters on behalf of the Department of Social and Family Affairs. There are two types of payment made from the SIF — rebates to those employers who have paid statutory redundancy to eligible employees, and statutory lump sums to employees whose employers are insolvent and/or in receivership/liquidation. I can confirm that my Department received a lump sum claim for the individual concerned on 5 August, 2009 and I am pleased to advise the Deputy that the claim is at an advanced stage of processing. Payment is expected to issue to the individual within the next one to two week period.

### **Licensed Premises.**

97. **Deputy Charles Flanagan** asked the Minister for Finance the number of six-day publican licences issued in the State; if he has any proposals to facilitate the upgrading of same; and if he will make a statement on the matter. [17405/10]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that there are currently eleven “Six Day” licences on their database, of which ten have been renewed for 2010. There are also four “Six Day Early Closing” licences of which two have been renewed for 2010. The Government Legislation Programme provides for the publication of the Sale of Alcohol Bill in 2010. This Bill, being sponsored by the Minister for Justice for Justice, Equality and Law Reform, will modernise and streamline all the laws relating to the sale and consumption of alcohol by repealing the Licensing Acts 1833 to 2008, as well as the Registration of Clubs Acts 1904 to 2008, and replacing them with updated and streamlined provisions. The upgrading of the remaining number of restricted licences is being considered in the context of that Bill.

### **Stability and Growth Pact.**

98. **Deputy Aengus Ó Snodaigh** asked the Minister for Finance the discussions he has had with the German Chancellor or her officials or with the representatives of the other EU member states or institutions regarding her proposal to have an expulsion clause inserted into the Stability and Growth Pact to evict countries in the eurozone who persistently fail to meet

the criteria set for public spending, country deficits and other breaches of the rules; and if he will make a statement on the matter. [13294/10]

**Minister for Finance (Deputy Brian Lenihan):** I assume that the Question relates to policy issues raised by individual Member States in follow-up discussions arising out of the statements of the Heads of State and Government on 11 February 2010 and 25 March 2010, and of the Eurogroup on 11 April 2010, on the taking of measures, if needed, to support the financial stability of the euro area, in the context of the difficulties being experienced by Greece.

As the Deputy will appreciate these matters are hugely sensitive and one that must be treated delicately least markets react unfavourably to speculative comment. Currently, the eurozone member states are working together to support the overall financial stability of the eurozone in light of the present difficulties of one member. It would not be appropriate to comment on any particular aspect of ongoing informal discussions.

### **Flood Relief.**

99. **Deputy Bernard J. Durkan** asked the Minister for Finance the position regarding the flood alleviation and flood prevention programme in respect of various river catchment areas; the extent to which plans have been submitted to the EU institutions with a view to obtaining funds available for this purpose; the extent to which it is expected to proceed with any such plans in the short to medium term; if it is intended to focus initially on those areas both urban and rural which were most affected by flooding in the past number of years; and if he will make a statement on the matter. [16084/10]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** As lead agency in the management of flood risk nationally, the Office of Public Works (OPW) has focused on a catchment-based context for managing flood risk, with more proactive risk assessment and management, and increased use of non-structural and flood impact mitigation measures. Catchment Flood Risk Assessment and Management Studies (CFRAMSs) and their product — Catchment Flood Risk Management Plans (CFRMPs) — are at the core of this national policy for flood risk management and the strategy for its implementation. This policy is in line with international best practice and the requirements of the EU Floods Directive.

The OPW has been appointed as the national competent authority under the EU Floods Directive and as such will act as the principal coordinator in the production of CFRMPs for all national river catchments, which are due to be submitted to the EU by 2015. The programme for implementation of the CFRMPs is generally in accord with timescales set out in the EU 'Floods' Directive. It is intended to complete the first phase by 2015. The Commission requires Member States to report progress on the implementation of the Directive. OPW is not aware of EU funding for these purposes.

In advance of the completion of the CFRMPs, OPW will continue to invest significant funds in terms of flood relief activities, capital works, drainage maintenance and hydrometric activities. The annual provision for like-for-like services has been increased by Government by 188% over the seven year period to 2010. OPW has already profiled expenditure in excess of €200m on around fifteen major capital schemes from now to 2014.

### **Tax Code.**

100. **Deputy Trevor Sargent** asked the Minister for Finance if a tax exempt approved body must, in order to comply with the provisions of section 235 of Taxes Consolidation Act 1997, include in its rules and constitution certain clauses, income and property and winding-up clauses, which ensure the members of the tax exempt approved sports body do not benefit



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directly or indirectly or otherwise from the income or assets of the approved body, including the interest accruing on any tax free capital sum arising from the sale of assets; and if he will make a statement on the matter. [17348/10]

**Minister for Finance (Deputy Brian Lenihan):** Section 235 of the Taxes Consolidation Act, 1997 provides an income tax exemption to sporting bodies, which have been approved by Revenue on the basis that the body has been established for, and exists for the sole purpose of promoting athletic or amateur games or sports. The exemption extends to the amount of the income of the approved body which has been, or will be, applied to the sole purpose mentioned.

Sections 610 and Schedule 15, Paragraph 37 of the Taxes Consolidation Act, 1997 provides a capital gains tax exemption in respect of chargeable gains accruing to sporting bodies to the extent that the income of the sporting body is exempt from income tax or corporation tax as the case may be. Where a sporting body realises a capital sum from the disposal of an asset the exemption applies only to the extent that the proceeds are applied for the sole purpose of promoting athletic or amateur games or sports.

The administration of tax exemptions for sporting bodies is a matter for the Revenue Commissioners. Revenue has emphasised that the detailed application of funds has to be considered specifically, and in context, in each individual case, to determine whether any implications arise for the tax exemption, or the body's approval by Revenue. Revenue has also confirmed that while there is no specific requirement in section 235 regarding the type of clauses to be included in the Rules and Constitution of tax exempt sporting bodies, those bodies that formally apply for an exemption are required to include income, property and winding-up clauses which ensure that no portion of the bodies' income or property is transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of profit to the members. Revenue has also confirmed that bodies granted sporting tax exemption are subject to periodic risk-focused review towards ensuring that the terms of the exemption continue to be fulfilled. All relevant matters, including adherence to any income, property and winding-up clauses are considered in the context of such reviews.

101. **Deputy Trevor Sargent** asked the Minister for Finance if a club (details supplied) in County Dublin is in breach of section 235 of the Taxes Consolidation Act 1997 by using €2.2 million of interest from a tax exempt capital sum of €20 million to offset against the club operating losses of €2.9 million thereby subsidising member's annual subscriptions to a lesser amount than would otherwise be payable were such interest not available to the body and in so doing conferring a direct or indirect financial benefit on the members of that body in contravention of the terms and conditions under which the tax exemption was granted; and if he will make a statement on the matter. [17349/10]

**Minister for Finance (Deputy Brian Lenihan):** Section 235 of the Taxes Consolidation Act, 1997 provides an income tax exemption to sporting bodies, which have been approved by Revenue on the basis that the body has been established and exists, for the sole purpose of promoting athletic or amateur games or sports. The exemption extends to the amount of income applied to the sole purpose of promoting athletic or amateur games or sports.

Sections 610 and Schedule 15, Paragraph 37 of the Taxes Consolidation Act, 1997 provides a capital gains tax exemption in respect of chargeable gains accruing to sporting bodies to the extent that the income of the sporting body is exempt from income tax or corporation tax. Where a capital sum is realised from the disposal of an asset the exemption applies to the extent that the proceeds are applied for the sole purpose of promoting athletic or amateur games or sports. Revenue cannot comment on an individual case but confirms that such cases

are subject to periodic review to ensure that all the terms of exemption are fulfilled and will investigate a case if information comes to light that the exemption conditions are not met.

### **Banks Recapitalisation.**

102. **Deputy Joan Burton** asked the Minister for Finance the way the promissory notes issued to Anglo Irish Bank and Irish Nationwide Building Society are to be treated by EUROSTAT for the purposes of quantifying the general Exchequer deficit and national debt for 2010 and beyond; if he will confirm that promissory notes for €8.3 billion and €2.7 billion have been transferred to Anglo Irish Bank and Irish Nationwide respectively; the total expected 2010 interest payment for money raised for the purposes of injecting capital into Anglo Irish Bank and Irish Nationwide; the way these payments will impact on the commitment to make budgetary adjustments totalling €3 billion for 2011; and if he will make a statement on the matter. [17376/10]

**Minister for Finance (Deputy Brian Lenihan):** On March 31st this year the Government issued promissory notes to Anglo Irish Bank and Irish Nationwide Building Society for €8.3 and €2.6 billion respectively to help meet their capitalisation requirements over the coming years. Although the effect of this is to increase General Government Debt by €10.9 billion in 2010 there will be no actual drawing down of funds associated with these transactions in 2010. Consequently, there will be no additional interest costs incurred in 2010 as the transfer of funds from the Exchequer relating to the promissory notes will not begin until 2011. The reason the full amount is included in the 2010 General Government Debt figures — despite the fact that the money will not be borrowed in that year — is because accounting rules state that one must recognise a debt in the period in which it arises.

Until the details of the restructuring plans of these institutions have been agreed with the European Commission, the precise impact on the General Government Deficit will not be clearly known. As such, these promissory notes have been classified as financial transactions, and hence are not included in the General Government Deficit for 2010. When further information is available, this decision can be reviewed. The Government remains committed to the Budget day target to reduce the deficit to below 3% of GDP by 2014 and as such the budgetary targets for this and subsequent years remain unchanged and are unaffected by these recapitalisation plans.

### **Pension Provisions.**

103. **Deputy Noel Ahern** asked the Minister for Finance the system of regulation for additional voluntary contribution schemes; if legislation covering AVCs allows participants to reduce the amount of money they are paying into schemes and or release a portion of the contributions that they have made to date; and the extent he will intervene in cases in which participants are dissatisfied with the conditions of AVC schemes. [17454/10]

**Minister for Finance (Deputy Brian Lenihan):** Additional Voluntary Contributions (AVCs) are made by an employee in addition to any compulsory contributions the employee may be required to make under the rules of an occupational pension scheme of which he or she is a member. AVCs can be made in order to improve the benefits of scheme members over and above those provided by the scheme rules but within Revenue limits. Where an employer operates a pension scheme, it is usual to provide a facility to scheme members to make AVCs. Although the law does not require schemes to allow AVCs, the Pensions (Amendment) Act, 2002 requires any employer whose pension arrangements do not include an AVC facility to offer access to at least one standard PRSA to be used for AVC purposes.

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As AVCs are voluntary, individuals can decide on the level of such contributions they wish to make and they may reduce or cease contributions at any time. Contributions to AVCs must, however, comply with the relevant tax legislation and the requirements of the Revenue Commissioners in relation to the tax treatment of pension provision and retirement benefits. For example, there are age-related percentage limits of earnings (subject to an overall annual earnings limit of €150,000) on which tax relief on contributions by an employee or individual to a pension arrangement, including contributions to an AVC, is allowed.

Moreover, the maximum benefit that an individual can receive from an occupational pension scheme at normal retirement age is a pension of two-thirds of final remuneration. When benefits secured by AVCs are added to the main scheme benefits, this maximum cannot be exceeded. A funding review and maximum benefits test must take place before any AVC is paid. It is the responsibility of the scheme trustees to ensure that excessive employee contributions are not made. Finally, in this regard, and as with pension contributions generally, AVC contributions once made are effectively “locked in” and access to the funds in an AVC is usually restricted to the time when access to the retirement benefits of the main scheme is permitted (generally at the normal retirement age provided for under the rules of the scheme).

Occupational pension schemes and personal pension plans such as Personal Retirement Savings Accounts (PRSAs), which can encompass AVC arrangements, are subject to regulation by the Pensions Board which comes under the aegis of my colleague, the Minister for Social Protection. The Deputy’s question is not clear on the specific aspects of the regulation or otherwise of AVCs about which he has concerns. If he were to set out the specific issues involved, then perhaps I or my colleague, the Minister for Social Protection, may be in a position to comment further on the matter.

#### **Financial Institutions Support Scheme.**

104. **Deputy Róisín Shortall** asked the Minister for Finance if he has reviewed the pension arrangements of top management within the covered institutions as recommended by CIROC in its report in February 2009; and if he has addressed the specific issues raised in the CIROC report that the arrangements of making pension cash payments is unacceptable and that pension arrangements for senior executives should be at least broadly similar to those applicable to the generality of the staff in the institution. [17524/10]

**Minister for Finance (Deputy Brian Lenihan):** Under the Credit Institutions (Financial Support) Scheme 2008 the remuneration packages of directors and executives, including total salary, bonuses, pension payments and any other benefits were subject to review by the Covered Institutions Remuneration Oversight Committee [CIROC] arising from the provisions of the Credit Institutions (Financial Support) Act, 2008. CIROC reported on 27 February 2009, recommending reductions in prevailing base salary, bonus and pension levels for Chief Executives, Chairs and ordinary board members that it considered to be, in many cases, markedly excessive.

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 light of those considerations, the Government concluded 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.

I wrote to the chairpersons of each of the covered institutions on foot of the publication of the CIROC report seeking immediate action from the Boards to review remuneration plans so that revised remuneration packages for everyone in their organisation respected the salary cap of €500,000 or amount recommended by CIROC which ever is the lesser.

It is a matter for the remuneration committees of the covered institutions to ensure that these recommendations are being adhered to; however it is possible that in some cases the remuneration committee is restricted because of contractual arrangements entered into with individual senior executives prior to the publication of the CIROC report. I have no legal power under the Scheme to force new agreements in such cases for the duration of the existing contracts. In general, the experience of the Department is that the recommendations of CIROC are being complied with and/or are being attended to satisfactorily on an ongoing basis. The Deputy will appreciate that the respective covered institutions operate in a commercial fashion. Subject to contractual considerations, they are expected, in the present economic circumstances, to take account of the necessary downward adjustment in remuneration levels affecting all sectors of the economy.

On the issue of “pension cash payments”, the report of the Covered Institution Remuneration Oversight Committee (CIROC) stated that: “We have become aware of a practice in which cash allowances were paid to compensate for the effects of the “pensions cap” imposed by the Finance Act, 2006. Pension schemes should reflect public policy and tax law and it is unacceptable that arrangements should be put in place which would be inconsistent with the intent of the relevant legislation.” I specifically informed the affected institutions that this practice should cease immediately. My understanding is that this has been complied in all but two of the covered institutions where some of the payments continue to be made because of pre-existing contractual arrangements.

### **Money Laundering.**

105. **Deputy Bernard J. Durkan** asked the Minister for Finance the degree to which he alone or in conjunction with his EU colleagues has provided or intends to provide adequate protection against money laundering; and if he will make a statement on the matter. [17551/10]

**Minister for Finance (Deputy Brian Lenihan):** EU action in the area of anti-money laundering is primarily contained in the Third Money Laundering Directive (Directive 2005/60/EC). Primary responsibility for domestic legislation in the anti-money laundering area lies with the Minister for Justice, Equality and Law Reform who has transposed the Directive into Irish law in the Criminal Justice (Money Laundering and Terrorist Financing) Bill 2009 which is completing its consideration by the Oireachtas this week. The Bill also consolidates the existing money laundering provisions of the Criminal Justice Act 1994.

The Criminal Justice Act 1994 imposed obligations on financial institutions and, more recently, on lawyers, accountants and auctioneers to identify their clients and report suspicious transactions to the Garda Síochána and to the Revenue Commissioners. The new legislation strengthens the existing anti-money laundering legislation by, among other requirements, widening the offence of money laundering, establishing a system of compliance monitoring by competent authorities, requiring designated persons to identify the beneficial ownership of unlisted companies and trusts and introducing the concept of a risk based approach which will enable designated persons to concentrate resources on higher risk areas.

The new legislation will also strengthen the powers of the Financial Regulator by allowing him to impose administrative sanctions for breaches of its provisions. The Financial Regulator

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is also devoting substantial additional resources to the inspection of credit and financial institutions to ensure compliance with their anti-money laundering obligations.

Apart from the Third Money Laundering Directive the EU has also introduced regulations to ensure full identification of persons transmitting funds by wire transfer (EC Regulation 1781/2006) and to require declaration of large cross-border cash movements (EC Regulation 1889/2005). These Regulations have direct effect in all Member States. The issues of money laundering and criminality generally are also regularly discussed at the Justice and Home Affairs Council.

### **Economic Competitiveness.**

106. **Deputy Bernard J. Durkan** asked the Minister for Finance the extent to which the issue of competitiveness in the economy has been addressed to date, with particular reference to the need to be in a position to compete with other EU member states and particularly our nearest neighbours; and if he will make a statement on the matter. [17552/10]

**Minister for Finance (Deputy Brian Lenihan):** Until 2008, Ireland lost competitiveness as our prices grew ahead of other euro area countries and our wages increased at rates above that justified by our productivity. Our price levels were almost a quarter higher than the euro area average in that year. As has been said for some time there is an urgent need to improve the competitiveness of the Irish economy and this is a job for all in society. While much more needs to be done I am happy to report that in this regard there are already a number of positive developments. Consumer prices in Ireland are now declining at the fastest rate in the euro area and the European Commission now suggests that, uniquely in the euro area, our unit labour costs fell last year when all others rose somewhat. I would point out to the Deputy that (when measured on the same basis) consumer prices fell by 2.4 per cent in the year to March in Ireland but rose by 3.4 per cent in the UK over the same period, almost a six percentage point difference. All these developments will assist addressing our competitiveness problem.

As a member of a currency union we have no control over the exchange rates we face so we must focus on improving competitiveness at home if we expect to be able to maintain and gain export market share. While the falls in domestic prices, easing wage pressures and improvements in productivity are helpful we must not be complacent as further improvements in our competitiveness are essential if we are to position ourselves to benefit as EU and global growth resumes. I want to assure the Deputy that improving the competitiveness of Ireland's economy is a key priority for this Government.

### **Fiscal Policy.**

107. **Deputy Bernard J. Durkan** asked the Minister for Finance the extent to which the projections as set out in budget 2010 remain on target; and if he will make a statement on the matter. [17553/10]

**Minister for Finance (Deputy Brian Lenihan):** *Budget 2010* forecast an Exchequer Borrowing Requirement of just under €19 billion and a General Government Deficit of some 11½% of GDP in 2010. The most recently published fiscal data for 2010 are the Exchequer Returns for the end of the first quarter of the year, published on 2 April and these were broadly in line with my Department's expectations for the first quarter of the year. My Department continues to analyse the emerging trends. However, at this stage of the year I have no reason to change the budgetary targets for 2010.

**Banks Recapitalisation.**

108. **Deputy Bernard J. Durkan** asked the Minister for Finance when he expects the banks to be in a position to provide the necessary working capital to the business community in agriculture, industry and the commercial or services sectors; and if he will make a statement on the matter. [17554/10]

109. **Deputy Bernard J. Durkan** asked the Minister for Finance when he expects traditional banking, borrowing and lending practices to be restored; and if he will make a statement on the matter. [17555/10]

**Minister for Finance (Deputy Brian Lenihan):** I propose to take Questions Nos. 108 and 109 together.

I announced earlier this month under the NAMA Act that AIB and Bank of Ireland are to make available a minimum of €3 billion each for new or increased credit facilities, including working capital targeted at SMEs, in the real economy in the next two years. Both Bank of Ireland and AIB are required to prepare a SME lending plan, broken down by sector and geography for submission to my Department by 12 May. Both banks are expected to make the credit available immediately and should not wait until the plans are submitted. These plans will be reviewed and if it is clear that it is necessary, I will introduce a Statutory Instrument under the NAMA legislation to ensure that lending takes place into the economy.

Further measures to assist the availability of credit for SMEs include: the requirement that the two largest banks provide €20 million each for seed capital to Enterprise Ireland supported projects; the requirement that the two banks each set up an additional €100 million fund for Environmental; Clean Energy and Innovation projects; the requirement that the banks commit to working with Enterprise Ireland and the IBF to develop sectoral expertise in the modern growth sectors; the requirement that they explore with Enterprise Ireland and the IBF how best to develop the range of banking services that Irish SMEs trading internationally will need, and the requirement to develop expertise and credit products in areas where cashflow rather than assets is the basis for lending.

The Financial Regulator has set down capital requirements for each of the banks. Bank of Ireland has already begun to implement its plan to raise €3.4 billion of capital and it was encouraging that the share placing earlier this week was nearly four times oversubscribed. Allied Irish Bank has announced that it is selling assets to raise capital. As I have outlined previously the State is willing to convert some or all of its preference shares, as required, on terms to be agreed that will provide full value for the taxpayer. The combination of cleansed balance sheets, following the removal of the riskiest loans by NAMA, and recapitalisation will put the banks in a stronger position to access liquidity, secure funding and increase lending.

I consider that the banks are in a position to lend to viable businesses and the recent Mazars report on lending to SMEs, which covers the period from October to December 2009, showed that credit applications in number and value terms rose slightly in the last quarter of 2009 over the previous quarter, which is encouraging. The level of applications for credit would appear to be stabilising and Mazars also reported a small improvement in the overall credit approval rate. However, the reduction in the stock of credit, as repayments exceed new credit, and in credit quality reported by the banks remains a concern for the Government.

The recently established Credit Review Office is available to review banks' decisions to refuse credit to businesses. It will provide an independent review of the banks' decisions on whether the credit should have been granted or not. It is expected that the existence of the Office will have an effect on the banks' behaviour in relation to credit. Businesses can also

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seek a review of a decision to reduce or withdraw credit. This should resolve the contentious issue of whether the banks are willing to lend to viable businesses.

### **Mortgage Arrears.**

110. **Deputy Bernard J. Durkan** asked the Minister for Finance the progress that has been made in the matter of new provisions to assist persons who through no fault of their own have fallen into arrears and who may find themselves in danger of repossession; if he intends to introduce measures as promised during the passage of the National Asset Management Agency legislation in this regard; and if he will make a statement on the matter. [17556/10]

**Minister for Finance (Deputy Brian Lenihan):** The Renewed Program for Government which was published in October 2009 sets out the Government's priorities in relation to the issues facing families having difficulties with their mortgage repayments and personal indebtedness under the headings *Protecting the Family Home* and *Helping Those in Debt*. I have referred to the Government's intentions in this regard on many occasions in this House, including during the passage of the National Asset Management Agency legislation as referred to by the Deputy.

In my Budget speech in December the Government refocused mortgage interest relief on those who bought their homes at the peak of the market, many of whom find themselves in negative equity. Where a homeowner's entitlement to mortgage interest relief would expire in 2010 or after, they will now continue to receive it up to the end of 2017. Since my Budget speech, I wrote to the Financial Regulator requesting that consideration be given to extending the moratorium on mortgage arrears from 6 months to 12 months for all mortgage lenders. On 5 February, the Financial Regulator announced that with effect from 17 February, the Statutory Code of Conduct on Mortgage Arrears has been amended to require that a regulated firm must wait at least 12 months from the time arrears first arise before applying to the courts to commence enforcement of any legal action on repossession of a borrower's primary residence.

The Deputy will be aware that in February this year, I informed the Government of my proposals regarding expanding the membership of the Interdepartmental Mortgage Arrears Group, under the Chairmanship of Mr. Hugh Cooney. The revamped Group has commenced its work, having met on several occasions since being established, and has finalised its Terms of Reference which I have approved and incorporated into the supplementary documentation for my Statement on Banking which I delivered to this House on 30 March 2010. In general, the terms of reference reflect the commitments made by the Government both in the Renewed Programme for Government and in subsequent Government decisions relating to the issues of mortgage arrears and personal debt.

The Group is initially exploring the feasibility of a range of possible options for improving the level of mortgage support to homeowners in difficulty. I understand that proposals will be based on factual information gathered by the Group and will take into account the findings of existing reports and mortgage support schemes in operation in other jurisdictions. I expect that these recommendations will be made to me on a rolling basis as the Group progresses with its findings and that a final report on this phase of the review will be ready by end June 2010. It is important to remember that established support measures remain in place including the Mortgage Interest Subsidy Scheme, helping over 15,000 home owners, and the services provided by the Money Advice Budgeting Services.

It is important to point out that historically, repossessions in Ireland have been low and a comparison of repossession figures for Irish Banking Federation members who are the mainstream lenders, not including subprime, with figures from the UK Council of Mortgage lenders indicates UK repossession rates per 100,000 mortgages at thirty times those in Ireland. For the

year 2009, total repossessions of home owners by legal process for those institutions covered under the Bank Guarantee Scheme was 28.

As I have stated on many occasions in this House, it is a priority of the Government to ensure that as far as possible that difficulties in relation to mortgage arrears do not result in legal proceedings for home repossession. Home repossession should be and generally has been the last resort for the lender. Indeed the Government is satisfied that mainstream mortgage lenders have adopted a responsible position towards their customers.

#### **National Asset Management Agency.**

111. **Deputy Bernard J. Durkan** asked the Minister for Finance the full extent of debt so far acquired under the National Asset Management Agency; the current, expected or realisable values of the property; the degree to which expected State liability has altered since the passage of NAMA legislation; and if he will make a statement on the matter. [17557/10]

**Minister for Finance (Deputy Brian Lenihan):** The first tranche of loans has now been transferred to NAMA from all but one of the participating institutions. I am informed by NAMA that they intend to transfer the first tranche of Anglo loans over the next two weeks- commencing this coming weekend.

The nominal value of loans already transferred from four institutions in tranche 1 is €6 billion; the total consideration paid for these loans by NAMA is €3,538 million of which €3,361 million (95%) is Government guaranteed bonds and €177 million is subordinated bonds. The nominal value of loans to be transferred in Tranche 1 from Anglo is of the order of €10 billion. NAMA stated on 30th March 2010 that the average discount on these loans has been estimated at approximately 50%. Early indications suggest that this discount may be somewhat higher however; NAMA will not have the final average discount on these Anglo tranche 1 loans until the transfer is complete. The higher the discount on loans, the less NAMA will pay to acquire the loans.

Section 55 provides that NAMA will submit quarterly reports to me and these will provide detailed information on the loans including, amongst other details, the number of loans outstanding, the number of loans foreclosed, sums recovered from property sales in the relevant quarter and an abridged balance sheet of the assets and liabilities of NAMA and each NAMA group entity. The first quarterly report shall be submitted to me on or before 30 June 2010 and I will arrange for copies of these reports to be laid before each House of the Oireachtas.

112. **Deputy Bernard J. Durkan** asked the Minister for Finance the original anticipated or expected discount in respect of the relevant properties as expressed during the passage of the National Asset Management Agency legislation; the eventual discount in respect of such properties subsequently; the likely impact of the increased discount; and if he will make a statement on the matter. [17558/10]

**Minister for Finance (Deputy Brian Lenihan):** The estimated aggregate discount of 30% that I announced last September is a top-down aggregate estimate of the potential discount that the institutions will face. I always made it clear that the actual valuation would be determined on a loan by loan basis. Only after a significant number of loan-by-loan valuations have been carried out will it be possible to get a full sense of the overall discount.

The fact that the discount on the first tranche of NAMA loans is expected to be 47% as opposed to the initial estimate of 30% is proof of the robustness of the overall process. The increased discount will mean that the loans will be transferred to NAMA at a lower cost to the



[Deputy Brian Lenihan.]

taxpayer than originally expected. Higher discounts also have implications for the capital needs of the banks as recently announced by the Financial Regulator.

The calculation of the discounts followed detailed loan by loan assessments which included legal due diligence, a detailed valuation process, and internal and external checking processes, including external audit. In my Dáil speech on banking on the 30th March I explained the impact of the NAMA process and the cost of recapitalising the participating institutions and that this restructuring and recapitalisation was critical to ensure that the banks can supply the credit necessary to underpin our economic recovery.

### National Debt.

113. **Deputy Bernard J. Durkan** asked the Minister for Finance the full extent of the national debt in each of the past five years to date in 2010; the cost and means of servicing the debt; the projected costs over the next five years; and if he will make a statement on the matter. [17559/10]

**Minister for Finance (Deputy Brian Lenihan):** The level of national debt for the period from 2005 to end-March 2010 is set out in the table below.

Year	Level of National Debt*
	€bn
2005	38
2006	36
2007	38
2008	50
2009	75
End-March 2010	79

\*Figures have been rounded to nearest €bn.

Expenditure on national debt interest amounted to €2½ billion in 2009. Based on the projections for the Exchequer Borrowing Requirement for the years to 2014 set out in Budget 2010, the estimated cost of interest on the national debt is €4½ billion in 2010, €5 billion in 2011, €6½ billion in 2012, €7½ billion in 2013 and €7 billion in 2014. The National Treasury Management Agency has advised that, as is usual, these estimates were prepared on the basis of the prevailing market conditions for Irish Government bonds at that time.

### Fiscal Policy.

114. **Deputy Bernard J. Durkan** asked the Minister for Finance the implications arising from the recent decision by EUROSTAT in respect of off-balance sheet accounting; and if he will make a statement on the matter. [17560/10]

**Minister for Finance (Deputy Brian Lenihan):** I presume the Deputy is referring the recent publication of the Maastricht returns which included a decision by the Irish authorities to reclassify the injection by the Government in Anglo Irish Bank in 2009 from a financial transaction to a capital transfer.

Initially the Irish authorities, having regard to Eurostat guidelines, classified this injection as a financial transaction and as such it did not affect the general government balance. Since then, the Irish authorities have reviewed the matter in light of later information and concluded that the transaction should now be considered as capital expenditure rather than a financial trans-

action. This was reported to Eurostat in the statistical transmission submitted last week, and was subsequently published by Eurostat as part of its notification of deficit and debt data for Member States for 2009.

The result is the deficit has been re-calculated to be 14.3% of GDP. I want to stress that there is no additional borrowing as a result of this technical reclassification. The Exchequer Balance, National Debt and General Government Debt had already accounted for this borrowing. The underlying General Government Balance excluding this reclassification is 11.8% of GDP, which is broadly in line with the Budget day estimate.

The reclassification of the €4 billion to Anglo in 2009 is a once-off adjustment that only impacts on the 2009 General Government Deficit and does not affect the Budget day forecast for a General Government Deficit of around 11½ % of GDP for 2010, and in that context, Ireland's fiscal targets have not changed in light of these statistical returns.

### **Tax Code.**

115. **Deputy Willie Penrose** asked the Minister for Finance if he has received correspondence (details supplied) from the County Managers Association in relation to concerns of local authorities in relation to VAT changes in the Finance Bill; if, in this context, he has given consideration to the propositions made therein; and if he will make a statement on the matter.  
[17572/10]

**Minister for Finance (Deputy Brian Lenihan):** I have received correspondence from the County Managers Association which deals with a number of matters in relation to the application of VAT to services provided by public bodies including local authorities. The European Court of Justice ruled, in the case C-544/07 against Ireland on 16 July 2009, that Ireland should amend its VAT legislation to provide that State and public bodies are in general subject to VAT. This case goes back to 2004 when infringement proceedings were taken by the European Commission against Ireland. Given the time that has passed since the Court's Judgement, and since the commencement of the case, it is imperative that the VAT implementation takes place as soon as possible.

1 July 2010 was chosen as the date of implementation of VAT in order to allow time to process the relevant legislation and for State and public bodies, including local authorities, to prepare for the change to their administrative systems. Indeed, since the Judgement issued the European Commission have corresponded with us on a number of occasions seeking updates on our progress in its implementation and we have informed them of the recent enactment of the Finance Act 2010. In these circumstances any deferral of the implementation date is not at this stage realistically feasible.

Under the EU VAT Directive, treating local authorities and State bodies as not-for-profit organisations is not possible. The Directive provides distinct and separate regulation for not-for-profit bodies and State bodies, including local authorities. It is not possible to exempt from VAT any activity of a State body, including a local authority, or indeed any other business, simply because it is not making a profit.

The Revenue Commissioners are proceeding with implementing the new regime and liaising where possible with local authorities to ensure transition to the new VAT arrangements. While it is accepted that there may be initial teething problems, it is expected, as in the case of all tax legislation, that the State and public bodies comply with the new VAT rules from 1 July 2010.

