



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 4 November 2010.

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IMLEABHAR 721

VOLUME 721

Déardaoin, 4 Samhain 2010.
Thursday, 4 November 2010.

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

Paidir.

Prayer.

Requests to move Adjournment of Dáil under Standing Order 32

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

Deputy Seymour Crawford: I seek the adjournment of the Dáil under Standing Order 32 to raise an urgent matter of local and national importance, namely, the need for the Minister for Agriculture, Fisheries and Food and his Department to pay the correct single farm payments and area based payments to thousands of farmers, given that the full applications were submitted last April. It is important for the Minister to explain why these forms were not examined at a much earlier stage and does he realise that many farmers are depending on these payments to meet urgent bills and bank loan repayments, and that the delay in payments is causing serious problems to their banking reputations? I appreciate that a large number of farmers have received some payments, but in many cases this is only a portion of what they are entitled to.

Deputy Finian McGrath: I seek the adjournment of the Dáil under Standing Order 32 to discuss a matter of national importance and concern, namely, the urgent need to have and develop a quality bus service across the northside of Dublin. I call on the Minister for Transport and Dublin Bus to make bus services a priority issue in Dublin North-Central and call for the retention of the Nos. 20B and 27B in order to support the people of Artane, Beaumont, Cool-

[Deputy Finian McGrath.]

ock, Kilmore and Cromcastle, and for these bus services to be made an urgent priority in all future transport plans for Dublin North-Central. I urge the Minister to intervene to assist the people at Dublin North-Central.

Deputy Aengus Ó Snodaigh: Ba mhaith liom an Dáil a chur ar athló chun déileáil leis an ábhar rí-thabachtach seo, namely, the inexplicable failure of the Department of Education and Skills to spend €331 million, or half this year's capital budget for school building, at a time when demand for school places and parental choice for both secular and multi-denominational education and gaelscoileanna is rising, as evidenced by the presence of parents and children from Portobello Educate Together start-up group outside the gates of Leinster House yesterday, and with the INTO estimating that 400 schools will be required over the next ten years to cater for 100,000 additional pupils; and the urgent need for the Government to implement Sinn Féin's proposal for the construction and delivery of 125 new schools, which by creating jobs at both the construction phase and in the delivery of education, would immediately act as a stimulus for the domestic economy and contribute to the achievement of a smart economy in the long term.

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

Order of Business.

The Taoiseach: It is proposed to take No. 8a, Immigration, Residence and Protection Bill 2010 — Financial Resolution; No. 8b, motion re statement of Estimates for the Houses of the Oireachtas Commission; No. 8g, motion re by-election for Donegal South-West; No. 8c, motion re by-election for Donegal South-West; No. 8d, motion re by-election for Dublin South; No. 8e, motion re by-election for Waterford; No. 8f, motion re by-election for Donegal North-East; No. 3, Local Government (Mayor and Regional Authority of Dublin) Bill 2010 — Second Stage (resumed), to adjourn at 1 p.m., if not previously concluded; and No. 4 Civil Law (Miscellaneous Provisions) Bill 2010 — Order for Second Stage and Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that Nos. 8a and 8b shall be decided without debate; in the case of 8g and in the event that any of the other motions for by-elections are being moved, Nos. 8g, 8c, 8d, 8e and 8f shall be debated together and decided separately, the proceedings shall, if not previously concluded, be brought to a conclusion after 60 minutes, and the speeches shall be confined to a Minister or Minister of State and to the main spokespersons for Fine Gael, the Labour Party and Sinn Féin, who shall be called upon in that order, who may share their time, and which shall not exceed 15 minutes in each case.

An Ceann Comhairle: There are two proposals to put to the House. Is the proposal for dealing with Nos. 8a and 8b agreed to?

Deputy Enda Kenny: Before we deal with any business here, I should like confirmation from the Taoiseach that arising from the judgment of the High Court, yesterday, which is very clear in its ruling——

An Ceann Comhairle: That is the second item, so perhaps we might dispose of the first.

Deputy Enda Kenny: I understand that. We are now in a position where the Attorney General has not given clear advice in the event of the Government winning an appeal to the Supreme Court. We are in the throes of preparation for a budget and fiscal plans at a time special needs hours have been reduced and home help care is under pressure, and the Govern-

ment is going to appeal to the Supreme Court on the definition of an inordinate amount of time——

An Ceann Comhairle: Deputy please, these matters can be dealt with under the second item.

Deputy Enda Kenny: ——at a considerable cost to the taxpayer, when the Government was given a clear option last May, in a Bill published by Deputy Hogan, for the filling of casual vacancies arising in the Dáil to the effect that a time limit of six months should be imposed, which was constructive——

An Ceann Comhairle: Deputy Kenny, please, these matters can be dealt with under the second item.

Deputy Enda Kenny: ——objective and realistic. The Government refused to do that and voted it down. It was then ordered by the High Court, effectively, to hold this by-election.

Deputy Olivia Mitchell: A Cheann Comhairle, this is unacceptable.

Deputy Enda Kenny: The point is that this appeal to the Supreme Court will not only cost the taxpayer money, but anybody in this House is capable of defining what an inordinate delay is, in this context. The Bill proposed by Deputy Hogan last May——

An Ceann Comhairle: I ask Deputy Kenny for his co-operation in the matter. I have given him some latitude but he is out of order on the Order of Business.

Deputy Enda Kenny: I am not out of order on the Order of Business.

An Ceann Comhairle: Deputy Kenny is a long time Member of the House and knows the procedure.

Deputy Enda Kenny: I am not out of order on the Order of Business. As stated, before I agree to any of the proposals, I want my question answered.

Deputy Seán Barrett: A Cheann Comhairle, can you ask that Deputy Kenny's microphone be turned on?

Deputy Noel Dempsey: He is out of order.

Deputy Seán Barrett: We cannot hear Deputy Kenny.

Deputy Enda Kenny: I recommend to the Government and Taoiseach that this decision not be appealed to the Supreme Court and that the Bill produced last May by Fine Gael be introduced, which Bill allows for orderly, realistic and objective legislation——

An Ceann Comhairle: Deputy, please. I have allowed the Deputy to go on for some time when I should not.

Deputy Enda Kenny: ——which would not require the Government to be involved in this mess whereby the High Court has effectively ordered it to hold a by-election and in respect of which it now intends to cost the taxpayer more money by going to the Supreme Court for a definition that any man in the street could give, namely, six months is the period within which all vacancies should be filled.

An Ceann Comhairle: Deputy, please.

Deputy Enda Kenny: What is going on here is that——

An Ceann Comhairle: The Deputy is showing disrespect for the Chamber.

Deputy Enda Kenny: ——the Government by virtue of this appeal to the Supreme Court is prolonging its stay in Government. It is refusing the people their mandate in respect of other by-elections pending, namely, Waterford, Dublin South and Donegal North-East.

An Ceann Comhairle: I ask the Deputy to co-operate with the Chair. I am putting the question. We need to take a decision on this matter.

Deputy Enda Kenny: I would like a response from the Taoiseach in regard to the reasons his Government has accepted the recommendation of the High Court and now wants to appeal that decision to the Supreme Court, which appeal will delay other legal actions being taken in respect of the other two by-elections.

An Ceann Comhairle: We will be debating the matter when a decision on the Order of Business has been disposed of.

Deputy Enda Kenny: This is wrong and costly——

An Ceann Comhairle: The Deputy is completely out of order.

Deputy Enda Kenny: ——and is another example of blatant incompetence by this Government——

An Ceann Comhairle: Resume your seat.

Deputy Enda Kenny: ——which wants to put its party before country——

An Ceann Comhairle: Deputy Kenny, resume your seat please.

Deputy Enda Kenny: ——and prolong its stay in office.

Deputies: Hear, hear.

An Ceann Comhairle: I call Deputy Gilmore.

Deputy Eamon Gilmore: Likewise, before the Labour Party can agree the Order of Business proposed by the Taoiseach, which sets out a sequence for the taking of a number of motions for the moving of writs in respect of outstanding by-elections, we want a response from the Taoiseach in regard to the Government's decision to appeal yesterday's High Court decision in respect of the Donegal South-West by-election.

I will explain the reason this is significant in the context of the Order of Business. My explanation relates to the sequence in which this is presented to us. There are four by-elections——

An Ceann Comhairle: I must remind the Deputy that we will be discussing these matters after the Order of Business.

Deputy Seán Barrett: You cannot have the Order of Business until this has been determined. That is the point.

Deputy Joan Burton: This is the Order of Business.

Deputy Eamon Gilmore: A Ceann Comhairle, please allow me——

Deputy Finian McGrath: Some Members will get to discuss it. The Independents have been excluded again.

Deputy Eamon Gilmore: Please allow me to explain.

Deputy Finian McGrath: It is a great democracy.

Deputy Eamon Gilmore: The Government has presented us with a list of by-elections on the Order of Business. The Government is asking us to deal with——

An Ceann Comhairle: That matter is catered for under the second proposal.

Deputy Eamon Gilmore: I am asking for a response from the Taoiseach before agreeing anything on the Order of Business, which I am entitled to do.

I understand that the Government has decided to appeal yesterday's High Court decision to the Supreme Court. Yesterday, the Taoiseach said that the holding of by-elections is a matter for the House. We know from what we have read in the newspapers that it is the Government's intention to hold the by-election in Donegal South-West and to oppose the holding of the by-elections in the other three constituencies. If the Government appeals the decision of the High Court to the Supreme Court it will prevent, I expect, the possibility of legal challenge to its refusal to hold the remaining three by-elections. The issue which will be——

An Ceann Comhairle: Deputy Gilmore is promoting large-scale debate on this matter on the Order of Business.

Deputy Ruairí Quinn: The Ceann Comhairle might listen.

An Ceann Comhairle: There are other times when these points can be made.

Deputy Ruairí Quinn: No.

An Ceann Comhairle: They cannot be made on the Order of Business. Standing Order 26 does not accommodate this type of arrangement that is being proposed.

Deputy Pádraic McCormack: How long will it stand?

Deputy Eamon Gilmore: I am not proposing——

(Interruptions).

An Ceann Comhairle: I will allow a brief supplementary from Deputy Gilmore.

Deputy Eamon Gilmore: I do not wish to be at odds with the Ceann Comhairle but he should listen and show some respect to Members——

An Ceann Comhairle: I have been more than patient.

Deputy Eamon Gilmore: ——of the House when we are making valid points. The point I am making relates directly to the Order in which we are expected to deal with these matters, as presented by the Taoiseach.

The Government is presenting a formula which will allow the Donegal South-West by-election to go ahead, in respect of which it has no choice because the High Court has stated that

[Deputy Eamon Gilmore.]

by-election must go ahead, but which is designed to stop the other three by-elections from going ahead. It is a manifestly political ruse by Government to deprive the Dáil from making a decision to hold the other three by-elections.

Like Deputy Kenny, before we agree the Order of Business I want clarification from the Taoiseach in regard to what is the Government's intention with regard to the appealing of yesterday's High Court decision.

An Ceann Comhairle: Deputy Ó Caoláin.

Deputy Caoimhghín Ó Caoláin: Regardless of what response the Taoiseach gives to the questions posed, the fact remains that what the Government is now doing is utilising the judicial process to thwart the democratic process, as reflected upon but not specifically stated in the judgment delivered by the President of the High Court yesterday in regard to what the Government is doing. I ask that those entrusted with responsibility for same would take note of what the Government is doing in this instance. There is no substantive basis for the appeal Government is presenting. The process is about thwarting the opportunity of the people of Dublin South, Waterford and Donegal North-East to pass judgment on this Government's performance at an early opportunity. It is doing at the taxpayers' expense. Regardless of what answer the Taoiseach gives those are the facts of the matter. I would appeal——

An Ceann Comhairle: We wish to bring this matter to a conclusion as quickly as possible.

Deputy Caoimhghín Ó Caoláin: ——to the Judiciary not to accommodate this appeal which has no basis in law.

The Taoiseach: The Government has decided, having heard the advices of the Attorney General, to appeal yesterday's decision of the High Court——

Deputy Pádraic McCormack: Why?

The Taoiseach: ——because the judgment gives rise to importance constitutional issues regarding the separation of powers and the boundaries of the court's role in the important matter of elections and its power to make declarations that have the effect of requiring Government to exercise its voting power in a particular manner, and the need for certainty on the legal position with respect to future by-elections. An important issue has arisen here.

The importance of an appeal is underlined by the fact that yesterday's judgment is the first time the courts have interpreted the Constitution to give rise to an obligation of this nature. In the case of *Dudley v. An Taoiseach*, the High Court merely held that there was an arguable case that the Government was under an obligation to move the writ for a by-election which had been outstanding for almost 14 months. When Senator Doherty received leave from the High Court in July of this year, it had been 11 months since former Deputy Pat the Cope Gallagher had vacated his seat.

As regards the Government's constitutional obligations, the Government is appealing the decision for the reasons outlined on advice of the Attorney General. The Government has a constitutional obligation to do so. Like other litigants before the courts, it is fully entitled to await the determination of the matter by appeal. Pending the outcome of the appeal to the Supreme Court the Government decision remains unchanged with regard to the other Dáil vacancies that currently exist. In the interests of ensuring we respond in an appropriate manner to that which emerged yesterday from the High Court, the Government will proceed with the holding immediately of the Donegal South-West by-election.

An Ceann Comhairle: I am putting the question.

Deputy Eamon Gilmore: Can I ask——

An Ceann Comhairle: No. The matter has been dealt with. I am putting the question.

Deputy Paul Kehoe: A Cheann Comhairle, Deputy Kenny was on his feet before you.

An Ceann Comhairle: I am putting the question and ask for the co-operation of Members.

(Interruptions).

An Ceann Comhairle: Deputies, I am asking for the co-operation of the House.

Deputy Paul Kehoe: A Cheann Comhairle, Deputy Kenny was on his feet before you.

An Ceann Comhairle: I am putting proposal No. 1. We will then deal with proposal No. 2 in regard to the by-election issue.

Deputy Paul Kehoe: A Cheann Comhairle, Deputy Kenny was on his feet before you.

(Interruptions).

An Ceann Comhairle: I am chairing the proceedings. I will allow a brief supplementary from Deputy Kenny and will then put the question on proposal No. 1.

Deputy Joan Burton: No, you cannot do that.

Deputy Liz McManus: Turn on Deputy Kenny's microphone.

Deputy Enda Kenny: The Taoiseach has responded to the matter I raised and that raised by Deputy Gilmore and Deputy Ó Caoláin. This is a matter for the House. The Minister for the Environment, Heritage and Local Government is not here——

Deputy Arthur Morgan: Again. He is hiding.

Deputy Enda Kenny: ——again. He sat beside the Taoiseach yesterday and then walked out before it came to the crucial matter.

A Deputy: They are all e-mailing.

Deputy Enda Kenny: He is not here. It is his responsibility to table this in the House. This is the Bill published on 25 May by Deputy Hogan——

An Ceann Comhairle: Deputy Kenny, we cannot have a full-scale debate on this on the Order of Business——

Deputy Enda Kenny: A Cheann Comhairle, I am not taking it——

An Ceann Comhairle: ——and I am not going to allow it. I will adjourn the House if you do not cease and resume your seat.

Deputy Enda Kenny: ——from you.

An Ceann Comhairle: Deputy, you are going off on a tangent that is not relevant to what we mentioned.

Deputy Enda Kenny: A Cheann Comhairle, I have just a couple of years on yourself——

An Ceann Comhairle: Yes, we can share some experiences.

Deputy Enda Kenny: ——and you are treading very close to constitutional issues here. This Bill——

An Ceann Comhairle: It is the Order of Business and Standing Order 26 is quite specific on these matters about what is allowed to be debated.

Deputy Enda Kenny: I will finish my point in less than two minutes.

An Ceann Comhairle: Very briefly.

Deputy Enda Kenny: This Bill was published to give the people of every constituency in our electorate the right of full representation in the Dáil. It was voted down by the Government, which could have prevented the mess it is now in, where the High Court has given a very clear instruction of which the Government had to take cognisance. Unless there is crystal clear evidence from the Attorney General to the Government that he had no doubt but that an appeal would succeed in the Supreme Court, this course of action should not be followed. The Taoiseach has a legal background.

An Ceann Comhairle: Deputy Kenny, resume your seat.

Deputy Enda Kenny: He understands that the delay in this being heard in the Supreme Court——

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

Deputy Enda Kenny: ——prevents the Minister for the Environment, Heritage and Local Government——

An Ceann Comhairle: Deputy Kenny, if you do not resume your seat I will suspend the sitting.

Deputy Enda Kenny: ——and the Dáil dealing with the holding of the by-elections in Waterford——

An Ceann Comhairle: You are not co-operating with the Chair.

Deputy Enda Kenny: ——Dublin South and Donegal North-East.

An Ceann Comhairle: Deputy Kenny, I am suspending the sitting for ten minutes.

Deputy Enda Kenny: This is a matter of constitutional importance.

Sitting suspended at 10.55 a.m. and resumed at 11.05 a.m.

An Ceann Comhairle: I am now putting the question.

Deputy Eamon Gilmore: A Cheann Comhairle——

(Interruptions).

An Ceann Comhairle: No, Deputy; we have finished. Is the proposal for dealing with Nos. 8a and 8b without debate agreed to? Na Teachtaí atá ar thaobh na tairisceana aibridís “Tá”; na Teachtaí atá ina coinne aibridís “Níl”. Sílim go bhfuil an cheist rite.

Deputies: Vótáil.

Deputy Enda Kenny: On a point of order——

An Ceann Comhairle: The question is carried. On a point of order, yes.

Deputy Enda Kenny: The question is not carried, a Cheann Comhairle.

An Ceann Comhairle: It certainly is carried.

Deputy Enda Kenny: It is not carried.

Deputy Fergus O’Dowd: It is a heavy load, a Cheann Comhairle.

An Ceann Comhairle: Vótáil.

Deputy Enda Kenny: On a point of order, a Cheann Comhairle, as I was about to finish my short contribution——

Deputy Seán Barrett: This is not Iran, you know. It is a democracy.

An Ceann Comhairle: It might not be Iran, but we need——

Deputy Seán Barrett: The Ceann Comhairle is not chairing the Fianna Fáil Parliamentary Party at the moment. He is chairing this House.

An Ceann Comhairle: Deputy——

Deputy Enda Kenny: The Government has decided to appeal the judgment of the High Court——

The Taoiseach: A Cheann Comhairle——

Deputy Enda Kenny: ——on the question of the Donegal South-West by-election to the Supreme Court.

Deputy Seán Barrett: It is not up to the Taoiseach to tell Deputy Kenny he is out of order.