**National Asset Management Agency.**

116. **Deputy Kieran O'Donnell** asked the Minister for Finance the expected discount to be applied by the National Asset Management Agency on the takeover of loans by NAMA in tranche 1 in relation to Anglo Irish Bank; the date this will happen; the value of loans to be taken over; the value of loans to which zero per cent valuations are to be applied; and if he will make a statement on the matter. [17585/10]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by NAMA that they intend to transfer the first tranche of Anglo loans over the next two weeks — commencing this coming weekend. The nominal value of the loans to be transferred in Tranche 1 from Anglo is of the order of €10 billion. NAMA in their statement on 30th March indicated that the anticipated discount on the first tranche of loans to transfer to NAMA from Anglo will be approximately 50%. Early indications suggest that this discount may be somewhat higher however; NAMA will not have the final average discount on these Anglo tranche 1 loans until the transfer is complete. That the higher the discount on loans, the less NAMA will pay to acquire the loans. I am informed by NAMA that information on the loans, if any, where a zero percent valuation will be applied to is not yet available.

Section 55 provides that NAMA will submit quarterly reports to me and these will provide detailed information on the loans including, amongst other details, the number of loans outstanding, the number of loans foreclosed, sums recovered from property sales in the relevant quarter and an abridged balance sheet of the assets and liabilities of NAMA and each NAMA group entity. The first quarterly report shall be submitted to me on or before 30 June 2010 and I will arrange for copies of these reports to be laid before each House of the Oireachtas.

**Health Services.**

117. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support the case of a person (details supplied). [17380/10]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course. However, I would also recommend that you inform the family mentioned that it is open to them to contact their local health office directly in relation to this matter.

**Registered Medical Practitioners.**

118. **Deputy Seán Ó Feargháil** asked the Minister for Health and Children her views on correspondence (details supplied); and if she will make a statement on the matter. [17435/10]

**Minister for Health and Children (Deputy Mary Harney):** Under the Medical Practitioners Act 2007, the Medical Council is the statutory body charged with responsibility for the registration and regulation of medical practitioners in the State. The Minister for Health and Children has no role in matters relating to the ethics of registered medical practitioners or in matters relating to complaints concerning registered medical practitioners. Section 9 of the Act specifically precludes the Minister from giving any policy directions to the Council in relation to such matters.

The Medical Council has indicated that its current guidelines provide that if a registered medical practitioner has a conscientious objection to a course of action, this should be explained to the patient and the names of other doctors made available. The Medical Council has advised

that it cannot make any comment regarding inquiries into individual registered medical practitioners.

### **Nursing Homes Support Scheme.**

119. **Deputy Tom Hayes** asked the Minister for Health and Children if any new applications to the nursing home support scheme since 27 October 2010 have received payment. [17344/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. 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.**

120. **Deputy Michael Creed** asked the Minister for Health and Children if she will review her decision to refuse a medical card in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [17351/10]

**Minister for Health and Children (Deputy Mary Harney):** I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

### **Health Services.**

121. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support the case of a person (details supplied) in Dublin 5. [17378/10]

**Minister for Health and Children (Deputy Mary Harney):** I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. 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.**

122. **Deputy Mary Upton** asked the Minister for Health and Children, further to Parliamentary Question No. 314 of 2 February 2010, the supports that will be put in place for a person (details supplied) who is in nursing home care since October 2006; and if she will make a statement on the matter. [17391/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** The Nursing Homes Support Scheme commenced on the 27th October 2009. Individuals who were resident in nursing homes on that date, as well as individuals who enter nursing homes after that date, can apply for the scheme. Furthermore, the legislation provides that applicants to the scheme who were in an approved nursing home on the date the scheme commenced shall have their State Support backdated to that date. Therefore, the individual referred to by the Deputy can apply to avail of support under the scheme and is entitled to have her State support backdated.

Applications for the scheme are made to the local Nursing Homes Support Office. In this case the local office can be contacted at:

[Deputy Áine Brady.]

Nursing Homes Support Office  
Oak House  
Millennium Park  
Naas  
Co. Kildare  
Ph: 045 880400

### **Hospital Services.**

123. **Deputy Paul Kehoe** asked the Minister for Health and Children when a person (details supplied) will receive an appointment. [17392/10]

**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 Services.**

124. **Deputy Pat Breen** asked the Minister for Health and Children when a person (details supplied) in County Clare will be facilitated; and if she will make a statement on the matter. [17396/10]

**Minister for Health and Children (Deputy Mary Harney):** I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. 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.**

125. **Deputy Seán Sherlock** asked the Minister for Health and Children the position regarding an application for a medical card in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [17400/10]

**Minister for Health and Children (Deputy Mary Harney):** I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

### **Health Services.**

126. **Deputy Denis Naughten** asked the Minister for Health and Children further to a meeting (details supplied) the progress made to date; when it is planned to reopen this facility; and if she will make a statement on the matter. [17417/10]

**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.

### **Medical Cards.**

127. **Deputy Michael McGrath** asked the Minister for Health and Children the position

regarding a medical card application in respect of a person (details supplied) in County Cork. [17421/10]

**Minister for Health and Children (Deputy Mary Harney):** I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

*Question No. 128 withdrawn.*

### **Hospital Services.**

129. **Deputy James Bannon** asked the Minister for Health and Children if she will arrange a transfer of a person (details supplied) in County Longford from Longford/Westmeath Regional Hospital, Mullingar to Tallaght Hospital, Dublin, for an urgent surgical procedure; and if she will make a statement on the matter. [17437/10]

**Minister for Health and Children (Deputy Mary Harney):** I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

### **Drugs Payment Scheme.**

130. **Deputy Noel Ahern** asked the Minister for Health and Children the position regarding medications covered and available under the medical card scheme and drugs cost subsidisation scheme; the way a product (details supplied) will be placed on both lists; if this product is or previously was on either list; the reason same was removed; if the manufacturer or distributor has applied to get this product on the lists; if she will make a statement on the matter in view of the fact that elderly persons find it difficult to understand the reason the item is not available. [17456/10]

132. **Deputy Noel Ahern** asked the Minister for Health and Children the reason medication (details supplied) is not on the approved list for the drugs cost subsidisation scheme; the way this medication can be put on that list; to whom and by whom the case should be put; if such medication is put on the list when statements from the patient's consultant state that the medication on the list is not suited to their patients; and if she will make a statement on the matter. [17458/10]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 130 and 132 together.

Pharmaceutical companies must apply to the Health Service Executive (HSE), for their product(s) to be reimbursed under the General Medical Services (GMS) Scheme and the community drugs schemes. In order for a medicinal product to be considered by the HSE for reimbursement it must meet specified criteria. These include the following:

- The product must be an 'allopathic' medicinal product authorised by the Irish Medicines Board or the European Commission.
- The product must be such that it is ordinarily supplied to the public only on foot of a medical prescription.
- The product should not be advertised or promoted to the public.

[Deputy Mary Harney.]

The HSE have advised that there had been a manufacturing difficulty with Cytamen. Alternative arrangements were put in place during this time. The issue has now been resolved. Astonin is a brand name for Fludrocortisone. It is not a licensed product and therefore is not eligible for reimbursement under the GMS or community drugs schemes. An alternative brand of Fludrocortisone is licensed in Ireland and is reimbursable under the GMS and community drugs schemes.

### **Hospital Waiting Lists.**

131. **Deputy Noel Ahern** asked the Minister for Health and Children if she will refer to the waiting list for ear, nose and throat consultant outpatient appointments at Temple Street Hospital, Dublin 1 which are currently at 12 months duration; if she will provide details of delays for appointments at other children's hospitals in Dublin for ENT; the number of ENT consultants that are working in Temple Street Hospital; if all are currently in work; if so, the further reasons there is such a delay; the plans that are in place to improve matters; if the National Treatment Purchase Fund will be used to improve matters and specifically in the case of a person (details supplied) in Dublin 9. [17457/10]

**Minister for Health and Children (Deputy Mary Harney):** I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course. The National Treatment Purchase Fund arranges treatment for patients who have been on a surgical waiting list for more than three months. It is open to the person in question or anyone acting on their behalf to contact the Fund directly in relation to their case.

*Question No. 132 answered with Question No. 130.*

133. **Deputy Noel Ahern** asked the Minister for Health and Children the number of ear nose and throat consultants that are attached to Temple Street Children's Hospital, Dublin 1; if her attention has been drawn to the fact that there is a 12 month delay for an ENT outpatient appointment; if she will expedite the case of a person (details supplied) in Dublin 9; and if she will make a statement on the matter. [17459/10]

**Minister for Health and Children (Deputy Mary Harney):** I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. 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.**

134. **Deputy Noel Ahern** asked the Minister for Health and Children the position regarding the processing of medical card applications; if existing cards are still valid until the renewal process, including appeal is completed; the reason applications are being refused to persons on basic social welfare payments only; the further reason a renewal application in respect of a person (details supplied) in Dublin 9 was refused. [17460/10]

**Minister for Health and Children (Deputy Mary Harney):** I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

### Medicinal Products.

135. **Deputy Willie Penrose** asked the Minister for Health and Children if she is proposing to introduce a scheme called reference pricing and generic substitution for all prescription drugs here; if same will include osteoporosis drugs; the discussion she has had with osteoporosis specialists and their patients in relation to the effectiveness of such policy; if her attention has been drawn to the fact that it may be a false economy in particular in relation to osteoporosis medications; and if she will make a statement on the matter. [17474/10]

**Minister for Health and Children (Deputy Mary Harney):** The Government has decided to introduce a system of reference pricing combined with generic substitution under the GMS and community drugs schemes. This will promote price competition and deliver ongoing savings for both the State and for patients. A working group, made up of officials and healthcare professionals from my Department and the HSE, is setting out proposed steps for implementing this initiative. I expect to see significant progress on this in 2010, including the identification of legislative and administrative changes required to give it effect in 2011. There are some categories of medicines that are not suitable for substitution. In addition, there are also certain circumstances where an individual patient should receive a particular product.

With a system of generic substitution, it is important that all decisions about the interchangeability of medicines are evidence-based and take into account best practice elsewhere. It is envisaged that an expert group will provide guidance on this matter. I have received correspondence from the Irish Osteoporosis Society in relation to studies on the usage of generic versions of a particular medicine used for the treatment of osteoporosis. This information will be taken into account during the implementation process.

### Medical Cards.

136. **Deputy Michael Creed** asked the Minister for Health and Children if she will review a decision to refuse a medical card application in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [17490/10]

**Minister for Health and Children (Deputy Mary Harney):** I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

### Health Services.

137. **Deputy Maureen O'Sullivan** asked the Minister for Health and Children the amount paid by the Health Service Executive to a Parkhouse family practice at the Brookfield health centre, the general practitioners at Mary Mercer health centre in Jobstown and the general practitioners at the Killinarden health centre in Tallaght for general medical card services under the primary care reimbursement service for 2007, 2008 and 2009; and the number of medical card holders that are registered at each of those clinics in the respective years. [17491/10]

**Minister for Health and Children (Deputy Mary Harney):** I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. 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.

138. **Deputy Jan O'Sullivan** asked the Minister for Health and Children her plans to remove



[Deputy Jan O’Sullivan.]

24 hour anaesthetic cover from Ennis and Nenagh hospitals in July 2010 and to phase out critical care thereafter; the way this will affect the capacity of each of these hospitals to cater for medical patients who are inpatients and the range of services in the hospitals; and if she will make a statement on the matter. [17497/10]

**Minister for Health and Children (Deputy Mary Harney):** As the Deputy will be aware, plans for services at individual hospitals, or regional networks of hospitals, are drawn up and implemented by the HSE, subject to overall Government policy, including policy on patient safety and quality care. However, I regret that due to industrial action I am not in a position to provide a substantive response to this Question. If this matter remains of continuing concern to the Deputy, however, I would invite her to raise it with me again in due course.

### **Nursing Homes Support Scheme.**

139. **Deputy David Stanton** asked the Minister for Health and Children the position regarding the community hospital in Cobh, County Cork in relation to the fair deal nursing home support scheme; if she will ensure adequate funding will be provided to keep the community hospital open; and if she will make a statement on the matter. [17499/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** The Nursing Homes Support Scheme is a new system of financial support for individuals in need of long-term residential care. The commencement of the scheme brought about a fundamental change in the way in which such care is funded and, consequently, the way in which nursing homes and community hospitals are funded. In the past, these facilities were allocated a lump sum annually. In contrast, the new scheme supports the individuals in need of long-term residential care, not the facilities providing the care. This means that funding follows the patients and ensures that these facilities are not being funded for empty beds.

In order to qualify for the scheme, all private nursing homes, including the voluntary community hospital referred to by the Deputy, must negotiate and agree a price for the cost of care with the National Treatment Purchase Fund. This is a necessary feature of the scheme due to the commitment by the State to meet the full balance of the cost of care over and above a person’s contribution. Finally, as stated above, the Nursing Homes Support Scheme only applies to long-term residential care. Nursing homes and community hospitals can continue to have separate agreements with the HSE for the provision of other services, e.g. day care, respite and convalescence.

### **Health Service Staff.**

140. **Deputy Denis Naughten** asked the Minister for Health and Children the steps she is taking to secure non-consultant hospital doctor cover for smaller hospitals like Roscommon County Hospital and Portiuncula Hospital, Ballinasloe, County Galway from July 2010; and if she will make a statement on the matter. [17509/10]

**Minister for Health and Children (Deputy Mary Harney):** Subject to overall parameters set by Government, the Health Service Executive (HSE) has responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of its Annual Service Plan for the delivery of health and personal social services to the public. I wish to advise the Deputy that due to industrial action affecting the Health Service Executive, it is not possible for the Executive to supply information in relation to services at the hospitals referred to by

him. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Government policy is to increase consultant numbers in the hospital sector with a related decrease in NCHD numbers. The moratorium on recruitment in the health sector is framed so as to provide the necessary level of flexibility to support the implementation of this policy. I understand that the Executive, in order to ensure adequate NCHD staffing levels and continued service delivery, has established a Human Resources and Integrated Services Directorate Group to examine these issues. This Group is currently working on initiatives to ensure that services will continue to be available when the new rotations commence in July 2010. My Department is currently, in conjunction with the Department of Justice Equality and Law Reform; the Department of Enterprise Trade and Employment and the HSE, reviewing visa and work permit arrangements for NCHDs in order to facilitate their recruitment and retention.

141. **Deputy Denis Naughten** asked the Minister for Health and Children the discussions that she or her officials have had with the Department of Justice, Equality and Law reform on visa issues relating to non-consultant hospital doctors; the progress made to date on this issue; and if she will make a statement on the matter. [17510/10]

**Minister for Health and Children (Deputy Mary Harney):** Officials from my Department have had contacts with and met representatives from the Department of Justice, Equality and Law Reform; the Department of Enterprise, Trade and Employment and the Health Service Executive recently to discuss visa arrangements and employment permit arrangements for non-EEA Non-Consultant Hospital Doctors (NCHDs). The purpose of the discussions is to put in place arrangements to facilitate, as far as possible, the entry of NCHDs into the State. Related proposals are being prepared with a view to having them in place in advance of the next training rotation which commences in July 2010.

Subject to overall parameters set by Government, the HSE has responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of its Annual Service Plan for the delivery of health and personal social services to the public. I am also aware that the Executive, in order to ensure adequate NCHD staffing levels and continued service delivery, has established a Human Resources and Integrated Services Directorate Group to examine these issues. This Group is currently working on initiatives to ensure that services will continue to be available when the new rotations commence in July 2010.

#### **Health Services.**

142. **Deputy Denis Naughten** asked the Minister for Health and Children the progress made to date on the development of palliative care services in County Roscommon; when all existing facilities will be fully operational; the future plans for capital developments; and if she will make a statement on the matter. [17511/10]

**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.

143. **Deputy Frank Feighan** asked the Minister for Health and Children the position regarding the reinstatement of services at a nursing home (details supplied) in Boyle, County Roscommon; and when the announcement will be made. [17516/10]

**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.

#### **Child Care Services.**

144. **Deputy Jimmy Deenihan** asked the Minister for Health and Children if the preschool allowance eligibility will be extended to September which is the beginning of the school year in view of the greater number of children born between 30 June and September who will not qualify for this scheme; and if she will make a statement on the matter. [17522/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I have responsibility for implementing the free Pre-School Year in Early Childhood Care and Education (ECCE) scheme, which was introduced in January this year. Children will qualify for the scheme where they are aged more than 3 years and 2 months and less than 4 years and 7 months at 1 September each year. The upper age limit does not apply where children are developmentally delayed and would benefit from participating in the pre-school year at a later age or where a child cannot start primary school until a later date due to the enrolment policy of the local primary schools.

The objective of the scheme is to make early learning in a formal setting available to all children in the key developmental year before they commence primary school, with appropriate age related activities and programmes being provided within a particular age cohort. Targeting the pre-school year at a particular age cohort is, therefore, fundamental to the scheme and for this reason minimum and maximum limits to the age range within which children participate in the scheme, have been set. While the majority of children commence school between the age of 4 years 6 months and 5 years 6 months, an age range of almost 17 months has been set for the scheme to maximise flexibility.

It is necessary to the objectives of the ECCE scheme that appropriate age-related early learning activities are provided to children in their pre-school year. The scheme must remain sufficiently targeted to ensure the best delivery of pre-school education and, therefore, it is not proposed to extend the eligibility age range beyond that currently provided for.

#### **Hospital Services.**

145. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the arrangements that will be made in respect of a person (details supplied) in County Kildare to have a hip operation; and if she will make a statement on the matter. [17561/10]

**Minister for Health and Children (Deputy Mary Harney):** I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. 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.**

146. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if consideration will be given to the issue of a medical card in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [17562/10]

**Minister for Health and Children (Deputy Mary Harney):** I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Execu-

tive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

### **Hospital Charges.**

147. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the action she will take other than the issue of a medical card to alleviate hardship arising from hospital charges in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [17563/10]

**Minister for Health and Children (Deputy Mary Harney):** I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. 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.**

148. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if a medical card issued in the case of a person (details supplied) in County Kildare applies to him or her only or if their spouse and children are included; and if she will make a statement on the matter. [17564/10]

**Minister for Health and Children (Deputy Mary Harney):** I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

### **Health Services.**

149. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the follow up of support or assistance in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [17566/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** As this is a service matter it has been referred to the HSE for direct reply.

### **Health Insurance.**

150. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the extent that private health care insurance costs and premiums have increased in each of the past ten years to date in 2010; the extent to which claims have grown over the same period; the proportion of such claims originating in both the private and public hospitals; and if she will make a statement on the matter. [17571/10]

**Minister for Health and Children (Deputy Mary Harney):** Due to the amount of information requested under this question, I and officials in my Department need some time to collate the material. The information requested in the answer will be forwarded directly to the Deputy's office when it is available.

### **Health Services.**

151. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to Parliamentary Question No. 72 of 25 February 2010, the position regarding same. [17573/10]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** I refer the Deputy to my letter of 14 April last sent to the Deputy's home address.

152. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to Parliamentary Question No. 256 of 16 February 2010, when a reply will issue from the Health Service Executive. [17574/10]

**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.

153. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to Parliamentary Question No. 260 of 16 February 2010, when a reply will issue from the Health Service Executive. [17575/10]

**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.

154. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to Parliamentary Question No. 261 of 16 February 2010, when a reply will issue from the Health Service Executive. [17576/10]

**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.

155. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to Parliamentary Question No. 262 of 16 February 2010, when a reply will issue from the Health Service Executive. [17577/10]

**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.

156. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to Parliamentary Question No. 82 of 18 February 2010, when a reply will issue from the Health Service Executive. [17578/10]

**Minister for Health and Children (Deputy Mary Harney):** I wish to advise the Deputy that due to industrial action affecting the Health Service Executive, it is not possible for the Executive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

157. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to Parliamentary Question No. 83 of 18 February 2010, when a reply will issue from the Health Service Executive. [17579/10]

**Minister for Health and Children (Deputy Mary Harney):** I wish to advise the Deputy that due to industrial action affecting the Health Service Executive, it is not possible for the Executive to supply the information requested. 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.**

158. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if arrangements will be made for a person (details supplied) in County Kildare to have an operation at Naas Hospital, County Kildare; and if she will make a statement on the matter. [17586/10]

**Minister for Health and Children (Deputy Mary Harney):** I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

#### **Departmental Correspondence.**

159. **Deputy Fergus O'Dowd** asked the Minister for Transport, further to Parliamentary Question No. 360 of 23 March 2010, if he will further respond; and if he will make a statement on the matter. [17357/10]

**Minister for Transport (Deputy Noel Dempsey):** My Department is still examining the issues raised in the correspondence and a reply will issue on completion of that examination.

#### **Driving Tests.**

160. **Deputy Richard Bruton** asked the Minister for Transport the policy changes that he is considering in regard to the regulation of driving instructors; his views on making it mandatory for a learner driver to undergo a course of driving lessons from an accredited driving instructor before taking their driving test and making changes to the driving test cars; when changes will be made; and if he will make a statement on the matter. [17358/10]

**Minister for Transport (Deputy Noel Dempsey):** Under the Road Safety Authority Act 2006 Section 4, registration of driving instructors is a function of the Road Safety Authority (RSA). Under the Road Traffic (Driving Instructor Licensing) (No.2) Regulations 2009 (S.I. No. 203 of 2009), authorisation and registration of driving instructors and administration of driving instructor's licences are matters for the Road Safety Authority.

Action 72 of the Road Safety Strategy 2007-2012 contains a commitment to legislate for graduated driver licensing. Different versions of graduated driver licensing exist in a number of countries and consist of various combinations of measures, including mandatory tuition. I am currently considering proposals from the RSA for a graduated driver licensing system in Ireland, and mandatory tuition is one of the options under consideration.

I am aware that the RSA issues a written advice note to any prospective applicants for accreditation as driving instructors strongly advising them to undertake detailed market research to identify likely demand for their service in the location they propose to practice. They are also provided with details of driving test waiting numbers and numbers of holders of learner permits. I am pleased to report that the national average waiting time for a driving test is eight weeks and numbers waiting are at an all time low. I am not currently in receipt of any proposals regarding changes of rules for cars used in driver tests.

### **Air Services.**

161. **Deputy Joe Behan** asked the Minister for Transport the legislation under which airline companies can restrict the size and weight of hand and stored luggage on commercial passenger aircraft; and if he will make a statement on the matter. [17476/10]

**Minister for Transport (Deputy Noel Dempsey):** The Regulation detailing requirements with regard to hand baggage and checked-in baggage on board aircraft is Council Regulation 3922/91, of 16 December 1991, on the harmonization of technical requirements and administrative procedures in the field of civil Aviation. The Irish Aviation Authority (IAA) is the competent authority in the State for the purposes of this Regulation. I am advised by the IAA that the above Regulation specifies standard weights for passengers and checked-in baggage based on the size of the aircraft and whether the flight is international or charter. The airline specifies the weight and size of hand baggage permitted on board aircraft which forms part of the airline's Operations Manual and is approved by the IAA.

A recent survey conducted by the IAA of airline passenger weights and baggage to verify that Irish airlines do not exceed weights permitted by this EU Regulation, indicated that hand baggage of weight up to and including 10 kgs is permissible. The size of hand baggage is determined by the airline depending on the size and weight limitations of the overhead bins and the available space underneath passenger seats in their particular aircraft. In fact an airline may have specified different sizes for hand baggage depending on the size of different aircraft in their network.

### **Motor Vehicle Registration.**

162. **Deputy Joe Behan** asked the Minister for Transport the number of instances in which incorrect ownership details were recorded in the registration of motor vehicles; if this information has been relayed to An Garda Síochána; and if he will make a statement on the matter. [17478/10]

**Minister for Transport (Deputy Noel Dempsey):** As indicated in my reply to Dáil Question no: 367 on 23 March, 2010 the number of instances brought to the attention of my Department where incorrect ownership details were recorded on the National Vehicle and Driver File (NVDF) is small and would typically amount to less than 100 cases per year. Many of these relate to issues arising from the change of vehicle ownership notification procedures unwittingly not being followed by the parties involved. Consequently it is not necessary to refer the matter to An Garda Síochána as it is satisfactorily resolved locally. If the Deputy has details of particular instance or instances where incorrect details have been willfully notified he might bring them to the attention of the offices of my Department in Shannon and they will be investigated.

### **Road Network.**

163. **Deputy Jan O'Sullivan** asked the Minister for Transport the extent to which his Department has had a role in cost benefit analysis in regard to the choice of route for a road project (details supplied) in County Limerick; if he will give an estimate of the money spent so far on this project; and if he will make a statement on the matter. [17481/10]

**Minister for Transport (Deputy Noel Dempsey):** As Minister for Transport, I have responsibility for overall policy and funding in relation to the national roads programme element of Transport 21. The construction, improvement and maintenance of individual national roads, including the appraisal and selection of individual projects, is a matter for the National Roads

Authority under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned.

### **International Agreements.**

164. **Deputy Noel Ahern** asked the Minister for Justice, Equality and Law Reform his views on Ireland's non-membership of the Schengen agreement; the reason Ireland did not join in this agreement at the time of its inception; if this decision will be reviewed with a view to joining the Schengen agreement at some stage in the future; his views on the introduction of a national ID card that might facilitate Ireland's entry to the Schengen agreement at some stage in the future; the number of passports issued over the past 12 months for intra-EU travel; and the savings of time and money that would be achieved by the introduction of a national ID card that would also facilitate intra-EU travel. [17451/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Schengen Convention is an agreement among European States which provides for the abolition of systematic border controls between participating States and a common Schengen visa which allows tourist access to the area. The agreement also provides for the development of enhanced cooperation in relation to law enforcement matters and judicial cooperation. Ireland has successfully applied to take part in certain elements of the Schengen agreement, including police cooperation, mutual assistance in criminal matters, extradition and drugs cooperation. These provisions will come into effect only after a range of technical and legislative measures have been put in place and successfully evaluated by the Council. Ireland has not, however, applied to participate in the Schengen arrangements to the extent that they deal with the abolition of border checks or common visa provisions. This decision has been taken to maintain the common travel area (CTA) with the United Kingdom. As the Deputy will be aware, the UK elected not to participate in the borders aspects of Schengen.

The operation of the CTA facilitates nationals of the United Kingdom of Great Britain and Northern Ireland and Irish nationals moving around freely between the two States. The CTA could not continue to operate if Ireland were to remove border checks with Schengen States generally while the United Kingdom did not do so. To do so would result in a situation where the land border with Northern Ireland would become the border between the Schengen area and the United Kingdom. Given the importance of maintaining the Common Travel Area, I cannot envisage a situation where Ireland would change its position unilaterally in relation to participation in the Schengen borders arrangements. The focus for the foreseeable future is in maximising the effectiveness of the Common Travel area through mutual co-operation.

Ireland and the UK maintain a close and ongoing working relationship in this regard and a number of matters are kept under review, including security, information exchange, visas and operational co-operation. National ID cards are not a requirement for participation in the Schengen Agreement and would not be necessary should Ireland decide to take part in the border aspects of the agreement at any time in the future. I am advised by my colleague the Minister for Foreign Affairs that an Irish passport does not have a geographical limitation and is valid for all countries. Therefore it would not be possible to quantify the savings of time and money that would be achieved by the introduction of a national ID card that would also facilitate intra EU travel.

### **Residency Permits.**

165. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency in the case of a person (details supplied) in Dublin 6. [17541/10]



**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my reply to Question no. 222 of 3 April, 2008. The status of the person concerned remains as set out in that reply. The person concerned continues to meet the presentation requirements of the Garda National Immigration Bureau (GNIB) in accordance with Section 8(1)(b) of the Immigration Act 1999, as amended. He is due to present again on 30 May, 2010. The effect of the Deportation order is that the person concerned must leave the State and remain thereafter out of the States. The enforcement of the Deportation Order is, and remains, an operational matter for the GNIB.

### **Citizenship Applications.**

166. **Deputy Dan Neville** asked the Minister for Justice, Equality and Law Reform if he will process an application for naturalisation in respect of a person (details supplied) in County Limerick. [17338/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** A valid application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in June 2008. All valid applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. The average processing time from application to decision is now at 26 months. More complicated cases can at times take more than the current average, while an element of straight forward cases can be dealt with in less than that timescale. Officials in the Citizenship Division inform me that processing of the application has commenced and the file will be submitted to me for a decision in due course.

The length of time taken to process each application should not be classified as a delay, as the length of time taken for any application to be decided is purely a function of the time taken to carry out necessary checks. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

167. **Deputy Phil Hogan** asked the Minister for Justice, Equality and Law Reform when an application for citizenship will be decided in respect of a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [17352/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** A valid application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in April 2009. All valid applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. The average processing time from application to decision is now at 26 months. More complicated cases can at times take more than the current average, while an element of straight forward cases can be dealt with in less than that timescale.

The length of time taken to process each application should not be classified as a delay, as the length of time taken for any application to be decided is purely a function of the time taken to carry out necessary checks. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

168. **Deputy Phil Hogan** asked the Minister for Justice, Equality and Law Reform when a decision on naturalisation will be decided in respect of a person (details supplied) in County

Kilkenny; the reason for the delay in processing this application in view of the fact that the application was submitted in 2006; and if he will make a statement on the matter. [17367/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** A valid application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in March 2006. All valid applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. The average processing time from application to decision is now at 26 months. More complicated cases can at times take more than the current average, while an element of straight forward cases can be dealt with in less than that timescale.

However, I understand that the person concerned is a refugee. In accordance with the Government's obligations under the United Nations Convention relating to the Status of Refugees, every effort is made to ensure that applications from persons with refugee status are dealt with as quickly as possible. Officials in the Citizenship Division inform me that processing of the application is ongoing and the file will be submitted to me for a decision in due course. The length of time taken to process each application should not be classified as a delay, as the length of time taken for any application to be decided is purely a function of the time taken to carry out necessary checks. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

#### **Residency Permits.**

169. **Deputy Dan Neville** asked the Minister for Justice, Equality and Law Reform the position regarding the case of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [17387/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I wish to advise the Deputy that the individual concerned made an application for a Residence Card under EU Treaty Rights on 1 February 2010. My Department wrote back to the individual in question on 1 February 2010 advising them that their application could not be accepted as the circumstances of their individual case meant that the provisions of Directive 2004/38/EC (the "Directive") and the European Communities (Free Movement of Persons) (No. 2) Regulations 2006, as amended did not apply in their case. The letter went on to advise the individual in question of the alternative options open to them in regard to their immigration status in the State. I understand that to date there has been no further correspondence received from the individual in question in relation to the matter.

#### **Crime Levels.**

170. **Deputy Paul Connaughton** asked the Minister for Justice, Equality and Law Reform the number of persons who have been convicted of murder and who are out on parole up to 31 December 2009; and if he will make a statement on the matter. [17397/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The information being provided to the Deputy relates to persons sentenced to life imprisonment who are still under sentence. It is not feasible to identity all convictions for murders since the foundation of the State. However the vast majority of those who receive a life sentence do so for the offence of murder. A life sentence is mandatory in the case of a conviction for murder and persons who are made subject to a life sentence remains subject to that sentence for their life.

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Specific legislation enacted by the Oireachtas — the Criminal Justice Act, 1960 and the Criminal Justice (Temporary Release of Prisoners) Act, 2003 — provide a mechanism whereby the Minister for Justice, Equality and Law Reform, may release prisoners on temporary release for such period of time and subject to strict conditions as may be specified. Temporary release may be granted on a range of grounds including humanitarian or where the Minister is of the view that the person has worked with all available services to aid his/her rehabilitation and reintegration back to the community. However, before any such decision is reached matters such as the gravity of the offence, the period of imprisonment served, the overall conduct of the prisoner during imprisonment and the potential threat to the safety and security of the public are considered. Prisoners who are deemed to continue to pose a threat to the community if released continue to remain in prison. Indeed there are some prisoners who have been in custody for over 30 years.

I should also add that all prisoners serving a life sentence are eligible to have their case reviewed by the Parole Board when they have served seven years into the life sentence. The Board, following consideration of the individual case, make recommendations to the Minister as to how the individual's sentence should be managed. Generally speaking life sentenced prisoners are reviewed on a number of occasions before any substantive recommendations are made to me which might lead to the eventual extended temporary release of the individual back to the community to continue to serve his/her sentence, subject to a range of strict conditions. Having put the provisions applicable to life sentences in context let me tell the Deputy, in response to his specific question, that on 31 December 2009 there were 266 persons in custody serving life sentences. In addition 60 persons were under the supervision of the Probation Service on extended temporary release pursuant to the 1960 Act. Some of these persons were first released into the community over 30 years ago.

Of the 60 life sentence prisoners currently under supervision in the community, a total of 11 of these were granted temporary release during the time period 2004 to date. The average time spent in custody by these persons over this 6 year period is 17 years. This compares to an average of just over 7 1/2 years for releases dating from 1975 to 1984, just under 12 years for the period dating from 1985 to 1994 and just under 14 years for the period dating from 1995 to 2004. As is clear from these figures life sentence prisoners are serving longer terms in custody. I trust that these figures will dispel any notion that this category of prisoner spends anything other than a significant period of time in custody for the serious and heinous crimes they have committed.

### **Visa Applications.**

171. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform the position regarding an application in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [17401/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The visa application referred to by the Deputy was received in the Visa Office, Dublin on 4 November 2009. Following consideration by a Visa Officer, it was refused on 7 January 2010, for a number of reasons:

1. Obligations to return to home country have not been deemed sufficient.
2. Observe the conditions of the visa — the visa sought is for a specific purpose and duration: — the applicant has not satisfied the visa officer that such conditions would be observed.
3. No clear link to reference has been shown.

The decision of the Visa Officer was appealed on 26 January 2010. The visa appeals officer upheld the decision of the visa officer on 2 February 2010, with the exception of point 3 above, which was addressed in the appeal. The applicant can make only one appeal and may make a new application for a visa if they so desire.

### **Vetting of Personnel.**

172. **Deputy Seán Sherlock** asked the Minister for Justice, Equality and Law Reform if Garda vetting of persons who work with children could be standardised in order that when a person transfers to another post or organisation existing vetting procedures would apply; and if he will make a statement on the matter. [17404/10]

**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 should clarify for the Deputy that it is not the role of the Garda Síochána in the employment vetting process to give clearance to persons for employment. Rather, in response to a written request for vetting, the GCVU releases the factual criminal history information in respect of the person concerned to the prospective recruiting organisation. These applications are made by recruiting organisations with the consent of the person involved in respect of a particular post or employment. Decisions on the suitability for the recruitment/engagement of the person concerned rest at all times, as they rightly should, with the recruiting organisation.

### **Citizenship Applications.**

173. **Deputy Dan Neville** asked the Minister for Justice, Equality and Law Reform if an application for naturalisation will be processed without further delay in respect of a person (details supplied) in County Cork. [17419/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** A valid application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in April 2010. All valid applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. The average processing time from application to decision is now at 26 months. More complicated cases can at times take more than the current average, while an element of straight forward cases can be dealt with in less than that timescale.

Additional resources have been allocated to the Citizenship Division of my Department in order to reduce backlogs and provide a better quality service to all applicants. This has had a positive impact on processing times and has enabled certain categories of applicant to be dealt with more expeditiously. These include refugees, spouses of Irish citizens and minors. The length of time taken to process each application should not be classified as a delay, as the length of time taken for any application to be decided is purely a function of the time taken to carry out necessary checks. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

### **Visa Applications.**

174. **Deputy Willie O'Dea** asked the Minister for Justice, Equality and Law Reform the

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reason a spousal visa application has been refused twice in respect of a person (details supplied). [17425/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The individual referred to applied on 7 April 2009 for a study visa which was dealt with under reference number 2137722. The application was refused on 23 April 2009 for the following reasons:

- CP — (Course Profile: Need to undertake the course in this State not demonstrated or warranted);
- ID — (The visa officer is not satisfied with authenticity of documents submitted);
- ID — (Insufficient documentation submitted in support of the application, please see website link to ‘Documentation to Accompany a Visa Application’ at [www.inis.gov.ie](http://www.inis.gov.ie));
- F — (Finances shown have been deemed insufficient);
- SP — (Student Profile: Previous educational or employment background is at odds with course applied for);
- IH — (Immigration history of Applicant);
- INCO — (Inconsistencies e.g. contradictions in the information supplied).

This decision was not appealed.

The individual referred to applied on 7 July 2009 for a join spouse visa which was dealt with under reference number 2138601. The application was refused on 11 September 2009 for the following reasons:

- RH — (Relationship History: have not shown evidence of a relationship being in existence prior to visa application/marriage);
- IH — (Immigration history of Applicant);
- INCO — (Inconsistencies e.g. contradictions in the information supplied);
- ID — (Insufficient documentation submitted in support of the application, please see website link to ‘Documentation to Accompany a Visa Application’ at [www.inis.gov.ie](http://www.inis.gov.ie)) refusal letter from previous visa application.

This decision was appealed on 30 October 2009 and the visa appeals officer upheld the decision to refuse on 11 November 2009 for the following reason:

- IH — (Immigration history of Applicant).

The current application for a join spouse visa, made on 5 March 2010 under reference number 3610402, is currently being processed by my Department and a decision will issue in due course.

### **Citizenship Applications.**

175. **Deputy Michael Ring** asked the Minister for Justice, Equality and Law Reform when a naturalisation application by a person (details supplied) in County Mayo will be approved. [17427/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** A valid application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in August 2007. All valid applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. The average processing time from application to decision is now at 26 months. More complicated cases can at times take more than the current average, while an element of straight forward cases can be dealt with in less than that timescale.

Officials in the Citizenship Division inform me that processing of the application is ongoing and the file will be submitted to me for a decision in due course. The length of time taken to process each application should not be classified as a delay, as the length of time taken for any application to be decided is purely a function of the time taken to carry out necessary checks. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

### **Visa Applications.**

176. **Deputy Michael Ring** asked the Minister for Justice, Equality and Law Reform if it is possible for a person to obtain a visa on medical grounds (details supplied); and if he will make a statement on the matter. [17429/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** On the basis of the details supplied by the Deputy, the individual referred to is a Canadian national and as such is not required to obtain a visa prior to entry into the State. A visa sticker is only a form of pre-clearance for entry to the State. Entry into the State is entirely at the discretion of the immigration officer at the port of entry and is subject to the person complying with the conditions of entry into the State. The person may be permitted to remain in the State for a maximum period of 90 days. It is the policy of my Department not to extend a permission to remain to persons who are admitted for a period of 90 days or less on a short stay visit, save in very exceptional and unforeseen circumstances.

177. **Deputy Damien English** asked the Minister for Justice, Equality and Law Reform the position regarding an application by a person (details supplied); and if he will make a statement on the matter. [17431/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have been informed by the Irish Naturalisation and Immigration Service (INIS) that the person referred to by the Deputy was granted a short term visa for the purpose of a short term visit to the State. This person was allowed to enter the State on 20 October 2009 and was granted permission to remain until 20 February 2010. In accordance with the immigration laws of the State the person in question was required to leave the State on expiry of their C visit Visa. However, once outside the State there was nothing to prevent them from applying for a further visit visa for the purposes of re-entering the State. An application was received on 13 January 2010 for an extension of their leave to remain. This application was refused and the applicant was informed by letter dated 26 March 2010.

### **Citizenship Applications.**

178. **Deputy Michael Ring** asked the Minister for Justice, Equality and Law Reform when

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an application for Irish citizenship through naturalisation will be processed in respect of a person (details supplied) in County Mayo. [17432/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** A valid application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in February 2008. All valid applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. The average processing time from application to decision is now at 26 months. More complicated cases can at times take more than the current average, while an element of straight forward cases can be dealt with in less than that timescale.

Officials in the Citizenship Division inform me that processing of the application is at an advanced stage and the file will be submitted to me for a decision in due course. The length of time taken to process each application should not be classified as a delay, as the length of time taken for any application to be decided is purely a function of the time taken to carry out necessary checks. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

#### **Passport Applications.**

179. **Deputy Noel Ahern** asked the Minister for Justice, Equality and Law Reform if a UK citizen who is more than 20 years resident here and married to an Irish citizen is entitled to an Irish passport; the process and forms they must complete and the length of time it takes. [17462/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Voting rights information can be obtained from the Minister of the Environment, Heritage and Local Government. On the question of entitlement to an Irish passport I can set out the position generally. Under the provisions in the Irish Nationality and Citizenship Act 1956, as amended, a person born outside of Ireland may qualify for Irish citizenship if they are of Irish descent. If they are not of Irish descent then they may make an application for naturalisation.

The basic requirement for obtaining Irish citizenship by descent, through Foreign Births Registration is that an applicant's parent was an Irish citizen at the time of the applicants birth. A person born outside of Ireland with a parent who was born in Ireland is automatically an Irish citizen by descent. A person born outside of Ireland with parents who were born outside Ireland and a grandparent who was born in Ireland may become an Irish citizen by Foreign Births Registration. If a person wishes to apply for Irish citizenship through a great grandparent born in Ireland, the position is more complex. Eligibility depends on one of the applicant parents, i.e. the grandchild of the person born in Ireland, being already entered in the Foreign Births Register, the date of that registration and the applicants date of birth.

Under the 1956 Act, an applicant who was entered in the Foreign Births Register between 17 July 1956 and 30 June 1986 acquired Irish citizenship from the date that the Act came into force (17 July 1956) or the applicants date of birth, whichever was later. Under the 1986 Act, a person is accorded Irish citizenship from the actual date of entry in the Foreign Births Register. The Irish Nationality and Citizenship Act 1956, as amended, provides that the Minister for Justice, Equality and Law Reform may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled.

In the case of a non-Irish national applicant who is the spouse of an Irish citizen those conditions are that the applicant must:

- be of full age
- be of good character
- be married to the Irish citizen for at least 3 years
- be in a marriage recognised under the laws of the State as subsisting
- be living together as husband and wife with the Irish spouse have had a period of one year's continuous residency in the island of Ireland immediately before the date of the application and, during the four years immediately preceding that period, have had a total residence in the island of Ireland amounting to two years.
- intend in good faith to continue to reside in the island of Ireland after naturalisation
- have made, either before a Judge of the District Court in open court or in such a manner as the Minister, for special reasons allows, a declaration in the prescribed manner, of fidelity to the nation and loyalty to the State.

The average processing time from application to decision is now at 26 months. More complicated cases can at times take more than the current average, while an element of straight forward cases can be dealt with in less than that timescale. Section 16 of the Irish Nationality and Citizenship Act 1956, as amended, provides that the Minister for Justice, Equality and Law Reform may, in his absolute discretion, waive some or all of the statutory conditions, including residency, in certain circumstances including where an applicant is of Irish descent or of Irish associations. It is open to the person concerned to lodge an application for a certificate of naturalisation with the Citizenship Division of my Department at any time. Application forms are available on my Department's website at [www.inis.gov.ie](http://www.inis.gov.ie)

### **Citizenship Applications.**

180. **Deputy Noel Ahern** asked the Minister for Justice, Equality and Law Reform the position regarding an application for a certificate of naturalisation in respect of a person (details supplied) in Dublin 15; when it will be processed and approved. [17464/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** A valid application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in January 2009. All valid applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. The average processing time from application to decision is now at 26 months. More complicated cases can at times take more than the current average, while an element of straight forward cases can be dealt with in less than that timescale. Officials in the Citizenship Division inform me that processing of the application has commenced and the file will be submitted to me for a decision in due course.

The length of time taken to process each application should not be classified as a delay, as the length of time taken for any application to be decided is purely a function of the time taken to carry out necessary checks. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.



181. **Deputy Noel Ahern** asked the Minister for Justice, Equality and Law Reform the position regarding an application for a certificate of naturalisation in respect of a person (details supplied). [17465/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** A valid application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in April 2009. All valid applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. The average processing time from application to decision is now at 26 months. More complicated cases can at times take more than the current average, while an element of straight forward cases can be dealt with in less than that timescale. Additional resources have been allocated to the Citizenship Division of my Department in order to reduce backlogs and provide a better quality service to all applicants. This has had a positive impact on processing times and has enabled certain categories of applicant to be dealt with more expeditiously. These include refugees, spouses of Irish citizens and minors.

The length of time taken to process each application should not be classified as a delay, as the length of time taken for any application to be decided is purely a function of the time taken to carry out necessary checks. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

182. **Deputy Michael Ring** asked the Minister for Justice, Equality and Law Reform if a person (details supplied) in County Mayo needs to provide any additional documentation in regard to their application for a certificate of naturalisation. [17472/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** A valid application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in October 2009. All valid applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. The average processing time from application to decision is now at 26 months. More complicated cases can at times take more than the current average, while an element of straight forward cases can be dealt with in less than that timescale. If further documentation and/or clarification of any matter related to the application is required, officials from the Citizenship Division of my Department will be in touch with the person concerned at that time.

The length of time taken to process each application should not be classified as a delay, as the length of time taken for any application to be decided is purely a function of the time taken to carry out necessary checks. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

#### **Internet Security.**

183. **Deputy Joe Behan** asked the Minister for Justice, Equality and Law Reform if he will provide details of discussions he has entered into with third parties regarding Internet censorship and Internet site blocking. [17479/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to the reply to Parliamentary Question No. 239 of 27 April 2010. The position is unchanged.

### Proposed Legislation.

184. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform the protection that exists in law against forced marriage, both for adults and for children; his plans to introduce a specific forced marriage protection Act along the lines of that adopted by the British Parliament in 2007. [17506/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** While, of course, the practice of forced marriages is to be deplored, my Department has no proposals for legislation in this area as it is not responsible for requirements relating to valid marriages.

### Residency Permits.

185. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [17528/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I wish to inform the Deputy that the person concerned was granted permission to remain in the State under the revised arrangements for the non-EEA parents of children born in Ireland before 1 January, 2005, known as the IBC/05 Scheme. He currently has permission to remain in the State until 6 July, 2010.

186. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [17529/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned was granted Leave to Remain in the State for a three year period, to 17 May 2010. This decision was conveyed in writing to the person concerned by letter dated 17 May 2007. The person concerned is required to apply in writing for the renewal of this permission. As my Department's records show no evidence of such a renewal application having been made to date, it is recommended that the person concerned should do so without further delay.

187. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [17530/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned has recently had his Leave to Remain in the State extended for a further three year period, to 23 April 2013. This decision was conveyed in writing to the person concerned by letter dated 23 April 2010.

### Citizenship Applications.

188. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for citizenship in the case of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [17531/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** An application from the person concerned was received in the Citizenship Division of my Department in December 2009. On examination of the application submitted it was determined that the application in its entirety be returned to the person concerned for further attention on 15 December,

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2009. In order to be fair to all applicants, only valid applications can be considered. It is open to the person in question to re-submit the application to the Citizenship Division of my Department at any time.

### **Residency Permits.**

189. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency in the case of a person (details supplied) in County Louth; and if he will make a statement on the matter. [17532/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my detailed Reply to his earlier Parliamentary Question, No 685 of Tuesday, 6 October 2009, and the written Reply to that Question. The position in the State of the person concerned now falls to be considered for Subsidiary Protection in accordance with the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006) and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

### **Citizenship Applications.**

190. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for citizenship in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [17533/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Officials in the Citizenship Division of my Department inform me that there is no record of an application for a certificate of naturalisation from the person concerned.

191. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position in respect of an application for residency, citizenship and family reunification in the case of a person (details supplied) in County Sligo; and if he will make a statement on the matter. [17534/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned applied for asylum on 26 October 2004. In accordance with Section 9 of the Refugee Act 1996 (as amended), the person concerned was entitled to remain in the State until her application for asylum was decided. Her asylum application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Arising from the refusal of her asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 12 August 2005, that the Minister proposed to make a Deportation Order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against

her. Representations were submitted on behalf of the person concerned at that time and subsequently.

The position in the State of the person concerned will now be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

192. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for citizenship in the case of a person (details supplied) in Dublin 20; the residency status of their spouse; and if he will make a statement on the matter. [17535/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** An application for a certificate of naturalisation from the first named person referred to in the Deputy's Question was received in the Citizenship Division of my Department in July 2008. On examination of the application submitted it was determined that the person in question did not meet that statutory residency requirements as set out in the Irish Nationality and Citizenship Act, 1956, as amended. The person concerned was informed of this in a letter issued to her on 28 October, 2008. It is open to the person concerned to lodge a new application for a certificate of naturalisation with the Citizenship Division of my Department if and when they are in a position to meet the statutory requirements.

Officials in the Citizenship Division of my Department inform me that there is no record of an application for a certificate of naturalisation from the second named person referred to in the Deputy's Question. The second named person applied for asylum on 7 February 2006. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 7 May 2009, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State.

In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006). By correspondence dated 27th May, 2009, an application for Subsidiary Protection was made on behalf of the person concerned by his legal representative. Following consideration of the information submitted, the application was refused. The person concerned and his legal representative were notified of this decision by letter dated 7th April, 2010.

His case was then examined under Section 3(6) of the Immigration Act, 1999, (as amended), and Section 5 of the Refugee Act, 1996 (as amended), on the Prohibition of Refoulement. Consideration was given to representations submitted on his behalf by his legal representative for permission to remain in the State. On 20th April, 2010, I refused permission to remain temporarily in the State and instead signed a Deportation Order in respect of him. Notice of this Order was served by registered post requiring him to 'present' to the Garda National Immigration Bureau (GNIB), 13-14 Burgh Quay, Dublin 2 on 18th May, 2010 to make arrangements for his removal from the State.

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I am satisfied that the applications made by the person concerned for asylum and for temporary leave to remain in the State, together with all refoulement issues, were fairly and comprehensively examined and, as such, the decision to deport him is justified. The effect of the Deportation Order is that the person concerned must leave the State and remain thereafter out of the State. The enforcement of the Deportation Order is, and remains, an operational matter for the GNIB.

### **Residency Permits.**

193. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency in the case of a person (details supplied) in County Louth; and if he will make a statement on the matter. [17536/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned applied for asylum on 27 January 2003. In accordance with Section 9 of the Refugee Act 1996 (as amended), the person concerned was entitled to remain in the State until his application for asylum was decided. His asylum application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 24 November 2006, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006).

The person concerned initiated Judicial Review proceedings in the High Court, challenging the decision of the Refugee Appeals Tribunal in his case. The reliefs sought in the Judicial Review proceedings were refused on 19 November 2009 meaning that the earlier decisions of the Refugee Appeals Tribunal and the Minister stood. The person concerned submitted an application for Subsidiary Protection in the State and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

### **Citizenship Applications.**

194. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for citizenship in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [17537/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** A valid application for a certificate of naturalisation from the person referred to in the Deputy's Question was

received in the Citizenship Division of my Department in June 2008. All valid applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. The average processing time from application to decision is now at 26 months. More complicated cases can at times take more than the current average, while an element of straight forward cases can be dealt with in less than that timescale. However, I understand that the person concerned is a refugee. In accordance with the Government's obligations under the United Nations Convention relating to the Status of Refugees, every effort is made to ensure that applications from persons with refugee status are dealt with as quickly as possible. Officials in the Citizenship Division inform me that processing of the application is at an advanced stage and the file will be submitted to me for a decision in due course.

The length of time taken to process each application should not be classified as a delay, as the length of time taken for any application to be decided is purely a function of the time taken to carry out necessary checks. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

### **Residency Permits.**

195. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will review the application for residency in the case of a person (details supplied) in County Cork who has resided here since 2003 and has established this jurisdiction as his normal place of residence and has family commitments; and if he will make a statement on the matter. [17538/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my detailed Reply to his earlier Parliamentary Question, No. 213 of Thursday, 21 January 2010, in this matter. The position in the State of the person concerned is as set out in that Reply.

### **Citizenship Applications.**

196. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for citizenship in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [17539/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my reply to Parliamentary Question 512 on 20 April, 2010. The position remains as stated.

197. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for citizenship in the case of persons (details supplied) in Dublin 15; and if he will make a statement on the matter. [17540/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** A valid application for a certificate of naturalisation from the first named person referred to in the Deputy's Question was received in the Citizenship Division of my Department in June 2006 and I decided in my absolute discretion to grant a certificate of naturalisation. The person in question was informed of this decision in a letter issued to her on 23 April, 2010. A certificate of naturalisation will issue to the person concerned on receipt of documentation requested to finalise her application.

Officials in the Citizenship Division of my Department inform me that there is no record of an application for a certificate of naturalisation from the second named person referred to in

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the Deputy's Question. The second named person concerned applied for asylum on 21 June 2002. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the second named person concerned was informed, by letter dated 14 April 2003, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him. Representations were submitted on behalf of the second named person concerned at that time.

His case was examined under Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement and all representations received were considered in arriving at a decision in his case. On 28 June 2004 a Deportation Order was signed in respect of the second named person concerned. Notice of this Order was served by registered post dated 11 January 2005. This communication advised the second named person concerned of the legal requirement that he present himself at the Offices of the Garda National Immigration Bureau (GNIB) on 20 January 2005 in order to make travel arrangements for his deportation from the State. The second named person concerned failed to 'present' on this occasion and, as such, was classified as evading his deportation.

On 14 August 2008, an application for revocation of the Deportation Order, under Section 3(11) of the Immigration Act 1999 (as amended), was submitted on behalf of the second named person concerned. Following consideration of all information submitted, the Deportation Order was affirmed. Notice of the affirmed Deportation Order was served by registered letter dated 13th April, 2010 requiring the person concerned to present himself at the Garda National Immigration Bureau (GNIB) 13-14 Burgh Quay, Dublin 2 on Tuesday, 20th April, 2010, in order to make travel arrangements for his removal from the State. The person concerned continues to meet the presentation requirements of the Garda National Immigration Bureau (G.N.I.B.) in accordance with Section 8(1)(b) of the Immigration Act 1999 (as amended). He is due to present again on 18th May, 2010.

I am satisfied that the applications made by the person concerned for asylum and for temporary leave to remain in the State, together with all refoulement issues, were fairly and comprehensively examined and, as such, the decision to deport him is justified. As the Deputy is aware, Section 3(11) of the Immigration Act 1999 (as amended) provides the Minister with powers to amend or revoke a Deportation Order. An application seeking to revoke a Deportation Order must set out new facts or circumstances which have arisen and which were not capable of being advanced at the time the decision to deport was made. My Department has no record of any such outstanding application made by, or on behalf of, the person concerned. The effect of the Deportation Order is that the person concerned must leave the State and remain thereafter out of the State. The enforcement of the Deportation Order is, and remains, an operational matter for the GNIB.

### **Residency Permits.**

198. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency in the case of persons (details supplied); and if he will make a statement on the matter. [17542/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I wish to inform the Deputy that both of the persons to whom he refers were granted permission to remain in

the State in February of 2001, under the arrangements then in place for the non-EEA parents of Irish citizen children. I am informed that the permission granted is currently valid until 12 February, 2011, in both cases.

### **Citizenship Applications.**

199. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the procedures to be followed to facilitate citizenship in the case of a person (details supplied) in County Kildare; the stamp four status in respect of their spouse; and if he will make a statement on the matter. [17543/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Irish Nationality and Citizenship Act, 1956, as amended, provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. The conditions are that the applicant must:

- be of full age
- be of good character
- have had a period of one year's continuous residency in the State immediately before the date of application and, during the eight years immediately preceding that period, have had a total residence in the State amounting to four years
- intend in good faith to continue to reside in the State after naturalisation
- have made, either before a Judge of the District Court in open court or in such a manner as the Minister for special reasons allows, a declaration in the prescribed manner, of fidelity to the nation and loyalty to the State

In the context of naturalisation, certain periods of residence in the State are excluded. These include:

- periods of residence in respect of which an applicant does not have permission to remain in the State
- periods granted for the purposes of study
- periods granted for the purposes of seeking recognition as a refugee within the meaning of the Refugee Act, 1996.

It is open to the persons concerned to lodge applications for certificates of naturalisation with the Citizenship Division of my Department if and when they are in a position to meet the statutory requirements.

In relation to the stamp 4 status of the person's spouse, I refer the Deputy to my reply to Parliamentary Question No 246 on Tuesday 27th April, 2010. The position remains as stated.

### **Garda Investigations.**

200. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the follow-up of support or assistance in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [17565/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda authorities that the matter referred to by the Deputy is under investigation by them.



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On completion of the investigation, a file will be submitted to the Law Officers. I am also informed that in accordance with the Children First Guidelines the Health Service Executive has been informed and liaison is being maintained with the injured party and their family.

### **International Agreements.**

201. **Deputy Joe Costello** asked the Minister for Foreign Affairs his views on upgrading EU-Israeli relations; if he will oppose Israel's accession application to membership of the Organisation for Economic Co-operation and Development; and if he will make a statement on the matter. [17382/10]

**Minister for Foreign Affairs (Deputy Micheál Martin):** Ireland looks forward to the progressive deepening and strengthening of the EU's relations with Israel, as with all of our Mediterranean partners. We agreed with the EU's decision in 2008 to enhance relations with Israel, but acted with other Member States to ensure that the decision of the External Relations Council included a clear linkage to the EU's political concerns in the region, especially progress on the peace process. Following the Gaza conflict, Ireland and other Member States argued that for the EU to proceed at this time with the proposed 'upgrade' would be open to misinterpretation both in the wider Middle East region and in Israel itself. In June 2009 the Council agreed that the time was not right to proceed with the 'upgrade'. This remains the position for now. In my view, nothing has happened to alter that decision.

Concerning the second part of the Deputy's question, I draw the Deputy's attention to a reply to a written Parliamentary Question (16000/10), which I provided on Wednesday, 21 April 2010 and to confirm that the situation concerning this matter has not changed in the intervening week. The text of my reply to Parliamentary Question 16000/10 is attached below, for ease of reference:

"The Organisation for Economic Co-operation and Development (OECD) has periodically enlarged its membership since its foundation with 20 Members, including Ireland, in 1961. It currently has 30 members, with the Slovak Republic the most recent to accede, in 2000. In 2007, the OECD Ministerial Council Meeting decided, by consensus, to open accession discussions with Chile, Estonia, Israel, the Russian Federation and Slovenia.

The OECD accession process involves submission of an initial memorandum (which sets out the country's position on more than 200 OECD legal instruments), technical accession reviews by 22 OECD committees assessing the country's compliance with the OECD *acquis* (obligations include liberalisation commitments under the OECD investment instruments, adoption of national laws which comply with the requirements of the OECD Anti-Bribery Convention as well as commitments related to environmental policy), and a final decision by the Council of the OECD to invite the candidate country to accede. An invitation to accede to the OECD is based upon the applicant country's compliance with the Organisation's *acquis* and does not relate to or imply approval for other actions or policies of that State.

An accession agreement with Chile was signed on 11 January of this year and it will accede formally to the Organisation once ratification procedures are completed. It is expected that Slovenia, Estonia and Israel will complete their accession procedures this year. The accession process for Russia is moving at a slower pace and there is no predicted date for completion. In the case of Israel, on the basis of formal opinions and all other relevant technical information, the Secretary-General of the OECD has recommended to the OECD Council that Israel be invited to accede to the Organisation. It is expected that the OECD Council will address this matter over the period ahead.

During the Israeli accession negotiations, the EU has adopted a cohesive approach and plans to issue a common statement at the OECD Council when a decision to formally invite Israel to become a member is taken in the coming weeks. It is anticipated that the EU will note that Israel has taken a number of important steps through the adoption of new legislation, regulations and policy directions in many areas, including anti-corruption, the environment, competition and intellectual property rights. It is expected that the EU statement will also state that Israel is expected to demonstrate readiness for compliance with the recommendations made by OECD bodies in the accession process and to pursue reforms, especially in areas where implementation periods were granted or where commitments have been undertaken.

Taking all requirements of the accession process into consideration it is expected that Ireland will join with the other 29 members of the OECD to formally invite Israel to become a member. We will work with partners in ensuring that Israel fully complies with all the obligations arising from OECD membership.”

### **Compensation Claims.**

202. **Deputy Michael D. Higgins** asked the Minister for Foreign Affairs his views on the case of a person (details supplied) in County Donegal. [17434/10]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The Deputy’s Question refers to an individual who has sought compensation for alleged mishandling of a recruitment process by the Agency for Personal Services Overseas (APSO) in 1997. APSO was a limited company which was wound up in 2004. I am sure the Deputy will understand that, for legal reasons, I cannot enter into the details of this case. However, I can state that the Department of Foreign Affairs has denied any liability in the matter and that this fact was communicated to the person concerned on the basis of the fullest consideration of the issues involved.

### **Departmental Funding.**

203. **Deputy Finian McGrath** asked the Minister for Community, Rural and Gaeltacht Affairs if he will support the case of a person (details supplied). [17381/10]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Pat Carey):** While my Department provides assistance to Gaeltacht households which accommodate Irish students while attending Gaeltacht Summer Colleges, there is no direct financial support available from my Department in cases of the nature referred to by the Deputy. However, I am advised that assistance may be available in some cases of this nature from the relevant local authority or from the local Vocational Education Committee and I would advise that contact be made with those bodies in this regard.

### **Community Development.**

204. **Deputy Denis Naughten** asked the Minister for Community, Rural and Gaeltacht Affairs the number of new projects approved under the rural social scheme on a county basis since the start of 2010; the projection to year end; and if he will make a statement on the matter. [17475/10]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Pat Carey):** The number of participants on the Rural Social Scheme (RSS) varies from week to week and the work undertaken in each county depends on the number of available participants and the specific needs of each community. Participant skills are also taken into account when assigning work. To date,

[Deputy Pat Carey.]

in 2010, over 200 new community-based projects have been set up under the Scheme. The breakdown per county is set out in the Table below.

However, it is not possible to indicate the number of additional new projects that will be established over the remainder of the year. Decisions regarding projects undertaken and the placement of RSS participants rests with each Implementing Body, in line with guidelines issued by my Department.

County	Number of new projects set up to date in 2010
Carlow	1
Cavan	5
Clare	4
Cork	28
Donegal	28
Galway	3
Kerry	22
Kildare	3
Kilkenny	2
Laois	9
Leitrim	14
Limerick	14
Longford	11
Louth	0
Mayo	33
Meath	0
Monaghan	4
Offaly	0
Roscommon	9
Sligo	3
Tipperary	7
Waterford	0
Westmeath	1
Wexford	6
Wicklow	3
Total	210

### **National Drugs Strategy.**

205. **Deputy Paul Kehoe** asked the Minister for Community, Rural and Gaeltacht Affairs the position regarding the closure of head shops; when legislation will be brought forward to tackle this blight; the initiatives that are planned to highlight the dangers of substances being sold in these shops; and if he will make a statement on the matter. [17523/10]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Pat Carey):** I am working with my Ministerial colleagues to ensure that speedy and effective action is taken to ensure that the new psychoactive substances being sold in headshops are removed from circulation, in as far as is possible. The National Drugs Strategy 2009-2016 includes two actions aimed at addressing the closely related issues of head shops and the substances they sell. Various approaches to addressing the issues involved are being considered within the context of these

two actions in a co-ordinated way by the appropriate Departments and Agencies. These include:

- An interdepartmental group is considering how best to draw up legislation to close down headshops. The approach to be taken may involve making it a criminal offence generally to supply unregulated psychotropic substances for use by humans. These deliberations are on-going;
- The Department of Health and Children has drafted regulations, under the Misuse of Drugs Acts, to introduce controls on a range of substances. These regulations will make the possession and sale of these substances illegal and subject to criminal sanctions. It is expected that these will be in place in July;
- The National Advisory Committee on Drugs is carrying out targeted research in this area which I expect to be completed by the end of July;
- The HSE, in association with partner agencies under the Drugs Strategy, is currently finalising a national drugs awareness campaign that will focus on the dangers of psychoactive substances available through headshops and the internet; and
- The activities of headshops are being closely monitored on an ongoing basis by An Garda Síochána and Revenue's Customs Service, with a view to ensuring that no substances that are currently illegal are being sold.

I can assure the Deputy that the issue of headshops and new psychoactive substances is of serious concern to this Government and appropriate measures to address the concerns will be introduced as quickly as possible.

#### **Social Welfare Benefits.**

206. **Deputy Paul Kehoe** asked the Minister for Social and Family Affairs the reason a person (details supplied) did not receive their back to school clothing allowance. [17369/10]

**Minister for Social and Family Affairs (Deputy Éamon Ó Cuív):** Due to staff action currently being taken in the HSE, I regret that I am unable to provide the information sought by the Deputy.