An Ceann Comhairle: Deputy Kenny, the vote has been called. The bells are ringing.

The Taoiseach: He was told four times.

Deputy Seán Barrett: It is none of the Taoiseach’s business.

An Ceann Comhairle: We must now proceed to the vote.

Question put: “That the proposal for dealing with 8a and 8b be agreed to.”

The Dáil divided: Tá, 75; Níl, 68.

Tá

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

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

Níl

Barrett, Seán.
 Behan, Joe.
 Breen, Pat.
 Broughan, Thomas P..
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Costello, Joe.
 Byrne, Catherine.
 Carey, Joe.
 Clune, Deirdre.
 Connaughton, Paul.
 Coonan, Noel J..
 Coveney, Simon.
 Crawford, Seymour.
 Creed, Michael.
 Creighton, Lucinda.
 Deasy, John.
 Deenihan, Jimmy.
 Doyle, Andrew.
 Durkan, Bernard J..
 English, Damien.
 Enright, Olwyn.
 Feighan, Frank.

Flanagan, Charles.
 Flanagan, Terence.
 Gilmore, Eamon.
 Hayes, Brian.
 Hayes, Tom.
 Hogan, Phil.
 Howlin, Brendan.
 Kehoe, Paul.
 Kenny, Enda.
 Lynch, Ciarán.
 Lynch, Kathleen.
 McCormack, Pádraic.
 McEntee, Shane.
 McGinley, Dinny.
 McGrath, Finian.
 McHugh, Joe.
 McManus, Liz.
 Mitchell, Olivia.
 Morgan, Arthur.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Donnell, Kieran.
 O'Dowd, Fergus.

Níl—*continued*

O’Keeffe, Jim.
O’Mahony, John.
O’Shea, Brian.
O’Sullivan, Maureen.
Penrose, Willie.
Perry, John.
Quinn, Ruairí.
Rabbitte, Pat.
Reilly, James.
Ring, Michael.

Sheahan, Tom.
Sheehan, P.J..
Sherlock, Seán.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Tuffy, Joanna.
Upton, Mary.
Varadkar, Leo.
Wall, Jack.

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

Question declared carried

An Ceann Comhairle: We move to item No. 2. Is the proposal—

Deputy Eamon Gilmore: On a point of order, a Cheann Comhairle, you moved to the vote after the resumption of the House without giving an opportunity to either Deputy Kenny or me, both of whom were offering. I had an issue I wished to raise with you, Sir, in respect of the reply the Taoiseach gave to the House to the questions we asked earlier. The Taoiseach said the issue being appealed to the Supreme Court related to the separation of powers. I had wished to ask the Taoiseach to clarify to which separation of powers he was referring. Was he referring to the separation of powers as between—

An Ceann Comhairle: Deputy, that is not a point of order.

Deputy Bernard J. Durkan: It is a point of order.

Deputy Eamon Gilmore: Would you please listen to the point of order?

An Ceann Comhairle: Deputy Gilmore—

Deputy Eamon Gilmore: I wish—

An Ceann Comhairle: The Order of Business is controlled by Standing Order 26.2.

Deputy Eamon Gilmore: I have a question.

An Ceann Comhairle: It is quite explicit on what is allowable and what is not.

Deputy Damien English: It is out of date.

Deputy Eamon Gilmore: I have a question.

An Ceann Comhairle: If we need to change that the Committee on Procedure and Privileges is the avenue through which to do that.

Deputy Damien English: Only one side can change it.

An Ceann Comhairle: Let us move on.

Deputy Eamon Gilmore: I have a question for you, a Cheann Comhairle, and I would like you to listen to it. The Taoiseach said the issue being appealed related to the separation of

[Deputy Eamon Gilmore.]

powers. I had wished to ask the Taoiseach if that was the separation as between the Oireachtas and the Judiciary since the holding of by-elections is a matter for the Oireachtas. Were you, Sir, informed by the Government that it was its intention to appeal to the Supreme Court a matter relating to the separation of powers between the Oireachtas and the Judiciary? There is also an issue about the separation of powers as between the Oireachtas and the Government.

The Taoiseach: It is for Government.

Deputy Eamon Gilmore: The issue of the holding of by-elections is a matter for the House and is not a matter for the Government. If the Government——

The Taoiseach: That is the issue.

Deputy Eamon Gilmore: Yes, that is the issue.

An Ceann Comhairle: Deputy——

Deputy Eamon Gilmore: That is the issue.

An Ceann Comhairle: Deputy——

Deputy Eamon Gilmore: That is the issue.

An Ceann Comhairle: Deputy Gilmore——

Deputy Eamon Gilmore: That is the issue.

An Ceann Comhairle: Deputy Gilmore——

Deputy Eamon Gilmore: The point is that any appeal——

An Ceann Comhairle: Deputy Gilmore, please——

Deputy Eamon Gilmore: ——of that decision should be a matter for the House——

An Ceann Comhairle: Deputy Gilmore, could I have your co-operation?

Deputy Eamon Gilmore: ——and not for the Government.

Deputy Dermot Ahern: Deputy Gilmore is not a party to it.

An Ceann Comhairle: We are moving on to proposal No. 2.

The Taoiseach: The House was not sued.

An Ceann Comhairle: Is the proposal for dealing with——

Deputy Joan Burton: A Ceann Comhairle, let the Taoiseach respond.

An Ceann Comhairle: Please——

The Taoiseach: If the Deputy wants me to uphold the right of the Oireachtas in regard to this matter, that is precisely why we need to appeal it to the Supreme Court.

Deputy Eamon Gilmore: That should be our decision, not the Government's decision. It is a matter for the House.

An Ceann Comhairle: Deputy Gilmore, will you resume your seat please.

(Interruptions).

An Ceann Comhairle: Deputy Gilmore, resume your seat.

Deputy Eamon Gilmore: It should be our decision, not the Government's.

An Ceann Comhairle: I am now putting the question.

Deputy Dermot Ahern: Deputy Gilmore is not in the case.

Question, "That the proposal for dealing with Nos. 8g, 8c, 8d, 8e and 8f be agreed to," put and declared carried.

Deputy Enda Kenny: You are not entitled to stand up there and make a decision in the way you have done it.

An Ceann Comhairle: As I have explained to the Deputy, the Order of Business is controlled by Standing Order 26.

Deputy Enda Kenny: I want to talk about something new now.

An Ceann Comhairle: Under Standing Order 26 I cannot allow a full-scale debate on the issues the Deputy wishes to debate. I do not mind. There are other ways to do it but the Deputy will have to find the other ways and not use the Order of Business. The Deputy must realise that. The control of the House is dominated and dictated by the Standing Orders set out and agreed by the Committee on Procedure and Privileges. I cannot change that.

Deputy Damien English: We cannot either.

An Ceann Comhairle: I have to implement them.

Deputy Enda Kenny: The Ceann Comhairle made a decision unilaterally from the Chair in respect of No. 2. I wish to make a point on No. 2.

An Ceann Comhairle: I put the question to the House.

Deputy Enda Kenny: Yes, and the Ceann Comhairle would not listen to any point of order or reason.

An Ceann Comhairle: The Deputy is not co-operating and he is being very unfair to other Members.

Deputy Enda Kenny: The Ceann Comhairle is bulldozing his way through——

An Ceann Comhairle: I am not bulldozing my way; I am implementing Standing Orders. That is what I am doing.

Deputy Enda Kenny: The Ceann Comhairle will not listen to any point of view. I am supportive of the Donegal South-West by-election being held. The Chair has decided on No. 2 about which I want to raise a number of points of order.

The Minister for the Environment, Heritage and Local Government who has responsibility for this is not here. He should be here. I want to save the Irish taxpayer serious money.

An Ceann Comhairle: The Deputy should be brief before we conclude and move on.

Deputy Enda Kenny: I offer the Taoiseach in the spirit of constructive progress a copy of our Bill, which was published in May this year by Deputy Phil Hogan, namely, the Electoral Representation (Amendment) Bill. This would allow for the business of the House to be conducted by itself and for the filling of all casual vacancies within a six-month period. If the Taoiseach decides to come in with his own Bill next week, I will facilitate him. There is no need to go to the Supreme Court for a definition of “an inordinate delay”. We can adjudicate on that here ourselves. All casual vacancies should be decided within a six-month period.

An Ceann Comhairle: Can I please have the Deputy’s co-operation?

Deputy Enda Kenny: If the Taoiseach and the Government want to prolong their own stay in office by making an appeal to the Supreme Court, which will prevent legal action being taken by anybody else in respect of pending by-elections in other constituencies, that speaks for itself. It is an attempt to use court time to have a longer stay in a government, which is doomed.

Deputy Noel Dempsey: It is an important constitutional point.

Deputy Dermot Ahern: God help the Oireachtas if Deputy Kenny ever gets over to this side of the House.

An Ceann Comhairle: The Deputy will have to find another way to have a debate on this. There are other ways.

Deputy Enda Kenny: I have a straight question. The Taoiseach has asked for constructive suggestions. Is he prepared to accept this Bill or to come in with his own next week to allow the House to fill all casual vacancies within a six-month period? If so, we will not have any further row about this.

An Ceann Comhairle: We will have a debate on this matter as we move along.

Deputy Enda Kenny: One debate——

An Ceann Comhairle: We will have a debate on the matter later. I will suspend the House if the Deputy does not co-operate. I call Deputy Gilmore.

Deputy Eamon Gilmore: Clearly, the decision of the High Court yesterday was that the Government has acted unreasonably in holding off on, and preventing, the by-election from being held.

Deputy Michael Mulcahy: It did not say that.

An Ceann Comhairle: If Deputy Gilmore wishes to develop a debate on this matter, he should not do so on the Order of Business.

Deputy Eamon Gilmore: I am asking a question about legislation. The House can decide by legislation what is a reasonable period of time within which to hold a by-election. Deputy Kenny referred to the Bill that he has presented. There is also a report of all-party committee, which recommended to this House that by-elections should be held within a specified period of time. Without troubling the Supreme Court with this, the House can decide by legislation what is a reasonable period of time. The reality is the Government parties are going to the

Supreme Court in order to string this out and in order to avoid holding the other three by-elections so that they can stay in office for longer than they are wanted by the people.

The Taoiseach: Can I answer that, although I am trying to find a strain of incoherence in what has been said?

An Ceann Comhairle: Yes.

The Taoiseach: First, writs were tabled to hold by-elections. We then had the leader of the Labour Party saying it is very important that the powers of the Oireachtas be confirmed in regard to the holding of by-elections——

Deputy Eamon Gilmore: That is not what I said.

The Taoiseach: ——which is precisely one of the issues that now has to be dealt with by the Supreme Court to bring certainty to future by-elections.

Deputy Seán Sherlock: By legislation.

The Taoiseach: Then we had the leader of the Fine Gael Party who suggested we should bring in a Bill and not hold by-elections until six months after its enactment, which is longer than the undertaking I have given regarding the other two by-elections. If the Deputy can try to figure out what he is doing, he can give us a shout.

Deputy Enda Kenny: If that is the way to run——

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

Deputy Enda Kenny: If that is the way the Taoiseach runs his Cabinet, it is no wonder the country is in the state that it is in.

Deputies: Hear, hear.

An Ceann Comhairle: The Chair is on his feet.

Deputy Enda Kenny: I never thought that this Government would show such cowardice in facing the people.

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

Sitting suspended at 11.25 p.m. and resumed at 11.35 p.m.

Order of Business (Resumed)

An Ceann Comhairle: Is the proposal for dealing with No. 2, on the by-elections, agreed to? Agreed.

Deputy Enda Kenny: I thought that question had already been put before the House was suspended.

An Ceann Comhairle: I am confirming it in case some Members were under the impression the question had not been put.

Deputy Enda Kenny: Arising from the last remark of the Taoiseach, it is the responsibility of this House what to do about by-elections. I suggest the Taoiseach brings in a Bill, accepts a Bill that we have published or accepts the recommendation of the Oireachtas committee that

[Deputy Enda Kenny.]

these matters be regularised, that the Dáil should have a legislative basis for saying that all future vacancies be filled within a six month period. That does not imply that the cases of Waterford, Dublin South and, now, Donegal North East, cannot be dealt with forthwith. The Taoiseach's pathetic attempt to say in those cases that he thinks I am referring to six months from the publication of any Bill, is nonsense.

The Taoiseach: Did the Deputy read it?

Immigration, Residence and Protection Bill 2010: Financial Resolution

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

That provision be made in the Act giving effect to this Resolution for the charging in accordance with the Act of fixed penalties, being penalties on foot of a notice that a carrier has failed to comply with his or her duties under section 33 of the Act, and certain fees, being fees for the issue of visas; for dealing with visa review applications; for consents to enter the State at a place other than an approved port; for the issue, renewal, change of category and modification on application of the conditions of residence permissions; for the replacement of lost or damaged residence permits; for residence review applications; for the issue of travel documents to refugees, programme refugees and other persons given protection in the State; for change of name licences for foreign nationals; and for the recovery in accordance with the Act of certain reasonable expenses incurred in the removal of a foreign national from the State."

Question put and agreed to.

Statements of Estimates for the Houses of the Oireachtas Commission: Motion

Deputy Michael Mulcahy: I move:

That Dáil Éireann take note of the Statement of Estimates of moneys required in respect of ongoing expenditure for the period beginning on 1 January, 2011 and ending on 31 December, 2011, prepared and published by the Houses of the Oireachtas Commission in accordance with section 13 of the Houses of the Oireachtas Commission Act 2003 as amended by section 8 of the Houses of the Oireachtas Commission (Amendment) Act 2006 and section 9 of the Houses of the Oireachtas Commission (Amendment) Act 2009, which was laid before both Houses of the Oireachtas on 3 November, 2010.

Question put and agreed to.

Issue of Writ: Donegal South-West By-election

An Ceann Comhairle: I call on the Tánaiste to move the writ.

Deputy Caoimhghín Ó Caoláin: Should the question not be put by those who tabled the motion first and for which there is no amendment, as the motion tabled subsequently by Government mirrors exactly that tabled by the Sinn Féin Deputies here in advance of the required time for same yesterday morning?

An Ceann Comhairle: The proposal on the Order of Business was put by the Taoiseach on behalf of the Government and, as a consequence, the question of moving the writ falls to the Chief Whip, in this case the Minister of State at the Department of the Taoiseach, Deputy John Curran. We are moving on. I call the Minister of State to move the writ.

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I am moving the writ.

An Ceann Comhairle: Very well.

Deputy Mary Coughlan: I move:

That the Ceann Comhairle direct the Clerk of the Dáil to issue his writ for the election of a Member to fill the vacancy which has occurred in the membership of the present Dáil consequent on the election to the European Parliament of Pat “The Cope” Gallagher, a member for the constituency of Donegal South-West.

The Government last evening considered the judgement delivered by the President of the High Court concerning the vacancy for membership of Dáil Éireann in Donegal South-West. Having done so, and having considered the views of the Attorney General in the matter, it has decided that, given the constitutional issues raised and the implications of the judgement for the holding of future by-elections, the making of an application for leave to appeal is warranted to ensure their consideration by the Supreme Court. Those issues include the separation of powers and the boundaries of the courts’ role in the very important matter of elections. The case has raised the question of whether the Oireachtas is permitted to provide in legislation that Dáil Éireann should be free to decide when to hold by-elections, without imposing any time limit on the House. The court’s power to make a declaration has the effect of requiring the Government to exercise its voting power in a particular manner. There is a clear need for constitutional certainty on the legal position with respect to future by-elections.

Notwithstanding the decision to appeal the judgement, the findings of the President of the High Court are such that the Government has determined to proceed immediately with the movement of a writ for a by-election in Donegal South-West to fill the seat left vacant following the election of Pat “the Cope” Gallagher as a Member of the European Parliament. It is proposed that the election will take place three weeks from today, on Thursday, 25 November 2010.

Yesterday’s judgment concerned only the vacancy in respect of Donegal South-West. That by-election is distinct in that many more months have elapsed since Deputy Gallagher vacated his seat, compared to when Deputies Lee, Cullen and, indeed, McDaid resigned from the House.

With regard to the Government’s constitutional obligations, the Government is appealing the decision for the reasons I have outlined. This is because the Government, and indeed all Members of this House, should not accept that it is a matter for the courts, rather than the Oireachtas, to decide when by-elections should be held. The Government, like other litigants before the courts, is fully entitled to await the determination of the matter by appeal. Therefore, pending the outcome of the appeal to the Supreme Court, the Government’s position remains unchanged with regard to the other vacancies that arise.

In the case of Donegal South-West, it is the Government’s view that an immediate and short campaign is warranted to address quickly the findings of the judgment, as this is a critical time for our country working, as we are, towards publication of the four-year plan and preparing for budget 2011. For that reason, our preferred timing for the holding of this and the other outstanding by-elections was next spring. As my colleague, the Chief Whip, Deputy Curran, made clear while taking private notice questions on this matter in the House yesterday, we are currently living through an economic crisis with few parallels in our history and the Government’s attention has necessarily been fully directed at budgetary matters.

[Deputy Mary Coughlan.]

The spring would have given the people of Donegal South-West the opportunity to make their electoral choice with a debate informed by knowledge of the forthcoming budget and the alternatives to be proposed by the parties opposite. However, this is not to be the case. The by-election will, therefore, be one in which the people of Donegal South-West will have to decide which candidate represents the party willing to take the tough and difficult decisions necessary to get the economy back on track. They will have to determine what choice to make by asking which party is demonstrating it has a clear plan for economic recovery and a return to sustainable growth. They must make their judgment on which party is putting the national interest above that of short-term political populism.

Deputy Joan Burton: That is some claim from Fianna Fáil.

Deputy Mary Coughlan: While our economy is emerging from recession with growth returning and our competitive position improving dramatically with exports achieving a remarkably strong performance, our borrowing costs have increased significantly and our public finances still require a major additional correction. This correction amounts to €15 billion over the next four years, an enormous challenge, requiring considerable political leadership. At stake, however, is the very economic independence that, as a nation, we fought so hard for.

Deputy Joan Burton: The economic independence Fianna Fáil destroyed.

Deputy Olivia Mitchell: The Government turned it into an economic basket case.

Deputy Mary Coughlan: I have had the great privilege of representing the people of Donegal South-West for a considerable time. I know they will be watching closely over the next three weeks to see what party can demonstrate that Ireland has the political leadership necessary to overcome her current economic challenges. Some of the Deputies opposite will be visiting Donegal over the next three weeks. I advise them the people of Donegal are more interested in solutions than in the blame game.

Deputy Bernard J. Durkan: That is what the Tánaiste would like to think.

Deputy Olivia Mitchell: She hopes that is what they are interested in.

Deputy Niall Blaney: Listen up.