#### **Social Welfare Appeals.**

207. **Deputy Arthur Morgan** asked the Minister for Social and Family Affairs when a decision will be made in relation to the jobseeker's allowance appeal in respect of a person (details supplied) in County Louth; and if he will make a statement on the matter. [17408/10]

**Minister for Social and Family Affairs (Deputy Éamon Ó Cuív):** The Social Welfare Appeals Office has advised me that, following receipt of the relevant Departmental papers including comments on the grounds of appeal, the appeal from the person concerned will be referred to an Appeals Officer for consideration. As part of this consideration, the Appeals Officer will decide if an oral hearing is appropriate in this case. The Social Welfare Appeals Office functions independently of the Minister for Social and Family Affairs and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

#### **Social Welfare Benefits.**

208. **Deputy Jack Wall** asked the Minister for Social and Family Affairs the reason a person

[Deputy Jack Wall.]

(details supplied) in County Kildare has not been paid their rent subsidy payment; and if he will make a statement on the matter. [17426/10]

**Minister for Social and Family Affairs (Deputy Éamon Ó Cuív):** Due to staff action currently being taken in the HSE, I regret that I am unable to provide the information sought by the Deputy.

209. **Deputy James Bannon** asked the Minister for Social and Family Affairs if he will increase jobseeker's allowance in respect of a person (details supplied) in County Longford; and if he will make a statement on the matter. [17438/10]

**Minister for Social and Family Affairs (Deputy Éamon Ó Cuív):** The person concerned was in receipt of jobseeker's allowance at the weekly rate of €145.00 and his partner was in receipt of illness benefit at weekly rate of €210.90. The maximum rate payable to this couple was €355.90. A limitation on the amount payable applies when a couple is claiming a combination of jobseeker's allowance and illness benefit. His partner transferred to disability allowance on 24 February 2010. As no limitation applies between disability allowance and jobseeker's allowance, his jobseeker's allowance rate was increased to €210.90 per week (maximum weekly rate of €196.00 plus child dependent rate €14.90) with effect from 24 February 2010. The person concerned will receive payment of €760.00 (including arrears) on 30 April 2010.

210. **Deputy James Bannon** asked the Minister for Social and Family Affairs the position regarding a disability or illness benefit application in respect of a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [17440/10]

**Minister for Social and Family Affairs (Deputy Éamon Ó Cuív):** The records of the Department do not show any recent claim for illness benefit or disability allowance in respect of the person concerned. He was in receipt of disability allowance up to August 2007 at which point he was disallowed on means grounds. If his means have changed since then he may wish to apply again for disability allowance. Based on his current PRSI record, which shows that he has only 3 reckonable contributions in the governing contribution year (2008), he would not currently qualify for illness benefit. If he considers that he has further reckonable PRSI contributions that have not been recorded and can provide documentary evidence of such contributions (form P60, P45 and/or stamped employer statement) then these can be taken into account if a claim for illness benefit is received from him.

### **Social Welfare Appeals.**

211. **Deputy Willie O'Dea** asked the Minister for Social and Family Affairs the reason a decision has not been reached on an appeal received by the appeals office on 11 December 2009 in respect of a person (details supplied) in Limerick. [17442/10]

**Minister for Social and Family Affairs (Deputy Éamon Ó Cuív):** The Social Welfare Appeals Office has advised me that, following receipt of the relevant Departmental papers including comments on the grounds of appeal, the appeal from the person concerned will be referred to an Appeals Officer for consideration. As part of this consideration, the Appeals Officer will decide if an oral hearing is appropriate in this case.

There has been a 46% increase in the number of appeals received by the Social Welfare Appeals Office in 2009 when compared to 2008, which in itself was 27% greater than the numbers received in 2007. There has been an increase of a further 46% in the number of appeals received in the first quarter of 2010. These increases have caused delays in the pro-

cessing of appeals. The Social Welfare Appeals Office functions independently of the Minister for Social and Family Affairs and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### Departmental Staff.

212. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the number of persons in whole time equivalent terms employed in the social welfare appeals office in each of the past five years including the number at present; the number of staff lost due to the various incentive schemes over the past 18 months to two years. [17493/10]

213. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the average waiting time for an appeal to be heard in the social welfare appeals office. [17494/10]

**Minister for Social and Family Affairs (Deputy Éamon Ó Cuív):** I propose to take Questions Nos. 212 and 213 together.

The statistics requested by the Deputy in respect of the number of persons employed in the Social Welfare Appeals Office during the past 5 years are given in the following table.

Dec. 2005	Dec. 2006	Dec. 2007	Dec. 2008	Dec. 2009	Mar. 2010
53.05	54.55	53.80	54.5	56.5	56.5

The Chief Appeals Officer and 2 admin staff availed of the Incentivised Early Retirement Scheme in 2009, in addition to 5 experienced Appeals Officers who retired in the normal way.

I am informed by the Social Welfare Appeals Office that during 2009 the average time taken to process all appeals (i.e. those decided summarily and by way of oral hearing) was 24 weeks. However, if allowance was made for the 25% most protracted cases, the average time fell to 15.8 weeks. This represents an increase of 2 weeks in the time taken to process appeals when compared to 2008, but must be seen in the context of an increase of 46% in the number of appeals received during 2009. There has been an increase of a further 46% in the receipt of appeals in the first quarter of 2010 when compared to the same period last year.

During 2009, a total of 17,787 appeals were finalised of which 4,873 (26.9%) were revised on review by the Deciding Officer in favour of the appellant without going to appeal; 10,027 decisions were made by Appeals Officers of which 59.9% were decided following an oral hearing with the remaining 40.1% decided following a summary examination of the documentary evidence produced. 2,887 appeals were withdrawn or not otherwise pursued by the appellant. The processing time for appeals covers all phases of the appeal process including the submission by the Department of its comments on the grounds for the appeal, further examination by the Department's Medical Assessors in certain illness related cases, further investigation by Social Welfare Inspectors where required and circumstances may also arise where further information is sought from the appellant.

To deal with the increased workload being experienced by the Social Welfare Appeals Office, two additional Appeals Officers were appointed during 2009. The possibility of assigning further additional resources on a temporary basis is currently under consideration. In addition, changes have recently been made to processes in the Social Welfare Appeals Office with a view to achieving additional productivity. I am assured by the Chief Appeals Officer that she is keeping the outcome of these changes under continuous review to ensure the optimum throughput of appeals with full regard to due process in terms of the rights of appellants and adherence to the requirements of natural justice.

### Social Welfare Benefits.

214. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when an application for unemployment assistance or supplementary welfare will be authorised for payment in respect of a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [17545/10]

**Minister for Social and Family Affairs (Deputy Éamon Ó Cuív):** The person concerned submitted an application for Jobseeker's Allowance on 19 April 2010. The payment of Jobseeker's Allowance is subject to a means test. This person's Jobseeker's Allowance file was forwarded to a Social Welfare Inspector on 19 April 2010 for investigation, who will be in touch in due course. A person may apply for Supplementary Welfare Allowance from their local Community Welfare Officer while an application for Jobseeker's Allowance is being processed.

215. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the reason an application for social welfare in respect of child benefit, jobseeker's and so on continues to be refused in the case of a person (details supplied) in County Kildare. [17546/10]

**Minister for Social and Family Affairs (Deputy Éamon Ó Cuív):** In order to qualify for a range of Social Welfare payments, including Child Benefit and Job-Seekers Allowance, applicants are required to satisfy the Habitual Residence Condition (HRC), which was introduced on 1st May 2004. The HRC requires applicants to satisfy the Deciding Officer that they meet certain conditions, including that their centre of interest is in Ireland and that their future intentions, as demonstrated, are to remain in Ireland. The legal right to undertake employment and / or be self-supporting are factors considered by the Deciding Officer when the person's centre of interest and future intentions are being examined.

The person concerned is a Romanian national and, as such, is required to have a work permit to obtain employment in Ireland. She does not have such a permit. Child Benefit applications were received in August 2007 and August 2008 and both were disallowed on the grounds that the applicant did not satisfy the HRC. She was notified of the decisions in writing and advised of the right of appeal. No appeals were received. The person concerned has also applied for Jobseeker's Allowance on a number of occasions, the most recent being in July 2009. This application was also disallowed on the grounds that the applicant did not satisfy the HRC. She was notified of this decision in February 2010 and advised of the right of appeal. No appeal has been received in the Department.

216. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if he will offer assistance in the case of a person (details supplied); and if he will make a statement on the matter. [17568/10]

**Minister for Social and Family Affairs (Deputy Éamon Ó Cuív):** The Citizens Information Board (CIB), under the aegis of the Department of Social and Family Affairs, is responsible for supporting the provision of information, advice, and advocacy on a wide range of public and social services. The Money Advice and Budgeting Service (MABS), funded by the Citizens Information Board, focuses on providing assistance, advice and intense support to people who have financial difficulties. The money adviser works out a budget with the client and negotiates on their behalf with all creditors, including financial institutions and sub-prime lenders, to secure better terms for the client in managing the repayment of their debts.

Where required by the client, the money adviser can assist with setting up a special account with a local Credit Union into which an agreed amount of money is lodged regularly and from

which each month the money adviser makes the repayments to the creditors on behalf of the client. In this instance, I recommend contacting the MABS helpline on 1890 283438 for assistance or for referral to their local MABS office, details of which can be found by visiting [www.mabs.ie](http://www.mabs.ie) Neither MABS, nor the Department, have a role in assisting with the discharge of a debt.

### Defence Forces Reserve.

217. **Deputy Ciarán Lynch** asked the Minister for Defence the amount paid in allowances, over and above salary, to Permanent Defence Force personnel employed with the Reserve Defence Force and Slua Muirí for the years 2005 to 2009; the number of personnel in receipt of such allowances; the rate per mile per engine capacity as regards mileage allowances; the amount paid in mileage in each year; and if he will make a statement on the matter. [17583/10]

**Minister for Defence (Deputy Tony Killeen):** Personnel of the Permanent Defence Force (PDF) who are employed on administrative and training duties with the Reserve Defence Force (RDF) are paid an allowance to cover all expenses, (including subsistence) other than travelling expenses. The following table shows the total amounts paid for the years in question and the number of personnel who received the allowance.

	2005	2006	2007	2008	2009
Amount paid	€1.662m	€1.612m	€1.707m	€1.787m	€1.389m
Number of recipients*	487	440	447	437	432

(\*Includes all personnel who received the allowance at any time during the year.)

Officers of the PDF who hold appointments with the RDF are paid a fixed annual motor car allowance and mileage allowance at the following rates:

#### Fixed Annual Motor Car Allowance

Effective Date	Engine capacity up to 1200cc	Engine capacity between 1201cc and 1500cc	Engine capacity over 1500cc
	€	€	€
1 January 2003	1,982.61	2,393.98	2,429.10
1 July 2005	1,982.61	2,393.98	2,592.89
1 July 2006	1,982.61	2,425.81	2,630.39
5 March 2009	1,486.96	1,819.36	1,984.24

#### Mileage Allowance

Mileage rates effective from 1 January 2003

Mileage in a Year	Engine Capacity up to 1200cc	Engine Capacity between 1201cc and 1500cc	Engine Capacity over 1500cc
Up to 4000	34.35 cent	38.06 cent	55.64 cent
4001 and upwards	42.47 cent	48.77 cent	54.30 cent



[Deputy Tony Killeen.]

## Mileage rates effective from 1 July 2005

Mileage in a Year	Engine Capacity up to 1200cc	Engine Capacity between 1201cc and 1500cc	Engine Capacity over 1500cc
Up to 4000	34.35 cent	38.06 cent	59.41 cent
4001 and upwards	42.47 cent	48.77 cent	57.39 cent

## Mileage rates effective from 1 July 2006

Mileage in a Year	Engine Capacity up to 1200cc	Engine Capacity between 1201cc and 1500cc	Engine Capacity over 1500cc
Up to 4000	34.56 cent	38.80 cent	60.62 cent
4001 and upwards	43.39 cent	49.81 cent	58.97 cent

## Mileage rates effective from 1 July 2007

Mileage in a Year	Engine Capacity up to 1200cc	Engine Capacity between 1201cc and 1500cc	Engine Capacity over 1500cc
Up to 4000	34.56 cent	38.80 cent	60.62 cent
4001 and upwards	43.57 cent	49.81 cent	58.97 cent

## Mileage rates effective from 1 July 2008

Mileage in a Year	Engine Capacity up to 1200cc	Engine Capacity between 1201cc and 1500cc	Engine Capacity over 1500cc
Up to 4000	34.56 cent	38.80 cent	60.62 cent
4001 and upwards	45.51 cent	50.66 cent	61.05 cent

## Mileage rates effective from 5 March 2009

Mileage in a Year	Engine Capacity up to 1200cc	Engine Capacity between 1201cc and 1500cc	Engine Capacity over 1500cc
Up to 4000	25.78 cent	28.95 cent	45.45 cent
4001 and upwards	34.13 cent	38.00 cent	45.79 cent

The amounts paid by way of motor car and mileage allowances for the years in question are:

Year	Amount paid in
	'000
2005	829
2006	639
2007	702
2008	637
2009	423

218. **Deputy Ciarán Lynch** asked the Minister for Defence the number of man days allocated for annual training in respect of paid duty for the Reserve; the number of days allocated for promotion courses; the number which refer to seven and 14 day periods; the number of days allocated for special courses, weapons or promotion courses, NCO/officer; the nature of such courses for each year from 2004 to 2009; the take up of paid man days for each category; the number of days allocated and taken up by brigade for security and barrack duty for each year; the rationale for such duties; when the allocation of paid days for 2010 will be announced; and if he will make a statement on the matter. [17584/10]

**Minister for Defence (Deputy Tony Killeen):** The information is currently being compiled and will be forwarded to the Deputy in the near future.

#### **Air Pollution.**

219. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government if he will investigate a matter (details supplied). [17580/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The EPA is the statutory body responsible for monitoring air quality in Ireland. In order to protect our health, vegetation and ecosystems, a number of EU directives set down air quality standards across the EU member states for a wide variety of pollutants. The monitoring, assessment and management of ambient air quality in Ireland is carried out according to the requirements of the EU Air Quality Framework Directive. This Directive was transposed into Irish law through the Environmental Protection Agency Act 1992, (Ambient Air Quality Assessment and Management) Regulations, 1999. Under further regulations made in 2002, 2004 and 2009, specific ambient air quality standards have been prescribed for the following pollutants: sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead (2002); carbon monoxide and benzene (2002); ozone (2004); and polyaromatic hydrocarbons, arsenic, nickel, cadmium and mercury in ambient air (2009)

In addition to publishing a comprehensive report on air quality annually, the EPA also reports the results of current air quality monitoring of the above pollutants through its website: <http://www.epa.ie/whatwedo/monitoring/air/data/> and it is possible to view real-time air quality data for air monitoring locations around the country. The EPA's air quality monitoring network confirms that air quality in Ireland is good. The concerns expressed in the question have been forwarded to the EPA.

#### **Local Authority Charges.**

220. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government if he is satisfied that no constitutional issues arise with regard to the non-principal private residence charge as applied to married couples, in order that they cannot each own a property in their own right without the second property being subject to the charge; and if he will make a statement on the matter. [17336/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Local Government (Charges) Act 2009 introduced a charge, with some exceptions, on any residential property not occupied by the owner as his or her sole or main residence on the liability date. Liability for the charge is irrespective of the marital status of the owner. The legislation was prepared and scrutinised in the normal fashion by the Office of the Attorney General and I have not been advised of any Constitutional issues with regard to any of its provisions.

### Waste Management.

221. **Deputy Joan Burton** asked the Minister for the Environment, Heritage and Local Government, further to Parliamentary Questions Nos. 362 and 370 of 30 March 2010, the reason effluent which is not authorised for discharge at Balleally is being authorised for discharge beside the Phoenix Park train station in Dublin 15; and if he will make a statement on the matter. [17354/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Section 52 of the Waste Management Act 1996 requires that the consent of the relevant local authority is obtained prior to any sanction being granted to discharge leachate from landfill to sewers. In addition, section 40(4) of that Act prohibits the granting of a Waste Licence unless, *inter alia*, “any emissions from the recovery or disposal activity in question (“the activity concerned”) will not result in the contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value, prescribed under any other enactment.” The conditions applying to a waste licence and the enforcement of such conditions are matters for the Environmental Protection Agency. Under section 60(3) of the Waste Management Act 1996 the Minister is precluded from exercising any power or control in relation to the performance, in particular circumstances, of a function conferred on the Agency by or under the Act.

222. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government if he will report on the amount of moneys owed to each local authority in respect of outstanding unpaid claims by the local authorities for costs incurred in progressing projects under the waste services investment programme; and if he will make a statement on the matter. [17368/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The table below indicates claims submitted by local authorities that are currently under consideration by my Department in respect of capital waste management projects. In relation to the details set out in the table, the following should be noted.

With respect to the category “Outstanding Information required from LA”, no further progress can be made on these claims until such time as the information requested is supplied by the local authorities concerned. The category “Under Consideration” includes situations where the local authority has spent in excess of their maximum grant and is seeking supplementary funding to cover the additional expenditure. The category “Ready to be paid” details claims which have been approved and will be paid to the relevant local authorities by April 30th 2010.

Waste Management Claims submitted by Local Authorities

Local Authority	Amount submitted	Of Which:		
		1. Amount under Consideration by Dept.	2. Amount outstanding Info requested from LA	3. Amount ready to be Paid
	€	€	€	€
Cavan County Council	52,295	52,295		
Clare County Council	158,677	158,677		
Donegal County Council	536,745	536,745		
Dublin County Council	295		295	
Dun Laoghaire Rathdown	66,046	66,046		

Local Authority	Amount submitted	Of Which:		
		1. Amount under Consideration by Dept.	2. Amount outstanding Info requested from LA	3. Amount ready to be Paid
	€	€	€	€
Fingal County Council	102,852	25,306	77,546	
Galway City Council	509,896	509,896		
Kerry County Council	320		320	
Laois County Council	32,040			32,040
Leitrim County Council	225,000	225,000		
Longford County Council	22,120	22,120		
Mayo County Council	86,648		86,648	
Meath County Council	63,881	63,881		
Monaghan County Council	1,716	1,716		
North Tipperary County Council	27,375		27,375	
Roscommon County Council	70,391	70,391		
Sligo County Council	8,741	8,741		
South Tipperary County Council	114,225			114,225
Waterford County Council	950,165	220,690	729,475	
Westmeath County Council	406,848	406,848		
Wicklow County Council	788,796		212,022	576,774
Total	4,225,072	2,368,352	1,133,681	723,039

### Building Regulations.

223. **Deputy Seán Ó Fearghail** asked the Minister for the Environment, Heritage and Local Government his views on correspondence (details supplied); and if he will make a statement on the matter. [17420/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I refer to the reply to Questions Nos. 318, 322 and 325 of 27 April 2010. The position is unchanged.

### Housing Aid for the Elderly.

224. **Deputy Olwyn Enright** asked the Minister for the Environment, Heritage and Local Government when he will make money available to the Health Service Executive in County Offaly to enable the completion of the housing aid for the elderly scheme applications; if his attention has been drawn to the fact that there are approximately 200 elderly waiting to have work done, some since 2007; and if he will make a statement on the matter. [17449/10]

225. **Deputy Olwyn Enright** asked the Minister for the Environment, Heritage and Local Government when he will make money available to the Health Service Executive in County Laois to enable the completion of the housing aid for the elderly scheme applications; if his attention has been drawn to the fact that there are approximately 200 elderly waiting to have work done, some since 2007; and if he will make a statement on the matter. [17450/10]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** I propose to take Questions Nos. 224 and 225 together.

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On foot of a Government Decision, taken in February 2006, to transfer the administration of the Special Housing Aid for the Elderly Scheme (SHAE) from the Health Service Executive (HSE) to the local authority sector, a revised suite of Housing Adaptation Grants for Older People and People with a Disability was implemented on 1 November, 2007. The revised schemes target available resources to those in most need, streamline operational and administrative procedures and ensure equity and consistency of operation across all local authority areas.

In order to facilitate transitional arrangements, it was agreed between my Department and the HSE that the SHAE scheme would be discontinued from 1 August 2008 and that the HSE would process and approve the applications on hand at that date. All new applications in respect of grant assistance for home repairs and improvements with effect from 1 August 2008 would be directed to the local authorities and dealt with under the provisions of the Housing Aid for Older People scheme. My Department provided a total of €14.7 million to the HSE in 2008 for the operation of the SHAE scheme. In July 2009, following consultation with the HSE, my Department provided a further €3.5 million in respect of the remaining claims on hand in all HSE regions, including the Dublin Mid Leinster region.

**Voting Rights.**

226. **Deputy Noel Ahern** asked the Minister for the Environment, Heritage and Local Government the voting rights of a UK citizen who has been resident here for more than 20 years and is married to an Irish citizen. [17463/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** In order to vote at elections in this jurisdiction, a person must be 18 years of age and his or her name must be entered in the register of electors for a constituency in the State in which the person ordinarily resides. Subject to these primary requirements, a person’s citizenship determines the polls at which he or she is entitled to vote. British citizens may vote at Dáil, European and local elections.

**Architectural Conservation.**

227. **Deputy Noel Ahern** asked the Minister for the Environment, Heritage and Local Government if he will list the various grant schemes run by his Department and agencies under the remit of his Department that give assistance towards refurbishment of buildings and places of worship of historic importance; if there are grant schemes under the headings of conservation or heritage; and if details of same will be outlined. [17470/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Details of the relevant grant schemes which are funded mainly through my Department’s Built Heritage Capital Programme are set out in the following table:

Grant Scheme	2010 Provision	Description
Civic Structures Conservation Grants Scheme	€ million 1.38	The scheme is administered directly by the Department. It provides grants for the restoration and conservation of buildings of significant architectural heritage merit which are in civic ownership or occupation and generally open to the public.

Grant Scheme	2010 Provision	Description
Significant Places of Public Worship Grants Scheme	€ million 0.50	The scheme is administered by the Heritage Council on behalf of the Department. It provides grant assistance for major conservation works to places of public worship which are of national or greater importance, are protected structures and generally open to the public. Information in relation to this scheme is available from the Heritage Council.
Local Authority Conservation Grants Scheme	3.75	The scheme is administered by local authorities on behalf of the Department. It provides grant assistance for the conservation of protected buildings i.e. those buildings which are on the Record of Protected Structures (RPS) maintained by each planning authority. Information in relation to this scheme is available from the relevant local authority.
Heritage Council Heritage Management Grants Scheme	0.50	The Heritage Management Grants Scheme supports projects that apply good heritage practice to the management of places, collections or objects. The scheme covers works to ensure the survival of a heritage building or structure, under a management plan that applies good practice in building conservation. Information in relation to this scheme is available from the Heritage Council.

### Water and Sewerage Schemes.

228. **Deputy Paul Kehoe** asked the Minister for the Environment, Heritage and Local Government the reason a village (details supplied) has been excluded from the water services investment programme in view of the fact that Wexford County Council has advanced the installation of sewage treatment facilities in the village, including hydrographic surveys, site determination, foreshore and discharge licence applications; and if he will make a statement on the matter. [17486/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Water Services Investment Programme 2010-2012, which I published last week provides for the development of a comprehensive range of new water services infrastructure in County Wexford. While provision is made to commence contracts to the value of some €64 million in the county during the period of the programme, it was not possible to include the Kilmore Quay Sewerage Scheme amongst the priority contracts and schemes selected for inclusion.

The new programme aims to prioritise projects that target environmental compliance issues and support economic and employment growth as envisaged in the Government's policy document Building Ireland's Smart Economy — A Framework for Sustainable Economic Renewal. A key input to the development of the programme was the assessment of needs prepared by local authorities, including Wexford County Council, in response to my Department's request to the authorities in 2009 to review and prioritise their proposals for new capital works in their areas. These were subsequently appraised by my Department in the context of the funds available and key criteria that complemented those used by the authorities. Inevitably, through this process, certain projects that had been proposed had to give way to others that are more strategically important at this time.

This evaluation included an examination of the towns and villages included in proposed bundled schemes. Any revisions to bundled projects, as in the case of the Wexford Villages Sewerage Scheme, reflect the need to align all of the schemes with programme priorities. Therefore, the new programme provides for the planning of the elements of the scheme relating to

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Arthurstown, Ballycanew, Clonroche, Duncannon and Wellingtonbridge to continue, but a number of other villages were not considered to have as high a relative priority. In addition, the scheme now provides for addressing the sewerage requirements for the villages of Ballyhack and Campile. The need to include these villages emerged after the completion of the needs assessment by Wexford County Council, in the context of the development of the Shellfish Waters Pollution Reduction Programme for Waterford Harbour, which was prepared in response to a European Court judgment.

### Litter Pollution.

229. **Deputy David Stanton** asked the Minister for the Environment, Heritage and Local Government, further to Parliamentary Question No. 57 of 22 April 2010, if he will provide a breakdown of the take up of anti-litter awareness grant funding by each local authority; the local authorities who failed to take up their full allocation; and if he will make a statement on the matter. [17500/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** A total of €1,070,000 was made available under the Anti Litter and Anti Graffiti Awareness Grant Scheme for 2009. The total amount of funds claimed under the scheme for 2009 was €1,004,541.19 leaving a balance of €65,458.81 unclaimed. The table sets out details in respect of individual local authorities.

2009 Anti-Litter & Anti-Graffiti Awareness Grant Scheme

Local Authority Area	2009 Allocation	2009 Payments	Under/Over Spend
<i>City Councils</i>			
Dublin	51,000	51,000	0
Cork	40,000	39,900	-100
Galway	40,000	40,000	0
Limerick	40,000	23,768	-16,232
Waterford	40,000	37,244	-2,757
<i>County Councils</i>			
Cork County	42,000	42,000	0
South Dublin	42,000	42,000	0
Fingal	42,000	42,000	0
Dún Laoghaire-Rathdown	42,000	33,191	-8,809
Kildare	32,000	7,000	-25,000
Meath	32,000	32,000	0
Galway County	32,000	32,000	0
Donegal	32,000	31,904	-96
Kerry	32,000	32,000	0
Wexford	32,000	35,272	3,272
Limerick County	32,000	30,526	-1,474
Wicklow	30,000	30,000	0
Mayo	30,000	30,000	0
Louth	30,000	29,778	-222
Clare	30,000	30,000	0
Kilkenny	30,000	32,000	2,000
South Tipperary	26,000	26,000	0

Local Authority Area	2009 Allocation	2009 Payments	Under/Over Spend
Westmeath	26,000	26,000	0
Offaly	25,000	25,000	0
Laois	25,000	25,000	0
North Tipperary	25,000	25,000	0
Cavan	25,000	25,000	0
Waterford County	25,000	8,960	-16,040
Sligo	25,000	25,000	0
Roscommon	25,000	25,000	0
Monaghan	25,000	25,000	0
Carlow	25,000	25,000	0
Longford	20,000	20,000	0
Leitrim	20,000	20,000	0
<b>Total</b>	<b>1,070,000</b>	<b>1,004,541</b>	<b>-65,459</b>

### Planning Issues.

230. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government if, under the Planning and Development Act 2000, a person is entitled to a refund of the fees paid to An Bord Pleanála when objecting to a planning approval decision in view of the fact that the planning applicant proceeded to reject the approval as given therefore making the appeal null and void. [17512/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Under the Planning and Development Act 2000, there is no provision for An Bord Pleanála to refund fees where an applicant for planning permission decides not to execute a permission granted on appeal. There is no obligation on a person in possession of a grant of planning permission to proceed with the development to which the permission relates.

### Plastic Bag Levy.

231. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the amount of income generated from the plastic bag levy over the past five years; the number of bags that were purchased under the scheme; and if he will make a statement on the matter. [17514/10]

232. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government how the income generated from the plastic bag levy over the past five years has been used; and if he will make a statement on the matter. [17515/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 231 and 232 together.

Revenues from the levies on plastic shopping bags and the landfill of waste are paid into a 'ring-fenced' Environment Fund, established under the Waste Management (Amendment) Act 2001, and can only be used for activities that are of benefit to the environment. Section 74(9) of the Waste Management Act 1996 (as inserted by section 12 of the Waste Management (Amendment) Act 2001), specifies the purposes for which payments may be made from the Environment Fund. These include assistance in a range of areas such as:

— schemes to prevent/reduce waste;



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- waste recovery activities;
- research & development into waste management;
- production, distribution or sale of products deemed to be less harmful to the environment than other similar products;
- development of producer initiatives to prevent/reduce waste arising from their activities;
- implementation of waste management plans;
- enforcement of the provisions of any enactment relating to waste management, prevention of litter or protection of the environment;
- partnership projects, that involve local authorities, to improve the quality of the environment for particular local communities;
- promotion of awareness of the need to protect the environment, including national and regional campaigns;
- promotion/support of education and training to assist achievement of campaign objectives;
- resources (human or material) to enable education and training to be carried out;
- initiatives undertaken by community groups and others for protection of the environment;
- such other purposes for protection of the environment as may be prescribed by the Minister in regulations.

The Waste Management (Environment Fund) (Prescribed Payments) Regulations 2003 extend these purposes to include:

- initiatives undertaken in the State, or on an international or transnational basis relating to the protection of the environment; and
- sustainable development initiatives, including areas such as research and development together with contributions to international organisations.

Details of expenditure from the Fund are available in the Fund's audited Annual Accounts. Copies of the Annual Accounts from 2002 to 2008 are available from the Oireachtas library and on my Department's website at: <http://www.environ.ie/en/Environment/Waste/EnvironmentFund/>. The 2009 Annual Accounts will be published in due course after they have been audited by the Comptroller and Auditor General.

In the period from its introduction on 17 July 2001 until the end of 2008, a total of €125,263,842 was paid into the Environment Fund in respect of the plastic bag levy; €101,952,021 of these receipts arose in the five years 2004 to 2008. The exact number of plastic bags to which levy receipts in any given period equates cannot be determined precisely, as the amounts remitted into the Fund also include interest on late payments. However, receipts indicate that per capita usage of disposable plastic bags has decreased by more than 90%, from approximately 328 bags per head of population prior to the introduction of the levy, to 27 bags per head of population in 2008.

### **Alternative Energy Projects.**

233. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent to which alternative energy incentivisation exists and is set to continue; and if he will make a statement on the matter. [17550/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** As the Deputy will be aware, there are a range of supports available for renewable energy production. The Renewable Energy Feed in Tariff (REFIT) scheme, which is administered by my Department, supports a number of different types of renewable electricity projects, including commercial wind farm projects through provision of a floor price. REFIT is a fixed feed in tariff system, designed to provide developers with certainty as to the price they will receive for the electricity generated. As such, it functions by guaranteeing a certain price to generators per unit of energy generated, and steps in to make up the difference between the REFIT price and the market price, in circumstances where this arises. REFIT is paid for from the Public Service Obligation. REFIT categories exist also for Biomass, and for Biomass/Anaerobic Digestion Combined Heat and Power plants.

My Department, through the Sustainable Energy Authority of Ireland (SEAI) also runs a number of capital grant aid programmes for Combined Heat and Power installations, and for renewable heating installations. SEAI's Combined Heat and Power (CHP) Programme assists the deployment of small-scale fossil-fired and biomass CHP systems in the industrial, commercial, service and public sectors. The Biomass CHP Programme provides grant aid for Biomass and Anaerobic Digestion CHP. Anaerobic Digestion, in particular, offers opportunities for farmers to use animal waste to generate electricity, while also reducing the environmental impact of that waste when spread on the land.

Combined Heat and Power (CHP) is a highly efficient way of generating on-site heat and electricity simultaneously. It can offer significantly reduced energy bills for the end user and is a particularly efficient form of energy generation as it minimises any transmission losses involved in getting power to the site. Traditionally, CHP plants were only used in large industrial units with a high on-site heat load. Increasingly the technology is developing higher efficiency, smaller scale units that are capable of servicing smaller buildings and even down to individual residential scale units.

Under the Deployment Programme, SEAI has supported 9 hospitals with a total capacity of 1.7 MWe and 5 educational establishments with a total capacity of 1.36 MWe at a cost of over €650,000. The Renewable Heat Deployment Programme (ReHeat), which incentivises the installation of biomass boilers, is also open to institutional users of heat, and has already supported the construction of a number of projects where the heat load was not sufficient to justify the expense of a CHP plant. The Greener Homes Scheme, which supports installation of renewable heating technology in homes, is now in its third phase. To date, over 37,000 applications have been received for grant aid under the Scheme, with over €61m paid to over 24,000 applicants.

In the transport sector a number of other schemes are in place or in process. The production of biofuel in Ireland has been incentivised to date, under the Mineral Oil Tax Relief Schemes, which have resulted in 18 projects being awarded excise relief on specified volumes of biofuel they produce. This scheme, which will come to a close at end 2010, is being replaced by the Biofuel Obligation Scheme, which will commence in July 2010. The availability of funding for capital programmes is subject to the annual budgetary process on a year by year basis.

### **Energy Conservation.**

234. **Deputy Thomas Byrne** asked the Minister for Communications, Energy and Natural Resources the position regarding an application for the warmer homes scheme in respect of a person (details supplied) in County Meath. [17335/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I can confirm that the SEAI has received an application under the WHS from the individual in question. SEAI has already surveyed the house and has scheduled measures to be delivered to the homeowner within the next two weeks. More generally the Deputy may wish to note that dedicated Warmer Homes Scheme (WHS) hot line — 1800 250 204 — has been in operation for some time and all queries, from scheme applicants and public representatives, on delivery dates for individual households and/or funding agreements are dealt with immediately. In addition, the WHS programme manager, Mr. Michael Martin of Sustainable Energy Authority of Ireland (SEAI), is available to deal with queries on 042 939 1548. The availability of both points of contact ensures that there is no delay in dealing with specific queries related to the delivery of the Warmer Homes Scheme.

### **Telecommunications Services.**

235. **Deputy Olwyn Enright** asked the Minister for Communications, Energy and Natural Resources the planned delivery of broadband to an area (details supplied) in County Offaly; when broadband will be delivered to each part of this area; and if he will make a statement on the matter. [17445/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The provision of broadband services is in the first instance a matter for private sector service providers operating in Ireland's fully liberalised telecommunications market. Broadband services are provided by private service providers over various platforms including DSL (i.e. over the telephone lines), fixed wireless, mobile, cable, fibre and satellite. Details of broadband services available in each county, including county Offaly, can be found on ComReg's website at [www.callcosts.ie](http://www.callcosts.ie).

Kinnity, County Offaly, does not come within the scope of the National Broadband Scheme which aims to provide access to affordable and scalable broadband services to fixed residences and businesses within its designated rural areas. This is because, in designing the NBS, which was approved by the EU Commission, a balance had to be struck between reaching as many unserved areas as possible and minimising the impact of the scheme on businesses already providing broadband services in rural areas. EU State Aid and competition rules govern how states can intervene in areas where there are existing service providers. Accordingly, the NBS is prohibited from providing a service in areas where to do so would give rise to an unacceptable level of market distortion.

It continues to be a priority of the Government that there will be broadband coverage across the entire country. However, despite Government and private investment in broadband, I am aware that there continues to be a small percentage of premises throughout the country that will not be capable of receiving broadband services. This is primarily due to technical and other reasons (suitability of a telephone line, distance from an enabled exchange, no line of sight etc.).

The European Commission has set aside a portion of the European Economic Recovery Programme (EERP) funding for rural broadband initiatives. My Department is currently considering the design and implementation of a scheme which would use this funding to address the issue of basic broadband availability to un-served rural premises outside of the NBS areas. This work will include the identification of premises not capable of receiving broadband. It is

hoped to commence this scheme in late 2010 and have it completed by 2012. As the scheme is only at the design stage, there is no application process at this juncture. Information in relation to acceptance of applications and the process of qualification under the scheme will be made available in due course when the scheme is launched.

### **Food Labelling.**

236. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food if food labelling throughout the retail sector here fully and accurately reflects the country of origin and compliance with national and EU standards in respect of husbandry, production and traceability; and if he will make a statement on the matter. [17296/10]

238. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which food labelling in respect of beef, lamb, pigmeat, poultry, dairy products and by-products available here and throughout the European Union accurately reflect the country of origin and compliance with EU regulations; and if he will make a statement on the matter. [17297/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I propose to take Questions Nos. 236 and 238 together.

The Minister for Health and Children has overall responsibility for the general food labelling legislation. Responsibility for the enforcement of this legislation rests with the Food Safety Authority of Ireland (F.S.A.I.). This is done through service contracts between the F.S.A.I and my Department, The Sea Fisheries Protection Authority, the Health Service Executive and the Local Authority Veterinary Service.

Under the general labelling Directive (2000/13/EC), the place of origin of the foodstuff must be given only if its absence might mislead the consumer to a material degree. Under EU legislation, specific country of origin labelling is only required in the case of beef, unprocessed poultry and fruit and vegetables. It is understood from the FSAI that a range of inspections are carried out at catering and retail establishments to monitor country of origin labelling. My Department conducts checks, as appropriate, in the business premises for which it has responsibility. Non-compliances are followed up as necessary.

### **Food Industry.**

237. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which he and other EU Ministers have prepared a plan for the agricultural and food production sector to play a necessary and pivotal role in economic recovery throughout Europe with a view to job creation and improved opportunity now and in the future; and if he will make a statement on the matter. [17305/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Discussions are ongoing in the European Council, and in a number of other Council formations, on a replacement strategy for the Lisbon Agenda, to steer the EU to economic recovery, growth and jobs in the period up to 2020. This strategy is known as the EU 2020 strategy. To this end, earlier this year the EU Commission produced a communication setting out the proposed priorities and targets for the new strategy and the suggested means and processes for their delivery. The spring meeting of the European Council of Heads of State and Government agreed conclusions that endorse the broad thrust of the Commission objectives and targets.

The Commission proposed that the new strategy be based on the three priorities of smart growth, sustainable growth and inclusive growth. It identified five headline targets to be

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achieved (raising employment, promoting innovation, responding to climate change and energy use, boosting education, and reducing poverty) and a series of flagship initiatives centred round and designed to deliver results on the three priorities.

At the insistence of Ireland and a number of other Member States, the European Council included a reference in the Conclusions on its Spring meeting on the need for all common policies, including the CAP, to support the strategy. The conclusions went on to state that “a sustainable, productive and competitive agricultural sector will make an important contribution to the new strategy, considering the growth and employment potential of rural areas while ensuring fair competition”. The proposed strategy was subsequently discussed by EU Agriculture Ministers and there was unanimous agreement that agriculture had a crucial contribution to make to the strategy in terms of sustainable growth, rural employment, territorial cohesion, mitigating climate change, economic growth, increasing exports and social inclusion.

I am very pleased that there is agreement on the important contribution that a sustainable, productive and competitive agricultural sector will make to the new strategy. This was something that Ireland had pressed for strongly in the discussions. The sector is an essential platform for the EU food and drinks sector. This is the largest manufacturing sector in the EU and represents some 9% of industrial value added and over 10% of industrial employment. Moreover, it is a sector in which global demand is guaranteed to increase.

A modern, productive agriculture and food sector will support green growth by assisting in land management and social inclusion for rural communities. It will also ensure more sustainable use of natural resources and support climate change mitigation. From the economic viewpoint it will provide stable, higher-value employment opportunities requiring higher skill levels and qualifications and greater levels of R&D and, importantly, innovation. It will boost European exports and contribute to food security both within and beyond Europe.

*Question No. 238 answered with Question No. 236.*

### **EU Fisheries.**

239. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the full extent of fish and fish product exports from the European Union on a country basis; the extent of imports throughout the Union, if known; and if he will make a statement on the matter. [17306/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The information requested by the Deputy, as well as other statistical data relating to EU fisheries, is available in the report entitled “Facts and figures on the CFP: Basic Data on the Common Fisheries Policy” published by the European Community. I will arrange to have a copy of this report sent to the Deputy under a separate cover.

### **Grant Payments.**

240. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the number and value of farm payments owed to farmers on a county basis throughout the country at the present time; when such payments are likely to be made in full; and if he will make a statement on the matter. [17298/10]

245. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the advice that he plans to offer the farming community suffering hardship due to delay by his

Department in making farm payments; when he proposes to address this issue and bring payment fully up to date; and if he will make a statement on the matter. [17302/10]

248. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the hardship caused to the farming community by the failure of his Department to make farm payments promptly; the action he proposes to address the issue in the short term; and if he will make a statement on the matter. [17303/10]

249. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food when it is expected that all payments due to farmers currently delayed in his Department for whatever reason are likely to be paid in full; and if he will make a statement on the matter. [17304/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I propose to take Questions Nos. 240, 245, 248 and 249 together.

There are no appreciable delays in issuing payments to farmers under the various schemes operated by the Department with the exception of the REPS scheme and the Young Farmers Installation Scheme.

In the case of REPS, in meeting the requirements of EU regulations, applications for payments have to go through an exhaustive series of administrative checks before payment can be released. In a significant number of cases, those checks raised issues and queries, which required further detailed examination. The Department's staff are working to resolve these as quickly as possible. Many of these cases require applicants' planners to amend the farm plans that were submitted originally. The applicants concerned have been made aware of the position and the applications will be further processed without delay on receipt of the amended plans.

In a small number of local offices, the processing of payments have been delayed by staffing issues arising from the moratorium on recruitment and promotions in the public service and the Department is attempting to resolve these issues. I would point out that out of the 29,376 farmers due payment under REPS 4, 100% payments have issued to over 21,000 farmers as of 23rd April, with a further 1,342 payments issuing this week.

Due to the redeployment of relevant staff on to the checking of REPS applications, delays have occurred in the processing of grant applications under the Young Farmers' Installation Scheme. However, arrangements have now been put in place to expedite the processing of these applications and the delays concerned should be eliminated in the very near future. It is not possible, within the timescale available, to provide details of the outstanding payments for these Schemes on a county basis.

I should point out that the payments under the 2009 Single Farm Payments scheme began issuing on 16th October 2009 a full six weeks earlier than provided for under the rules of the scheme. In respect of both the Single Farm Payment and the Disadvantaged Areas Scheme, full payments have issued to all Scheme applicants, other than those subject to appeal or outstanding query. A small number of payments are also outstanding in cases where the applicant is now deceased and the necessary legal formalities have yet to be completed.

### **Farm Output.**

241. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent of growth in the beef, lamb, pigmeat, poultry and dairy sectors in each of the past five years to date in 2010; the action intended arising from trends emerging; and if he will make a statement on the matter. [17299/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** According to the CSO, the values of output at producer prices for the beef, pigmeat, sheep, poultry and dairy sectors for the past five years, were as shown in the table below.

Sector	2005	2006	2007	2008	2009
	(€m)	(€m)	(€m)	(€m)	(€m)
Livestock cattle	1,413.2	1,501.1	1,502.7	1,668	1,485.3
Livestock pigs	292	320.8	293.3	333.8	299.9
Livestock sheep	191.8	190.5	182.2	171.4	161.2
Livestock Poultry	144	140.6	151.4	151	147.7*
Livestock products — Milk	1,333.3	1,324.9	1,663.4	1,629.7	1,100.8

\*Provisional.

The market performance of the beef, lamb, pigmeat, poultry and dairy sectors is a function of supply and demand, and has been affected by the recent global economic downturn, exchange rates and other factors. I will be setting out in detail my plans for the future development of these agricultural sectors in the forthcoming 2020 Strategy, which I plan to publish later this year. That said I would have the following specific comments to make on each area.

It is clear in the dairy sector, for example, that the key to future prosperity lies in increased efficiency. We in Ireland have the potential to significantly grow our milk production and take advantage of the very positive outlook for the dairy sector over the medium to long term. We also enjoy a significant advantage in the form of a grass-based production system, which, as well as keeping costs down, will help to achieve greenhouse gas emissions reduction targets. The exploitation of this advantage through the application of modern technology in, for example, grazing and breeding management, will help the sector to maximise efficiency and deal with the kind of price volatility that we have experienced in the last two years and that is likely to recur in the future as exposure to global market forces intensifies. Efficiency will also be the key for the processing sector, with the focus increasingly falling on the need for greater collaboration and rationalisation, as well as investment in R&D and new product development.

Market forces have a major influence on the returns to the dairy sector which fluctuate in accordance with the international dairy markets. Over the past few years the international dairy industry has witnessed extremes of volatility in product prices on an unprecedented scale. During 2007 dairy prices reached record high levels during the international commodity price boom. In 2008 world dairy markets returned to far lower levels primarily due to a collapse in demand caused by the global economic downturn. The slump continued into 2009 before gradually improving later in the year. I continually pressed the Commission to take all appropriate actions to deal with the dairy market situation and the implementation of a range of support measures helped to stabilise the market. The dairy market situation has improved considerably since last Autumn and more recently has shown signs of a robust recovery with increased commodity prices on world and EU markets, and a consequent rise in milk prices.

Beef production is an extremely valuable component of the Irish economy with an export value of some €1.4 billion in 2009. Some 90% of Irish beef production is exported, with over 90% of product now being exported to the high value EU markets. Given recent developments in the international and domestic economy, the immediate prospects for the Irish beef sector remain challenging. As a result of the importance of international trade, the impact of exchange rate developments will be important — particularly in relation to the UK, our largest single market — while, due to challenging economic conditions, a continuing switch to lower value cuts is evident in key markets.

While the market performance of, and price return on, beef products is a function of supply and demand, I am committed to working with the sector in responding to evolving market challenges and in providing a sound framework for the development of the sector. To this end, a number of policy initiatives have been developed or enhanced. These include, *inter alia*, the Suckler Cow Scheme, Bord Bia Irish Beef Promotion Strategies, Bord Bia Quality Assurance Scheme, Breed Improvement Programmes and the Beef and Sheepmeat Capital Investment Scheme. These complement the actions being undertaken by Teagasc and other State Agencies, and together are important in underpinning production, quality and the ongoing marketing success on the important EU markets. My Department will also continue to work with Bord Bia, the Department of Foreign Affairs and the industry to identify and develop other potential markets.

The pig sector remains an important component of the Irish agricultural sector. With a farmgate value of some €300 million, and employment in the industry of approximately 7,000, the sector provides an important source of income to rural communities all over the country. Almost half of Irish production is exported with the UK accounting for 50% of exports with the remainder split between Continental Europe and third countries. In common with other meats, returns to producers have fallen as a result of the economic recession. Prices fell in 2009 and have continued to decline during the early part of this year. Irish price movements over recent years have mirrored those of the EU as a whole.

Pork remains the most-consumed meat worldwide and consumption is expected to increase steadily over the next decade. In order to best position the Irish industry to share in that growth, I am progressing a number of initiatives. Teagasc has prepared a development strategy for the Irish pig industry, which identifies the issues facing the sector and makes certain recommendations. Measures have been proposed that need to be taken to position the sector for a successful future and a ‘Pig Industry Strategy Steering Group’, which includes representation from my Department and all sectors of the industry, has been established for the purpose of implementing the recommendations of this development strategy. I will continue to work with industry stakeholders to advance these recommendations.

On marketing and promotions, the domestic market remains the most important for Irish pigmeat, accounting for 50% of our production. Therefore, protecting and maintaining the market share of Quality Assured pigmeat in Irish retail is critical for the Irish industry. Bord Bia will continue to work with the industry and invest heavily in consumer promotions at retail and education programmes at foodservice level to promote Quality Assurance.

The ongoing marketing initiatives conducted by Bord Bia both at home and overseas are instrumental in supporting the pigmeat sector. Resources have been increased by Bord Bia, through the Marketing Fellowship Programme, in the market development of more customers for Irish pig meat within the EU. By targeting the end users and further manufacturers directly, we can shorten the supply chain and return greater value to exports. We currently export to over 20 non-EU markets and it is my policy and that of the Government to ensure that Irish producers have access to markets worldwide. My Department will continue to work with Bord Bia, and the Department of Foreign Affairs and the industry to identify and develop other potential markets.

The farmgate value of Irish-produced poultry meat is thought to be approximately €150 million. Despite considerable competition from imports the domestic industry has proven to be quite resilient in recent years. The majority of Irish product is consumed in this country with exports focussing largely on by-products. The target over the medium term is to increase the share of the Irish poultry meat market being supplied by Irish producers. To this end Bord Bia is developing and enhancing policies with regard to Poultry Quality Assurance.



[Deputy Brendan Smith.]

Although the scarcity of supply is currently helping to support producer prices, market forces have negatively affected the lamb sector in recent times. As one of the most expensive meats on the retail shelf, tightened consumer spending has impinged on demand on all main markets. A weaker euro/sterling exchange rate has reduced Ireland's competitiveness on the French market — our largest export market for lamb, where we compete directly with British exporters.

Bord Bia's promotional strategy for the Irish sheep sector addresses these market forces in the following ways: encouraging Irish consumers to buy more Quality Assured lamb; collaborating with its French and English counterparts in a campaign to reverse the decline in consumption of lamb on the French market, which accounts for over 50% of our exports; and working with individual exporter to increase the amount of exports to higher value markets such as Germany and Scandinavia and thereby reduce Ireland's dependency on the French market. Bord Bia will spend up to €1 million this year on such promotional campaigns.

Earlier this month I launched a three-year, €54 million grassland sheep scheme, the funding for which, comes from unused Single Payment funds. The focus of this scheme is on breeding ewes and it should help to prevent further declines in flock numbers, by giving farmers a real incentive to maintain their production levels. It should also provide sheep farmers with a much-needed boost to their incomes. The sector should also benefit under the Rural Development Programme, where an indicative figure of €8 million has been allocated for sheep fencing and mobile handling facilities, to help sheep farmers in reducing labour input. In addition to this extra funding, 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. Teagasc has also allocated almost €1.5 million for sheep research for 2010.

All of these supports complement the work being undertaken by my Department, its state agencies and the industry, following the recommendations of the Sheep Industry Development Strategy Group — “the Malone Report”. This report provides a clear blueprint for the development of a more profitable sheep sector in Ireland and covers production, processing and marketing. While most of the recommendations in the Malone report fall to be implemented by the industry itself, my Department is playing its part by providing assistance for areas such as breeding and quality assurance.

### **Common Fisheries Policy.**

242. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food, in the context of the review of the Common Fisheries Policy, the full extent of fishing and over-fishing that has taken place throughout the European Union by EU or other fishing fleets; the degree to which over-fishing has occurred and by whom; the action proposed or likely to combat this; and if he will make a statement on the matter. [17307/10]

246. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which he has studied the decrease in fish stocks throughout Europe and the reason that has been attributed to same; if over-fishing is likely to be controlled in an even handed way throughout the European Union; the degree to which he has put forward proposals to this effect; and if he will make a statement on the matter. [17308/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I propose to take Questions Nos. 242 and 246 together.

The EU Commission estimates that over 80% of EU stocks are over fished. This statistic should make us all pause and take stock of the serious situation facing the fishing industry across Europe. If unchecked the long term sustainability and viability of many fish stocks will be uncertain. The EU Court of Auditors report in December 2007 identified the problem of substantial control failures across Member States. The Court concluded that weaknesses in fisheries controls jeopardised the proper functioning of a fisheries management policy based on catch limitations. On foot of the Court of Auditor findings, the EU Agriculture and Fisheries Council of Ministers adopted a Council Regulation (EC) No 1005/2008 of the 29th September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing, which has applied from the 1st January 2010.

The Commission has also brought forward a proposal, establishing a new Community control system for ensuring compliance with the rules of the common fisheries policy, to strengthen fisheries control across the EU and this was adopted by the Agriculture and Fisheries Council of Ministers on the 20th of October 2009, Council Regulation (EC) No 1224/2009.

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

I welcome these new measures which I believe are not a threat to Irish fishermen who have already moved significantly to a culture of compliance. As fisheries are a common resource it is vital that all operators from all EU fleets respect the rules. We must rebuild our fish stocks by implementing conservation measures and tackling illegal fishing by fleets in our waters which is the major cause of the decline in our fish stocks and quotas. With this package, we have now a better opportunity to stop the cycle of decline and secure a sustainable profitable future for our industry.

In the context of the reform of the Common Fisheries Policy, Ireland submitted further proposals to promote a level playing field across EU waters. In the context of the introduction of Electronic Reporting Systems, which are applicable to larger vessels this year, Ireland proposed additional measures including the exchange of detailed information in the entitlements of individual vessels to the coastal Member State. I will be pushing for further improvements to the control regime that promote a level playing field in the reform of the CFP which is being discussion at this time. I believe that the new control regime together with the additional changes sought in Ireland's Response to the CFP will deliver on better control across the European Union.

### **Food Industry.**

243. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which he has examined the prices paid to producers and charged to the consumer in the beef, dairy, lamb, pigmeat and poultry sectors in this country; the way this compares with other EU member states; his plans to take any initiative arising from any such findings; and if he will make a statement on the matter. [17300/10]

**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

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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%, 31% and 9% respectively. There was a marginal increase in the output prices for sheep (+2.0%) whilst the output price paid for poultry remained consistent with the previous year. These developments followed notable increases in output prices across the majority of sectors in 2008. Consumer prices in Ireland also fell in 2009. The overall CPI fell by 4.5% for the year. The overall price of food as measured by the food price index fell by 3.5%. The price of beef, milk, lamb, pork and poultry to the consumer fell by 2.5%, 1.9%, 3.2%, 0.8% and 7.8% respectively.

With regards to the prices paid by consumers in the EU, 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-27 in 2009 following on from the 6.7% increase experienced in 2008. However there was a wide divergence in food price developments in the EU for 2009 with food prices increasing by over 5% in 2 countries (Malta and UK) whilst prices fell by over 3% in 4 countries including Ireland.

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.

### **Dairy Sector.**

244. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which he has monitored trends and production level in the dairy sector and its potential to compete on home and international markets; the extent to which he has planned for the future; and if he will make a statement on the matter. [17301/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Milk production levels in any given year are a function of price, climatic and other factors. Over the medium to long term, prospects for global dairy markets are positive, with growth in wealth and population forecast to stimulate strong levels of demand and improve returns in the sector. The Irish dairy industry is well placed to take advantage of this expansion in global demand. There is a significant potential to increase milk production from the current base, particularly following quota abolition, and Ireland has the added advantage of a significant competitive advantage, with its low cost grass based production system.

If the dairy industry in Ireland is to reach its potential, it is critically important that operators in the sector, both at farm and processing level, focus on reducing costs and increasing output and efficiency. There must also be a focus on consolidating and expanding market share in existing markets, on developing new markets, and on product and process development.

My Department and its agencies have supported these efforts over many years and are continuing to do so, through the provision of funding for capital investment both at farm and processor level, through the Dairy Efficiency Scheme, which funds the establishment of discussion groups to encourage best practice at farm level, in terms of grassland management, breeding and financial management, through the provision of advice and education based on state of the art research by Teagasc, and through the FIRM and Stimulus Research Funds.

At present my Department is engaged in an exercise to establish a medium term programme for the development of the agri food sector to 2020. I expect to have a report by June from the 2020 Strategy Committee, which includes representation at the highest levels from the agri food sector. This report will propose strategies for the development of the agri-food sector, including the dairy sector. I look forward to receiving it, and to building on the actions already taken by Government under the AgriVision 2015 Plan.

*Question No. 245 answered with Question No. 240.*

*Question No. 246 answered with Question No. 242.*

### **Crop Losses.**

247. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which the losses incurred by nursery growers from the severe winter frost have been calculated; if it is intended to offer assistance in this situation; and if he will make a statement on the matter. [17309/10]

250. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food if he has received a request from nursery growers for compensation arising from damage to crops during the severe winter; if he expects to be in a position to assist in view of the massive destruction during the heavy frost; and if he will make a statement on the matter. [17310/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I propose to take Questions Nos. 247 and 250 together.

Following a preliminary assessment of the crop losses caused by the severe weather conditions in January, I announced, in February, the introduction of a limited scheme of financial assistance to certain potato and field vegetable growers who have suffered significant losses of produce due to frost damage. It is not proposed to extend the scope of the scheme to include the nursery industry.

*Questions Nos. 248 and 249 answered with Question No. 240.*

*Question No. 250 answered with Question No. 247.*

### **Grant Payments.**

251. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food when all 2009 REPS 4 payment will be awarded; the number of farmers that have applied for REPS 4; the number of these applicants that have been paid on a county basis; and if he will make a statement on the matter. [17104/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Out of 29,376 farmers due payments in REPS 4, 100% payments have issued to over 21,000 as of 23 April 2010, with

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a further 1,342 payments issuing this week. Details are set out on a county-by-county basis in the table.

The processing of REPS 4 payments is governed by EU Regulations which require exhaustive administrative checks and on-the-spot inspections. In most parts of the country, the processing of payments is well advanced and the majority of participants have received their full payments for 2009. In a significant number of cases, however, the administrative checks raised issues and queries which required further detailed examination. My Department's staff have been working to resolve these as quickly as possible. Many of these cases require the applicants' planners to amend the farm plans that were submitted originally. The applicants concerned have been made aware of the position and the applications will be further processed without delay on receipt of amended plans.

I am acutely aware of the situation in the Department's local offices where, because of the Government's moratorium on recruitment and promotion in the civil service, two supervisory posts are vacant. Officials in the posts concerned carry out an essential role, from an audit and accreditation point of view, in authorizing claims for payment. My Department has attempted, without success to date, to resolve the situation and is continuing to urgently examine other possible solutions with a view to releasing payments as soon as possible.

County	REPS 4 applicants	Paid as at 23 April 2010
Carlow	300	249
Cavan	1,101	717
Clare	1,333	1,164
Cork	3,221	1,722
Donegal	1,898	1,667
Dublin	51	32
Galway	2,757	1,898
Kerry	1,999	898
Kildare	373	309
Kilkenny	833	662
Laois	761	651
Leitrim	880	652
Limerick	1,344	1,076
Longford	681	555
Louth	218	160
Mayo	2,703	1,779
Meath	561	360
Monaghan	903	621
Offaly	706	562
Roscommon	1,405	1,185
Sligo	917	621
Tipperary Nth	854	718
Tipperary Sth	1,004	726
Waterford	675	470
Westmeath	709	617
Wexford	783	602
Wicklow	406	328
Total	29,376	21,001

**Fisheries Protection.**

252. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food, further to Parliamentary Question No. 836 of 20 April 2010, if his attention has been drawn to the fact that latitude 51.30N in area VII intersects the Irish coast just west of County Cork, meaning that for part of the Irish coast line any fishing activity for bass, even if confined to south of this line, will actually take place right up to shore; the way he will reconcile this geographical fact with the Federation of Irish Fishermen assurance that the inshore sea bass fishery around our coast will not be the target of commercial fishing; and if he will make a statement on the matter. [17409/10]

254. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food if he will give assurances that inshore bass stocks will not be permitted to be fished commercially; and if he will make a statement on the matter. [17411/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I propose to take Questions Nos. 252 and 254 together.

The Federation of Irish Fishermen (FIF) has made a proposal to my Department concerning a limited Sea Bass fishery in the Celtic Sea. In the proposal the FIF have stated that they will take a “precautionary approach to avoid any fishing whatsoever of the Irish inshore stock”. The FIF has specifically proposed that vessels would be permitted to land only Sea Bass caught south of (51.30’N) in area VII, which is an area approximately 50 KM off the SE coast and adjacent to the SW coast of Ireland, this area extends 375Km south. The FIF proposal, having regard to the scientific advice that is available on the inshore stock, also provides that all fishing for sea bass should be prohibited inside the Irish 12 mile coastal limit until there is further assessment carried out to determine the state of the stock.

In order to give the fullest consideration to this proposal, I have sought and received scientific advice from the Marine Institute in relation to the proposal by the FIF. In the same vein I have sought and received the advice of the Sea Fisheries Protection Authority in relation to proposal, from the perspective of the regulation of such a fishery. In coming to a determination on what is a very complex matter, I am very conscious of the need to maintain the current level protection afforded to the inshore Sea Bass fishery. This factor is also recognised by the FIF which gives an assurance in its proposal, that the inshore Sea Bass fishery around our coast will not be the target of commercial fishing. In addition to the advice received above, a decision on the matter will take account of the views of all stakeholders, including anglers. My predecessor wrote to the Minister of State in the Department of Energy, Communications and Natural Resources, who has responsibility for inland fisheries, seeking his views on this proposal and the Minister has provided those observations.

I am currently considering the proposal together with the advice, observations and submissions made to date, in order to determine whether sufficient information is available in order to reach a determination on the matter.

253. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the extent of illegal fishing of inshore bass stocks; his best estimate of the value of illegal bass fishing for each of the past three years; if his further attention has been drawn to a report by a person (details supplied) into illegal bass fishing; and if he will make a statement on the matter. [17410/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Operational aspects in relation to sea fisheries control operations are a matter for the Sea Fisheries Protection Authority (SFPA). I have asked the SFPA to respond directly to the Deputy.

I am not aware of a report in recent years into illegal bass fishing prepared by the a manager of the Southern Fisheries Board. The Federation of Irish Fishermen (FIF) has made a proposal to my Department concerning a limited Sea Bass fishery in the Celtic Sea in an area south of (51.30°N) in area VII, which is an area approximately 50 KM off the SE coast and adjacent to the SW coast of Ireland. Observations in relation to this proposal were sought from the Minister for Communications Energy and Natural Resources, who has responsibility for inland fisheries. The response received included a substantial set of observations from the Central Fisheries Board which did not include or reference the report referred to by the Deputy.

*Question No. 254 answered with Question No. 252.*

### **Grant Payments.**

255. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Cork has not received their REP scheme payment; and if he will make a statement on the matter. [17414/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The application belonging to the person named cannot be processed until he replies to a letter which my officials sent him on 9 April 2010.

256. **Deputy James Bannon** asked the Minister for Agriculture, Fisheries and Food when a REP scheme payment will issue to a person (details supplied) in County Longford; and if he will make a statement on the matter. [17439/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My officials wrote to the person named on 26 April 2010 about his application and are waiting for him to reply.

257. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will receive their suckler cow welfare payment. [17471/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named had 28 animals for consideration under the 2009 Suckler Welfare Scheme. Payment amounting to totalling €902 was issued to the applicant on 12th March 2009 in respect of 22 animals. During the validation process a number of queries arose in relation to the remaining animals and an official from my Department will make direct contact with the applicant with a view to resolving these cases.

258. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Clare will be facilitated; and if he will make a statement on the matter. [17482/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The holding of the person concerned has been restricted under the TB and Brucellosis Eradication Scheme since 24 February 2010. As outlined in the Important Information for Farmers booklet, which is issued to all herdowners at the time of restriction, the amount to be paid by the Department

under the On Farm Market Valuation Scheme, which is the difference between the on-farm market value of the animal concerned and the price paid to the farmer by the slaughter plant, can only be calculated and paid by the District Veterinary Office following the receipt of a number of documents from the herdowner. In this case, the last of these documents was received in the District Veterinary Office on 7 April 2010. The District Veterinary Office has now certified payment which the herdowner should receive over the coming days.

### **Schools Building Projects.**

259. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Education and Science the position regarding an application for extension and building by a school (details supplied) in County Louth; and if she will make a statement on the matter. [17350/10]

**Tánaiste and Minister for Education and Science (Deputy Mary Coughlan):** I can confirm that the school to which the Deputy refers has made an application to my Department for major capital funding. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned a Band 1 rating. The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of my Department's multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the progression of a project for the school in question at this time. However, I am pleased to be able to inform the Deputy that the school has recently been approved funding to provide extra accommodation to meet its immediate needs.

### **Irish Language.**

260. **Deputy Finian McGrath** asked the Tánaiste and Minister for Education and Science if she will support a matter (details supplied). [17379/10]

**Tánaiste and Minister for Education and Science (Deputy Mary Coughlan):** There is no current funding available to enable children from disadvantaged backgrounds to attend courses in the Gaeltacht. However, as an important step in progressing the first phase of the 20-year strategy for the Irish language, an additional €3 million has been secured for the development of materials and resources for schools at primary and post-primary level, the provision of additional training for teachers, and the development of intensive immersion programmes for students who need additional support to participate in Gaeltacht post-primary schools. The implementation arrangements for these measures are being put in train at present.

### **Early School Leavers.**

261. **Deputy Jimmy Deenihan** asked the Tánaiste and Minister for Education and Science the policy that the National Education Welfare Board is implementing on children leaving school before the age of 16 years; and if she will make a statement on the matter. [17424/10]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** The Education (Welfare) Act, 2000, established the National Educational Welfare Board (NEWB) charged with ensuring that each child attends a recognised school or otherwise receives a certain minimum education. The Act provides a comprehensive framework promoting regular school attendance and tackling the problems of absenteeism and early school leaving. All sections of the Act have been commenced since July 2002.