Deputy Shane McEntee: Why did they vote against the Lisbon treaty then?

Deputy Mary Coughlan: As a county, we are well accustomed to facing challenges. In addition to facing difficulties such as declining traditional industries and ways of life, we have also had to meet the challenge of being located on the periphery with, for many years, our immediate hinterland in counties Derry, Tyrone and Fermanagh being out of reach. That fact has forced us to be innovative in finding our own solutions to particularly unique challenges.

Recent years have seen the county's infrastructure develop dramatically. Donegal has benefited substantially from considerable investment thanks to the priorities and policies of successive Fianna Fáil-led governments.

Substantial improvements in its road network have seen, for example, over €228 million invested in the county's non-national road network. Ongoing support for flights at Donegal Airport by the Government has ensured the viability of air links to west Donegal, essential for the attraction of investment to this part of the county.

The work of Údarás na Gaeltachta, strongly supported by the Government, has seen new jobs created in Gaeltacht areas and in particular at Gweedore business park. Tá níos mó post i nGaith Dobhair anois faoi chúram Údarás na Gaeltachta.

I recall at the time of my appointment as Minister of State at the Department of Arts, Heritage, Gaeltacht and the Islands that it was after a period of a considerable job losses in the area. We worked hard and concentrated specifically on developing new employment opportunities for the people of the Gaith Dobhair area. That has been achieved.

IDA Ireland, Enterprise Ireland and the county enterprise boards have also been key in supporting business projects in the county and in job creation. Results have been seen this year including the announcement of 150 new jobs at Abbott in Donegal town.

Employment and the attraction of jobs to Donegal and the regions generally is always a challenge. It was the Government, during my tenure as Minister for Enterprise, Trade and Employment, that prioritised 50% of foreign direct investment for the regions, a move opposed by many parties opposite.

In addition to the political will and policy commitment, the right infrastructure is also critical. In Donegal, the development of a modern communications infrastructure has been essential. Some €89 million has been invested in the roll-out of broadband in the county, resulting in the development of MAN projects, as well as the €43 million investment in the Kelvin project will see connectivity between the region and North America, bringing tangible benefits to county and the constituency.

Education infrastructure in the county has also benefited significantly with many parishes seeing new schools or extensions completed. Already this year, in the region of €10 million has been invested in schools in the constituency. Approval was made for a new post-primary school in the Finn Valley and, yesterday, further infrastructure improvements were approved for Pobalscoil Ghaith Dobhair. In excess of €110 million has been invested in major school building and modernisation projects in County Donegal.

Likewise, important local infrastructure has been redeveloped over the past several years with over €350 million invested in Donegal's public water and sewerage system under the Government's water services investment programme. Tourism, also critical to the constituency, has seen continuing investment with, for example, €2 million spent this year to develop facilities at Sliabh Liag.

Dár ndóigh is contae láidir agus bródúil Gaeltachta é Contae Dhún na nGall. Le blianta beaga anuas, tá fhios agam go maith go bhfuil Gaeltachtaí inár gcontae faoi bhrú — ó taobh na teanga agus na n-eacnamaíochta de.

Ag obair liomsa, roimhe seo leis an iar-Aire, an Teachta Eamon Ó Cuiv, agus anois leis an Aire, an Teachta Pat Carey, chomh maith le mo chomhghleacaithe eile sa chontae, tá an Rialtas seo ag obair i gcomhparthaíocht le pobal Gaeltachta Thír Chonaill. Chomh maith lenár n-infheistíocht in infrastructúr sa Ghaeltacht i dTír Chonaill, táimid ag leaniúnt ar aghaidh lenár bplean 20 bliain don Ghaeilge. Nuair a bheidh an plean seo aonhaithe, tá mé lán-chinnt go dtabhfaraídh sé spreagadh agus misneach go muintir na Gaeltachta ar fud an Chontae. Is é tuairim an Rialtais ná gur acmhainn cultúrtha agus eacnamaíochta atá sa Ghaeilge.

This by-election will be a challenging one for my party. No sitting Government has won a by-election since 1982. In Donegal, however, we have a strong track record of delivery for the county. We will have a strong candidate with a proven track record locally. We look forward to the challenge of the campaign.

Deputy Paul Kehoe: I wish to share time with Deputies Alan Shatter, Olivia Mitchell, Dinny McGinley, John Deasy and Joe McHugh.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Paul Kehoe: The Tánaiste would not be on her feet this morning moving the writ for the Donegal South-West by-election if it were not for the High Court's judgment yesterday. If the Government had accepted a Fine Gael Private Members' Bill several months ago, it would not be in this position today. One reason the Government did not want the four by-election writs moved was that it wanted a clear run into what will be a very important budget in December. Now, the Government will not be focused on the important budgetary matters which must be attended to.

There has been a representational deficit in Dublin South, Waterford and Donegal North-East, with Donegal South-West having the longest. Fine Gael and other parties moved the writ for the by-election in Donegal South-West several times but each time it was voted down by the Government parties. Yesterday, the Green Party claimed it was its policy to hold the Donegal South-West by-election. Taxpayers' money could have been saved, particularly in these constrained budgetary times, if the Government did not go the courts to contest the calling of this by-election.

A Fine Gael Private Members' Bill could have been adopted by the Government to ensure when a vacancy occurs in a constituency, a by-election will be held within six months. Fine Gael has selected its candidate for the by-election, Mr. Barry O'Neill. We look forward to the hustings and seeing if the Donegal South-West electorate believes the Government's claims about what it has done for the constituency over the past several years.

I am sure Deputies Shatter, Mitchell, McGinley, Deasy and McHugh will outline the representational deficit their constituencies have had over the past several months.

Deputy Alan Shatter: How much time is left?

An Ceann Comhairle: The Deputy has two minutes, which have been allocated from a total of 12 minutes.

Deputy Alan Shatter: I want to deal with the judgment and the Government's approach to it. It is worth putting formally on the record of the House what was said in the High Court yesterday. I notice that the Tánaiste studiously avoided doing so in her speech. The judgment stated that "the court will declare that section 39(2) of the Electoral Act 1992 is to be construed as requiring that the writ for a by-election be moved within a reasonable time of the vacancy arising". The judge went on to state:

Has there in fact been unreasonable delay in moving the writ for the by-election in the Donegal South-West constituency? The Dail has a five-year term and the unprecedented delay, in this instance the longest in the history of the State, represents a significant proportion of the term of the current Dáil.

The judge went on to declare that there has been "an unreasonable delay in moving the writ". Interestingly, the judge referred to a different court case, *Dudley v. An Taoiseach*, in which the issue arose as to whether the Government is obliged to set down and support the motion for the issue of a writ, or at least not impede or impose such a motion after a reasonable time. The judge stated: "I would hope, however, that there is no need to make such further order."

The reality is that this Government is afraid of the electorate. We know that. Without the court judgment, as my colleague Deputy Kehoe said, quite clearly this writ would not have been moved today. The truth is that writs should be moved for all of the remaining three by-elections simply to ensure that the representation to which people are entitled is provided in this House.

I want to make one straightforward and simple point: at present, there are no court proceedings in being in relation to the other three by-elections. Quite clearly, it would be highly inappropriate that there would be one in being in respect of Dr. McDaid who only resigned this week. There are now solid grounds, however, for taking court proceedings in respect of the other two. The Government is now trying to misuse the courts at taxpayers' expense and make what could only be described as——

An Ceann Comhairle: I should mention that time is limited.

Deputy Alan Shatter: I will conclude on this point. The Government is now trying to misuse the courts at taxpayers' expense and make what could only be described in legal terms as a frivolous, vexatious and unnecessary application to the Supreme Court. The issue in dispute in these proceedings was should there or should there not be a by-election in the Tánaiste's constituency in Donegal. The High Court held that there should be. The Government has acceded to that and the by-election will now take place. There is no legal issue now in dispute between the Government of Ireland and the plaintiff in these proceedings. There is no justifiable, credible basis for an appeal to the Supreme Court. To travel that route is to waste taxpayers' money. It is designed to waste taxpayers' money in circumstances in which this Government is seeking an out to evade its solemn constitutional obligations——

An Ceann Comhairle: The Deputy is eroding other speakers' time.

Deputy Alan Shatter: ——to ensure that people are provided with the representation to which they are entitled in accordance with de Valera's Constitution. One could not get a more perverse application from a Fianna Fáil-led Government than the one they now intend to proceed to make to the Supreme Court. I hope the Supreme Court has the wisdom to tell them that there is no longer a justiciable issue and throws out the appeal.

Deputy Olivia Mitchell: Only a Government that is so beyond shame that it does not even recognise it would continue to deny the electorate of three constituencies their right to representation. It is a measure of the Government's arrogance that until very recently it had not offered any explanation or excuse for denying people their right to by-elections and proper representation. The Government recently had the gall to suggest that it is their patriotic duty not to have by-elections. Does the Government take the people for absolute fools? People can see that not alone has the Government mismanaged the economy in the good times, but that its mismanagement in the bad times has been absolutely cataclysmic for the country and the general public. Other countries that were as bad as us are now beginning to recover, with banks showing profits. Meanwhile, we slip ever nearer to the precipice. It now seems that no matter how much pain people take there will be no saving them. Even at that, there will be much more pain to take.

Twice this week already we have seen physical demonstrations of people's anger, which I condemn as does everybody in this House. We will see more of it, however, unless people are given a legitimate, legal method of expressing their anger in the ballot box, as they should be given in a democracy.

The Taoiseach is always upset when anybody mentions that he does not have a mandate, but he does not have a valid mandate.

Deputy Martin Mansergh: He does.

Deputy Olivia Mitchell: The Government was elected on a specific promise of the current Taoiseach that he was a safe pair of hands to manage the economy. They said they had the

[Deputy Olivia Mitchell.]

expertise and experience to continue and perpetuate the Celtic tiger. That is what they promised and that is what the people voted for, but look what they got. If it was ever valid, that mandate is now gone. If the Taoiseach and his Government had any shame they would walk away now, let the anger die out and let the recovery begin. It is time for elections, so let the people have their say.

Deputy Dinny McGinley: Tá áthas orm sa deireadh thiar thall, i ndiaidh tréimhse fada, go mbeidh deis ag na toghthóirí i nDún na nGall Thiar-Theas breithiúnas a thabhairt ar an Rialtas agus Teachta a chur chuig an Dáil le hionadaíocht a dhéanamh dóibh. Donegal South-West has been left for 18 months without proper, full constitutional representation. I welcome the decision at long last, which has been forced on the Government, to hold the by-election in three weeks' time. We have been preparing for a long time for this by-election. Our candidate, Barry O'Neill, is a young, articulate and energetic councillor. He was selected almost a year ago. I am sure that the people of Donegal South-West will have an opportunity of voting for a good man who will represent them in this House for the duration of this Government's lifetime, which will not be for too long. It will also give the Tánaiste's colleagues an opportunity to visit Donegal to witness for themselves the devastation that has been visited on the county, both in the South-West and North-East constituencies, by this Government and its predecessor.

Some 22,000 people are unemployed in County Donegal, including in Ballyshannon where they have regular meetings about unemployment, and the Tánaiste's own town of Donegal where 600 or 700 jobs were lost in Hospira. Killybegs is a ghost town, as is the edge of the Finn Valley and down to my own area in the Gaeltacht. The Tánaiste described the Gweedore industrial estate but it is not the same one that I know. It is just a pale shadow of what it was. We used to have 1,500 people there but there are fewer than 1,000 now.

The forthcoming by-election will be an opportunity for the Tánaiste's colleagues to see how we have been overlooked. We need broadband and infrastructural development.

An Ceann Comhairle: And I need the Deputy's co-operation.

Deputy Dinny McGinley: We also need indigenous industries, tourism, agriculture and fisheries. Everything in the county is in crisis. It is a great pity that this by-election is being held in mid-winter, when it could have been held earlier in the spring, summer or autumn. It is being held in the winter because the Government's hand has been forced.

Deputy Joe McHugh: This has been the longest build up to a by-election that I have been involved in. As Deputy McGinley said, we have our plans in place.

The Tánaiste: Is the Deputy getting worried about it?

Deputy Joe McHugh: Our candidate, Barry O'Neill, is knocking on doors at the moment in Ballyshannon. We will be making an effort to reflect on what has not been happening in Donegal South-West. Mr. O'Neill will be challenging the Government on health issues as well as job creation. Unfortunately, Mr. O'Neill's worthwhile opinions and worthy policy initiatives that he has been pushing for on Donegal County Council have not been reflected in Government policy. This will be an opportunity for him to continue with his campaign, working closely with the sitting Member, Deputy McGinley. He will articulate a strong message that jobs can be created in Donegal in future. Barry O'Neill will be a strong voice and it is important for Donegal South-West that that message will be clear come polling day on 25 November.

When a student was not pulling in the right direction, an old geography teacher of mine used to say "Your life is hanging by a thread". This Government is now hanging by a thread.

Unfortunately, the right thing to do would have been to have these by-elections out of the way. We should not even be here discussing this issue. Serious business of the House on economic matters should be undertaken but, unfortunately, as they say on the other side of the House, “We are where we are” and we must take the next steps.

Deputy John Deasy: It is impossible to argue any longer with any sense of credibility that one by-election should be held but that the other three should not. People in the Government have argued that by holding a general election there would be a risk to the country of instability at a time when we are struggling to maintain our economic sovereignty. However, there was a distinct element of truth in what former Deputy, Jim McDaid said recently. He stated that the Government was not in a position to make the necessary decisions any longer because of its slim majority in the Dáil. He asserted that the Government was shying away from what needed to be done. Given the political instability with which we are dealing now I do not believe the vital, necessary decisions which affect this country’s future can be made. A divide or separation is necessary between political self-interest and self-preservation and the potentially career-ending decisions the country needs now. I do not believe, nor do the international markets, the Government has the fortitude or ability to make these choices any longer.

In recent days the political dynamic has changed. Until two days ago, an argument was being made that by-elections or a general election would destabilise our economy in some way. This has now changed and a majority of people now believe, rightly, that if there is no immediate change of Government, more harm than good will result. This is something the Independent gentleman to my right and the son of another Independent Deputy will find out the hard way.

Deputy Eamon Gilmore: I wish to share my time with Deputies Ciarán Lynch and Brian O’Shea. The Government now proposes to go ahead with the holding of the by-election in Donegal South-West for one reason only, that is, because it has been forced to do so. In the course of her speech and in moving the writ for the Donegal South-West by-election, the Tánaiste did not utter one sentence to explain why the by-elections are not being held in the other three constituencies.

Let us consider Dublin South. The seat there has been vacant for most of the past 18 months. I realise there was a by-election held and a Deputy was elected for a period but that seat has been vacant for most of the past 18 months and the constituency is under-represented. Waterford has been under-represented since March of this year. Admittedly, Donegal North-East has been vacant only for a couple of days. However, the normal practice has been that when one by-election is held, several are taken together. The only reason the other three by-elections are not being held is political. It is about keeping this clapped-out Government in office, a Government which, the Taoiseach maintains, derives its authority from having a majority in the House. It now derives that majority from a House with a depleted membership, the number of which is greater than the majority the Government claims to hold.

Apparently, the Government has made a decision to appeal the High Court decision yesterday on constitutional grounds and on what it claims is a separation of powers issue. It has done so without asking this wing of government and administration, the Oireachtas, for its view on whether that decision should be appealed or without giving the Oireachtas the opportunity of addressing the issue of unreasonable delay by way of legislation, as has been suggested here several times this morning.

Leaving aside any question of the Constitution or legislation, there is a political and democratic imperative that by-elections for seats in this House be filled within a reasonable period. This issue has been examined by an all-party committee of the House, which concluded that seats should be filled within a three month period.

[Deputy Eamon Gilmore.]

The reality is that all of this is about Fianna Fáil trying to stay in office to the very last day. I agree with the remarks of Deputy Deasy. At this stage whatever the arguments about the holding of elections and the disruption of normal Government business and so on, the country, the economy and our national interest now require the holding not only of by-elections, but of a general election such that the people can give a mandate to a new Government — a strong, stable Government — which can deal with the country's economic crisis and which will have a mandate for four to five years.

Over the course of recent weeks, we have heard the Government's wish for a four-year budgetary plan. Certainly, we need an economic plan not only to deal with the budgetary issue, but to deal with the necessity to create jobs, to grow the economy and to bring about economic recovery. However, such a plan will only be credible to the international markets if there is a Government with a four or five year mandate capable of implementing it.

The by-election will be held in Donegal South-West. The Labour Party with our candidate, Councillor Frank McBrearty Jr., will contest that by-election vigorously. Glacfaidh an Lucht Oibre páirt sa bhfothoghchán i nDún na nGall Thiar-Theas. Beidh an Comhairleoir Frank McBrearty mar iarrathóir againn. Ní leor go mbeidh fothoghchán in aon dáilcheantar amháin. Ba cheart go mbeadh olltoghchán againn chun seans a thabhairt do chuile dhuine a n-aigní a dhéanamh suas ar an ndroch-Rialtas atá sa tír faoi láthair agus Rialtas nua, buan agus socair a chur ina áit chun déileáil leis an géarchéim eacnamaíochta.

Deputy Ciarán Lynch: We should begin by asking ourselves why we are holding this debate this morning. The reason is that for more than one and a half years, the Government has shown general contempt for the public, the electorate and the courts. This is reflected in Mr. Justice Kearns's ruling yesterday. In his summing up, Mr. Justice Kearns stated: "Far from the Court 'tearing asunder' the provisions of the Constitution by adjudicating upon this application, it is the ongoing failure to move the writ for this by-election since June 2009 which offends the terms and spirit of the Constitution and its framework for democratic representation." Mr. Justice Kearns is suggesting that the Government, through its failure to call these by-elections, is causing a constitutional crisis by not performing its constitutional duties. Members of this Parliament had to go to the courts to find redress as a result of a Government which would not fulfil its functions.

In the past 12 to 18 months we have witnessed the Government dragging the Irish taxpayer and electorate through the courts at a cost, which I believe, the Minister and the Taoiseach should come to the House to explain. How much is this costing the taxpayer? Ultimately, how much will the appeal and ruling amount to?

We are in this position as a result of two distinct problems. A practice has arisen, developed by Fianna Fáil, to suspend at all costs the calling of by-elections. This situation has created a legislative vacuum. The reason this vacuum has been created is that there has been an obvious failure to legislate for what is a predictable and solvable problem. By-elections are caused for several reasons, including the death of a Member, the resignation of a Member and following European elections in which vacancies have arisen, such as in the case of Pat "the Cope" Gallagher. The latter is a predictable vacancy and a predictable timeframe should be in place to ensure that after a European election, if a Member of this House is elected to the European Parliament, it should be a fixable problem. After the summer recess, the seat vacated by that Member should be filled in September. It is measurable and predictable and should be part of the day-to-day operations of this House. The Labour Party has made many suggestions on this matter, similar to the Fine Gael suggestion, that there is a reasonable expectation a seat should be filled within three to six months of it being vacated. At the heart of this matter is electoral reform and political reform in this country. It is notable that the line Minister with responsibility for this matter is not in the House.