[Deputy Seán Haughey.]

In May 2009, my Department extended the remit of the NEWB. The new remit will bring together the Visiting Teacher Service for Travellers (VTST), the Home School Community Liaison Service (HSCL) and the School Completion Programme (SCP) as well as the National Educational Welfare Service (EWS) under one common management team thereby providing for a single, more focussed, strategic direction at local, regional and national levels, reflecting equally the nature and strength of each of the services. The NEWB is charged with developing a single, strategic approach to attendance, participation and retention in school to meet the needs of children who are at risk of early school leaving or of developing attendance problems.

A core part of the new strategy will be an integrated child and family centered education support service drawing on the skills, expertise and knowledge of the four services — VTST, HSCL, SCP and EWS. By combining the skills and strengths of staff from the four services along with those of teachers and other school-based personnel, the new integrated approach will provide for better targeting of children who are not benefiting from education and it will ensure that these children are properly supported to maximise their educational potential. Work has commenced on developing the new arrangements. An integrated management team has been established and is working effectively at national level. At local level, the four service strands are building on the strong working relationships already in place.

The Education (Welfare) Act establishes a comprehensive framework for promoting regular school attendance and tackling the problems of absenteeism and early school leaving. Section 10 of the Act outlines the general functions of the Board which includes,

- To ensure that each child attends a recognised school or otherwise receives a certain minimum education,
- To assist recognised schools in so far as it is practicable to meet their obligations under the Act,
- To advise and assist children and the parents of children who exhibit problems relating to attendance at , and behaviour in, school,
- To cooperate with such persons as the Board considers appropriate, and to coordinate the activities of the Board with the activities of those persons in so far as they relate to preventing non-attendance in recognised schools,
- To advise the Minister on any matters to which this Act relates.
- The board may, in the performance of its functions, consult with such persons as it considers appropriate.

Since its inception the central priority for the Board has been the establishment of the Educational Welfare Service. The NEWB's network of Educational Welfare Officers (EWOs) has been the key means by which the Board ensures that each child attends and benefits from education. The NEWB's Educational Welfare Service is now provided from 31 locations nationwide with ninety-one staff directly involved in service delivery. The EWS is one of the key components of the new integrated services under the Board. EWOs are appointed under Section 11 of the Act and they deliver a service to children, families and schools. They assist schools, students and parents to comply with their legal obligations under the Act.

The Board is keenly aware of the need to deliver a quality service that focuses on standards and outcomes in relation school attendance and placement matters. In 2009 the NEWB launched its second strategic plan “every child counts” 2010 — 2011, which is focused on

achieving better outcomes for children's school attendance and participation. The NEWB's core commitment to secure every child's entitlement to an education is a key driver of the "every child counts" strategy.

A key part of the Board's strategy is to continue to scrutinise and strengthen the quality of work, monitor its effectiveness, strengthen the focus on measuring outcomes for children and families and put children at the centre of the work. In 2009, a new way of working was developed in partnership with staff and external consultants in an effort to standardise the intervention process and focus on early intervention. Operational guidelines were developed in consultation with staff and these were tested out in six Pilot sites (Dublin City (2), Mayo, Wicklow, Cork City, and Dundalk). School principals and Education Support Services (Home School Community Liaison Coordinators, School Completion Coordinators and Visiting Teachers for Travellers) participated in the Pilot areas, along with the NEWB teams. The evaluation of the Pilot indicated significant satisfaction from NEWB staff, school principals and education support services. The Pilots provide a good starting point for the work that is now getting under way on developing a more integrated response to school attendance, retention and participation.

### **School Staffing.**

262. **Deputy Noel Ahern** asked the Tánaiste and Minister for Education and Science the staffing arrangements for a school (details supplied) in Dublin 11; the proposed staffing arrangements for September 2010; the criteria on which they are based; and if these arrangements will lead to a reduction in staffing levels from September 2009. [17453/10]

**Tánaiste and Minister for Education and Science (Deputy Mary Coughlan):** The key factor for determining the level of staffing resources provided at individual school level for the coming school year is the pupil enrolment at 30 September 2009. The staffing schedule for the coming school year was recently published by my Department. The additional posts in the renewed Programme for Government enabled some improvement to be made to the staffing schedule. The staffing schedule includes an appeals mechanism for schools who are dissatisfied with their staffing allocation. The appeals criteria are outlined in the published staffing schedule which is available on my Department's website.

### **Special Educational Needs.**

263. **Deputy Noel Ahern** asked the Tánaiste and Minister for Education and Science, further to Parliamentary Question No. 247 of 25 March 2010, if she will refer this Deputy to the relevant section to help this person in view of the fact the person has not been helped since the special education needs organiser stated that they are not involved with the school; and if she will make a statement on the matter. [17461/10]

**Tánaiste and Minister for Education and Science (Deputy Mary Coughlan):** As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating resource teachers and special needs assistants (SNAs) to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support. Local SENOs are a valuable resource in assisting parents with regard to their child's special educational needs and placement options. I am aware that a Senior SENO is liaising with the parent of the child to whom the Deputy refers in this context.

### School Accommodation.

264. **Deputy Paul Gogarty** asked the Tánaiste and Minister for Education and Science the efforts that are being made to resolve the accommodation impasse at a school (details supplied) in County Kildare; if her attention has been drawn to the fact that retention of planning at its current premises was rejected by Kildare County Council and An Bord Pleanála in August 2009 and that efforts by the school to apply for planning permission elsewhere have been refused sanction by the school planning section of her Department; the reason unrestricted recognition is not being provided even though the school has a 140 pupils at this stage and is set to double pupil numbers over the next three to five years with other similar schools in neighbouring counties being granted status; and if she will make a statement on the matter. [17473/10]

**Tánaiste and Minister for Education and Science (Deputy Mary Coughlan):** My Department is aware of the accommodation issues at the school to which the Deputy refers. Notwithstanding the fact that the school has provisional recognition and that during this period it is the responsibility of the Patron to provide accommodation, my Department has been assisting the Patron in sourcing alternative suitable, cost effective accommodation. An proposal was recently put by my Department to the Patron in this regard and it is hoped that this proposal can form the basis of an accommodation solution for the school.

With regard to permanent recognition, the school applied to my Department for permanent recognition in October 2008, which was the 2008/09 school year. When it applied for temporary recognition initially, the school supported its application with a projected enrolment of 232 pupils for the 2008/09 school year. The downward revision of projections by the school indicated that the enrolment would be 119 pupils for that school year. This is just over half of the original projection on which the Department's decision to recognise the school was taken. The actual enrolment for that school year was less again at 105 pupils. The school's enrolment in the current school year is understood to be 140 pupils. This compares with an original projected enrolment from the school of 271 pupils and a subsequent downward revised enrolment by the school to 159 pupils. The actual enrolment is, therefore, 131 pupils less than originally expected.

Drops in enrolment of this magnitude are naturally of concern to the Department. Notwithstanding this, my Department has made it clear that it considers that the potential is there for a long term viable entity and it has extended the school's temporary recognition for a further three years to allow it the opportunity to develop its enrolments further on this basis. The question of permanent recognition for the school will be considered again at that time.

### Schools Building Projects.

265. **Deputy Paul Kehoe** asked the Tánaiste and Minister for Education and Science the position regarding a new school (details supplied); the stage of the project; when it is expected that students will be enrolled; the timelines on the project; and if she will make a statement on the matter. [17498/10]

**Tánaiste and Minister for Education and Science (Deputy Mary Coughlan):** The new post primary school referred to by the Deputy, is one of eight schools which were approved for inclusion in the 3rd Bundle of schools to be procured via Public Private Partnership. This bundle is in the pre procurement stage. Detailed output specifications and Public Sector Benchmark (PSB) are being finalised and outline planning permission has now been received for all schools in the Bundle. Following completion of the pre procurement process, the Bundle will shortly be ready for handover to the National Development Finance Agency (NDFA) to commence the procurement process.

**School Enrolments.**

266. **Deputy Joanna Tuffy** asked the Tánaiste and Minister for Education and Science the number of children attending national schools and the number attending second level schools in Lucan, County Dublin; and if she will make a statement on the matter. [17503/10]

**Tánaiste and Minister for Education and Science (Deputy Mary Coughlan):** School enrolment data can only be provided at aggregate county level or at individual school level and is not available by local area, neighbourhood, suburb or town. Overall enrolments figures for each primary school for the 2008\2009 academic year are available on my Department's website at [www.education.ie](http://www.education.ie). This is the most recent year available for primary schools. Attached are overall enrolments figures for each post-primary school for the 2009/2010 academic year.

List of Post Primary Schools with Enrolment broken down by County for the 2009/2010 school year (including PLC and Core VTOS) Date 22nd April 2010

County CDE	County Name	School No.	School Name	Address	Male	Female
1	Carlow	61120E	St Mary's Academy CBS	Station Rd, Carlow	582	0
1	Carlow	61130H	St Mary's Knockbeg College	Knockbeg, Co. Carlow	350	0
1	Carlow	61140K	St. Leo's College	Convent Of Mercy, Dublin Road, Carlow	0	937
1	Carlow	61141M	Presentation College	Askea, Carlow, Co. Carlow	261	251
1	Carlow	61150N	Presentation / De La Salle College	Royal Oak Road, Muine Bheag, Co. Carlow	177	182
1	Carlow	70400L	Borris Vocational School	Borris, Co Carlow	240	221
1	Carlow	70410O	Coláiste Eoin	Hacketstown, Co Carlow	148	117
1	Carlow	70420R	Carlow Vocational School	Kilkenny Road, Carlow, Co. Carlow	393	658
1	Carlow	70430U	Vocational School Muine Bheag	Muine Bheag, Co Carlow	120	175
1	Carlow	70440A	Gaelcholáiste Cheatharlach	Easca, Ceatharlach	155	160
1	Carlow	91356F	Tullow Community School	The Mullawn, Tullow, Co. Carlow	295	319
2	Dublin County Borough	60290B	St Pauls College	Sybil Hill, Raheny, Dublin 5	569	0
2	Dublin County Borough	60291D	Árdscoil La Salle	Raheny Road, Raheny, Dublin 5	273	134
2	Dublin County Borough	60300B	Manor House School	Watermill Road, Raheny, Dublin 5	0	801
2	Dublin County Borough	60390F	St Josephs C.B.S.	Merville Ave, Fairview, Dublin 3	253	3
2	Dublin County Borough	60400F	St Vincents C.B.S. Glasnevin	Glasnevin, Dublin 11	333	0
2	Dublin County Borough	60410I	C.B.S. James Street	James's Street, Dublin 8	279	0
2	Dublin County Borough	60420L	Árdscoil Rís	Griffith Avenue, Dublin 9	521	0
2	Dublin County Borough	60430O	St Pauls C.B.S.	Christian Brothers, Nth Brunswick Street, Dublin 7	254	0
2	Dublin County Borough	60440R	O'Connell School	North Richmond Street, Dublin 1	325	24
2	Dublin County Borough	60450U	Coláiste Mhuire	Bothar Rath Tó, Baile Atha Cliath 7	82	72
2	Dublin County Borough	60470D	Christian Brothers, Synge St.	Synge St., Dublin 8.	272	0
2	Dublin County Borough	60471F	St. David's C.B.S.	Malahide Road, Artane, Dublin 5	452	0
2	Dublin County Borough	60480G	Meanscoil Iognáid Rís	Long Mile Road, Walkinstown, Dublin 12	644	0
2	Dublin County Borough	60481I	St. Aidan's C.B.S.	Collins Avenue Ext, Whitehall, Dublin 9	605	0
2	Dublin County Borough	60490J	C.B.S. Westland Row	Westland Row, Dublin 2	75	59

List of Post Primary Schools with Enrolment broken down by County for the 2009/2010 school year (including PLC and Core VTOS) Date 22nd April 2010 — *continued*

County CDE	County Name	School No.	School Name	Address	Male	Female
2	Dublin County Borough	60491L	St Declan's College	Nepin Road, Cabra, Dublin 7	625	0
2	Dublin County Borough	60500J	Marian College	Ballsbridge, Dublin 4	427	14
2	Dublin County Borough	60510M	St Johns College De La Salle	Le Fanu Rd., Ballyfermot, Dublin 10	423	0
2	Dublin County Borough	60511O	Beneavin De La Salle College	Beneavin Road, Finglas, Dublin 11	455	0
2	Dublin County Borough	60520P	Belvedere College S.J	6 Great Denmark Street, Dublin 1	974	0
2	Dublin County Borough	60530S	Gonzaga College	Sandford Road, Ranelagh, Dublin 6	545	0
2	Dublin County Borough	60540V	Catholic University School	89 Lower Leeson Street, Dublin 2	438	0
2	Dublin County Borough	60550B	Chanel College	Coolock Village, Malahide Road, Dublin 5	476	0
2	Dublin County Borough	60560E	St Marys College	Rathmines, Dublin 6>	444	0
2	Dublin County Borough	60570H	Terenure College	Templeogue Road, Terenure, Dublin 6w	701	0
2	Dublin County Borough	60571J	Patrician College	Deanstown Ave, Finglas West, Dublin 11	157	0
2	Dublin County Borough	60581M	St Kevins College	Ballygall Rd East, Finglas, Dublin 11	362	0
2	Dublin County Borough	60590N	St Conleths College	28 Clyde Road, Ballsbridge, Dublin 4	235	25
2	Dublin County Borough	60640C	Sandford Park School Ltd	Sandford Road, Ranelagh, Dublin 6	246	0
2	Dublin County Borough	60660I	St Patricks Cathedral G.S	St Patricks Close, Dublin 8	80	47
2	Dublin County Borough	60670L	The High School	Zion Road, Rathgar, Dublin 6	431	340
2	Dublin County Borough	60690R	Dominican College	Griffith Ave., Drumcondra, Dublin 9	0	702
2	Dublin County Borough	60700R	Scoil Chaitriona	Bóthar Mobhí, Glasnaíon, Ath Cliath 9	212	241
2	Dublin County Borough	60710U	Muckcross Park College	Donnybrook, Dublin 4	0	676
2	Dublin County Borough	60720A	Saint Dominic's Secondary School	Kylemore Road, Ballyfermot, Dublin 10	0	393
2	Dublin County Borough	60731F	St Dominics College	Cabra, Dublin 7	0	914
2	Dublin County Borough	60732H	Caritas College	Drumfinn Road, Dublin 10	0	319
2	Dublin County Borough	60741I	St Michaels Secondary School	Wellmount Road, Finglas, Dublin 11	0	494
2	Dublin County Borough	60750J	Holy Faith Secondary School	1 Belgrove Road, Clontarf, Dublin 3	0	620
2	Dublin County Borough	60770P	St Mary's Secondary School	Holy Faith Convent, Glasnevin, Dublin 11	0	680
2	Dublin County Borough	60791A	St Marys Secondary School	St Brigids Road, Killester, Dublin 5	0	539
2	Dublin County Borough	60792C	Presentation College	Warrenmount, Dublin 8	0	324
2	Dublin County Borough	60800V	Loreto College	Crumlin Road, Dublin 12	0	477
2	Dublin County Borough	60820E	Loreto College	53 St Stephens Green, Dublin 2	0	570
2	Dublin County Borough	60840K	Maryfield College	Glandore Road, Drumcondra, Dublin 9	0	619
2	Dublin County Borough	60841M	Rosary College	Armagh Road, Crumlin, Dublin 12	131	124

List of Post Primary Schools with Enrolment broken down by County for the 2009/2010 school year (including PLC and Core VTOS) Date 22nd April 2010 — *continued*

County CDE	County Name	School No.	School Name	Address	Male	Female
2	Dublin County Borough	60843Q	St Josephs Secondary School	Stanhope St., Dublin 7	0	296
2	Dublin County Borough	60851P	Assumption Secondary School	Walkinstown, Dublin 12	0	361
2	Dublin County Borough	60853T	Mount Carmel Secondary School	Kings Inn Street, Dublin 1	0	298
2	Dublin County Borough	60870T	Our Lady Of Mercy College	Beaumont, Dublin 9	0	261
2	Dublin County Borough	60871V	Mercy College Coolock	St Brendans Drive, Coolock, Dublin 5	0	413
2	Dublin County Borough	60872A	Mercy Secondary School	Goldenbridge, Inchicore, Dublin 8	0	171
2	Dublin County Borough	60890C	St Louis High School	Charleville Road, Rathmines, Dublin 6	0	582
2	Dublin County Borough	60892G	The Teresian School	12 Stillorgan Road, Donnybrook, Dublin 4	0	194
2	Dublin County Borough	60910F	Alexandra College	Milltown, Dublin 6	0	579
2	Dublin County Borough	60990G	Meanscoil Chroimghlinne	314/318 Crumlin Road, Crumlin, Dublin 12	42	35
2	Dublin County Borough	60991I	Our Lady Of Mercy Secondary School	Mourne Road, Drimmagh, Dublin 12	169	140
2	Dublin County Borough	61020A	Stratford College	1 Zion Road, Rathgar, Dublin 6	65	63
2	Dublin County Borough	68071G	John Scottus Secondary School	72/76 Morehampton Rd., Donnybrook, Dublin 4	63	56
2	Dublin County Borough	70020B	Grange Community College	Grange Road, Donaghmede, Dublin 13	95	144
2	Dublin County Borough	70150O	Coláiste Éanna	Kilkieran Road, Cabra, Dublin 7	44	61
2	Dublin County Borough	70160R	St. Kevins College	Clogher Road, Crumlin, Dublin 12	313	115
2	Dublin County Borough	70170U	Crumlin College Of Further Education	Crumlin Road, Crumlin, Dublin 12	202	479
2	Dublin County Borough	70180A	Coláiste Eoin	Cappagh Road, Finglas West, Dublin 11	125	62
2	Dublin County Borough	70190D	Colaiste Ide College of Further Education	Cardiffsbridge Road, Finglas West, Dublin 11	525	389
2	Dublin County Borough	70200D	Technical Institute	Cambridge Road, Ringsend, Dublin 4	92	62
2	Dublin County Borough	70220J	Inchicore College of Further Education	Emmet Road, Inchicore, Dublin 8	376	538
2	Dublin County Borough	70230M	Killester College of Further Education	Collins Avenue, Killester, Dublin 5	175	247
2	Dublin County Borough	70240P	Kylemore College	Kylemore Road, Ballyfermot, Dublin 10	269	84
2	Dublin County Borough	70250S	Marino College	14-20 Marino Mart, Fairview, Dublin 3	196	479
2	Dublin County Borough	70290H	Ballsbridge College of Further Education	Shelbourne Road, Ballsbridge, Dublin 4	212	210
2	Dublin County Borough	70300H	Pearse College — Colaiste an Phiarsaigh	Clogher Road, Crumlin, Dublin 12	496	272
2	Dublin County Borough	70310K	Plunket College	Swords Road, Whitehall, Dublin 9	331	190
2	Dublin County Borough	70320N	Whitehall House Senior College	Swords Road, Dublin 9	252	290

List of Post Primary Schools with Enrolment broken down by County for the 2009/2010 school year (including PLC and Core VTOS) Date 22nd April 2010 — *continued*

County CDE	County Name	School No.	School Name	Address	Male	Female
2	Dublin County Borough	70321P	Margaret Aylward Community College	The Thatch Road, Whitehall, Dublin 9	0	262
2	Dublin County Borough	70330Q	Coláiste Dhúlaigh	Barrycourt Road, Coolock, Dublin 17	224	200
2	Dublin County Borough	70340T	Liberties College	Bull Alley Street, Dublin 8	294	600
2	Dublin County Borough	70342A	Ballyfermot College of Further Education	Ballyfermot Road, Dublin 10	853	772
2	Dublin County Borough	76077O	Larkin Community College	Champions Avenue, Dublin 1	262	135
2	Dublin County Borough	76092K	Presentation College	Terenure, Dublin 6W	0	267
2	Dublin County Borough	76094O	Coláiste Dhúlaigh College of Further Education	Barrycourt Road, Coolock, Dublin 17	726	670
2	Dublin County Borough	81002K	Mount Temple Comprehensive School	Malahide Road, Dublin 3	479	366
2	Dublin County Borough	81017A	Trinity Comprehensive School	Ballymun Road, Dublin 9	273	303
2	Dublin County Borough	91318U	The Donahies Community School	Streamville Road, Dublin 13	260	248
2	Dublin County Borough	91344V	Rosmini Community School	Grace Park Road, Drumcondra, Dublin 9	257	76
3	Dublin South	60121B	Moyle Park College, Clondalkin, Dublin 22	649	0	
3	Dublin South	60122D	Coláiste Bríde	New Road, Clondalkin, Dublin 22	0	868
3	Dublin South	60263V	St Josephs College	Lucan, Co Dublin	0	839
3	Dublin South	60264A	Coláiste Phádraig CBS	Roselawn, Lucan, Co Dublin	666	0
3	Dublin South	60272W	The Kings Hospital	Palmerstown, Dublin 20	363	332
3	Dublin South	60320H	St Columba's College	Whitechurch, Dublin 16	161	118
3	Dublin South	60321J	Rockbrook Park School	Edmondstown Road, Rathfarnham, Dublin 16	133	0
3	Dublin South	60340N	Loreto High School	Beaufort, Grange Rd., Rathfarnham, Dublin 14	0	627
3	Dublin South	60341P	Sancta Maria College	Ballyroan, Rathfarnham, Dublin 16	0	520
3	Dublin South	60342R	Colaiste Eanna	Ballyroan, Dublin16	547	0
3	Dublin South	60561G	St Michaels College	Ailesbury Road, Dublin 4	594	0
3	Dublin South	60562I	Templeogue College	Templeville Road, Dublin 6W	649	0
3	Dublin South	60860Q	Our Ladys School	Templeogue Rd., Terenure, Dublin 6W	0	746
3	Dublin South	60902G	St Pauls Secondary School	Greenhills, Dublin 12	0	761
3	Dublin South	70021D	Coláiste de hÍde	Br Thish Motháin Thuaidh, Br Chaisleáin Thigh Mótháin, Tamhlacht, Baile Atha Cliath 24	138	136



List of Post Primary Schools with Enrolment broken down by County for the 2009/2010 school year (including PLC and Core VTOS) Date 22nd April 2010 — *continued*

County CDE	County Name	School No.	School Name	Address	Male	Female
3	Dublin South	70040H	Deansrath Community College	New Nangor Road, Clondalkin, Dublin 22	245	270
3	Dublin South	70041J	Collinstown Park Community College	Neilstown Rd., Rowlagh, Clondalkin, Dublin 22	336	328
3	Dublin South	70042L	St. Kevin's Community College	Fonthill Road, Clondalkin, Dublin 22	171	173
3	Dublin South	70080T	Lucan Community College	Esker Drive, Lucan, Co. Dublin	458	354
3	Dublin South	70100W	Coláiste Chilliaín	Bóthar Nangor, Cluain Dolcáin, Baile Atha Cliath 22	193	203
3	Dublin South	70130I	Greenhills College	Limekiln Avenue, Greenhills, Dublin 12	346	185
3	Dublin South	70140L	Firhouse Community College	Firhouse Road, Dublin 24	350	249
3	Dublin South	70141N	Jobstown Community College	Jobstown, Tallaght, Dublin 24	115	114
3	Dublin South	70260V	St Mac Dara's Community College	Wellington Lane, Templeogue, Dublin 6W	483	320
3	Dublin South	70280E	Rathmines College	Town Hall, Rathmines, Dublin 6	317	384
3	Dublin South	76065H	Coláiste Cois Life	Gleann an Ghrífin, Leamhcán, Co Átha Cliath	192	153
3	Dublin South	76097U	Adamstown Community College	Adamstown, Co Dublin	27	43
3	Dublin South	91301D	Holy Family Community School	Kilteel Road, Rathcoole, Co Dublin	451	279
3	Dublin South	91302F	Phobailscoil Iosolde	Palmerstown, Dublin 20	266	211
3	Dublin South	91332O	St Marks Community School	Cookstown Rd., Tallaght, Dublin 24	427	359
3	Dublin South	91335U	Tallaght Community School	Balrothery, Tallaght, Dublin 24	366	240
3	Dublin South	91336W	Old Bawn Community School	Old Bawn, Tallaght, Dublin 24	448	363
3	Dublin South	91337B	Killinarden Community School	Killinarden, Tallaght, Dublin 24	233	168
3	Dublin South	91338D	St Aidan's Community School	Brookfield, Tallaght, Dublin 24	247	238
3	Dublin South	91510M	St. Colmcille's Community School	Scholarstown Rd., Knocklyon, Dublin 16	395	307
4	Dublin Fingal	60010P	Loreto Secondary School	Balbriggan, Co Dublin	0	1,185
4	Dublin Fingal	60021U	St Marys Secondary School	Baldoyle, Dublin 13	0	240
4	Dublin Fingal	60100Q	Castleknock College	Castleknock, Dublin 15	555	0
4	Dublin Fingal	60120W	Mount Sackville Secondary School	Chapelizod, Dublin 20	0	654
4	Dublin Fingal	60343T	St Joseph's Secondary School	Convent Lane, Rush, Co. Dublin	320	196

List of Post Primary Schools with Enrolment broken down by County for the 2009/2010 school year (including PLC and Core VTOS) Date 22nd April 2010 — *continued*

County CDE	County Name	School No.	School Name	Address	Male	Female
4	Dublin Fingal	60370W	St. Fintan's High School	Dublin Road, Sutton, Dublin 13	644	0
4	Dublin Fingal	60380C	Santa Sabina Dominican College	Greenfield Road, Sutton, Dublin 13	0	596
4	Dublin Fingal	60381E	Sutton Park School	St Fintans Road, Sutton, Dublin 13	166	103
4	Dublin Fingal	60383I	Coláiste Choilm	Dublin Road, Swords, Co Dublin	616	0
4	Dublin Fingal	60810B	Loreto College	Swords, Co Dublin	0	641
4	Dublin Fingal	60852R	Mater Christi	Cappagh, Finglas, Dublin 11	0	209
4	Dublin Fingal	70010V	Balbriggan Community College	Pine Ridge, Chapel St., Balbriggan, Co Dublin	435	149
4	Dublin Fingal	70081V	Riversdale Community College	Blanchardstown Rd North, Dublin 15	238	214
4	Dublin Fingal	70120F	St Finians Community College	Swords, Co Dublin	317	292
4	Dublin Fingal	70121H	Fingal Community College	Seatown Road, Swords, Co Dublin	288	261
4	Dublin Fingal	76062B	Castleknock Community College	Carpenterstown Road, Castleknock, Dublin 15	612	475
4	Dublin Fingal	76078Q	Skerries Community College	Skerries, Co. Dublin	615	322
4	Dublin Fingal	76085N	Gealcholáiste Reachrann	Bóthar Mhainistir na Gráinsí, Domhnach Míde, Baile Atha Cliath 13	141	129
4	Dublin Fingal	76098W	Colaiste Pobail Setanta (Phibblestown Community College)	Colaiste Pobail Setanta, Phibblestown, Dublin 15	81	54
4	Dublin Fingal	76104O	Donabate Community College	Olive Laffoy, Principal, Donabate Community College, Portrane Road, Donabate, Co. Dublin	117	92
4	Dublin Fingal	76129H	Ardgillan Community College	Castlelands, Balbriggan, Co Dublin	55	11
4	Dublin Fingal	76130P	Luttrellstown Community College	Luttrellstown Community College, C/O Institute of Horology, Mill Rd, Blanchardstown, Dublin 15	32	24
4	Dublin Fingal	91315O	Scoil Phobail Chuil Mhin	Cluain Saileach, Baile Atha Cliath 15	626	467
4	Dublin Fingal	91316Q	Blakestown Community School	Blanchardstown, Dublin 15	266	198
4	Dublin Fingal	91324P	Portmarnock Community School	Carrickhill Road, Portmarnock, Co Dublin	512	376
4	Dublin Fingal	91325R	Malahide Community School	Broomfield, Malahide, Co. Dublin	680	548
4	Dublin Fingal	91339F	Hartstown Community School	Hartstown, Dublin 15	552	485
4	Dublin Fingal	91342R	Pobalscoil Neasáin	Baldoyle, Dublin 13	407	135
5	Dun Laoghaire/Rathdown	60030V	Blackrock College	Blackrock, Co Dublin	979	0

List of Post Primary Schools with Enrolment broken down by County for the 2009/2010 school year (including PLC and Core VTOS) Date 22nd April 2010 — *continued*

County CDE	County Name	School No.	School Name	Address	Male	Female
5	Dun Laoghaire/Rathdown	60040B	Willow Park School	Rock Road, Blackrock, Co Dublin	200	0
5	Dun Laoghaire/Rathdown	60041D	Coláiste Eoin	Baile an Bhóthair, Bóthair Stigh Lorgan, Co Atha Cliath	455	0
5	Dun Laoghaire/Rathdown	60042F	Coláiste Íosagáin	Bóthar Stigh Lorgan, Baile an Bhóthair, Co Átha Cliath	0	481
5	Dun Laoghaire/Rathdown	60050E	Oatlands College	Mount Merrion, Co Dublin	474	0
5	Dun Laoghaire/Rathdown	60070K	Dominican College	Sion Hill, Blackrock, Co Dublin	0	341
5	Dun Laoghaire/Rathdown	60081P	Rockford Manor Secondary School	Stradbroom Rd., Blackrock, Co Dublin	0	294
5	Dun Laoghaire/Rathdown	60090Q	Rathdown School	Glenageary, Co Dublin	0	375
5	Dun Laoghaire/Rathdown	60092U	Clonkeen College	Clonkeen Road, Blackrock, Co Dublin	518	0
5	Dun Laoghaire/Rathdown	60130C	Loreto Abbey Secondary School	Dalkey, Co Dublin	0	617
5	Dun Laoghaire/Rathdown	60140F	Mount Anville Secondary School	Mount Anville Rd, Dublin 14	0	618
5	Dun Laoghaire/Rathdown	60160L	Notre Dame Secondary School	Upper Churchtown Road, Dublin 14	0	223
5	Dun Laoghaire/Rathdown	60180R	Christian Brothers College	Monkstown Park, Dun Laoghaire, Co Dublin	507	0
5	Dun Laoghaire/Rathdown	60240J	Loreto College Foxrock	Foxrock, Dublin 18	0	662
5	Dun Laoghaire/Rathdown	60250M	Holy Child Secondary School	Military Road, Killiney, Co. Dublin	0	330
5	Dun Laoghaire/Rathdown	60260P	St Joseph Of Cluny	Bellevue Park, Ballinclea Rd., Killiney, Co Dublin	0	453
5	Dun Laoghaire/Rathdown	60261R	St Benildus College	Upper Kilmacud Rd., Stillorgan, Blackrock, Co Dublin	694	0
5	Dun Laoghaire/Rathdown	60262T	St Laurence College	Loughlinstown, Dublin 18	306	197
5	Dun Laoghaire/Rathdown	60310E	Da La Salle College	Upper Churchtown Road, Churchtown, Dublin 14	315	0
5	Dun Laoghaire/Rathdown	60361V	St Raphaela's Secondary School	Upper Kilmacud Road, Stillorgan, Co Dublin	0	413
5	Dun Laoghaire/Rathdown	60630W	St Kilian's Deutsche Schule	Roebuck Road, Clonskeagh, Dublin 14	192	171
5	Dun Laoghaire/Rathdown	60650F	St Andrews College	Boosterstown Ave., Blackrock, Co Dublin	512	463
5	Dun Laoghaire/Rathdown	60891E	Jesus and Mary College	Our Lady's Grove, Goatstown Road, Dublin 14	0	367
5	Dun Laoghaire/Rathdown	60930L	Rosemont School	Temple Road, Blackrock, Co Dublin	0	101
5	Dun Laoghaire/Rathdown	61010U	Wesley College	Ballinteer, Dublin 16	471	411

List of Post Primary Schools with Enrolment broken down by County for the 2009/2010 school year (including PLC and Core VTOS) Date 22nd April 2010 — *continued*