Deputy Paul Gogarty: It is in the programme for Government and addressed in the White Paper on Local Government.

Deputy Ciarán Lynch: He did not come into the House yesterday afternoon——

An Leas-Cheann Comhairle: Deputy Gogarty should allow Members to speak without shouting them down.

Deputy Ciarán Lynch: ——when the matter was being debated under a special notice question. He was hiding outside the door to come in to talk about his Local Government (Mayor and Regional Authority of Dublin) Bill. As soon as we had finished the private notice questions, the Minister flew in, made his speech and while the two main Opposition spokespersons were responding to his proposal for a mayor, he disappeared from the Chamber. If we are to expect real electoral reform in this country, the least we can expect is that the Minister with responsibility for it will remain in the House during a debate on it.

Deputy Paul Gogarty: The Labour Party should stop taking money from trade unions.

Deputy Ciarán Lynch: We will never get electoral reform in this country if we cannot get a Government that will give us an election.

Deputy Brian O'Shea: Tá an ceithre fhothoghchán molta ag an Lucht Oibre ach tá suim ar leith san fhothoghchán i bPort Láirge. Martin Cullen resigned as a Member of Dáil Éireann on 23 March due to unfortunate ill-health. I trust he has gained good quality of life in the intervening period. In the seven and a half months since, the people of Waterford have been under-represented in the Dáil. This is utterly unacceptable and the point was endorsed yesterday by the ruling of the President of the High Court, Mr. Justice Nicholas Kearns. As with other constituencies, Waterford needs the full complement of Deputies; there was never a time in the history of the State that this was more necessary. As of 30 September 2010, the live register for the Waterford constituency stood at 14,503, while the live register in the Waterford city exchange is 12,115, with 2,388 in the Dungarvan area. In the Waterford exchange area, 1,130 men and 934 women under the age of 25 years are on the live register. The comparable figure for Dungarvan is 312 men and 170 women. These figures do not include the growing number of people forced to emigrate from the constituency. Against this background, the absolute need for the full complement of Deputies is all too apparent. I call on the Government to give the people of Waterford their basic right and to discard the narrow interests of the Government. Whether in Waterford, Donegal South-West or Dublin South, the Government knows its time in office will be harshly treated by the electorate. If the four by-elections take place, the Government will not have a working majority because they will lose all four.

Apart from the fact that it is the right of the people, the other reason we need the additional Member to be elected is that the south-east region and Waterford in particular has been neglected by this Government. Deputy Martin Mansergh is well aware of this and it is particularly true of job creation. There is a need for a university in the south east. I refer to the upgrading of the Waterford Institute of Technology. The Government continues to prevaricate on this fundamental issue. Unless the south east — the only region without a university — has a research and development capacity and fourth level education, it will not be in a position to accept high-tech industry, which is a major area of growth and jobs for the future.

In his capacity as the Minister of State with responsibility for the OPW, Deputy Mansergh knows about joined-up thinking. Waterford's courtrooms are in a chronic position. There are two courtrooms in the city and the administration of justice is being crippled. Plans have been developed for an extension to the courthouse but it cannot go ahead unless the existing fire station is demolished and a new fire station constructed on a new site. That project does not

[Deputy Brian O'Shea.]

seem to be going ahead. The money is not available for the courthouse. We need joined-up thinking to consider what is needed and progress from that.

I also wish to draw attention to the reconfiguration of the south-east hospital services. This has major implications for services throughout the south east, for the future of the regional hospital and the range of regionalised services available. There is an urgent need for capital. Phase 1 of the development control plan at the hospital costs €60 million to provide for critical cancer care, hospice services and 100 additional beds. These projects are going nowhere under this Government. Another voice in the constituency would help to deal with the agenda. The four by-elections should take place. I endorse the comments of my colleague, Deputy Ciarán Lynch, to the effect that legislation should be introduced so that by-elections take place within three to six months after a vacancy is declared.

Deputy Caoimhghín Ó Caoláin: As soon as the High Court issued its judgment yesterday, Sinn Féin Deputies tabled a motion for the Ceann Comhairle to direct the Clerk of the Dail to issue his writ for the Donegal South-West by-election. That motion is before the House. A Government doing its democratic duty and abiding by the High Court direction would have indicated straight away that it would not oppose the motion and would allow the by-election to proceed.

I quote the judgment of Mr. Justice Kearns: "This applicant's case relates to the effects of delay on his right to be represented by the number of members laid down by law, and the right to equality of political representation" and "I conclude therefore that, by well settled principles of constitutional and statutory construction, section 39(2) of the Electoral Act, 1992 is to be construed as incorporating a requirement that the discretion reserved thereunder be exercised within a reasonable time." God bless the Tánaiste, I hope she will be fit to face the hustings.

Deputy Mary Coughlan: Not a bother, I have been training for it.

Deputy Caoimhghín Ó Caoláin: The judge stated that while he did not propose to make a declaration that the Government is obliged to set down and support the motion for the issue of the writ or, at least, not impede or oppose such a motion, he stated: "I would hope, however, that any clarification provided by this judgment would have that effect." The judge went further. He said that the court might in another case following on from this one take a more serious view "if any government [...] was seen by the courts to be acting in clear disregard of an applicant's constitutional rights in continually refusing over an unreasonable period of time to move the writ for a by-election." Let us make no mistake, what the Government has now decided to do in the case of the other three awaited by-elections is exactly what Mr. Justice Kearns could well have been referring to.

Deputy Arthur Morgan: Exactly.

Deputy Caoimhghín Ó Caoláin: The judge said the court could intervene in such a case. The Government should note that. The Green Party has so little confidence in its Fianna Fáil partners in Government that it lost no time in rushing to the media yesterday to state that the Donegal South-West by-election should be held as soon as possible. The Greens may now present themselves as the watchdogs who got Fianna Fáil to abide by the court decision. What does that say about Fianna Fáil and the Greens who failed to press for the holding of the by-elections and voted against the moving of the writ in Donegal South-West on no less than three occasions in this House?

We have a situation, with four by-elections now pending, where the Government's majority of three is less than the number of vacant Dáil seats. We can now dispense with the claim, repeated last night on a radio programme I shared with the Minister of State, Deputy

Mansergh, that it could not hold the by-election because it would have distracted the Government from the economy. That is nonsense. Is democracy and giving the people their rightful say a distraction? Taking that position is an insult to the people and to the electorate.

The Government should have held this by-election within a few months of the vacancy at most, in autumn 2009. It could have held it in early 2010, in spring 2010, in summer 2010, but no, it chose to delay and delay. It could have held the by-election when Senator Pearse Doherty first took the case. Again, no. It decided to fight the case all the way using taxpayers' money — something the Government intends to continue to do. Let there be no nonsense about this being a distraction or a drain on the Government at a crucial time. This by-election could have been out of the way long ago, and should have been. All the other delayed by-elections should now also take place and there should be no repeat of the continual deferment in order to suit the political decision of the Government of the day.

The Government has no mandate for what it has done and is doing in terms of the bank bailout, NAMA, the savage cuts and the doomed budgetary approach that is going to further depress the economy. It has been desperately trying to avoid any chance for the people to deliver their verdict, but deliver a verdict they will — in advance of the budget for 2011.

Senator Pearse Doherty deserves congratulation for taking this case as a representative citizen of the people of County Donegal. I take the opportunity to do so today in this Chamber. In July 2010, the Oireachtas Joint Committee on the Constitution, chaired by a member Fianna Fáil, recommended a change in the law to the effect that Dáil vacancies must be filled within six months. Recommendation 18 relates to the filling of casual vacancies in Dáil Éireann. It states that whenever a casual vacancy occurs in the membership of Dáil Éireann, legislation would require that a by-election be held to fill the vacancy within six months of the vacancy occurring. The findings of the Constitution Review Group in 1996 were quoted by the President of the High Court in his judgment that was delivered yesterday. It was proposed to change Article 16.7 of the Constitution so as to require the holding of a by-election within 90 days of the vacancy occurring. Instead of wasting more taxpayers' money in an appeal to the Supreme Court, the Government should implement the recommendations of these reports. It is clear that the appeal is an attempt to delay other by-elections taking place. I express a preference for the recommendations of the review group of 1996.

The Government claims to want to appeal this case in order to clarify the issues. That is nonsense. The issues could not be clearer. With due respect to the President of the High Court, Mr. Justice Kearns, his judgment is crystal clear. What line within the 53 pages does the Government not understand? The reality is that the Government wants to appeal the judgment in order to forestall citizens in Waterford and Dublin South from being able to express their position on the Government. It is ignoring their rights to be duly represented in this House in accordance with the number of seats provided for and in terms of their right to full participation in this Chamber, the same rights that were affirmed to Senator Pearse Doherty yesterday in the High Court.

The Government should proceed now, not only with the Donegal South-West by-election, but with those in Dublin South, Waterford and Donegal North-East. Sinn Féin concurs with other voices in the House that this should be the case. The fact that it has only been created earlier this week does not make a whit of difference. Let the political parties put forward their candidates and positions and let the people of County Donegal, north east and south west, decide. That is the challenge we are putting to Government today.

This is not about a Government limping to get across the finish line of a budget vote on 7 December. This is about the future of Ireland in the next five, ten, 15 and 20 years. This is about the future of our children. A Government with no mandate is about to impose not only a savage budget but also a four-year budgetary plan — an attempt to tie the hands of a future Government and rigidly set our economic direction, all before the people have the chance to

[Deputy Caoimhghín Ó Caoláin.]

give their verdict in a general election. What a tragedy that the Government has been facilitated in this by the so-called main Opposition parties, Fine Gael and Labour, who have joined the consensus for cuts and signed up for a deficit reduction of 3% by 2014 regardless of the consequences. Savage cuts have not turned the economy around in the past three years and they will not do so in the next four. We need a programme of economic stimulus, revenue saving and raising to address the deficit, the protection of people on low and middle incomes, the safeguarding of social supports and the preservation of essential public services. Instead the Government is set on a path of destruction destruction of the income of low to middle income families, demolition of essential public services such as health and education, removal of social supports and the deepening of the recession. Let us make no mistake about that.

No county in Ireland, including the counties of Cavan and Monaghan that I am proud to represent, has experienced more emigration than Donegal, both historically and in our time. Recently, when we in Sinn Féin spoke of making the wealthy pay their fair share in taxation, the Minister for Finance, Deputy Brian Lenihan, spoke of people “fleeing the jurisdiction” as a consequence of our proposals. That is rubbish. The gall of the Minister for Finance to make such an accusation to an Opposition party that is delivering real and viable alternative proposals. The Minister and this Government care little for the young people forced to leave this jurisdiction, wholly and solely because of the destruction this Government has inflicted on the economy, resulting in 450,000 people on the dole and a renewed exodus and emigration of young Irish men and women to the four corners of the globe. Shame on the Government and the Minister.

I am reminded of what Peadar O’Donnell, a Donegal man of great note, said when he challenged Mr. de Valera on the rate of emigration. Mr. de Valera asked O’Donnell whether people would be emigrating were he in power. O’Donnell replied that they would be, but that they would be different people. I do not necessarily want the members of the Government to emigrate.

Deputy Aengus Ó Snodaigh: Some of them.

Deputy Caoimhghín Ó Caoláin: Maybe some of them might like to consider it, but the overwhelming number of people, myself included, want them to — were Deputy Morgan present, he would say it bluntly — get the hell out of office.

Deputy Mary Coughlan: A very progressive policy.

Deputy Caoimhghín Ó Caoláin: This will be the affirmed message of the people when they get the opportunity to vote before the end of the month in Donegal South-West. When the general election finally comes, the clear decision of the people will be to tell the Government to get to hell out before it does any more damage.

Question put and agreed to.

Issue of Writ: Dublin South By-election

Deputy Emmet Stagg: I move:

That the Ceann Comhairle direct the Clerk of the Dáil to issue his writ for the election of a Member to fill the vacancy which has occurred in the membership of the present Dáil consequent on the resignation of George Lee, a Member for the constituency of Dublin South.

Question put:

The Dáil divided: Tá, 71; Níl, 76.

Tá

Allen, Bernard.
 Barrett, Seán.
 Behan, Joe.
 Breen, Pat.
 Broughan, Thomas P..
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Byrne, Catherine.
 Clune, Deirdre.
 Connaughton, Paul.
 Coonan, Noel J..
 Costello, Joe.
 Coveney, Simon.
 Crawford, Seymour.
 Creed, Michael.
 Creighton, Lucinda.
 D'Arcy, Michael.
 Deasy, John.
 Deenihan, Jimmy.
 Doyle, Andrew.
 Durkan, Bernard J..
 English, Damien.
 Enright, Olwyn.
 Feighan, Frank.
 Flanagan, Charles.
 Flanagan, Terence.
 Gilmore, Eamon.
 Hayes, Brian.
 Hayes, Tom.
 Hogan, Phil.
 Howlin, Brendan.
 Kehoe, Paul.
 Kenny, Enda.
 Lynch, Ciarán.
 Lynch, Kathleen.

McCormack, Pádraic.
 McEntee, Shane.
 McGinley, Dinny.
 McGrath, Finian.
 McHugh, Joe.
 McManus, Liz.
 Mitchell, Olivia.
 Morgan, Arthur.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Donnell, Kieran.
 O'Dowd, Fergus.
 O'Keefe, Jim.
 O'Mahony, John.
 O'Shea, Brian.
 O'Sullivan, Maureen.
 Penrose, Willie.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Reilly, James.
 Ring, Michael.
 Shatter, Alan.
 Sheahan, Tom.
 Sheehan, P.J..
 Sherlock, Seán.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Tuffy, Joanna.
 Upton, Mary.
 Varadkar, Leo.
 Wall, Jack.

Níl

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

Dooley, Timmy.
 Finneran, Michael.
 Fitzpatrick, Michael.
 Fleming, Seán.
 Flynn, Beverley.
 Gogarty, Paul.
 Gormley, John.
 Hanafin, Mary.
 Harney, Mary.
 Hoctor, Máire.
 Kelleher, Billy.
 Kelly, Peter.
 Kenneally, Brendan.
 Kennedy, Michael.
 Killeen, Tony.
 Kitt, Michael P..
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 Lowry, Michael.
 Mansergh, Martin.
 McEllistram, Thomas.
 McGrath, Mattie.
 McGrath, Michael.
 McGuinness, John.
 Moloney, John.

Níl—*continued*

Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M.J..
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Brien, Darragh.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donoghue, John.
 O'Flynn, Noel.
 O'Hanlon, Rory.
 O'Keeffe, Edward.

O'Rourke, Mary.
 O'Sullivan, Christy.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Sargent, Trevor.
 Scanlon, Eamon.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Mary.
 White, Mary Alexandra.
 Woods, Michael.

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

Question declared lost

Issue of Writ: Waterford By-election

Deputy Paul Kehoe: I move:

That the Ceann Comhairle direct the Clerk of the Dáil to issue his Writ for the election of a member to fill the vacancy which has occurred in the membership of the present Dáil consequent on the resignation of Deputy Martin Cullen, a Member for the constituency of Waterford.

Question put:

The Dáil divided: Tá, 72; Níl, 76.

Tá

Allen, Bernard.
 Barrett, Seán.
 Behan, Joe.
 Breen, Pat.
 Broughan, Thomas P..
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Byrne, Catherine.
 Carey, Joe.
 Clune, Deirdre.
 Connaughton, Paul.
 Coonan, Noel J..
 Costello, Joe.
 Coveney, Simon.
 Crawford, Seymour.
 Creed, Michael.
 Creighton, Lucinda.
 D'Arcy, Michael.
 Deasy, John.
 Deenihan, Jimmy.
 Doyle, Andrew.
 Durkan, Bernard J..
 English, Damien.
 Enright, Olwyn.
 Feighan, Frank.
 Flanagan, Charles.
 Flanagan, Terence.

Gilmore, Eamon.
 Hayes, Brian.
 Hayes, Tom.
 Hogan, Phil.
 Howlin, Brendan.
 Kehoe, Paul.
 Kenny, Enda.
 Lynch, Ciarán.
 Lynch, Kathleen.
 McCormack, Pádraic.
 McEntee, Shane.
 McGinley, Dinny.
 McGrath, Finian.
 McHugh, Joe.
 McManus, Liz.
 Mitchell, Olivia.
 Morgan, Arthur.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Donnell, Kieran.
 O'Dowd, Fergus.
 O'Keeffe, Jim.
 O'Mahony, John.
 O'Shea, Brian.
 O'Sullivan, Maureen.
 Penrose, Willie.

Tá—*continued*

Quinn, Ruairí.
 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.
 Varadkar, Leo.
 Wall, Jack.

Níl

Ahern, Bertie.
 Ahern, Dermot.
 Ahern, Michael.
 Ahern, Noel.
 Andrews, Barry.
 Andrews, Chris.
 Ardagh, Seán.
 Aylward, Bobby.
 Blaney, Niall.
 Brady, Áine.
 Brady, Cyprian.
 Brady, Johnny.
 Browne, John.
 Byrne, Thomas.
 Calleary, Dara.
 Carey, Pat.
 Collins, Niall.
 Conlon, Margaret.
 Connick, Seán.
 Coughlan, Mary.
 Cowen, Brian.
 Cregan, John.
 Cuffe, Ciarán.
 Curran, John.
 Dempsey, Noel.
 Devins, Jimmy.
 Dooley, Timmy.
 Finneran, Michael.
 Fitzpatrick, Michael.
 Fleming, Seán.
 Flynn, Beverley.
 Gogarty, Paul.
 Gormley, John.
 Hanafin, Mary.
 Harney, Mary.
 Hoctor, Máire.
 Kelleher, Billy.
 Kelly, Peter.

Kenneally, Brendan.
 Kennedy, Michael.
 Killeen, Tony.
 Kitt, Michael P..
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 Lowry, Michael.
 McEllistram, Thomas.
 McGrath, Mattie.
 McGrath, Michael.
 McGuinness, John.
 Mansergh, Martin.
 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'Keefe, Edward.
 O'Rourke, Mary.
 O'Sullivan, Christy.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Sargent, Trevor.
 Scanlon, Eamon.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Mary.
 White, Mary Alexandra.
 Woods, Michael.

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

Question declared lost

Issue of Writ: Donegal North-East By-election

Deputy Paul Kehoe: I move:

That the Ceann Comhairle direct the Clerk of the Dáil to issue his writ for the election of a Member to fill the vacancy which has occurred in the membership of the present Dáil

[Deputy Paul Kehoe.]

consequent on the resignation from Dáil Éireann of James McDaid, a Member for the constituency of Donegal North-East.

Question put:

The Dáil divided: Tá, 72; Níl, 76.

Tá

Allen, Bernard.
Barrett, Seán.
Behan, Joe.
Breen, Pat.
Broughan, Thomas P..
Bruton, Richard.
Burke, Ulick.
Burton, Joan.
Byrne, Catherine.
Carey, Joe.
Clune, Deirdre.
Connaughton, Paul.
Coonan, Noel J..
Costello, Joe.
Coveney, Simon.
Crawford, Seymour.
Creed, Michael.
Creighton, Lucinda.
D'Arcy, Michael.
Deasy, John.
Deenihan, Jimmy.
Doyle, Andrew.
Durkan, Bernard J..
English, Damien.
Enright, Olwyn.
Feighan, Frank.
Flanagan, Charles.
Flanagan, Terence.
Gilmore, Eamon.
Hayes, Brian.
Hayes, Tom.
Hogan, Phil.
Howlin, Brendan.
Kehoe, Paul.
Kenny, Enda.
Lynch, Ciarán.

Lynch, Kathleen.
McCormack, Pádraic.
McEntee, Shane.
McGinley, Dinny.
McGrath, Finian.
McHugh, Joe.
McManus, Liz.
Mitchell, Olivia.
Morgan, Arthur.
Neville, Dan.
Noonan, Michael.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Donnell, Kieran.
O'Dowd, Fergus.
O'Keeffe, Jim.
O'Mahony, John.
O'Shea, Brian.
O'Sullivan, Maureen.
Penrose, Willie.
Quinn, Ruairí.
Rabbitte, Pat.
Reilly, James.
Ring, Michael.
Shatter, Alan.
Sheahan, Tom.
Sheehan, P.J..
Sherlock, Seán.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Tuffy, Joanna.
Upton, Mary.
Varadkar, Leo.
Wall, Jack.

Níl

Ahern, Bertie.
Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Andrews, Chris.
Ardagh, Seán.
Aylward, Bobby.
Blaney, Niall.
Brady, Áine.
Brady, Cyprian.
Brady, Johnny.
Browne, John.
Byrne, Thomas.
Calleary, Dara.
Carey, Pat.
Collins, Niall.

Conlon, Margaret.
Connick, Seán.
Coughlan, Mary.
Cowen, Brian.
Cregan, John.
Cuffe, Ciarán.
Curran, John.
Dempsey, Noel.
Devins, Jimmy.
Dooley, Timmy.
Finneran, Michael.
Fitzpatrick, Michael.
Fleming, Seán.
Flynn, Beverley.
Gogarty, Paul.
Gormley, John.
Hanafin, Mary.

Níl—*continued*

Harney, Mary.	Ó Cuív, Éamon.
Hector, Máire.	Ó Fearghail, Seán.
Kelleher, Billy.	O'Brien, Darragh.
Kelly, Peter.	O'Connor, Charlie.
Kenneally, Brendan.	O'Dea, Willie.
Kennedy, Michael.	O'Donoghue, John.
Killeen, Tony.	O'Flynn, Noel.
Kitt, Michael P..	O'Hanlon, Rory.
Kitt, Tom.	O'Keeffe, Edward.
Lenihan, Brian.	O'Rourke, Mary.
Lenihan, Conor.	O'Sullivan, Christy.
Lowry, Michael.	Power, Peter.
McEllistram, Thomas.	Power, Seán.
McGrath, Mattie.	Roche, Dick.
McGrath, Michael.	Sargent, Trevor.
McGuinness, John.	Scanlon, Eamon.
Mansergh, Martin.	Smith, Brendan.
Moloney, John.	Treacy, Noel.
Moynihan, Michael.	Wallace, Mary.
Mulcahy, Michael.	White, Mary Alexandra.
Nolan, M.J..	Woods, Michael.

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

Question declared lost

Deputy Caoimhghín Ó Caoláin: A Cheann Comhairle, is it within the remit of the Minister for the Environment, Heritage and Local Government to advise the House before he disappears into the ether and we do not see him for some time, as to what date the Government now intends to proceed with the by-election for Donegal South-West? Would he so make that announcement here and now?

An Ceann Comhairle: We shall move on, Deputy.

Message from Select Committee

An Ceann Comhairle: The Select Committee on Health and Children has completed its consideration of the Nurses and Midwives Bill 2010 and has made amendments thereto.

Civil Law (Miscellaneous Provisions) Bill 2010: Order for Second Stage

Bill entitled an Act to amend the law relating to civil liability for acts of Good Samaritans, volunteers and volunteer organisations; to amend the Civil Legal Aid Act 1995; to amend the Private Security Services Act 2004; to amend the law relating to the sale of intoxicating liquor; to amend the Employment Equality Act 1998; to amend the Equal Status Act 2000; to amend the Bankruptcy Act 1988; to amend the Family Law (Maintenance of Spouses and Children) Act 1976, the Solicitors (Amendment) Act 1994, the Land and Conveyancing Law Reform Act 2009, the Statutory Declarations Act 1938 and the Domestic Violence Act 1996; and to provide for related matters.

Minister for Justice and Law Reform (Deputy Dermot Ahern): I move: "That Second Stage be taken now."

Question put and agreed to.

Civil Law (Miscellaneous Provisions) Bill 2010: Second Stage

Minister for Justice and Law Reform (Deputy Dermot Ahern): I move: “That the Bill be now read a Second Time.”

This Bill, entitled the Civil Law (Miscellaneous Provisions) Bill 2010 provides, as indicated in the Long Title, for amendment of existing legislation on civil legal aid, civil liability, private security services, intoxicating liquor, equality, bankruptcy, maintenance of spouses and children, solicitors, conveyancing, statutory declarations and domestic violence.

While many of the provisions in this type of Bill are technical only, there are important changes that will strengthen the law and make it more efficient and effective. The explanatory memorandum provided with the Bill on publication is detailed and will be of assistance to those Deputies wishing to familiarise themselves with the various provisions of the Bill that form, in total, as many as nine Parts.

I propose to comment on what might be regarded as the more important features of the Bill. I say that with some hesitation because the Bill is a response to a large number of inputs from a wide range of particular interests who have recommended or sought changes in the law. To mention just a few, it has involved the Legal Aid Board, the Courts Service, the Private Security Authority, the anti-human trafficking unit of my Department, the Law Reform Commission and other Departments. While each of the changes now provided are important in themselves, some changes will have a greater impact than others. What we call the Statute Book will, I think, be generally enhanced by the provisions in the Bill but better still, as I am sure Members will agree, is that the lives of people, the organisation of some agencies and the public interest will be better served.

Part 2 of the Bill gives statutory backing to allow the Legal Aid Board to provide legal advice in relation to criminal matters to alleged victims of human trafficking offences in connection with the trafficking or related offences and any related prosecution. The Legal Aid Board will be in a position to provide legal advice to victims of human trafficking all through the criminal justice process to ensure that the victim is fully protected and advised of his or her role as a witness. The amendment will enable full effect to be given the Council of Europe Convention on action against trafficking in human beings and to a UN protocol on trafficking in persons, in particular women and children. I arranged for the ratification of these instruments this summer, both of which are in operation in the State.

The Government takes seriously the crime of human trafficking. The Criminal Law (Human Trafficking) Act 2008 criminalises trafficking of persons for sexual or labour exploitation and provides for penalties of up to life imprisonment. The high level interdepartmental group on combating trafficking in human beings and a dedicated anti-human trafficking unit have been established in my Department to co-ordinate a comprehensive, holistic and whole of Government response to the issue of human trafficking. A national action plan to prevent and combat trafficking in human beings was published in June 2009. The plan provides the blueprint for the State’s response to this issue.

Once a potential victim comes to the attention of the competent authority, which for cases of human trafficking is the Garda National Immigration Bureau, GNIB, they are immediately offered access to a range of services. These include accommodation with the Reception and Integration Agency, RIA, medical and support services through a HSE care plan based on their individual needs and legal services provided by the Legal Aid Board. On enforcement, the Garda Síochána has identified trafficking in human beings as one of its priorities in the annual policing plan and has established a human trafficking investigation and co-ordination unit in the Garda National Immigration Bureau. There is a dedicated website — *www.blueb-*

lindfold.gov.ie - and a hotline number and an e-mail address to which people can report any suspicions of human trafficking to the Garda Síochána.

Part 3 of the Bill is a response to those in voluntary groups or organisations who have asked for more clarity in the law in regard to persons who act in good faith as Good Samaritans to provide assistance in the event of an accident or emergency and where persons volunteer to provide care, advice or assistance to others. Voluntary activity is, of course, essential in any society. It is important that the law should, as far as possible, protect those who are committed to making a positive difference in the communities in which they live and work. The new provisions are framed on the basis of recommendations from the Law Reform Commission which was asked by the then Attorney General — the late and very esteemed Rory Brady — to consider the civil liability of those Good Samaritans who intervene to assist and help an injured person. I am glad to be in a position now to implement the recommendations of the commission albeit with some technical and legal changes. The new law will mean that protection is provided from liability for persons involved in voluntary work for charitable or other purposes for the benefit of society, including sports, recreation and rescue. While the Bill sets out an ordinary standard of care for volunteer organisations, provision is also made for account to be taken of the benefit accruing to society as a result of the organisation's work in determining whether it is just and reasonable to impose liability. To achieve balance in the law, volunteers will be required to act in a way that does not contribute to gross negligence, while the volunteer organisation with whom they operate will be held to the higher standard of ordinary negligence.

In this regard, I acknowledge the initiative of Deputies Timmins and Flanagan in sponsoring a Private Members' Bill on the matter. I think that they will agree that the provisions that I have brought forward will meet in full their concerns in this area.

The amendments contained in Part 4 of the Bill, again many of them quite technical in nature, will result in the strengthening of the capacity of the Private Security Authority, PSA, in areas such as licensing and enforcement and will enable it to keep up to date in an evolving industry dealing with ongoing technological advances. The PSA has brought about a significant and welcome transformation of the security industry over the past few years. There are in addition many acknowledged positive benefits for the industry itself, the wider business community and the public alike, including a reduction in the potential for criminal activity.

On the basis of experience of operation of the PSA over the past number of years, it has become clear that its effectiveness can be improved by the changes provided for in the Bill. The amendments provide for improvements to the licensing process of the authority, including technical changes to certain aspects of the renewal procedures and the ability to grant a temporary licence in particular circumstances. The expansion of the authority's powers to request information, in the case of a contractor, from a wider group of individuals than is currently the case will augment further what are already very substantial gains to the State arising from tax certification and other compliance measures brought about through the licensing process.

Security services are the subject of change owing to advances in technology and it is important that the legislation underpinning the authority takes this into account. The amendments of the Private Security Services Act provided for in Part 4 of the Bill help to update the Act. They will also facilitate changes in the fee structure of the Private Security Authority. Provision is made to allow the authority to appoint persons, in addition to its own staff, to be an inspector and so give the authority the ability to contract in outside inspectors, if necessary. A useful new provision is that the authority will be in a position to issue a temporary licence to an applicant who is a new entrant to the industry for a period not exceeding six months, during which the applicant can prove he or she has the necessary competence to perform the security services in question. The authority may, in exceptional circumstances, extend the

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temporary licence for a further three month period, if necessary. I am also making provision to allow the authority to recover, through the fees charged, as much of the expenses incurred in running it as it considers appropriate.

Part 5 of the Bill makes provision for statutory backing for codes of conduct in relation to the sale and supply of intoxicating liquor. This is an important provision which is designed to encourage voluntary compliance with licensing law provisions by licensees generally, or categories of licensees, and will complement the Garda's overall enforcement programme. It forms part, therefore, of the Government's strategy to continue to combat alcohol-related harm in our society. Deputies may recall that during discussions leading up to enactment of the Intoxicating Liquor Act 2008 I was asked by representative bodies in the mixed trading sector to consider the possibility of a voluntary code of practice as an alternative to the statutory provisions requiring structural separation of alcohol products in mixed trading outlets such as supermarkets and convenience stores. I agreed to this subject to agreement on the terms of such a code and independent verification of compliance with it.

The code of practice for the mixed trading sector was subsequently agreed and the sector appointed Mr. Pádraic White as chairperson of a new body, Responsible Retailing of Alcohol in Ireland, RRAI, to oversee its implementation. He submitted his first compliance report last autumn which showed that considerable progress had been made in the code's first year of operation. I am expecting submission of the 2010 report shortly. The purpose of section 14 is to give codes of practice, which have been entered into voluntarily by licence holders, quasi-legal status. It provides that while non-compliance with such a code will not be an offence and, therefore, will not attract a fine or other such penalty, non-compliance will constitute a ground upon which an objection to renewal of the licence concerned can be made. This will help to ensure that licensees implement the terms of any codes to which they have signed up and will give the Garda an instrument to promote compliance.

This section will permit the drawing up and implementation of voluntary codes to cover areas of licensing law but also areas such as the advertising and marketing of alcohol products and staff training, which are not covered by the licensing code.

I want to stress that such codes will not replace but will rather complement statutory provisions. They will not reduce enforcement of the law but rather assist in promoting compliance. Licensees who commit offences under licensing law will continue to be prosecuted by the gardaí in our courts if offences are committed.

The Bill, in Part 6, provides for a small number of amendments to the Equality Acts. These amendments are intended to improve the efficiency and user friendliness of the Equality Tribunal in handling complaints and to take into account legal decisions at both national and EU level. I have agreed with my colleague, the Minister for Community, Equality and Gaeltacht Affairs, to incorporate the amendments in this Bill so that the legislative changes can be effected at an early date.

The amendments provide that the tribunal may, where appropriate, deal with cases on the basis of written submissions alone; state a case to the High Court and avoid further litigation by way of appeal; in situations where mediation has failed, the deadline for application for resumption of the hearing is extended; and the maximum amount that may be awarded in employment equality cases is increased to two years' remuneration or €40,000, whichever is greater, to provide for greater redress in situations of low-paid employment. This is designed to align the text of national law more closely with European Union equality directives. The Bill, in Part 7, will provide for certain limited amendments to the current Bankruptcy Act 1988. I have already indicated to the House on a number of occasions that I will give early attention

to the final report of the Law Reform Commission on Personal Debt Management and Debt Enforcement, which is expected in the near future.

Current Irish personal insolvency law, in the opinion of Government and the commission, is in need of comprehensive reform. The Bankruptcy Act 1988 is inappropriate to meet the needs of our modern social and economic conditions. The commission, in its interim report of May 2010, recommended that, as a modest stepping stone towards more comprehensive reform of bankruptcy, the period for application to the court for discharge for bankrupt persons be reduced from 12 years to six years. It has been stated that such a reduction may have limited effect because even after a six year period has expired, further obstacles exist to the debtor's discharge, that is, payment in full of all expenses, fees and costs of the bankruptcy, as well as all preferential payments — primarily to the Revenue Commissioners — before a discharge can be obtained. As these costs and preferential debts will often amount to very large sums, in the majority of cases a debtor will be unable to meet these amounts at any stage and therefore they may remain bankrupt indefinitely. Nevertheless, the change I am making will assist those who may be in a position to meet their liabilities and, therefore, re-engage in economic activity in society.

I am providing, for the first time in Irish law, for the automatic discharge of bankruptcies on the 20th anniversary of the adjudication order in these cases. This will assist in the discharge of long-term bankrupt persons and will allow the official assignee in bankruptcy to put closure in his office on what are called legacy bankruptcies that clog up the bankruptcy system.

Part 8 of the Bill addresses difficulties which have arisen consequent on the judgment of the High Court in the McCann case of 2009 concerning the modalities of enforcement of orders for the recovery of civil debt. In that judgment, the High Court found that the Enforcement of Court Orders Act 1940 lacked a number of necessary safeguards in circumstances where a person is at risk of imprisonment. Following this judgment, the Enforcement of Court Orders (Amendment) Act 2009 inserted a series of amendments designed to protect debtors and impose obligations on the creditor. However, this has given rise, unfortunately, to difficulty in some family law cases in regard to the payment of maintenance arrears by spouses on foot of court orders. A number of Deputies on both sides of the House have raised issues in regard to that in recent months.

The purpose of the amendment I am now proposing to the Family Law (Maintenance of Spouses and Children) Act 1976 is to de-couple family law maintenance debt from civil debt in general. The proposed amendment to the law is based on the premise that a court has already deliberated in setting an appropriate level of maintenance and that if the debtor breaches that order without a significant change in his or her circumstances, that breach will constitute contempt of court and can be punished by imprisonment. As these are civil contempt proceedings, both the creditor and debtor will be entitled, subject to the usual criteria, to civil legal aid under the existing provisions of the Civil Legal Aid Act 1995.

In Part 9 I am amending, among other matters, the Domestic Violence Act 1996 to allow a person to apply for a safety order against a person with whom he or she had a child in common, including where the couple concerned do not live together or have never lived together. The occasion of access to children can be difficult and safety issues can arise. Making safety orders available to the court in such circumstances will provide a remedy for the parties who are in need of protection. Breach of such orders will be an offence under the Act of 1996.

I am indebted to the wide range of interests who have helped to inform and shape policy in this area. The citation of the Bill, as a miscellaneous provisions Bill, is one that inevitably suggests it will operate as a magnet for all kinds of reforms and I know there are interests who will want even further changes in the law on this occasion. I am giving consideration to further

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requests, particularly from the Courts Service, to improve on court procedures to improve access to the courts and make them more efficient. I will, therefore, table amendments at later Stages of the Bill and will seek the co-operation of the House in this exercise.

I commend the Bill to the House.

Deputy Alan Shatter: I welcome the fact that this Bill is before the House and that we are discussing it. As the Minister correctly stated, the Bill addresses a broad range of different issues, some of which have been waiting in the wings for some time to be addressed. The Bill is a disappointment, however, because there is a broad range of other issues with regard to civil law that have been ignored for too long and which this Bill provides a useful vehicle to use to have those issues addressed. I welcome the Minister's statement in his concluding comments that he may bring further matters of relevance before the House that could be included in the Bill and I would hope, in that context and in that state of mind, the Minister will also support proposals from this side of the House to address issues that have been ignored for too long and that this Bill could properly address also.

I want to first deal with some of the issues that arise specifically under the Bill and one or two difficulties, and then make reference to some of the areas that could be addressed that the Bill currently ignores. Fine Gael will also bring forward amendments to the provisions in the Bill.