County CDE	County Name	School No.	School Name	Address	Male	Female
5	Dun Laoghaire/Rathdown	70030E	Senior College Dunlaoghaire	Eblana Avenue, Dun Laoghaire, Co Dublin	437	692
5	Dun Laoghaire/Rathdown	70050K	Dun Laoghaire College of Further Education	Cumberland St., Dun Laoghaire, Co Dublin	510	260
5	Dun Laoghaire/Rathdown	70070Q	College Of Further Education Dundrum	Main Street, Dundrum, Dublin 14	110	242
5	Dun Laoghaire/Rathdown	70090W	Sallynoggin College of Further Education	Pearse Street, Sallynoggin, Co Dublin	236	444
5	Dun Laoghaire/Rathdown	70110C	Stillorgan College of Further Education Further Education	Old Dublin Rd., Stillorgan, Co Dublin	113	127
5	Dun Laoghaire/Rathdown	81001I	Newpark Comprehensive School	Newtown Park Avenue, Blackrock, Co Dublin	501	330
5	Dun Laoghaire/Rathdown	91305L	Ballinteer Community School	Ballinteer, Dublin 16	192	127
5	Dun Laoghaire/Rathdown	91310E	Cabinteely Community School	Cabinteely, Dublin 18	279	251
5	Dun Laoghaire/Rathdown	91330K	Holy Child Community School	Pearse St., Sallynoggin, Co Dublin	152	121
5	Dun Laoghaire/Rathdown	91343T	St. Tiernan's Community School	Parkvale, Balally, Dublin 16	222	121
6	Kildare	61661P	Salesian College	Celbridge, Co. Kildare	699	0
6	Kildare	61680T	Newbridge College	Newbridge, Co. Kildare	434	399
6	Kildare	61681V	Patrician Secondary School	Newbridge, Co Kildare	736	0
6	Kildare	61682A	Holy Family Secondary School	Newbridge, Co. Kildare	0	690
6	Kildare	61690W	Cross And Passion College	Kilcullen, Co Kildare	322	336
6	Kildare	61691B	Scoil Dara	Church St., Kilcock, Co Kildare	403	394
6	Kildare	61700W	St Joseph's Academy	Kildare Town, Co Kildare	209	0
6	Kildare	61701B	Presentation Secondary School	Kildare Town, Co. Kildare	0	236
6	Kildare	61702D	St Pauls Secondary School	Monasterevin, Co Kildare	162	126
6	Kildare	61710C	Meánscoil Iognáid Ris	Naas, Co Kildare	807	0
6	Kildare	61720F	Clongowes Wood College	Naas, Co Kildare	449	0
6	Kildare	61730I	Coláiste Naomh Mhuire	Convent Of Mercy, Sallins Rd., NaasCo Kildare	0	918
6	Kildare	68072I	Gael Cholaiste Chill Dara	Loiste, Herbert, An Curragh, Contae Chill Dara	56	84
6	Kildare	68077S	Árdscoil na Tríonóide	Áth Í, Co Cill Dara	414	401

List of Post Primary Schools with Enrolment broken down by County for the 2009/2010 school year (including PLC and Core VTOS) Date 22nd April 2010 — *continued*

County CDE	County Name	School No.	School Name	Address	Male	Female
6	Kildare	70650L	Athy Community College	Athy, Co Kildare	100	133
6	Kildare	70660O	Curragh Post-Primary School	McSwiney Road, Curragh, Co Kildare	92	64
6	Kildare	70670R	Colaiste Lorcaín	Castledermot, Co. Kildare	192	177
6	Kildare	70680U	St Conleth's Vocational School	Station Road, Newbridge, Co Kildare	127	197
6	Kildare	70690A	Vocational School / Kildare College of Further Studies	Kildare Town, Co. Kildare	54	33
6	Kildare	70691C	Confey Community College	Confey, Leixlip, Co Kildare	340	306
6	Kildare	70700A	Maynooth Post Primary School	Moyglare Rd., Maynooth, Co Kildare	466	468
6	Kildare	70710D	Piper's Hill College	Killashee, Naas, Co. Kildare	299	298
6	Kildare	70720G	St Farnan's Post Primary School	Prosperous, Co. Kildare	153	201
6	Kildare	70730J	Ardcoil Rath Iomgháin	Rathangan, Co Kildare	314	280
6	Kildare	91371B	Leixlip Community School	Celbridge Road, Leixlip, Co. Kildare	327	254
6	Kildare	91372D	Scoil Mhuire Community School	Clane, Naas, Co Kildare	470	433
6	Kildare	91505T	St Wolstan's Community School	Ballymakeely, Clane Rd., Celbridge, Co Kildare	0	753
7	Kilkenny	61510R	Coláiste Éamann Rís	Callan, Co Kilkenny	200	0
7	Kilkenny	61520U	St. Brigid's College	Callan, Co. Kilkenny	0	382
7	Kilkenny	61550G	Meánscoil na mBráithre Criostaí	Sráid Shéamais, Cill Channaigh	675	0
7	Kilkenny	61560J	St Kieran's College	Secondary School, College Rd., Kilkenny	636	0
7	Kilkenny	61570M	Kilkenny College	Castlecomer Road, Kilkenny	445	356
7	Kilkenny	61580P	Loreto Secondary School	Granges Road, Kilkenny	0	759
7	Kilkenny	61590S	Presentation Secondary School	Loughboy, Kilkenny	0	605
7	Kilkenny	70570N	Scoil Aireagail	Ballyhale, Kilkenny	202	161
7	Kilkenny	70590T	Duiske College	Graignamanagh, Co Kilkenny	71	76
7	Kilkenny	70600T	Coláiste Mhuire	Johnstown, Co Kilkenny	229	202
7	Kilkenny	70610W	City Vocational School	New Street, Kilkenny	185	252
7	Kilkenny	70620C	Coláiste Cois Siúire	Mooncoin, Co Kilkenny	96	59
7	Kilkenny	70640I	Grennan College	Ladywell St., Thomastown, Co Kilkenny	168	205
7	Kilkenny	70641K	Coláiste Pobail Osraí	Bóthar Urmhumhan, Cill Chainnigh	49	44

List of Post Primary Schools with Enrolment broken down by County for the 2009/2010 school year (including PLC and Core VTOS) Date 22nd April 2010 — *continued*

County CDE	County Name	School No.	School Name	Address	Male	Female
7	Kilkenny	76082H	Abbey Community College	Abbey Rd., Ferrybank, Waterford	327	304
7	Kilkenny	91360T	Community School	Castlecomer, Co Kilkenny	304	342
8	Laoighis	63430G	St. Mary's C.B.S.	Tower Hill, Portlaoise, Co. Laois	406	0
8	Laoighis	63451O	Scoil Chríost Rí	Presentation College, Portlaoise, Co Laois	0	438
8	Laoighis	68068R	Coláiste Íosagáin	Portarlinton, Co. Laois	319	316
8	Laoighis	71470O	Clonaslee Vocational School	Clonaslee, Co. Laois	118	94
8	Laoighis	71510A	Portlaoise College	Mountrath Road, Portlaoise, Co. Laois	259	337
8	Laoighis	71520D	St Fergal's College	Rathdowney, Co Laois	171	160
8	Laoighis	91426A	Community School	Mountmellick, Co Laois	264	280
8	Laoighis	91427C	Heywood Community School	Ballinakill, Portlaoise, Co. Laois	357	310
8	Laoighis	91550B	Mountrath Community School	Mountrath, Co. Laois	278	403
9	Longford	63710M	Mercy Secondary School	Ballymahon, Co. Longford	225	258
9	Longford	63730S	Cnoc Mhuire	Granard, Longford	200	239
9	Longford	63750B	St. Mel's College	Longford, Co. Longford	498	0
9	Longford	63760E	Meán Scoil Muire	Convent Road, Longford Town, Co. Longford	0	614
9	Longford	71690F	Ballymahon Vocational School	Ballymahon, Co Longford	151	103
9	Longford	71710I	Ardcoil Phadraig	Granard, Co Longford	115	71
9	Longford	71720L	Lanesboro Community College	Lanesboro, Co Longford	92	126
9	Longford	71730O	Templemichael College	Templemichael, Longford	151	183
9	Longford	91436D	Moyne Community School	Moyne, Co Longford	317	284
10	Louth	63840C	St. Joseph's C.B.S.	Newfoundwell Rd., Drogheda, Co Louth	649	0
10	Louth	63841E	St Mary's Diocesan School	Beamore Road, Drogheda, Co. Louth	780	0
10	Louth	63850F	Our Ladys College	Greenhills, Drogheda, Co Louth	0	883
10	Louth	63860I	Sacred Heart Secondary School	Sunnyside, Drogheda, Co Louth	0	555
10	Louth	63870L	Drogheda Grammar School	Mornington Rd., Drogheda, Co Louth	171	96
10	Louth	63880O	Colaiste Rís	Sraid an tSéipéil, Dún Dealgan, Co Lú	381	131
10	Louth	63890R	St Mary's College	Dundalk, Co Louth	460	204

List of Post Primary Schools with Enrolment broken down by County for the 2009/2010 school year (including PLC and Core VTOS) Date 22nd April 2010 — *continued*

County CDE	County Name	School No.	School Name	Address	Male	Female
10	Louth	63891T	De La Salle College	Castleblaney Road, Dundalk, Co. Louth	575	14
10	Louth	63900R	St Vincent's Secondary School	Seatown Place, Dundalk, Co. Louth	0	853
10	Louth	63910U	St Louis Secondary School	Dun Lughaidh, Dundalk, Co Louth	0	577
10	Louth	63920A	Dundalk Grammar School	Dundalk, Co Louth	296	210
10	Louth	71750U	Bush Post Primary School	Riverstown, Dundalk, Co Louth	243	201
10	Louth	71760A	Drogheda Inst. of Further Education	The Twenties, Drogheda, Co. Louth	339	584
10	Louth	71761C	St Oliver's Community College	Drogheda, Co. Louth	553	491
10	Louth	71770D	Ó Fiaich College	Dublin Road, Dundalk, Co. Louth	475	436
10	Louth	71780G	Scoil Ui Mhuiri	Barn Road, Dunleer, Co. Louth	268	195
10	Louth	91441T	Ardee Community School	Ardee, Co Louth	345	289
11	Meath	64350N	St Patrick's Classical School	Moatlands, Navan, Co Meath	847	0
11	Meath	64360Q	St. Joseph's Secondary School, Navan,	Mercy Convent, Navan, Co Meath	0	525
11	Meath	64370T	Loreto Secondary School	St Michaels, Navan, Co Meath	0	767
11	Meath	64410F	Eureka Secondary School	Kells, Co. Meath	2	685
11	Meath	64420I	Franciscan College	Gormanstown, Co Meath	340	47
11	Meath	64450R	Scoil Mhuire	Convent Of Mercy, Trim, Co Meath	0	528
11	Meath	71950F	St Peter's College	Dunboyne, Co. Meath	615	697
11	Meath	71960I	Community College Dunshaughlin	Dunshaughlin, Co Meath	488	347
11	Meath	71970L	St. Fintinas Post Primary School	Longwood, Enfield, Co Meath	74	80
11	Meath	71980O	O'Carolan College	Nobber, Co Meath	295	163
11	Meath	71990R	St Oliver Post Primary	Oldcastle, Co. Meath	231	217
11	Meath	71991T	Coláiste Pobail Rath Cairn	Ráth Cairn, Athboy, Co Meath	57	48
11	Meath	72010I	Beaufort College	Trim Rd., Navan, Co Meath	363	142
11	Meath	76088T	Ratoath College	Jamestown, Ratoath, Co. Meath	350	265
11	Meath	76103M	Colaiste na hInse	C/o Neptune Hotel, Bettystown/Laytown, Co Meath	98	78
11	Meath	91456J	St Ciaran's Community School	Navan Rd., Kells, Co Meath	517	70
11	Meath	91495T	Ashbourne Community School	Deerpark, Ashbourne, Co Meath	541	464
11	Meath	91508C	Boyne Community School	Trim, Co. Meath	522	116

List of Post Primary Schools with Enrolment broken down by County for the 2009/2010 school year (including PLC and Core VTOS) Date 22nd April 2010 — *continued*

County CDE	County Name	School No.	School Name	Address	Male	Female
11	Meath	91517D	Athboy Community School	Athboy, Co Meath	287	234
12	Offaly	65582Q	St Mary's Secondary School	Edenderry, Co Offaly	347	428
12	Offaly	65610S	Colaiste Choilm	O'Moore Street, Tulach Mhor, Co. Offaly	510	0
12	Offaly	65620V	Sacred Heart Secondary School	Daingean Road, Tullamore, Co. Offaly	0	693
12	Offaly	65630B	Killina Presentation Secondary School	Rahan, Tullamore, Co Offaly	272	210
12	Offaly	72520I	Coláiste Naomh Cormac	Kilcormac, Co Offaly	129	121
12	Offaly	72530L	Ard Scoil Chiarain Naofa	Frederick St., Clara, Co. Offaly	116	93
12	Offaly	72540O	Oaklands Community College	Sr. Senan Avenue, Edenderry, Co. Offaly	199	114
12	Offaly	72560U	Tullamore College	Riverside, Tullamore, Co. Offaly	318	170
12	Offaly	76105Q	Colaiste Na Sionna	Banagher, Banagher	255	251
12	Offaly	91491L	St.Brendan's Community School	Birr, Co Offaly	432	411
12	Offaly	91515W	Gallen Community School	Ferbane, Co Offaly	187	170
13	Westmeath	63190M	Marist College	Retreat Road, Athlone, Co. Westmeath	467	0
13	Westmeath	63191O	St Aloysius College	The Park, Athlone, Co Westmeath	303	51
13	Westmeath	63210P	Our Lady's Bower	Retreat Rd., Athlone, Co Westmeath	0	703
13	Westmeath	63211R	St Joseph's College	Summerhill, Athlone, Co Westmeath	2	414
13	Westmeath	63221U	Meán Scoil an Chlochair	Kilbeggan, Mullingar, Co Westmeath	193	188
13	Westmeath	63270K	Colaiste Mhuire,	Mullingar, Co. Westmeath	622	36
13	Westmeath	63280N	St Finian's College	Mullingar, Co Westmeath	333	263
13	Westmeath	63290Q	Loreto College	Mullingar, Co Westmeath	0	753
13	Westmeath	63300Q	Wilson's Hospital School	Multyfarnham, Co Westmeath	197	206
13	Westmeath	63310T	St Joseph's Secondary School	Rochfortbridge, Co. Westmeath	363	364
13	Westmeath	71410T	Athlone Community College	Retreat Road, Athlone, Co Westmeath	560	321
13	Westmeath	71420W	Castlepollard Community College	Castlepollard, Mullingar, Co Westmeath	78	82
13	Westmeath	71430C	Columba College	Killucan, Co Westmeath	110	74
13	Westmeath	71450I	Mullingar Community College	Millmount Road, Mullingar, Co. Westmeath	283	184
13	Westmeath	91501L	Moate Community School	Church Street, Moate, Co Westmeath	424	715



List of Post Primary Schools with Enrolment broken down by County for the 2009/2010 school year (including PLC and Core VTOS) Date 22nd April 2010 — *continued*

County CDE	County Name	School No.	School Name	Address	Male	Female
14	Wexford	63550Q	F.C.J. Secondary School	Bunclody, Enniscorthy, Co Wexford	388	387
14	Wexford	63560T	St. Mary's C.B.S.	Millpark Road, Enniscorthy, Co Wexford	675	0
14	Wexford	63570W	Coláiste Bride	Enniscorthy, Co Wexford	0	786
14	Wexford	63600F	Christian Brothers Secondary School	Mountgarrett, New Ross, Co Wexford	154	71
14	Wexford	63610I	Good Counsel College	New Ross, Co Wexford	788	0
14	Wexford	63620L	St. Mary's Secondary School	Irishtown, New Ross, Co Wexford	0	512
14	Wexford	63630O	Our Lady of Lourdes Secondary School	Rosbercon, New Ross, Co Wexford	0	335
14	Wexford	63640R	Christian Brothers Secondary School	Thomas St., Wexford	525	0
14	Wexford	63650U	St Peter's College	Secondary School, Summerhill, Wexford	675	0
14	Wexford	63660A	Loreto Secondary School	Spawell Road, Wexford, Co Wexford	0	707
14	Wexford	63661C	Presentation Secondary School	Grogan's Road, Wexford, Co. Wexford	0	685
14	Wexford	68080H	Meanscoil Gharman	Brownswood, Enniscorthy	19	33
14	Wexford	71600B	Coláiste Abbain	Adamstown, Enniscorthy, Co Wexford	80	96
14	Wexford	71610E	Bridgetown Vocational College	Bridgetown, Co Wexford	332	271
14	Wexford	71620H	Vocational College Bunclody	Bunclody, Enniscorthy, Co Wexford	122	153
14	Wexford	71630K	Vocational College	Enniscorthy, Co Wexford	376	469
14	Wexford	71650Q	Coláiste an Átha	Kilmuckridge, Co. Wexford	115	84
14	Wexford	71660T	New Ross Vocational College	New Ross, Co Wexford	156	164
14	Wexford	71680C	Wexford Vocational College	Westgate, Wexford, Co Wexford	203	234
14	Wexford	91431Q	Ramsgrange Community School	Ramsgrange, New Ross, Co Wexford	225	187
14	Wexford	91492N	Gorey Community School	Esmonde Street, Gorey, Co. Wexford	745	841
15	Wicklow	61770U	Arklow CBS	Coolgreaney Road, Arklow, Co Wicklow	229	0
15	Wicklow	61780A	St Marys College	St Mary's Rd., Arklow, Co Wicklow	0	567
15	Wicklow	61790D	St Brendan's College	Woodbrook, Bray, Co Wicklow	354	0
15	Wicklow	61800D	Presentation College	Putland Road, Bray, Co. Wicklow	581	0
15	Wicklow	61811I	St Gerard's School	Thornhill Road, Bray	292	175
15	Wicklow	61820J	Loreto Secondary School	Vevay Rd., Bray, Co Wicklow	0	852
15	Wicklow	61830M	St David's Holy Faith Secondary Co-Educational School	Greystones, Co Wicklow	250	165
15	Wicklow	61850S	De La Salle College	St. Mantan's Road, Wicklow, Co. Wicklow	420	0

List of Post Primary Schools with Enrolment broken down by County for the 2009/2010 school year (including PLC and Core VTOS) Date 22nd April 2010 — *continued*

County CDE	County Name	School No.	School Name	Address	Male	Female
15	Wicklow	61860V	Dominican College	Wicklow, Co. Wicklow	0	503
15	Wicklow	70740M	Arklow Community College	Coolgreaney Rd., Arklow, Co Wicklow	270	189
15	Wicklow	70750P	Scoil Chonglais	Baltinglass, Co Wicklow	197	191
15	Wicklow	70760S	Blessington Community College	Naas Rd., Blessington, Co Wicklow	151	134
15	Wicklow	70770V	St Thomas' Community College	Novara Avenue, Bray, Co. Wicklow	531	785
15	Wicklow	70790E	Coláiste Bhríde Carnew	Carnew, Co. Wicklow	398	349
15	Wicklow	70800E	St Kevin's Community College	Dunlavin, Co Wicklow	215	211
15	Wicklow	70810H	Avondale Community College	Rathdrum, Co Wicklow	260	169
15	Wicklow	70820K	Abbey Community College	Wicklow, Co. Wicklow	184	141
15	Wicklow	70821M	Coláiste Raithín	Bóthar Florence, Bré, Co Chill Mhantain	127	111
15	Wicklow	76076M	Colaiste Chraobh Abhann	Creowen, Kilcoole, Co Wicklow	330	250
15	Wicklow	76106S	Gaelcholaiste na Mara	Arklow, Co Wicklow	51	39
15	Wicklow	81016V	East Glendalough School	Station Road, Wicklow Town	192	175
15	Wicklow	91376L	St. Kilian's Community School	Ballywaltrim, Bray, Co. Wicklow	246	281
16	Clare	61910K	Rice College	New Road, Ennis, Co Clare	381	237
16	Clare	61920N	St Flannan's College	Ennis, Co Clare	791	387
16	Clare	61930Q	Coláiste Mhuire	College Road, Ennis, Co Clare	0	584
16	Clare	61940T	Meánscoil Na mBráithre	Ennistymon, Co. Clare	160	0
16	Clare	61950W	Scoil Mhuire	Ennistymon, Co Clare	0	288
16	Clare	62000W	Mary Immaculate Secondary School	Lisdoonvarna, Co Clare	135	156
16	Clare	62010C	St. Joseph's Secondary School	Spanish Point, Milown Malbay, Co Clare	127	152
16	Clare	62020F	St. Joseph's Secondary School	Tulla, Co. Clare	239	217
16	Clare	70830N	Ennis Community College	Ennis, Co Clare	224	265
16	Clare	70840Q	Ennistymon Vocational School	Ennistymon, Ennis, Co Clare	129	46
16	Clare	70860W	St Michael's Community College	Kilmihill, Co Clare	132	149
16	Clare	70880F	St Joseph's Community College	Carrigholt Rd., Kilkee, Co. Clare	98	83
16	Clare	70900I	Scariff Community College	Scariff, Co Clare	157	144

List of Post Primary Schools with Enrolment broken down by County for the 2009/2010 school year (including PLC and Core VTOS) Date 22nd April 2010 — *continued*

County CDE	County Name	School No.	School Name	Address	Male	Female
16	Clare	70901K	St Anne's Community College	Killaloe, Co Clare	267	224
16	Clare	76075K	St John Bosco Community College	Cahercon, Kildysart, Co Clare	114	134
16	Clare	81007U	Shannon Comprehensive School	Shannon, Co Clare	312	300
16	Clare	91447I	St Caimin's Community School	Tullyvarraga, Shannon	371	329
16	Clare	91448K	Kilrush Community School	Kilrush, Co Clare	207	190
17	Cork County Borough	62520C	Christian Brothers College	Sidney Hill, Wellington Road, Cork	794	0
17	Cork County Borough	62530F	North Monastery Secondary School	Our Lady's Mount, North Monastery Rd., Cork	317	0
17	Cork County Borough	62531H	Gaelcholáiste Mhuire	An Mhainistir Thuaidh, Corcaigh	224	130
17	Cork County Borough	62540I	Deerpark C.B.S.	St Patrick's Road, Cork	271	20
17	Cork County Borough	62560O	Coláiste Chríost Rí	Capwell Road, Cork	614	1
17	Cork County Borough	62570R	Presentation Brothers College	The Mardyke, Cork	667	0
17	Cork County Borough	62580U	Coláiste An Spioraid Naomh	Bishopstown, Cork	655	0
17	Cork County Borough	62590A	St Vincent's Secondary School	St Mary's Road, Cork	0	316
17	Cork County Borough	62621I	North Presentation Secondary School	Farranree, Cork	0	282
17	Cork County Borough	62630J	St Aloysius School	St Maries Of The Isle, Sharman Crawford Street, Cork	0	290
17	Cork County Borough	62640M	St. Angela's College	St. Patrick's Hill, Cork	0	534
17	Cork County Borough	62650P	Ursuline Secondary School	Blackrock, Cork	0	275
17	Cork County Borough	62661U	Mount Mercy College	Model Farm Road, Cork	0	714
17	Cork County Borough	62690E	Scoil Mhuire	2 Sidney Place, Wellington Road, Cork	0	412
17	Cork County Borough	62691G	Regina Mundi College	Douglas Road, Cork	0	372
17	Cork County Borough	62692I	Christ King Girls' Secondary School	Half Moon Lane, South Douglas Road, Cork	0	1,033
17	Cork County Borough	62693K	Presentation Secondary School	Ballypnehane, Cork	0	362
17	Cork County Borough	62730N	St Patricks College	Gardiner's Hill, Cork	0	339
17	Cork County Borough	71110H	Nagle Community College	Mahon, Blackrock, Cork	167	60
17	Cork County Borough	71120K	Cork College Of Commerce	Morrison's Island, Cork	753	1,567
17	Cork County Borough	71121M	St John's Central College	Sawmill Street, Cork	601	651
17	Cork County Borough	71122O	Colaiste Stiofán Naofa	Tramore Road, Cork	525	431
17	Cork County Borough	71123Q	Terence Mac Swiney Community College	Hollyhill, Knocknaheeny, Cork	176	181

List of Post Primary Schools with Enrolment broken down by County for the 2009/2010 school year (including PLC and Core VTOS) Date 22nd April 2010 — *continued*

County CDE	County Name	School No.	School Name	Address	Male	Female
17	Cork County Borough	71124S	Coláiste Daibhéid	An t-Ardán Theas, Corcaigh	77	95
17	Cork County Borough	81008W	Ashton School	Blackrock Road, Cork	297	209
17	Cork County Borough	91396R	Douglas Community School	Clermont Avenue, Douglas, Cork	573	0
17	Cork County Borough	91397T	Bishopstown Community School	Bishopstown, Cork	98	49
17	Cork County Borough	91400F	Mayfield Community School	Old Youghal Road, Mayfield, Cork	235	83
18	Cork County	62050O	Árdscoil Uí Urmoltaigh	Droichead na Bandan, Co Chorcaí	298	0
18	Cork County	62060R	Bandon Grammar School	Bandon, Co Cork	263	255
18	Cork County	62061T	Coláiste Na Toirbhirte	Árd Aoibhinn, Bandon, Co Cork	0	566
18	Cork County	62080A	Árdscoil Phobal Bheantraí	Bantry, Co Cork	100	158
18	Cork County	62090D	Scoil Mhuire gan Smal	Blarney, Co Cork	212	180
18	Cork County	62130M	Coláiste An Chroí Naofa	Carraig na bhFear, Co Chorcaí	258	210
18	Cork County	62140P	St Aloysius College	Carrigtwohill, Co Cork	0	683
18	Cork County	62170B	Sacred Heart Secondary School	Convent of Mercy, Clonakilty, Co. Cork	0	480
18	Cork County	62180E	Coláiste Muire	Bishop's St., Cobh, Co Cork	305	258
18	Cork County	62200H	Colaiste Muire	Crosshaven, Co. Cork	171	194
18	Cork County	62210K	Nagle Rice Secondary School	Doneraile, Co. Cork	123	96
18	Cork County	62260C	Coláiste Cholmáin	Mainistir Fhearmuí, Co Chorcaí	399	0
18	Cork County	62270F	Loreto Secondary School	Fermoy, Co Cork	0	635
18	Cork County	62290L	Scoil Mhuire	Kanturk, Co Cork	123	159
18	Cork County	62301N	Colaiste An Phiarsaigh	Gleann Maghair, Corcaigh	262	288
18	Cork County	62310O	De La Salle College	Macroom, Co Cork	307	4
18	Cork County	62320R	St Mary'S Secondary School	Convent Of Mercy, Macroom, Co. Cork	0	365
18	Cork County	62330U	Patrician Academy	Mallow, Co Cork	399	0
18	Cork County	62350D	St Mary's Secondary School	Convent Of Mercy, Mallow, Co Cork	0	599
18	Cork County	62360G	Christian Brothers Secondary School	Castleredmond, Middleton, Co Cork	538	0
18	Cork County	62370J	Middleton College	Middleton, Co Cork	194	126
18	Cork County	62380M	St Mary's High School	Middleton, Co Cork	0	592
18	Cork County	62420V	Christian Brothers Secondary School	Mitchelstown, Co Cork	315	0
18	Cork County	62421A	Presentation Secondary School	Mitchelstown, Co Cork	0	320

List of Post Primary Schools with Enrolment broken down by County for the 2009/2010 school year (including PLC and Core VTOS) Date 22nd April 2010 — *continued*

County CDE	County Name	School No.	School Name	Address	Male	Female
18	Cork County	62440E	Scoil na mBráithre Chríostaí	Bakers Road, Charleville, Co Cork	238	0
18	Cork County	62450H	St. Mary's Secondary School	Convent Of Mercy, Charleville, Co Cork	0	374
18	Cork County	62460K	St Francis Capuchin College	Rochestown, Co Cork	527	0
18	Cork County	62470N	Mount St Michael	Rosscarbery, Co Cork	194	210
18	Cork County	62480Q	St Fachtna's — De La Salle College	Skibbereen, Co Cork	260	0
18	Cork County	62490T	Mercy Heights Secondary School	Skibbereen, Co Cork	0	427
18	Cork County	70910L	St. Brogan's College, Bandon	Kilbrogan, Bandon, Co Cork	441	246
18	Cork County	70920O	Colaiste Ghobnatan	Baile Mhic Ire, Co Chorcaí	102	98
18	Cork County	70930R	St Goban's College	Sheskin, Bantry, Co Cork	244	185
18	Cork County	70931T	Scoil Mhuire	Béal Atha an Ghaorthaidh, Co Chorcaí	40	51
18	Cork County	70950A	Clonakilty Community College	Clonakilty, Co Cork	494	109
18	Cork County	70960D	Coachford College	Coachford, Co Cork	303	265
18	Cork County	70970G	Cobh Community College	Carrignafooy, Cobh, Co. Cork	145	167
18	Cork County	70990M	Coláiste an Chraoibhin	Duntaheen Road, Fermoy, Co Cork	346	281
18	Cork County	71000A	Colaiste Treasa	Kanturk, Co Cork	247	190
18	Cork County	71020G	Davis College	Summerhill, Mallow, Co Cork	275	507
18	Cork County	71030J	McEgan College	Macroom, Co Cork	119	149
18	Cork County	71040M	St Fanahan's College	Mitchelstown, Mallow, Co Cork	98	124
18	Cork County	71050P	St Colman's Community College	Youghal Road, Middleton, Co Cork	425	183
18	Cork County	71080B	Mannix College	Charleville, Co Cork	61	51
18	Cork County	71090E	Rossa College	Skibbereen, Co Cork	140	87
18	Cork County	71101G	St Aidan's Community College	Ballincolly, Dublin Hill, Cork	473	227
18	Cork County	71102I	Schull Community College	Colla Road, Schull, Co Cork	234	203
18	Cork County	71103K	Coláiste Choilm	Ballincollig, Co. Cork	649	626
18	Cork County	76064F	Glanmire Community College	Glanmire, Co. Cork	422	277
18	Cork County	76067L	Colaiste Pobail Naomh Mhuire	Cill na Mullach, Co Chorcaí	115	88
18	Cork County	76086P	Maria Immaculata Community College	Dunmanway, Co Cork	298	230

List of Post Primary Schools with Enrolment broken down by County for the 2009/2010 school year (including PLC and Core VTOS) Date 22nd April 2010 — *continued*

County CDE	County Name	School No.	School Name	Address	Male	Female
18	Cork County	81009B	Boherbue Comprehensive School	Boherbue, Mallow, Co Cork	169	145
18	Cork County	91386O	Ballincollig Community School	Innishmore, Ballincollig, Co Cork	358	357
18	Cork County	91387Q	Beara Community School	Castletownbere, Beara, Co Cork	147	147
18	Cork County	91388S	Carrigaline Community School	Waterpark Road, Carrigaline, Co Cork	444	502
18	Cork County	91390F	Millstreet Community School	Millstreet Town, Co Cork	124	111
18	Cork County	91391H	St Peter's Community School	Passage West, Co Cork	173	170
18	Cork County	91499E	Kinsale Community School	Kinsale, Co Cork	375	371
18	Cork County	91513S	Pobalscoil na Tríonóide	Youghal, Co. Cork	461	444
19	Kerry	61220I	St. Joseph's Secondary School	Doon Road, Ballybunion, Co. Kerry	112	91
19	Kerry	61250R	Meanscoil Phadraig Naofa	Castleisland, Co Kerry	94	0
19	Kerry	61260U	Mean Scoil Naomh Ioseph	Clochar na Toirbhirte, Castleisland, Co Kerry	0	201
19	Kerry	61301I	Coláiste Íde	Baile an Ghóilín, Daingean Uí Chúis Co Chiarraí	0	139
19	Kerry	61320M	Coláiste Bhréanainn	Cill Airne, Co Chiarraí	544	5
19	Kerry	61340S	St. Brigid's Secondary School	New Street, Killarney, Co. Kerry	0	503
19	Kerry	61360B	The Intermediate School	Iveragh Road, Killorglin, Co. Kerry	289	371
19	Kerry	61370E	St. Michael's College	Listowel, Co. Kerry	178	0
19	Kerry	61380H	Presentation Secondary School	Listowel, Co Kerry	0	375
19	Kerry	61410N	Presentation Secondary School	Miltown, Killarney, Co Kerry	237	274
19	Kerry	61440W	C.B.S. Secondary School	The Green, Tralee, Co. Kerry	607	0
19	Kerry	61450C	Presentation Secondary School	Tralee, Co Kerry	0	681
19	Kerry	68070E	Mercy Secondary School	Mounthawk, Tralee, Co. Kerry	597	578
19	Kerry	68075O	Mean Scoil Nua an Leith Triuigh	Caislean Ghriaire, Co Chiarraí	64	71
19	Kerry	70450D	Killarney Community College	New Road, Killarney, Co Kerry	135	111
19	Kerry	70460G	Community College Killorglin	Killorglin, Co Kerry	80	76
19	Kerry	70500P	Listowel Community College	Listowel, Co Kerry	105	174
19	Kerry	70520V	Castleisland Community College	Tonbwee, Castleisland, Co. Kerry	162	78

List of Post Primary Schools with Enrolment broken down by County for the 2009/2010 school year (including PLC and Core VTOS) Date 22nd April 2010 — *continued*

County CDE	County Name	School No.	School Name	Address	Male	Female
19	Kerry	70540E	Causeway Comprehensive School	Causeway, Co. Kerry	314	248
19	Kerry	70550H	Tralee Community College	Clash, Tralee	229	332
19	Kerry	70560K	Gaelcholáiste Chiarraí	Tobar Mhaigh Dor, Trá Lí, Co Chiarraí	143	122
19	Kerry	76068N	Coláiste na Sceilge	Caherciveen, Co. Kerry	263	270
19	Kerry	81006S	Comprehensive School	Tarbert, Listowel, Co Kerry	360	241
19	Kerry	91503P	Pobalscoil Inbhear Sceine	Kenmare, Co. Kerry	244	207
19	Kerry	91504R	Scoil Phobail Sliabh Luachra	Rathmore, Co. Kerry	202	198
19	Kerry	91511O	Pobalscoil Chorca Dhuibhne	Bóthar an Spá, An Daingean, Co. Chiarraí	247	225
20	Limerick County	63970P	St Ita's College	Abbeyfeale, Co Limerick	201	0
20	Limerick County	63990V	St. Jospeh's Sec. School	Convent Of Mercy, Abbeyfeale, Co. Limerick	0	349
20	Limerick County	64020P	Árd Scoil Mhuire FCJ	Bruff, Co Limerick	129	139
20	Limerick County	64040V	St Fintan's C.B.S	Doon, Co Limerick	298	0
20	Limerick County	64050B	St Joseph's Secondary School	Doon, Co Limerick	0	376
20	Limerick County	64130W	Scoil Pól	Kilfinane, Co. Limerick	78	102
20	Limerick County	64150F	Glenstal Abbey School	Murroe, Co Limerick	209	0
20	Limerick County	64170L	Scoil Mhuire agus Íde	Newcastle West, Co Limerick	173	230
20	Limerick County	64180O	Salesian Secondary College	Pallaskenry, Co Limerick	210	203
20	Limerick County	71700F	Colaiste Mhuire	Askeaton, Co Limerick	230	237
20	Limerick County	71790J	Desmond College	Station Road, Newcastle West, Co. Limerick	247	220
20	Limerick County	71810M	Coláiste Pobail Mhichíl	Cappamore, Co Limerick	39	60
20	Limerick County	71840V	Colaiste Chiarain	Croom, Co. Limerick	421	448
20	Limerick County	71850B	Hazelwood College	Dromcollogher, Co. Limerick	313	277
20	Limerick County	71870H	Vocational School	Abbeyfeale, Co. Limerick	147	32
20	Limerick County	76061W	Colaiste na Trocaire (Mercy Community College)	Rathkeale, Co. Limerick	216	226
20	Limerick County	76070A	Coláiste Ióasef	Kilmallock, Co. Limerick	117	166
20	Limerick County	76073G	Castletroy College	Newtown, Castletroy, Co Limerick	561	513

List of Post Primary Schools with Enrolment broken down by County for the 2009/2010 school year (including PLC and Core VTOS) Date 22nd April 2010 — *continued*

County CDE	County Name	School No.	School Name	Address	Male	Female
20	Limerick County	91502N	John The Baptist Community School	Hospital, Co Limerick	330	359
21	Limerick County Borough	64200R	Colaiste Mhichil	Sexton Street, Limerick	469	0
21	Limerick County Borough	64201T	Ardscoil Ris	North Circular Rd., Limerick	715	0
21	Limerick County Borough	64220A	St Clements College	South Circular Road, Limerick	433	0
21	Limerick County Borough	64240G	St Munchin's College	Corbally, Limerick	517	0
21	Limerick County Borough	64250J	Presentation Secondary School	Sexton Street, Limerick	122	464
21	Limerick County Borough	64260M	Laurel Hill Secondary School FCJ	Laurel Hill, South Circular Road, Limerick	0	575
21	Limerick County Borough	64270P	Laurel Hill Coláiste FCJ	Cnoc Na Labhras, Luimneach	0	418
21	Limerick County Borough	64280S	Salesian Secondary School	Fernbank, North Circular Road, Limerick	0	278
21	Limerick County Borough	64290V	Ardscoil Mhuire	Corbally, Limerick	0	258
21	Limerick County Borough	64300V	Scoil Carmel	O'Connell Avenue, Limerick	0	384
21	Limerick County Borough	64310B	Villiers Secondary School	North Circular Road, Limerick	243	323
21	Limerick County Borough	71920T	St Nessan's Community College	Moylish Park, Moylish, Limerick	151	139
21	Limerick County Borough	71930W	Limerick Senior College	Mulgrave Street, Limerick	395	804
21	Limerick County Borough	76101I	Gaelcholáiste Luimnigh	Meal Sior anraí, Luimneach	84	141
21	Limerick County Borough	81014R	Crescent College Comprehensive	Dooradoyle Rd., Dooradoyle, Limerick	493	382
21	Limerick County Borough	91446G	St Endas Community School	Kilmallock Rd., Limerick	49	48
22	Tipperary N.R.	65240L	Presentation Secondary School	Ballingarry, Thurles, Co. Tipperary	133	121
22	Tipperary N.R.	65241N	St Josephs College	Borrisoleigh, Thurles, Co Tipperary	149	131
22	Tipperary N.R.	65370B	St. Joseph's C.B.S	Summerhill, Nenagh, Co Tipperary	449	0
22	Tipperary N.R.	65380E	St Mary's Secondary School	Nenagh, Co Tipperary	0	578
22	Tipperary N.R.	65400H	St. Mary's Secondary School	Newport, Co. Tipperary	201	187
22	Tipperary N.R.	65410K	Cistercian College	Roscrea, Co. Tipperary	269	0
22	Tipperary N.R.	65440T	Our Ladys Secondary School	Templemore, Co. Tipperary	283	172
22	Tipperary N.R.	65450W	C.B.S. Thurles	O'Donovan Rossa St., Thurles, Co Tipperary	592	0
22	Tipperary N.R.	65460C	Presentation Secondary School	Thurles, Co Tipperary	0	600
22	Tipperary N.R.	65470F	Ursuline Secondary School	Thurles, Co. Tipperary	0	720
22	Tipperary N.R.	72370P	Borrisokane Community College	Borrisokane, Co Tipperary	243	237



List of Post Primary Schools with Enrolment broken down by County for the 2009/2010 school year (including PLC and Core VTOS) Date 22nd April 2010 — *continued*

County CDE	County Name	School No.	School Name	Address	Male	Female
22	Tipperary N.R.	72440K	Nenagh Vocational School	Dromin Road, Nenagh, Co Tipperary	187	197
22	Tipperary N.R.	72450N	St Joseph's College	Newport, Co Tipperary	91	78
22	Tipperary N.R.	72470T	St. Sheelan's College	Templemore, Co Tipperary	101	172
22	Tipperary N.R.	72490C	Coláiste Mhuire Co-Ed	Castlemeadows, Thurles, Co Tipperary	178	193
22	Tipperary N.R.	76069P	Colaiste Phobáil Ros Cré	Corville Rd., Roscrea, Co Tipperary	366	351
23	Tipperary S.R.	65270U	C.B.S.	Carrick-On-Suir, Co Tipperary	136	0
23	Tipperary S.R.	65280A	Scoil Mhuire	Greenhill, Carrick-On-Suir, Co Tipperary	0	431
23	Tipperary S.R.	65300D	Rockwell College	Cashel, Co Tipperary	386	149
23	Tipperary S.R.	65320J	Árdscoil na mBráithre	Clonmel, Co Tipperary	681	0
23	Tipperary S.R.	65330M	Loreto Secondary School	Coleville Rd., Clonmel, Co Tipperary	0	519
23	Tipperary S.R.	65340P	Presentation Secondary School	Clonmel, Co Tipperary	0	459
23	Tipperary S.R.	65350S	Patrician Presentation	Rocklow Rd., Fethard, Co Tipperary	68	71
23	Tipperary S.R.	65490L	The Abbey School	Station Road, Co. Tipperary	465	0
23	Tipperary S.R.	65500L	St. Anne's Secondary School	Convent Of Mercy, Rosanna Road, Tipperary Town	0	367
23	Tipperary S.R.	72400V	Comeragh College	Greenside, Carrick-On-Suir	248	76
23	Tipperary S.R.	72420E	Central Technical Institute	Clonmel, Co Tipperary	278	201
23	Tipperary S.R.	72430H	Scoil Ruain	Killenaule, Thurles, Co Tipperary	208	156
23	Tipperary S.R.	72480W	St. Alibe's School	Rosanna Road, Tipperary Town	134	152
23	Tipperary S.R.	76063D	Colaiste Dun Iascaigh	Cashel Road, Cahir, Co Tipperary	342	320
23	Tipperary S.R.	91497A	Cashel Community School	Dualla Road, Cashel, Co Tipperary	433	337
24	Waterford County Borough	64930I	C.B.S. Mount Sion, Waterford	Barrack Street, Waterford	174	0
24	Waterford County Borough	64940L	Waterpark College	Park Road, Waterford	266	0
24	Waterford County Borough	64950O	De La Salle College	Newtown, Waterford	1,032	10
24	Waterford County Borough	64970U	Presentation Secondary School	Waterford, Co. Waterford	1	365
24	Waterford County Borough	64971W	Our Lady of Mercy Secondary School	Ozanam St., Waterford	0	584
24	Waterford County Borough	64990D	St Angela's	Ursuline Convent, Waterford	0	879
24	Waterford County Borough	65010R	Newtown School	Waterford, Co. Waterford	162	165

List of Post Primary Schools with Enrolment broken down by County for the 2009/2010 school year (including PLC and Core VTOS) Date 22nd April 2010 — *continued*

County CDE	County Name	School No.	School Name	Address	Male	Female
24	Waterford County Borough	68078U	Gaelcholaiste Phort Lairge	C/o Rugby Club, Kilbarry Road, Waterford	28	30
24	Waterford County Borough	72240C	Waterford College of Further Education	Parnell Street, Waterford	298	657
24	Waterford County Borough	72241E	St Paul's Community College	Browne's Road, Waterford City	373	138
25	Waterford County	64880T	Scoil na mBraithre	Dungarvan, Co Waterford	253	21
25	Waterford County	64890W	St Augustines College	Abbeyside, Dungarvan, Co Waterford	347	278
25	Waterford County	64900W	Ard Scoil na nDeise	Convent Rd., Dungarvan, Co Waterford	0	359
25	Waterford County	64922J	Stella Maris	Pond Rd., Tramore, Co Waterford	0	406
25	Waterford County	64923L	C.B.S. Tramore, Co. Waterford	Tramhor, Co Phortlairge	458	0
25	Waterford County	72220T	Coláiste Chathail Naofa	Youghal Rd., Dungarvan	175	240
25	Waterford County	72230W	St Declan's Community College	Kilmacthomas, Co Waterford	355	329
25	Waterford County	76066J	Meánscoil San Nioclás	Rinn O gCuanach, Co. Phort Láirge	58	67
25	Waterford County	91509E	Blackwater Community School	Ballyanchor Road, Lismore, Co Waterford	344	323
26	Galway County Borough	62960H	St Joseph's College	Nun's Island, Galway	772	0
26	Galway County Borough	62970K	Coláiste Iognáid S.J.	Br. Na Mara, Gaillimh	342	283
26	Galway County Borough	62980N	St. Mary's College	St. Mary's Road, Galway	422	0
26	Galway County Borough	62981P	Coláiste Einde	Threadneedle Road, Galway	450	199
26	Galway County Borough	62990Q	Dominican College	Taylor's Hill, Galway	0	691
26	Galway County Borough	63000E	Presentation Secondary School	Presentation Rd., Galway	1	257
26	Galway County Borough	63001G	Jesus & Mary Secondary School	Salerno Secondary School, Threadneedle Rd., Salthill, Galway	0	519
26	Galway County Borough	63010H	Meán Scoil Mhuire	Newtownsmith, Galway	6	269
26	Galway County Borough	71330V	Coláiste na Coiribe	Bothar Thuama, Gaillimh	188	141
26	Galway County Borough	71340B	Galway Technical Institute	Father Griffin Road, Galway	543	712
26	Galway County Borough	71400Q	Galway Community College	Wellpark, Galway	396	249
27	Galway County	62870G	Presentation College	Athenry, Co Galway	422	409
27	Galway County	62880J	Colaiste Sheosaimh	Gearrbaile, Beál Áth na Slua, Co na Gaillimhe	457	0
27	Galway County	62890M	Ardscoil Mhuire	Mackney, Ballinasloe, Co Galway	0	501

List of Post Primary Schools with Enrolment broken down by County for the 2009/2010 school year (including PLC and Core VTOS) Date 22nd April 2010 — *continued*

County CDE	County Name	School No.	School Name	Address	Male	Female
27	Galway County	62900M	Coláiste Mhuire	Ballygar, Co. Galway	112	130
27	Galway County	62930V	St. Cuan's College	Castleblakney, Ballinasloe, Co Galway	133	147
27	Galway County	63040Q	Presentation College	Headford, Co. Galway	392	391
27	Galway County	63050T	Seamount College	Kinvara, Co Galway	0	219
27	Galway County	63060W	Scoil Áine	Mainistir Na Coille Moire, An Choill Mhor, Conamara, Co Na Gaillimhe	0	10
27	Galway County	63070C	St Raphaels College	Loughrea, Co Galway	167	190
27	Galway County	63090I	Holy Rosary College	Mountbellew, Co Galway	271	265
27	Galway County	63100I	Calasanctius College	Oranmore, Co Galway	395	337
27	Galway County	63101K	St Pauls	Oughterard, Co Galway	173	167
27	Galway County	63130R	Colaiste Chroi Mhuire	An Spideal, Co Na Gaillimhe	147	163
27	Galway County	63160D	St. Brigid's School	Convent Of Mercy, Tuam, Co. Galway	0	318
27	Galway County	63170G	Presentation College	Currylea, Tuam, Co Galway	0	391
27	Galway County	63171I	Mercy College	Woodford, Co Galway	112	114
27	Galway County	68074M	St. Jarlaths College	TUAM, CO GALWAY	533	0
27	Galway County	71250A	Colaiste Cholmcille	Indreabhán, Co na Gaillimhe	110	102
27	Galway County	71270G	Gairmscoil Mhuire	Athenry, Co Galway	296	270
27	Galway County	71280J	St Brigids Vocational School	Loughrea, Co Galway	302	318
27	Galway County	71290M	St. Jarlath's Vocational School	Mountbellew, Ballinasloe, Co Galway	45	50
27	Galway County	71300M	Gairmscoil Éinne Oileain Arann	Cill Rónain, Inis Mór, Árainn, Co na Gaillimhe	38	22
27	Galway County	71310P	Gairm Scoil Chilleáin Naofa	Cnoc Breac, New Inn, Ballinasloe, Co Galway	101	96
27	Galway County	71320S	Gairmscoil Fheichin Naofa	Corr na Mona, Co na Gaillimhe	35	32
27	Galway County	71370K	Coláiste Ghobnait	Inis Oírr, Oileáin Arann, Cuan na Gaillimhe	9	17
27	Galway County	71380N	Gairmscoil na bPiamsach	Ros Muc, Co na Gaillimhe	26	28
27	Galway County	71390Q	Archbishop McHale College	Dublin Road, Tuam, Co Galway	123	69
27	Galway County	76102K	Gaelcholaiste an Eachrèidh	C/o Co. Galway VEC Offices, Coilèar Bàn, Athenry, Co.Galway	39	32
27	Galway County	81012N	Scoil Chuimsitheach Chiaráin	An Cheathrú Rua, Co na Gaillimhe	171	141

List of Post Primary Schools with Enrolment broken down by County for the 2009/2010 school year (including PLC and Core VTOS) Date 22nd April 2010 — *continued*

County CDE	County Name	School No.	School Name	Address	Male	Female
27	Galway County	91411K	Scoil Phobail Mhic Dara	Carna, Co na Gaillimhe	63	80
27	Galway County	91412M	Scoil Phobail	Clifden, Co Galway	218	199
27	Galway County	91413O	Portumna Community School	Portumna, Co. Galway	231	216
27	Galway County	91414Q	Dunmore Community School	Dunmore, Co Galway	199	199
27	Galway County	91498C	Gort Community School	Gort, Co. Galway	503	287
27	Galway County	91514U	Glenamaddy Community SchoolL	Glenamaddy, Co Galway	173	224
28	Leitrim	63460P	Ballinamore Post Primary Schools	Ballinamore, Co Leitrim	148	136
28	Leitrim	71540J	Carrigallen Vocational School	Carrigallen, Co Leitrim	114	117
28	Leitrim	71560P	Lough Allen College	Drumkeerin, Co Leitrim	113	74
28	Leitrim	71570S	Vocational School	Drumshanbo, Co Leitrim	181	149
28	Leitrim	76089V	Mohill Community College	Mohill, Co Leitrim	146	185
28	Leitrim	81013P	St. Clare's Comprehensive School	Manorhamilton, Co. Leitrim	259	226
28	Leitrim	91496V	Community School	Carrick-On-Shannon, Leitrim	302	274
29	Mayo	64490G	Scoil Damhnait	Gob a'Choire, Acaill, Co Mhuigheo	30	47
29	Mayo	64500G	Balla Secondary School	Balla, Castlebar, Co Mayo	183	172
29	Mayo	64510J	St Muredachs College	Sligo Road, Ballina, Co Mayo	371	0
29	Mayo	64520M	St. Mary's Secondary School	Convent of Mercy, Ballina, Co Mayo	0	591
29	Mayo	64570E	Our Lady's Secondary School	Belmullet, Co Mayo	138	169
29	Mayo	64580H	St. Gerald's College	Newport Road, Castlebar, Co. Mayo	590	0
29	Mayo	64590K	Naomh Iosaef	Clochar na Trócaire, Caisleán An Bharraigh, Co. Mhaigh Eó	0	457
29	Mayo	64600K	St Josephs Secondary School	Charlestown, Co. Mayo	105	95
29	Mayo	64610N	Coláiste Cholmáin	Claremorris, Co Mayo	347	0
29	Mayo	64620Q	Mount St Michael	Convent of Mercy, Claremorris, Co Mayo	0	472
29	Mayo	64630T	Jesus & Mary Secondary School	Gortnor Abbey, Crossmolina, Co Mayo	217	232
29	Mayo	64640W	St Joseph's Secondary School	Foxford, Co Mayo	180	162
29	Mayo	64660F	Sancta Maria College	Louisburgh, Co Mayo	140	160
29	Mayo	64690O	Scoil Muire Agus Pdraig	Swinford, Co Mayo	221	221
29	Mayo	64691Q	Coláiste Mhuire	Tuar Mhic Éadaigh, Co Mhaigh Eo	83	83

List of Post Primary Schools with Enrolment broken down by County for the 2009/2010 school year (including PLC and Core VTOS) Date 22nd April 2010 — *continued*

County CDE	County Name	School No.	School Name	Address	Male	Female
29	Mayo	64700O	Rice College	Castlebar Road, Westport, Co Mayo	502	0
29	Mayo	64710R	Sacred Heart School	Westport, Co Mayo	0	596
29	Mayo	72020L	Moyne College	Ballina, Co Mayo	132	107
29	Mayo	72050U	St. Brendan's College	Belmullet, Co. Mayo	204	224
29	Mayo	72070D	McHale College	Achill Sound, Westport, Co. Mayo	110	77
29	Mayo	72100J	St. Tiernan's College	Crossmolina, Ballina, Co Mayo	168	75
29	Mayo	72130S	St. Patrick's College	Lacken Cross, Killala, Co Mayo	112	99
29	Mayo	72140V	Colaiste Chomain	Rosspport, Ballina. Co Mayo	29	17
29	Mayo	72160E	Carrowbeg College	Westport, Co Mayo	82	45
29	Mayo	76060U	Davitt College	Springfield, Castlebar	312	502
29	Mayo	91461C	Ballyhaunis Community School	Knock Road, Ballyhaunis, Co.Mayo	291	335
29	Mayo	91462E	Ballinrobe Community School	Convent Road, Ballinrobe, Co Mayo	247	217
29	Mayo	91494R	St Louis Community School	Kiltimagh, Co Mayo	269	366
30	Roscommon	65080P	C.B.S. Roscommon	Abbeystown, Roscommon, Co. Roscommon	377	0
30	Roscommon	65090S	Scoil Muire gan Smal	Convent of Mercy, Roscommon Town	0	529
30	Roscommon	65100S	Scoil Mhuire	Strokestown, Co Roscommon	219	204
30	Roscommon	68067P	St Nathy's College	Ballaghaderreen, Co Roscommon	286	290
30	Roscommon	72280O	Elphin Community College	Elphin, Castlerea, Co Roscommon	82	53
30	Roscommon	72290R	Roscommon Community School	Lisnamult, Roscommon, Co. Roscommon	87	65
30	Roscommon	76072E	Abbey Community College	Boyle, Co Roscommon	220	207
30	Roscommon	91493P	Castlerea Community School	Castlerea, Co. Roscommon	242	267
31	Sligo	65130E	St Marys College	Ballysadare, Co Sligo	223	137
31	Sligo	65140H	Colaiste Mhuire	Ballymote, Co Sligo	142	140
31	Sligo	65150K	Jesus & Mary Secondary School	Enniscrone, Co Sligo	166	208
31	Sligo	65170Q	Summerhill College	Sligo, Co. Sligo	711	0
31	Sligo	65180T	Ursuline College	Finisklin, Sligo	0	697
31	Sligo	65181V	Mercy College	Sligo, Co. Sligo	39	402
31	Sligo	65190W	Sligo Grammar School	The Mall, Sligo	273	186
31	Sligo	72300R	Corran College	Ballymote, Co Sligo	74	69
31	Sligo	72310U	Coola Post Primary School	Riverstown, Via Boyle, Co Sligo	192	165

List of Post Primary Schools with Enrolment broken down by County for the 2009/2010 school year (including PLC and Core VTOS) Date 22nd April 2010 — *continued*

County CDE	County Name	School No.	School Name	Address	Male	Female
31	Sligo	72320A	Coláiste Iascaigh	Easkey, Co Sligo	57	57
31	Sligo	72330D	Grange Vocational School	Grange, Co Sligo	95	20
31	Sligo	72350J	North Connaught College	Tubbercurry, Co Sligo	59	148
31	Sligo	72360M	Ballinode College	Ballinode, Sligo	313	401
31	Sligo	91512Q	St Attracta's Community School	Tubbercurry, Co. Sligo	293	253
32	Cavan	61051L	St Clare's College	Ballyjamesduff, Co. Cavan	183	207
32	Cavan	61060M	St Patrick's College	Cavan, Co. Cavan	580	0
32	Cavan	61070P	Loreto College	Cavan, Co. Cavan	0	688
32	Cavan	61080S	Royal School Cavan	College Street, Cavan, Co. Cavan	103	92
32	Cavan	70350W	St Bricin's Vocational School	Belturbet, Co Cavan	99	64
32	Cavan	70360C	St. Mogue's College	Bawnboy, Belturbet, Co Cavan	84	74
32	Cavan	70380I	Breifne College	Cootehill Rd., Cavan, Co Cavan	345	243
32	Cavan	70390L	Virginia College	Virginia, Co Cavan	340	304
32	Cavan	76087R	Cavan Institute	Cathedral Road, Cavan	527	1,055
32	Cavan	81005Q	St Aidans Comprehensive School	Cootehill, Co Cavan	248	242
32	Cavan	91351S	Bailieborough Community School	Bailieborough, Co Cavan	273	269
33	Donegal	62770C	Scoil Mhuire Secondary School	St. Oran's Road, Buncrana, Co. Donegal	299	285
33	Donegal	62830R	St Eunan's College	Letterkenny, Co Donegal	838	0
33	Donegal	62840U	Loreto Convent	Letterkenny, Co Donegal	0	933
33	Donegal	62861F	St Columbas College	Stranorlar, Co. Donegal	439	412
33	Donegal	71140Q	Crana College	Crana Road, Buncrana, Co. Donegal	272	249
33	Donegal	71150T	Carrick Vocational School	Carrick, Co. Donegal	110	106
33	Donegal	71180F	Abbey Vocational School	Donegal Town, Co Donegal	392	370
33	Donegal	71200I	Errigal College	Windyhall, Letterkenny	208	211
33	Donegal	71220O	Mulroy College	Milford, Letterkenny, Co Donegal	175	142
33	Donegal	71230R	Deele College	Raphoe, Lifford, Co Donegal	283	250
33	Donegal	71240U	Finn Valley College	Main Street, Stranorlar, Lifford	169	100
33	Donegal	71241W	St. Catherine's Vocational School	Donegal Road, Killybegs, Co. Donegal	144	164
33	Donegal	71242B	Gairm Scoil Chú Uladh	Béal an Átha Móir, An Clochan, Leifear, Co Dhun na nGall	113	125
33	Donegal	71244F	Gairmscoil Mhic Diarmada	An Leadhgarbh, Árainn Mhór, Co Dhún na nGall	33	21

List of Post Primary Schools with Enrolment broken down by County for the 2009/2010 school year (including PLC and Core VTOS) Date 22nd April 2010 — *continued*

County CDE	County Name	School No.	School Name	Address	Male	Female
33	Donegal	76079S	Coláiste Phobail Cholmcille	Baile Úr, Oileán Thoraí, Doirí Beaga, Co. Dhún Na nGall	7	3
33	Donegal	76081F	Coláiste Ailigh	Sprackburn House, Highroad, Letterkenny	85	77
33	Donegal	76083J	Magh Ene College	Church Road, Bundoran, Co Donegal	159	176
33	Donegal	76084L	Moville Community College	Carrownaff, Moville, Co Donegal	235	260
33	Donegal	76107U	Gaelcholaiste Chineál Eoghain	Muileann Thulaigh Gharbháin, Bun Chranncha, Co. Dhún na nGall	16	15
33	Donegal	81010J	St Columba's Comprehensive School	Glenties, Co Donegal	203	190
33	Donegal	81011L	The Royal and Prior School	Raphoe, Co Donegal	224	261
33	Donegal	91406R	Carndonagh Community School	Carndonagh, Lifford, Co Donegal	463	479
33	Donegal	91407T	Rosses Community School	Dungloe, Co. Donegal	248	220
33	Donegal	91408V	Pobalscoil Chloich Cheannfhaola	An Fálcarrach, Leitir Ceanainn, Co. Dhún na nGall	254	275
33	Donegal	91409A	Pobalscoil Ghaoth Dobhair	Doirí Beaga, Leitir Ceannainn, Tir Chonaill	140	164
33	Donegal	91500J	Loreto Community School	Milford, Co Donegal	328	356
33	Donegal	91506V	Coláiste Cholmcille	College St., Ballyshannon, Co Donegal	365	291
34	Monaghan	64750G	Patrician High School	Carrickmacross, Co. Monaghan	368	0
34	Monaghan	64760J	St Louis Secondary School	Carrickmacross, Co. Monaghan	0	560
34	Monaghan	64770M	Our Lady's Secondary School	Castleblayney, Co. Monaghan	281	336
34	Monaghan	64810V	St. Macartan's College	Monaghan, Co. Monaghan	695	0
34	Monaghan	64820B	St. Louis Secondary School	Monaghan, Co. Monaghan	0	592
34	Monaghan	64830E	Monaghan Collegiate School	Corlatt, Monaghan, Co Monaghan	125	109
34	Monaghan	72170H	Ballybay Community College	Ballybay, Co Monaghan	140	140
34	Monaghan	72171J	Largy College	Analore Rd., Clones, Co Monaghan	218	269
34	Monaghan	72180K	Inver College	Carrickmacross, Co Monaghan	322	200
34	Monaghan	72190N	Castleblayney College	Dublin Road, Castleblayney, Co Monaghan	173	133
34	Monaghan	72210Q	Beech Hill College	Monaghan, Co. Monaghan	328	417
34	Monaghan	76091I	Coláiste Oiriail	Ard Féa, Muineachán, Co Mhuineacháin	67	84
					172,487	179,486

Please note, figure are taken from summary tables and do not include late entrants.  
SOURCE PPPDB

### **Schools Building Projects.**

267. **Deputy Joanna Tuffy** asked the Tánaiste and Minister for Education and Science the position regarding the proposed new school building for a school (details supplied) in Lucan, County Dublin; and if she will make a statement on the matter. [17504/10]

**Tánaiste and Minister for Education and Science (Deputy Mary Coughlan):** The progression of a building project for the school to which the Deputy refers necessitates the acquisition of a site. The progression of a project for the school, from site acquisition through to the initial design stage and construction 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 Department's capital budget, it is not possible to give an indicative timeframe for the progression of a project for the school at this time.

### **School Enrolments.**

268. **Deputy Joanna Tuffy** asked the Tánaiste and Minister for Education and Science the number of Traveller children attending national schools nationwide by school patron; the percentage of Traveller children of the total number of children attending national schools; their percentage according to each school patron in tabular form; and if she will make a statement on the matter. [17505/10]

**Tánaiste and Minister for Education and Science (Deputy Mary Coughlan):** Data on Travellers are available from the Annual Census of National Schools and relate to the total number of pupils taught by a Resource Teacher for Travellers. Data from the September 2008 Census show that there were, in total, 6,843 pupils taught by an RTT teacher. Of these, 6,810 were enrolled in schools identified as having a Roman Catholic patron according to my Department's central database and 33 were enrolled in schools identified as having a multi-denominational patron. There are no records of pupils taught by RTT staff in other school patron types. It should be noted that Traveller pupils who were fully integrated in Ordinary Classes in National Schools and did not receive additional learning support by a RTT were not included in these figures as they are not identified, separately, in the Census of National Schools.

### **Higher Education Grants.**

269. **Deputy Frank Feighan** asked the Tánaiste and Minister for Education and Science if she will immediately put in place the qualifying conditions for FETAC and HETAC courses for September 2010 in order that students can plan in advance; if changes are to be made in the qualifying conditions for persons with degrees in areas in which there is no work at present so that they can qualify and plan to do a further degree or diploma; if her attention has been drawn to the fact that at present students are not covered if they already have a degree despite the fact that employment is not available in their field; and if she will make a statement on the matter. [17518/10]

**Tánaiste and Minister for Education and Science (Deputy Mary Coughlan):** Financial assistance is available to students under the maintenance grant schemes, which are administered by the local authorities and Vocational Education Committees on behalf of my Department. Students who are entering approved courses for the first time are eligible for grants where they satisfy the relevant conditions as to age, residence, means, nationality and previous academic attainment.



[Deputy Mary Coughlan.]

Under the terms of the Higher Education Grant Scheme a student is not eligible for grant assistance in respect of a second period of study at the same level, irrespective of whether or not a grant was paid previously. However, financial assistance is available to eligible candidates who already hold a postgraduate qualification and who wish to enter a further postgraduate course, at a higher level, which represents progression from the level at which the first qualification was attained. The progression route at postgraduate level, for grant purposes, is as follows: Higher Diploma/Postgraduate Diploma, Masters, PhD/Doctorate.

Candidates who hold an undergraduate qualification and are pursuing a second undergraduate qualification cannot be considered for funding. In addition, persons pursuing a second undergraduate degree cannot, in general, avail of the Free Fees Initiative. It should also be noted that the Free Fees Initiative does not extend to postgraduate study.