I will begin by welcoming the provisions in the Bill to provide legal aid and legal assistance to the victims of human trafficking. That is a welcome provision and the sooner it is put in place, the better. The Minister made reference to the issue of good samaritans, which is an issue that has been addressed in the past by colleagues of mine, and the Minister made reference to that, and an issue for which we require new legal provision. The provisions contained in the Bill provide a good basis for starting to address the issue but some changes are required in the Bill to ensure it is adequately addressed.

In that context I draw the Minister's attention to a submission on the Bill, which I presume he has received, from the Irish Heart Foundation detailing a series of amendments it believes would improve the Bill and would ensure that those who provide good samaritan assistance to people in substantial difficulty have available to them the protections to which they are entitled.

In that context I draw the Minister's attention to one particular aspect of the provision contained in the Bill. The current definition of "volunteer" in the Bill states: "'volunteer' means a person who does voluntary work that is authorised by a volunteer organisation and does so without expectation of payment (other than reasonable reimbursement for expenses actually incurred) or other reward;". The Irish Heart Foundation would like clarification on what "authorised by a volunteer organisation" means and what that would mean for the liability of individuals who are trained as first responders by the Irish Heart Foundation or by trainers who receive their training from the Irish Heart Foundation.

This is an issue that goes even beyond that to which the Irish Heart Foundation is referring. There will be people who come to the assistance of others who are trained and have an expertise in a particular area, but are we talking about expertise acquired within the State or outside it? There are many such issues. The Irish Heart Foundation has proposed an amended definition for the concept of volunteer: "a 'volunteer' is an individual who, without any expectation of payment or other financial reward, agrees to provide assistance, advice or care ... and includes an individual who does so under the auspices of a volunteer undertaking". It is important that anyone who acts in good faith in an emergency has proper protection from civil liability.

The definition of “emergency” in the Bill also gives rise to some difficulty. Emergencies are said to include “circumstances arising in connection with an actual or apprehended accident”. I agree with an amendment suggested by the Irish Heart Foundation, namely, to include in the definition “other circumstance of serious and imminent danger”. There are circumstances in which there may be serious and imminent danger but which do not necessarily arise from an accident. There are some issues that could be addressed constructively on Committee Stage to improve the provisions of the Bill in this area.

The Bill touches on the area of bankruptcy. From what the Minister had to say, I understand that in addressing the issue of bankruptcy he is awaiting the final report of the Law Reform Commission. My Fine Gael colleague, Deputy Deirdre Clune, will be addressing the issue of bankruptcy in some detail. This Bill is a lost opportunity. In the context of the current catastrophic economic climate, there are many decent, ordinary people who are self-employed or involved in small businesses and are finding themselves, through no fault of their own, in major financial difficulties. Their businesses have collapsed or contracted, or, as a consequence of the economic collapse, they have been left in substantial debt because those to whom they provided services or products simply have not paid them or have gone into liquidation.

We need a fundamental and radical overhaul of our bankruptcy legislation. We have the working paper from the Law Reform Commission, and I know there is a promise of final recommendations. I am conscious, however, that such reports often gather dust on shelves for years. In the current economic climate, there is a need to do a good deal more with regard to reforming our bankruptcy laws. There are a number of particular issues, but we have to ensure, for example, that those people — particularly bankers — who have not only brought down the economy but, because of their greed, borrowed insane sums of money on the security of properties whose values could never be maintained, are not allowed to return to their old ways. We must ensure that people who have behaved with gross incompetence are not allowed with ease to involve themselves independently in business matters. Everything possible must be done to ensure that debts incurred are discharged. The same applies to the greed of some developers and construction companies, but not to all. There are some small construction companies in this country that did their work with great responsibility and would not feature among the legions of the rich and avaricious who thought they could simply make a bet on bits of land in Dublin and elsewhere and that, within a period of months, their money would be doubled or tripled because of their simple engagement with it.

We must ensure that those who have behaved irresponsibly and caused the State damage, who are in enormous debt and who have, through their irresponsibility, brought down other people in the business community who were behaving responsibly and running decent businesses, are not allowed to return with ease to the economy as independent operators. However, there are thousands of people who are now confronted with the possibility of bankruptcy and, even if their companies are small, have gone guarantor for debts they will never meet. They now have no choice but to be rendered bankrupt, if not by way of a voluntary bankruptcy then by those to whom they owe money. There are people who need to be given an opportunity to rebuild their lives. Our bankruptcy laws are harsher than those of most countries in Europe and certainly than those in the UK and the USA. We need to give people who, through no fault of their own, ran businesses that collapsed because of the catastrophic economic difficulties for which this Government is substantially responsible the opportunity to rebuild their lives, return to the marketplace, and create jobs for themselves and others. Many have the talent to do it. Many successful companies, including global companies, are run by people who suffered bankruptcy in their early business years but have been able to rebuild their lives.

What the Minister is doing in this Bill is not adequate. This is an emergency issue in the context of the economic climate in which we are living. It is not an issue in respect of which

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we have the luxury of allowing the Law Reform Commission to publish a report, followed by two or three years of debate and consideration and then perhaps some reforming legislation. I ask the Minister to give this issue further consideration before Committee Stage. As I said, my colleague Deputy Clune will address this further.

The way the Minister has dealt with the issue of maintenance enforcement can be best described as gross negligence. The Minister is familiar with and made reference to the court judgment which created major difficulties with the Enforcement of Court Orders Act 1940. He sought to address those difficulties in a Bill that went through the House in 2009, but it failed utterly to address the difficulties in the area of family law. At District Court level, many orders are made for the support of spouses or children, some for children born outside marriage. Where a person fails to comply with such an order and is in employment, the facility of an attachment of earnings order is available. However, if he or she is self-employed, or is not in employment but has an income, perhaps from rental property, an attachment of earnings order does not work. I have come across such cases frequently. Support payment orders are made, for example, for children, and some people have failed to make those payments. For what is now the best part of 16 or 17 months, there has been no legal mechanism for enforcing those orders.

Orders made by the District Court in this regard have proved to be of no weight whatsoever, and no legal redress is available in circumstances in which those against whom the orders are made decide to renege on their legal obligations. There are dependent wives and mothers of children across the length and breadth of the country who cannot understand how the legal system has left them in those circumstances. This issue should have been addressed by way of an emergency measure through this House and passed within 24 hours. I am concerned that by the time we work our way through Committee Stage and Report Stage of the Bill and deal with all the other issues that may need to be addressed, these orders will not be enforceable until well into the new year. I ask the Minister to remove the maintenance enforcement provision from this Bill and introduce a separate Bill on that issue next week. My party will support its emergency passage within 24 hours of its publication, provided it addresses the issue correctly. This is an urgent emergency issue for families and needs to be given that level of attention.

Primarily in the case of estranged spouses, we are allowing recalcitrant husbands and unmarried fathers, who have abandoned their children, a free pass to avoid meeting court obligations and making maintenance payments. That is undermining public confidence in the administration of justice and showing contempt for the operation of our courts system with regard to maintenance payments in the family law area. It has thrown spouses and unmarried mothers onto social welfare dependence and resulted in taxpayers' money having to be spent in circumstances in which they do not wish to be so dependent, and we have allowed husbands and fathers off scot free. It is simply not good enough.

The amendment in the Bill is also not good enough for a particular technical reason I wish to draw to the House's attention. Under the law as exists if there is a failure to make maintenance support payments, the total facility within the District Court is to recoup six months' arrears of payments. Where there are 14, 15, 16 or 17 months' arrears if we introduce a new legislative provision now, a free pass may be given to those who have not made payments since June 2009, a free pass for a large portion of that period of time. That issue needs to be better addressed and dealt with and should have been addressed with far greater speed.

Under the section amending the Domestic Violence Act 1996, the Minister correctly stated that the Bill provides that a person may apply for a safety order against a person with whom he or she had a child in common, including where the couple concerned do not live together

or never lived together. I understand the Minister's objective is that in circumstances where a child has been born outside marriage and there are arrangements for a spouse — more often the father than the mother — to have access to the child, if incidents of violence or threatened violence occur on the part of the father directed towards the mother, she should be able to secure a safety order which means that if the father either when exercising access or on any other occasion threatens the mother, he is subject to arrest and can be prosecuted under the Domestic Violence Act.

While I fully support that provision, which is a long overdue amendment to the Domestic Violence Act, why is the amendment so minimalistic? If a mother is bringing up a child, regardless of whether she cohabited with the father, and if the father poses a threat to her, why should she only be entitled to obtain a safety order, which is merely designed to stop someone from threatening someone else? If they are not living together, should she not be entitled to get a barring order? If she is living in her own rental property, owns her property or is living with her parents and the father of her child is a violent individual, who has previously assaulted her or threatened her with assault, or if the father is an alcoholic or drug addict and his conduct while under the influence poses a threat, why should she only be entitled to a safety order? Why would we not extend the option of a barring order in those circumstances?

Let us take it a step further. We know there are small numbers of people in this State as in every other country who make people's lives misery by stalking them. We know on occasions when people enter into brief relationships one party may discover the person with whom he or she enters the relationship has a personality problem of some description, may then break off that relationship and become a victim of stalking. Why should a person being stalked not be entitled to seek a safety order or a barring order to stop that individual from coming near him or her? Why should we not allow in those circumstances, when such a safety or barring order has been obtained, allow the Garda Síochána to use the power of arrest to prevent an individual continuing such conduct?

I do not understand why barring orders, which have proved very useful and helpful in the family law area, cannot be extended in this way. There is no constitutional difficulty with it, indeed there is a constitutional obligation on the State with regard to the individual's right of bodily integrity. There is no party political problem and this is an issue of common sense. I suggest that in the future deliberation in which the Minister will engage with regard to the provisions contained in the Bill, he give further consideration to the extension of barring orders to these sorts of circumstances.

I am conscious that we only very recently dealt with the Civil Partnership Act and it has not yet come into force. When will the Minister make the various ministerial orders to make it operative? I have concerns that the provisions in that Act relating to the extension of the domestic violence legislation in certain circumstances are also inadequate. The Women's Aid group has made suggestions for further amendments to ensure that vulnerable individuals are protected in circumstances where they are the victims of violence, threatened with violence or their safety is otherwise threatened. I believe this legislation is an appropriate vehicle to address that issue and on Committee Stage the Fine Gael Party will table amendments in this regard.

I want to touch on some other areas this Bill does not address. I have already mentioned the issue of stalking that could be better addressed in civil law than it is at present. I also want to deal with another area that has been talked about for some time, an area addressed by the Westminster Parliament in the Damages Act 1996, which is the area of civil law relating to the awarding of damages in civil cases, particularly in circumstances where people have suffered catastrophic injury as a consequence of medical or other forms of negligence. This particularly

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relates to people who are put in a position where they will need care for the rest of their lives and may suffer profound intellectual and-or physical disability.

At present our courts when dealing with civil cases in that area can only award capital payments by way of damages. We have no legal structure to provide a different approach. Since 1996 it has been part of English law as it is part of the law in a number of other common law jurisdictions that provision can be made for what are known as structured settlements. Essentially, provision can also be made by the court. If there is not a structured settlement, the court, itself, instead of ordering a lump-sum capital payment can make orders for periodical payments, which are designed to ensure that as someone who suffered very serious injury is getting older and going through life the payments made are adequate to meet their needs and on occasions if there is some fundamental change of circumstances arising from the original injury, those payments can be revisited and if necessary changed or increased.

Under the terms of the English legislation in this area, there is specific provision for the making of periodical payments, which means the courts do not always have to try to definitively guess. For example, where a child has been born with catastrophic difficulties as a consequence of medical negligence in circumstances relating to the child's birth or where a young child suffers catastrophic injury, for example, in a car crash, the courts are frequently placed in a position where they have to estimate how long the person may live, how their injuries will affect them, not just through childhood but through adulthood; what their needs will be, what particular accommodation will they require and what nursing assistance will they need. The courts have to make decisions about a broad range of issues and guess decades into the future.

There is a real public need and interest in providing a broader discretionary approach for the courts. Provision should be made for periodical payments. In the vast majority of instances, these matters result in payments by insurance companies and we should make provision for structured settlements.

I refer to the definition of a "structured settlement" in the UK Damages Act 1996 because this definition is used in Northern Ireland and in the United Kingdom where there is similar legal provision. Section 5(1) states:

“. . . a structured settlement" means an agreement settling a claim or action for damages for personal injury on terms whereby—

(a) the damages are to consist wholly or partly of periodical payments; and

(b) the person to whom the payments are to be made is to receive them as the annuitant under one or more annuities purchased for him by the person against whom the claim or action is brought or, if he is insured against the claim, by his insurer.

The UK Act could be readily adapted to make provision for structured settlements in our law. The Judiciary has called for it. A recent case was settled in the High Court on the basis of a structured settlement being agreed and the matter being left for mention in court based on a hope or a belief that this Parliament would enact legislation to provide the legal foundation for the structured settlement. There is no sign of such legislation. This Civil Law (Miscellaneous Provisions) Bill provides a very useful legal vehicle to allow for that.

In the context of civil litigation generally, it is my personal belief — and this belief is developing across the community — that a great deal could be saved by way of litigation and legal costs, a great deal of court time could be saved and a great deal of the State's money could be saved in circumstances in which an in-court civil mediation service would be available to resolve civil liability disputes at an earlier stage. I believe the State should do this and this

fundamental change should be put in place by the Courts Service. In-court mediation services should be available at all court levels because it would save the State substantial money in legal costs, the costs of the Judiciary and the costs of the administration of justice. This needs to be done and I ask the Minister to address this issue. With regard to structured settlements, I remind the Minister that the State Claims Agency, which operates under the aegis of the National Treasury Management Agency, has called for a law to provide for such settlements and that call, for some reason, has been ignored.

Another civil law matter, which is almost a curiosity item, is of some importance. Under the Civil Liability and Courts Act 2004, various bodies can be prescribed as bodies in respect of whom judgments or court documents in *in camera* proceedings can be made available. We have an anomaly here. The Minister has made an order with regard to this Act designating various bodies as entitled to have access to documentation but curiously, if proceedings are brought in the European Court of Human Rights, the court in Strasbourg has not been designated a prescribed body under section 40(7)(b) of the Act. That could create a difficulty in that court properly dealing with claims under the European Convention on Human Rights arising out of family law proceedings. That matter should be urgently dealt with.

The final issue the Minister might want to give consideration to is one of the peculiar anomalies in our law. When it comes to judicial appointments, one has to be a barrister or solicitor of ten or 12 years' standing to be appointed to the High Court. If one occupies various other judicial positions, one can be promoted from them to the High Court or the Supreme Court. However, one of the curiosities is if someone is appointed to be Master of the High Court, whether he or she is a barrister or solicitor — usually he or she is a barrister — their term serving as Master of the High Court, even if they had been a member of the Bar Library for 20 or 30 years, does not regard them as continuing either to be practising as a barrister nor does that judicial position allow them ever to be promoted from Master of the High Court to a judicial position in any other court.

This is an odd anomaly in the law. I am not making a plea on behalf of any particular Master of the High Court — there is only one at the moment and I am not trying to special plea on his behalf. However, if that position is respected as a judicial position, it is quite odd that someone who has been an eminent member of the legal profession, sufficiently eminent to be appointed to that position, should, as a consequence of such appointment, be disqualified from any other judicial appointment in the State. That is something the Minister might look at.

Deputy Pat Rabbitte: I welcome a number of aspects of the Bill but I am bound to say that I have reservations about the new fashion in the Department of Justice and Law Reform for omnibus Bills that include the kitchen sink. It is difficult to see any rationale for throwing together legislative amendments on bankruptcy, domestic violence and private security services. I welcome the provisions for enforcement of maintenance orders but, again, it is difficult to detect any affinity between amending the law on good samaritans and human trafficking. This “round the house and mind the dresser” approach to legislating must be driving practitioners crazy. Just as it is often puzzling as to how and why certain issues are thrown in under “miscellaneous”, it is also a mystery as to why even more pressing matters are excluded or passed over.

I do not suppose anybody opposes legislative protection being provided for good samaritans. The term “Good Samaritan” is defined in the Bill as “any person who intervenes to provide assistance advice or care to another person in an emergency.”

Our law on bankruptcy is out of date and unsuitable to modern conditions. “Bankruptcy” is a dirty word in Irish society, which is understandable at a time some prominent figures, who have done society serious harm, are using bankruptcy to evade their responsibilities or limit their liabilities. However, the vagaries of business in present economic circumstances have

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often forced people into bankruptcy and there is little they can do to avoid it. To wait 12 years in Ireland to be discharged from bankruptcy as compared to 12 months in the neighbouring jurisdiction seems difficult to justify. To wait 12 years in Ireland to be discharged from bankruptcy, compared with 12 months in the neighbouring jurisdiction, seems difficult to justify.

At the moment victims of human trafficking do not have legal standing in Ireland. During enactment of the 2008 Criminal Law (Human Trafficking) Act, I argued for the inclusion of a period of recovery and reflection but that section, I am advised, appears to be invoked only for the purposes of assisting gardaí in an investigation or prosecution of cases arising in connection with human trafficking. This legislation will permit the Legal Aid Board to give legal advice to victims or alleged victims of human trafficking. It seems that in this regard, legal advice does not include legal representation.

Amending the Private Securities Act of 2004 in this Bill seems especially odd. That Act established the Private Security Authority, one of the principal functions of which is the controlling and supervising of persons providing security services and maintaining and improving standards in the provision of those services. The Minister will be aware that I am one of a number of Deputies who have been attempting to persuade him to make plain in any revision of the legislation that a person convicted of a criminal offence or a person who has made a settlement with the Criminal Assets Bureau is automatically disqualified from holding a security licence. I will return to this presently.

I look forward to hearing from the Minister the importance inherent in what seems a very modest measure to enable him to promulgate a code of practice on licensing matters. Does the definition apply to off-licences? It is plain off-licences are included as well.

The amendment to the Domestic Violence Act 1996 seems no wider than the taking into account of legislation since enacted and in particular the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010. The qualifying period for cohabitation will now be six months in aggregate during the nine months immediately preceding application to the court.

Members of the House will have encountered a growing problem concerning the non-payment of maintenance sums by errant spouses despite the court having made a maintenance order. I have made representations to the Minister on this issue and I welcome the measure he is bringing forward here. We cannot continue to imprison people for routine offences but neither can a blind eye be turned to defaulters in such a serious matter, especially when children are dependent on the contents of the maintenance order being enforced. The importance of this Bill seems to be the distinction drawn between those who cannot pay maintenance and those who calculate they can get away without paying.

The Bill also contains a number of technical amendments to our equality legislation designed to align our domestic law more closely with EU equality directives.

I must confess that I was unaware until relatively recently that there is no legal protection for good Samaritans who go to the aid of others. This Bill now proposes a legislative shield for such actions provided such acts are not grossly negligent. Volunteers are included in the same manner, although the Law Reform Commission draws a qualitative difference between good Samaritans who stumble across a person seemingly in need of assistance and volunteers who are members of voluntary rescue organisations such as the RNLI and mountain rescue teams. The good Samaritan may have no training and may be ill-equipped. On the other hand, members of a rescue organisation are persons who are both trained and equipped and have a reasonable expectation that they will be placed in a situation where rescue skills are required of them. To my knowledge nobody has ever been sued on common law principles of negligence and I do not know that there is any high probability of this changing.

Nonetheless, the Attorney General requested the Law Reform Commission to make recommendations for reform of the law on good Samaritans. In fact the Attorney General's reference was prompted by a Private Members' Bill, introduced by Deputy Timmins, although his reference was considerably broader than the scope of Fine Gael's 2005 Bill and addressed issues of volunteer rescuers, such as mountain rescue teams, and whether there should be a duty to rescue imposed on citizens generally or on medical practitioners, nurses, police and so on.

In paragraph 3.101 of its 350 page report, the LRC admitted:

A memorandum prepared in 2003 by experienced counsel for the Pre-Hospital Emergency Care Council (PHECC), the State body with responsibility for standards in pre-hospital emergency medical services, expressed the view that it was unlikely that liability would be imposed in practice. Indeed, the Commission is not aware of any litigation taken against a Good Samaritan or volunteer in this State, and it concurs with the general view expressed in that memorandum, in particular having regard to the social utility of the conduct involved, which would form an important element of the application of the "just and reasonable" element of the negligence principles currently applicable in Ireland.

Although included as part of the Attorney General's terms of reference, the LRC did not recommend extending a general duty to intervene on medical personnel, off-duty specialists or any other class of people. I presume that in the case of medical personnel, there is a professional duty to comply with. The omission concluded that the extension of such a duty would be inappropriate. Neither is there a duty to intervene included in the Bill. It is worth noting, however, that the professional standards of regulated professions, where the power of regulation itself derives from statute, may well impose such an obligation. For example, the Medical Council's Guide to Professional Conduct and Ethics states, in section 11:

You should provide care in emergencies unless you are satisfied that alternative arrangements have been made. You should also consider what assistance you can safely give in the event of a major incident, a road traffic accident, fire, drowning or other similar occurrences.

Whatever about the track record, organisations concerned with volunteering are welcoming of the effort to bring legal certainty to the question of civil liability of first responders. For example, there have been references in the debate to the submission made to us by the Irish Heart Foundation. While welcoming the principle of the Bill in this regard, the foundation advocates a number of amendments that I hope we can tease out on Committee Stage.

I return to the sections of the Bill dealing with the private security services. The Minister for Justice and Law Reform, Deputy Ahern, is aware that a number of Deputies have raised with him questions about the sort of person deemed fit and proper to get a security licence and that these questions were prompted by a particular tragedy in my constituency.

This particularly shameful crime is still being investigated by the Garda Síochána. I do not have any knowledge about who may have been responsible. However, I have had it forcibly drawn to my attention that, as the law stands, a person may be awarded a private security licence, even if that person is the subject of an active investigation by, for example, the Criminal Assets Bureau. The question raised with me was how can any person who has agreed a settlement with the CAB be granted a private security licence. Section 22(3)(b)(i) of the Private Security Services Act 2004 states:

That any director, manager, secretary or other similar officer of the body corporate or any person purporting to act in that capacity is not a fit and proper person to hold such a position in a body corporate which is providing a security service.

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In the definition contained in section 2(1)(c) of “director” includes “any person in accordance with whose directions or instructions the directors of the body corporate are accustomed to act, unless the directors are accustomed so to act by reason only that they do so on advice given by the person in a professional capacity”. To me, that covers a shadow director. For example, a person can own a body corporate, not be a director of it but still call the shots.

The Minister is aware Deputies on this side of the House have raised this matter with him. The introduction of this legislation provides an opportunity for us to address this issue. If the existing law of establishing how a person is deemed fit and proper to be awarded such a licence is defective and holes in it have been exposed, this Bill provides an opportunity to correct it. Will the Minister indicate if he will accept an amendment in that regard on Committee Stage?

The Bill provides measures to make legal advice available to victims of human trafficking. The trafficking of persons for the purposes of sexual or labour exploitation is an enormous global problem. To the surprise of many people, it is a bigger problem in this jurisdiction than we have been led to believe. We discussed this at some length during the passage of the Criminal Law (Human Trafficking) Act 2008 which was to bring us into compliance with our international responsibilities in this regard. In this Bill, the Minister acknowledges victims of human trafficking do not have automatic legal status in Ireland, even when acting as witnesses in a criminal prosecution. Provision will now be made for legal advice to be given to them through the Legal Aid Board’s refugee legal service.

Legal advice, however, does not mean legal representation. The Immigrant Council of Ireland stated:

Presently, the Immigrant Council of Ireland is concerned that legal aid for victims of human trafficking will be confined to legal advice only and will not include legal representation on matters related to non-prosecution, compensation for victims and various immigration applications, which all require actions on behalf of a legal representative. At present, the provision of legal representation for victims of trafficking acting as witnesses for the prosecution only arises in situations in which the individual is being questioned in regard to their past sexual history. The Immigrant Council of Ireland is of the opinion that this limitation deems the legal support to victims of trafficking insufficient.

The Free Legal Aid Centre has expressed a similar view. I welcome the Minister’s decision that legal advice would be available in the circumstances proscribed. However, notwithstanding that we know this is a wider problem in society than we originally thought, the provision’s cover of cases and costs will still be limited. I would have thought an unfortunate human being, usually of a young age, trafficked to this country for purposes of exploitation is in need of whatever assistance she — it is usually a woman — can get.

With the Bill’s bankruptcy provisions, the Minister has gone for the most minimalist solution to what is, unfortunately, becoming a larger problem every day. Bankruptcy is seen as a dirty word in society at the moment. This is mainly due to headline stories and the media drawing attention to high-profile figures using bankruptcy to evade their responsibilities. Beneath the media radar, there are a great many people who find themselves in such circumstances. How can we justify a 12-year term before such a person can be discharged? The Bill’s digest, helpfully prepared for us by the Library service, refers to three different commentaries on this from Forfás, the Money Advice and Budgeting Service, MABS, and the Irish Property Council.

The remarks of the Property Council of Ireland can be anticipated precisely in the terms as expressed there, and people can attach what weight they will to them. I attach more weight to the Forfás document “Making it Happen — Growing Enterprise for Ireland”. That publication

draws our attention to the fact that it made recommendations, as did the Law Reform Commission, for a more fundamental and complete reform of the bankruptcy laws.

Forfás obviously feels that the Bill's recommendations do not go far enough. The document states:

The current bankruptcy laws, specifically the Bankruptcy Act of 1988, are more severe than similar laws elsewhere — for example, the UK — and may be contributing to a fear of failure and thus impeding potential entrepreneurs. For example, under existing laws, anyone who becomes bankrupt in Ireland faces a 12-year waiting period to be discharged from bankruptcy, compared with just 12 months in the UK. The current provisions outlined in the Bill, however, would still not bring Irish law into line with other jurisdictions.

Notwithstanding the routine, typical Government statement — and we all have to be respectful on occasions — I am not sure there is any great objective evidence that we are a nation of entrepreneurs. A far more compelling case can be made that we produce good teachers, lawyers and civil servants, but entrepreneurs are scarce enough. If one leaves out the category of person who wants to use the bankruptcy laws to evade his or her liabilities, to impose an obligation on such entrepreneurs as we have, that they may not be discharged as a bankrupt for a period of 12 years, is obviously unconscionable given the current state of the economy. As to why the Minister has selected six years, I presume he will come back to it on Committee Stage if not in his reply to Second Stage.

Deputy Dermot Ahern: The Law Reform Commission suggested it.

Deputy Pat Rabbitte: I thought the Law Reform Commission recommended four years.

Deputy Dermot Ahern: No.

Deputy Pat Rabbitte: I stand corrected, but six years still seems to me to be an unconscionably long time. At the moment, the Minister is driving people to take up temporary addresses in Britain where they are declaring themselves bankrupt. They will then be back in this jurisdiction in 12 months. On balance, I think that six years is still a long time.

I referred to MABS, the Money Advice and Budgeting Service, which would come at it from an entirely different point of view in terms of the consumer. MABS has been quite cautious in its response to this Bill. It says the processes and costs are still the same, while the time period is still long by international comparison. MABS stated that it would still not recommend it as an option for the people it is dealing with, some 70% of whom are on social welfare. I was surprised at the figures that MABS adduced. It said that there were only eight bankruptcies in Ireland in 2008, rising to 17 in 2009. MABS says that is still quite low given the level of debt in the country. I am afraid to say that the figure for 2010 will be seriously in excess of that.

The Law Reform Commission recommends a far more fundamental overhaul of the law in this area than is in the Bill. I do not know if the Minister will do the preparatory work, so that his successor can bring forward the Bill as early as possible next year, if the Minister is having a well-earned rest on the Opposition backbenches at that time.

Deputy Dermot Ahern: The Deputy is very confident.

Deputy Pat Rabbitte: The Minister should not take up a Front Bench role because he has been overworked in this area in recent years.

I wish to say a final word on the capacity of the intoxicating liquor legislation to promulgate codes. All my constituents want to know, and I am sure it is the same throughout the country,

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is what difference will this Bill make. We still have the problem of some off-licences and supermarkets selling alcohol to under age persons. The alcohol thus sold exacerbates anti-social activity in the area. We have steered away from any tracking mechanism to trace it back to the particular outlet which sold it. Will the codes the Minister envisages promulgating make it easier to deal with this phenomenon? That is the only issue in the minds of residents who are tortured by this activity, which is undoubtedly going on regularly, especially in the summer months. I know that the Minister is seeking to address the wider phenomenon of alcohol abuse in our society, but I would like to hear him comment on that particular aspect.

Deputy Joe Carey: I welcome this Bill, which has been presented by the Minister today. I propose to speak on just one element of the proposed legislation. While welcome, the reform of the Bankruptcy Act 1988 — whereby the period of bankruptcy is to be reduced from 12 years to six years, as per the terms of this Bill — is really just tokenism. Deputy Rabbitte has already referred to that matter, which is a minimalistic solution to a real problem we are encountering in this country. The proposed reform is insignificant and ultimately does little to deal with the enormous problem coming down the tracks for this or any future Government.

In recent weeks, we have had much debate in the House on our budgetary position. Recovery is predicated on achieving a deficit figure of 3% of GDP by 2014. Economic growth, however sluggish, is factored into our calculations.

At this stage, NAMA is in operation dealing with enormous property loans. The banks have been recapitalised on the basis of NAMA and we have had three fiscally adjusting budgets. The issue of personal debt and the ability to repay is one of the most significant pressures now facing this country, especially young families and individuals.

The fact that we are a modern consumer society with a dependency on credit, means it is critical for us to establish a principles-based system allowing for debt resolution in a way that limits the overall costs to society. In essence this means a modernisation of our bankruptcy laws. The element contained in this legislation dealing with the issue is far too little at this point in time.

The moral hazard issue concerning debt is valid, even though it has not been applied to our banks. Nonetheless, we cannot allow debt in itself to become all consuming, as it has the potential to do, because of our particular Irish set of personal debt circumstances as they stand. We must create the correct balance between the rights and obligations of creditors' expectations of repayment and debtors' ability to pay. Debt forgiveness or structured write-downs must be earned. There can be no suggestion of a free lunch or allowing for free riders. Abuse of any reformed system should be dealt with in a more stringent manner than that which might exist prior to the adoption or availing of any proposed system. I would prefer the Minister to bring such legislation before the House.

The Government's most significant input to deal with Irish indebtedness has been the reform of bankruptcy laws. On the surface and in a very limited way a small element of this Bill begins this process by reducing the period from 12 to six years. However the Minister and his Government must acknowledge that their handling of the economy during the past three years has been abysmal. Every decision has been reactive and tardy in its introduction. The Government must not make the same mistake on this issue. Now is the time to introduce proper and far-reaching legislation on personal indebtedness, not when the crisis reaches its inevitable crescendo. It is clear that the budgetary decisions to be taken by the State over the coming years will exacerbate the problem. The Government must not allow itself to be placed in a hopelessly reactive position, as is commonplace now.

Work on the issue of debt in Ireland has been reactive in nature, taking place generally when an individual is already over-indebted. This must change. Only two countries in Europe function without personal debt management legislation, namely, Ireland and Greece. This suggests something. This legislation does not fundamentally reform and update the Bankruptcy Act 1988. The fact that there were only eight bankruptcies in Ireland in 2008 rising to 17 in 2009 does not accurately reflect the level of debt and pressure in the country.

The process of examinership and debt write-down is only for the wealthy, since we operate a court-based system with High Court costs in the region of tens of thousands of euro per day. Ireland must introduce a system of non-judicial debt settlement for Irish people and SMEs such as the individual voluntary arrangement, IVA, system in operation in the UK, pitched to operate at a level from €50,000.

In 1995, Ireland had a household debt — including mortgages — to disposable income ratio of 48%. By 2008, this had risen to 176%, an increase of almost 270%. This rise is significantly higher than for other countries where similar comparative data exist. I have before me an analysis of this comparison supplied by Goodbody Stockbrokers. It sets out the difference in the household debt to disposable income ratio. In the UK in 1995, the ratio was 106% and increased to 173% in 2008, representing a 63% increase. In France in 1995, the ratio was 66% and increased to 72% in 2008, representing a 9% increase. In Spain in 1995, the ratio was 59% and increased to 130% in 2008, representing a 120% increase. In Canada in 1995, the ratio was 103% and increased to 130% in 2008, representing a 26% increase. This illustrates the real problem Ireland has with indebtedness.

MABS has published interesting statistics dealing with the period between 2008 and 2009. Analysis shows that from 2008 to 2009, levels of debt among MABS clients increased across most debt types. Personal loans with financial institutions, utilities and credit cards form the largest proportion of debt. Four types of debt experienced increases of more than 70% between 2008 and 2009. These include sub-prime at 82.5%, overdraft at 75.4%, hire purchase loans at 72.1% and catalogue at 70.8%. The necessity for people to prioritise their debt, especially secured debt over unsecured debt, may result in debt with the highest interest rates being paid last. This may mean that it will take longer overall to exit from debt.

In Ireland, there is a lack of formal insolvency schemes and the current bankruptcy system is unsuitable for a majority of current debtors. By contrast, there are personal insolvency options in England, Wales and the USA. We must address this shortcoming as quickly as possible. The Central Bank estimates that non-mortgage related debt amounts to 18% of all debt in Ireland. Total household debt, including mortgages, stands at €147 billion, implying personal debt of approximately €27 billion. One must expect that some of this debt, such as the debt that has been dealt with by NAMA, must once again be addressed on the banks' balance sheets. The same data from the Central Bank indicates that during the past two years the levels of outstanding debt decreased in six of the nine types of debt to credit institutions. Only overdrafts, other loans and securities and credit cards increased from 2008 to 2010. This is interesting for two reasons. All of these types of debt involve higher rates of interest and remain to be paid after the mortgage because of fear of loss of home or eviction and after utilities debt because of fear of disconnection. All of this underlies the point that the Government must deal with the problem of personal debt immediately.

The Law Reform Commission and the Mortgage Arrears and Personal Debt Review Group Task Force among others are deliberating on the issue. The small amendment to the Bankruptcy Act 1988 contained in this legislation, while welcome, is merely window dressing. The Government must act more aggressively on this issue to counter the significant problem it, no doubt, will become in future.

Deputy Deirdre Clune: I am grateful for the opportunity to speak to this Bill. It is a pity so many varied items are contained in this omnibus style legislation. This miscellaneous provisions Bill covers some important issues and areas which probably should have been dealt with individually. Nonetheless, I wish to speak to three areas. One section deals with changes to the Intoxicating Liquor Acts. The Bill proposes that a code of conduct should be prepared for practices with regard to licensing matters surrounding alcohol, setting standards for the display, sale, supply, advertising, promotion and marketing of the intoxicating liquor.

The issue of the price of alcohol has been brought to my attention a good deal in the past year. I realise this may be more related to the Groceries Order but I call on the Minister to consider the introduction of a floor below which alcohol cannot be sold. Let us consider the advertising in the newspapers every day and especially on Sundays. All the supermarkets take out pages of advertising especially for alcohol at prices with which off-licences cannot compete. However, that is not the issue. The fact is this is contributing to a good deal of excessive drinking at home. I acknowledge there is an issue with the cost of alcohol in licensed premises, which is a deterrent. However, the price at which alcohol is made available by the crate is a problem. Let us consider some of the details. Bottles of beer cost 75 cent and cans of beer cost 50 cent. I would like the Minister to take that on board. It may not be related to the Minister's Department and alcohol was not specifically referred to in the groceries order but it is a growing problem.

I welcome the amendments to the Family Law (Maintenance of Spouses and Children) Act. Many constituents have brought this to my attention. Emergency legislation was passed in July 2009, which allowed those responsible for maintenance orders and who should have been paying them by direction of the court could avoid this. From speaking to the clerk of the District Court, I understand this is because the threat of jail was removed. Those obliged to pay maintenance ignored their obligations and the court orders. This proposal will decouple maintenance debt from civil debt. I know the history surrounding the McCann judgment. Hopefully this proposal will work. Many people, particularly women, find maintenance payments due to them are being ignored by those who should be paying them. District courts are trying to help but I understand there is no means of getting back the money if one ignores one's obligations for over 26 weeks. The cases I am dealing with date to July 2009, which is some 17 months ago and considerably in excess of the 26 weeks. Where do they stand in respect of the money owed to them?

The previous two speakers have addressed the bankruptcy and the reforms needed in this area. The provisions in this Bill are a token nod in the direction of reducing the period for which a person is declared bankrupt from 12 years to six years. That does not go far enough and I am supported in that view by the Forfás report published in September entitled Making it Happen — Growing Enterprise for Ireland. The report is critical of this proposal and suggests our laws are more severe than elsewhere, particularly the UK, and contribute to a fear of failure. In some cases, a bankrupt can be discharged in the UK within 12 months. We should have a debate on this because we do not want people declaring themselves bankrupt and returning into the community while creditors cannot get the money that can and should be paid to them. We need reform, particularly if we are to develop an enterprise culture in this country. The laws are a disincentive to starting up a business.

We have seen great turmoil in our country in the past number of years. The recession has been longer and more severe than in many of our European neighbours. The increase in unemployment, the slashing of Government capital investment and the near collapse of our banking system has resulted in many companies going out of business. Research recently published shows 42% of companies applying for funding from banks were refused credit. We have had a debate in this House on numerous occasions. These factors are having a devastating effect on

business, particularly small and medium-sized firms. This year was the toughest yet for Irish business, with a total of 1,132 businesses closing their doors permanently from January to the end of September. This compares to 1,000 businesses in the same period the year before and 488 in 2008. The recession has created an unprecedented economic climate, where viable businesses are being squeezed out of existence. These failures are not necessarily related to recklessness on the part of the entrepreneur or business person, but are a reflection of the tough economic times brought about by decades of economic mismanagement.

Fine Gael wants to create an enterprise economy and a vision characterised by many elements to develop a new culture of innovation and enterprise, whereby entrepreneurs will be supported and encouraged rather than having economists and accountants dictate how we operate. Perhaps we should use the terms “job creators” or “self-starters” instead of entrepreneurs. We need to foster a culture of responsible risk-taking and we need to overhaul our bankruptcy laws. If people are declared bankrupt, they should not be pariahs. If they fail at their first venture, they should be given the opportunity to work with their creditors to work through the debts so that their energy, commitment and can-do attitude is available to society.

We know why many businesses go out of business. When making contributions to this debate, we should make a distinction between those who cannot pay and those who will not pay, those who have been reckless and those who have been responsible. We must be big enough to stand up for this distinction and not to back away from the debate because of the headlines about those declaring themselves bankrupt in other jurisdictions. Those people may have a case to answer under corporate law but my contribution focuses on the debt difficulties of an entrepreneur.

Personal insolvency laws can act as a form of limited liability but not in this country. Individuals who are aware that their business failure may not result in a life sentence of indebtedness are more likely to take risks and start new business ventures, which is essential for the growth of this economy and the generation of employment. The safety net of insolvency procedures is shown to encourage entrepreneurial activity. This view is supported by the Law Reform Commission, which identifies research showing that bankruptcy law has a significant impact on the level of self-employment in the economy. Bankruptcy laws are a more important contributory factor to high levels of self-employment or start-ups than other factors such as GDP growth. We do not want to encourage investment in inefficient business ventures. The important thing is that people are encouraged to take risks and develop indigenous business while being offered reasonable protection from the State when things go wrong. Starting a company, whether a shop or a tech company, involves taking risks such as committing to a lease, refurbishing premises or committing to employing staff. People are willing to do it and have done it before but small and medium-sized enterprises have little protection from the State when things go wrong.

We must consider small and medium-sized enterprises. For larger companies, there is the examinership process or they can go to the High Court and seek protection under the examinership system. However, examinership can be lengthy and expensive from a legal point of view. The legislation is intricate. The courts are not an option available to many small and medium enterprises. Examinership is the only realistic option for companies. It was introduced in the Companies (Amendment) Act 1990. The process could cost anywhere from €20,000 to €50,000. Practitioners with insolvency practices who are dealing with companies in trouble are finding that the examinership process is not available to everyone.

We should look to other jurisdictions, especially the United Kingdom which has a system whereby a company can enter into a commercial voluntary arrangement. A legally binding agreement can be drawn up between the directors of a company and their creditors which is certified by an insolvency professional. The benefit of such an arrangement is that it protects

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the debtor from interest charges and the threat of enforcement during the period but it is also an opportunity for creditors to get money due to them in a speedier fashion. In some cases creditors may never get their money.

A voluntary arrangement for companies or individuals should be considered. The system in the United Kingdom seems to work well. Under the model, the function of a court is limited to a supervisory role. The experience in the United Kingdom is that the voluntary arrangements are implemented for a fraction of the cost of the examinership application.

We are in a changed environment. We speak a great deal in the House about encouraging the indigenous economy and small and medium enterprises but we seem to do little to support them to survive in the real world. Bankruptcy and insolvency have a stigma attached. We need to get away from that mentality. I was interested to see the founders of Bebo and Facebook on “The Late Late Show” on Friday last. The person who set up the successful website Bebo had three failures before he achieved success with a business operation. One learns not from one’s mistakes but from one’s failures. In the United States one always has a second-chance opportunity. It is disappointing that the proposals in the Bill are so limited.

Let us recognise that people are willing to take chances. The State needs people to do so because the start-ups and opportunities in which they are involved will create employment and reignite the economy. If we continue with the same old negative, archaic bankruptcy laws we are not creating the type of environment in which enterprises can survive. We must look to other jurisdictions. We do not need to reinvent the wheel. We should look at what our neighbours and those further afield are doing and what works. We need to walk the walk in terms of creating an entrepreneurial and enterprise economy that supports start-ups and individuals who are willing to take risks.

Deputy John Perry: I am pleased to speak on this important Bill. I concur with what Deputy Clune said about the bankruptcy laws, having a second chance and the difficulties that arise for many businesses. It is clear when one compares the regulations in this country to those in the United Kingdom that it is unfair that people are not given a second opportunity.

It is said that small companies are the backbone of the economy. A total of 80,000 companies employ 800,000 people. Many viable businesses are closing at present due to the lack of working capital. It is unfortunate that a business can be closed for the want of a small amount of money. Staying in business or not surviving can be determined by the inflexibility of a bank to provide working capital. It is important we bear that in mind in terms of the regulation of the banking sector, the bank guarantee scheme and the State guaranteed loans for viable businesses. It is a pity the Government did not introduce this model of facility as it would safeguard and possibly eliminate the likelihood of bankruptcy and insolvency. Up to 30 companies a week are going out of business. Despite the best intentions in the past two years the situation has been compounded. The best of companies have been affected. When a company becomes bankrupt or insolvent that has a significant impact on families and communities. People find it very hard to accept.

We must encourage an entrepreneurial spirit in the economy so that people can develop enterprises. We must ensure people are self-sufficient so that they can create their own jobs. The main emphasis by the State is on Enterprise Ireland and IDA companies that employ 270,000 people. All the economists talk about direct employment, which we very much welcome, but the total employment they provide is 270,000 jobs compared to approximately 800,000 people employed by 77,000 micro and small companies who work 40-hour weekends and get little or no support. Such companies have been dealing with the economies of scale employed by banks in recent years which reduced the risk and gave out the most money to the

least number of people. That approach meant their case files were considerably smaller and they were taking few investment risks.

Bankruptcy is a frightening word that goes back to the foundation of the State. It is a generational issue. It affects a person's ability to maintain his or her business and their pride in what they do. It also has an impact on the community. The last thing one wants is to have that term attached to one's business. Reform of the bankruptcy laws is long overdue. The bankruptcy focus has tended to highlight the big names of the banking and corporate world for whom little sympathy is evoked. Such people are guilty of reckless trading.

One must also consider investments by general practitioners, local business people, dentists and other small companies that bought a second property at the height of the boom based on the perception that everything was going fine and the economy was booming. Such people are now in negative equity and the banks are no longer giving out money. When one has no credit or no confidence, it is difficult to operate. People find it difficult to get credit. In addition, people are spending less due to the depressed economy.

It does not seem fair that people who are now bankrupt are also restricted for up to 12 years. The corresponding period in the United Kingdom is one year. When it is certified that a person has done his or her best to maintain a business we should offer them a second chance to restart. Subject to certain statutory obligations people could be given a second chance. The aim should be to punish those who have made grave mistakes with knock-on effects nationally. We must ensure that we assist ordinary people who face the prospect of bankruptcy. It is important to recognise the potential re-start of many small businesses. In the current climate it is a daunting prospect, and a lengthy and complicated procedure. The reform of our bankruptcy laws is urgently needed. It is very important that in the case of non-fraudulent bankruptcy, entrepreneurs should get a second chance and should be treated on an equal footing as companies starting for the first time.

The fear of bankruptcy and the extent to which it is punished means that Ireland loses some great entrepreneurs to the dread of failure, and it limits the risk takers at a small level also, not just on a grand scale. We must ensure there are still incentives for small companies to be created and not to be restricted by fear before they get off the mark. When I look at business regulation and the ten reasons why one should not go into business I have great respect for those who take the risk and who employ people. We should applaud such people.

If we are to kickstart Ireland's economy, we must revert to the small acorn. We must recognise people with potential and encourage enterprise and people with ideas in third level colleges. We should give them working capital to develop their ideas instead of putting them on aeroplanes to Australia or Canada. We should encourage people who have excelled in business to set up mentoring programmes.

Of the three critical supports for business, the Government has played its part in respect of the first, namely, bailing out the banks to the tune of billions of euro. One would imagine that the next step would be to have the banks support small companies, which would in turn retain jobs. However, the number of job losses has been significant because of the inability of companies to retain jobs. We must make it easier to employ people, cut down on the amount of red tape and retain and encourage existing companies. We should ask companies in every county how we can help them to hold onto their ten or so jobs. The current situation makes no sense. For example, an employer with 20 employees takes the risk of those employees in terms of PRSI. Instead of making the employer pay the full employer's contribution, we should provide a subsidy on the condition that he or she retain those 20 jobs on the basis of a 39-hour week as opposed to dropping them to a 24-hour week. It is a pity that people are not being given an

[Deputy John Perry.]

incentive to hold on to jobs by reducing the amount they must contribute in employer's PRSI. Even that gesture would save many jobs in small companies.

Micro-companies receive little or no support. The emphasis has been on IDA-based companies. As the Minister of State knows from his region and as a businessman, an employer of ten people has a sizable responsibility to pay staff on time. The State has an obligation to recognise small enterprise. The backbone of our economy is constituted by the 80,000 firms that employ up to 800,000 people. We must develop laws to work with them.

Where innovation, research and development and entrepreneurial spirit are concerned, the banking sector has failed to deal adequately with the difficulties being faced by small companies. In the past two years, we have heard about nothing except bonds and the preservation of the banking sector. The latter is important but there is a question of rights and responsibilities. The banks received their due recognition from the Government, since the taxpayer has addressed, in terms of a bailout, the significant mistakes and bad judgments made by many bankers. NAMA's cost of €50 billion has removed that €50 billion from the economy, and with it any incentive to go on.

As alluded to by Deputy Clune, the issue of intoxicating liquor is important. In terms of public health, the problem of alcohol addiction is appalling. People are not going to licensed premises, but to off-licences. Between now and Christmas, the main supermarkets will have page after page in newspapers promoting the sale of below-cost alcohol. The current control of alcohol situation is unfortunate. Below-cost selling of alcohol should not be allowed, as those sales incentivise people to drink. For example, bottles of Powers Whiskey are being sold for €5 less than they cost. That amounts to €60 below cost per case. Cases of lager can be bought for €15. The amount of alcohol that can be bought for €50 is considerable and, in terms of the number of road fatalities, a major concern.

We are discussing public health awareness and preventative measures. This is a significant public health issue and we have a profound responsibility in this area. Licensees have a responsibility, but the Government of the day must ensure it has a strategy to promote compliance with licensing laws and to combat alcohol-related harm. If one wants to combat that harm, first on the list should be a ban on below-cost selling. It is the single greatest issue. Laws at the level of the retailer are being clearly established, but what we are discussing is the Government's duty. The new Government in the UK has examined related anti-social problems. In every housing estate, people can buy cases of lager.

I have observed the related anti-social behaviour. One may point to the buying of alcohol in pubs, but a new element has been introduced and the level of alcohol consumption has quadrupled. Even in these recessionary times, people's intake of alcohol has increased dramatically. Retailers have a moral obligation not to promote the sale of alcohol at below cost. From now until Christmas, the main promotions in newspapers will be page after page of below-cost alcohol. Enough is enough.

The explanatory memorandum states: "The proposal forms part of the Government's strategy to promote compliance with licensing law and to combat alcohol-related harm." Every retailer must comply with licensing law. Section 14 provides that the Minister for Justice and Law Reform or another body may prepare a code of conduct. This code is "for the purpose of setting standards for the display, sale, supply, advertising, promotion or marketing of intoxicating liquor". This is a far-reaching provision. What is meant by it? A voluntary code would not be good enough. Under the code, the Minister must have regard to:

- (a) the need to reduce the risk of a threat to public order arising from the excessive consumption of intoxicating liquor,

- (b) the health-related risks arising from the consumption of alcohol to an excessive extent,
- (c) in the case of advertising, promotion or marketing of intoxicating liquor referred to in *subsection (2)*, whether or not or to what extent such advertising, promotion or marketing is intended or likely to encourage the consumption of intoxicating liquor to an excessive extent.

This sounds well and I agree with it, but what plans does the Minister have to deal with these important health and public order risks? The only way to do it is by controlling the price. It is time that we address the matter of large supermarkets selling a case of 12 bottles at €60 below cost in promotions.

I welcome the amendment to the law on the civil liability of good samaritans. Deputy Timmins has discussed this issue many times and introduced a Private Members' Bill many years ago. It was visionary thinking, as it is important that the civil liability of good samaritans, volunteers and voluntary organisations be placed on a statutory footing and to provide legal clarity for persons who assist in an accident or emergency and those who engage in voluntary work for the benefit of society. The Bill includes a definition of a good Samaritan as a person who provides assistance, advice or care to another person in an emergency and without expectation of payment or other reward. The purpose of the Bill is to protect from liability those who go to the assistance of others who may be ill or injured as a result of an accident or other emergency. This Bill is designed to provide certainty in this legal grey area. A person who volunteers to assist others in need or in emergencies should have clear and specific legal protection. Society must send a clear message to those who choose to act in an emergency and this Bill provides that message. It must be safer and more rewarding to act in emergency situations than to do nothing. The law must send a clear signal that persons who act responsibly in emergencies will receive statutory protection.

I ask the Minister to extend the provisions of this Bill to include liability protection where persons take preventive action in the public interest. The present definition of a good Samaritan as a person who provides assistance, advice or care to another person does not adequately address the situation where a public-spirited citizen takes action in an emergency situation in a preventive capacity. To illustrate this need I refer to a recent experience in which an anti-social young person or persons moved a line of protective cones away from a construction trench along the side of a road to the middle of the road. The direct effect of this action was to force a two-way flow of traffic into a much reduced traffic space, resulting in an increased probability of a serious traffic accident.

In this situation, a local resident called the gardaí and then had to wait for council workers to come out and restore the traffic cones to their correct place. The resident considered moving the cones to the correct place but as it was early on a Sunday morning and traffic was light, and being in what he considered a legal grey area, he decided to wait. There are many emergency situations where a person has not yet suffered injury but a real and immediate possibility exists that personal injury will occur if urgent preventive action is not taken. The Bill should be amended to give good citizen protection to a person taking preventive action where there is real and immediate risk but no personal injury has yet occurred. In that area, the Bill is very welcome. These issues have been discussed in the House for many years and I am delighted to speak on the subject.

The Intoxicating Liquor Act went through many changes. The obligation and responsibility of the licensee are very important. However, the duty of care of the Government applies in public health concerns and in the area of preventive medicine. We all see billions being spent on the health budget but very little is spent on public health awareness. There is an obligation

[Deputy John Perry.]

concerning sale of alcohol to minors; it is a big responsibility. There used to be a way of dealing with that but the responsibility lies in preventing the sale of alcohol to minors.

I hope the Minister will take this on board and deal decisively with it. In his health portfolio, the Minister of State, Deputy Moloney, will be aware of concerns about the under-cost sale of alcohol. We can talk about ways of controlling consumption of alcohol and concerns thereof. There has been a significant closure of licensed premises. People would be far better off going out for a social drink than buying cheap alcohol. One can buy a case of alcohol or a bottle of vodka for about €25. It would be better to encourage people to enjoy a social scene and not take the option of alcohol sold at a massive reduction or in under-cost sales. These actions are taken only to hold market share.

I am delighted the Minister of State is present because I know he recognises the role of small companies and people who create employment. Equally, he recognises the situation, being a licensee and knowing the difficulties encountered in the trade with discounts and sales. A common sense approach is needed in the good Samaritan Bill. I hope the Minister of State will implement the Government's intention in the area of under-cost sales. When the below-cost sales ban was removed the intention was to reduce prices considerably. That did not happen and the opposite has occurred. A great incentive was given to multiples which can buy at massive discount and have their own way to manipulate the system to ensure they have below-cost alcohol.

An Ceann Comhairle: Deputy Durkan has 20 minutes.

Deputy Bernard J. Durkan: Twenty whole minutes, I thank the Ceann Comhairle. I am glad to have an opportunity to speak on this Bill which contains much material that affects the everyday life of people in this country, in both the commercial and the personal areas, and may have wider implications than we think. The purpose, according to the explanatory memorandum, is "to introduce amendments to the Civil Legal Aid Act of 1995 to allow the Legal Aid Board give legal advice in relation to criminal matters to alleged victims of human trafficking".

There are various forms of human trafficking. We believe that in times of economic recession such as the one in which we now live a greater danger exists that in a series of areas people may find themselves in a vulnerable position and, due to lack of resources, cannot afford to obtain various forms of legal advice that might be available to them. In order to ensure their rights and entitlements are maintained under the law they have a right to legal aid. It is appropriate this should be given, as in this Bill.

The Bill will cover a wide variety of situations. I am not certain whether the Minister of State is fully aware of the fairly substantial wider implications. The Bill will be called on to a much greater extent than is thought possible. The funding resources required because of the Bill will be much greater than anticipated at present. I say this because enormous backlogs already exist in regard to legal aid. There is difficulty even in trying to obtain an appointment. Along with the Bill there must be some recognition of the fact that the present system is totally clogged up. There is a requirement for the provision of some rules or regulations to speed up the process and to try to ensure the people who have an urgent need to have recourse to legal aid will be able to do so much more quickly than appears possible at present.

The Bill also aims to amend the law relating to civil liability for acts of good Samaritans and volunteer organisations, as has been mentioned by several Members. It is sad, a sign of the times and of developments in society that are not of a positive nature, that a person who volunteers to assist somebody could find himself or herself liable. There have been numerous such cases. It is sad that in some cases some people have become so mercenary as to use that

kind of situation for their own benefit, exploiting the public concern of the good Samaritan. This situation is when a person sees something going wrong and decides to intervene.

That is a wider issue than people might assume at first sight. It is not always a case of a person rescuing another person, or interfering in a positive way to assist for a charitable purpose, or whatever. There have been numerous instances throughout the country where a concerned citizen has intervened in what appears to be a situation of civil disorder or general nuisance-causing in the context of social misbehaviour. We have come to know that by a different name nowadays because it is referred to as anti-social behaviour. In any event, there have been cases where people have been severely incapacitated as a result of becoming involved in such a situation. I am sure other Members of the House have met and dealt with such situations. When one sees the scars that may have to be carried by a victim for the rest of his or her life from some of this more serious antisocial behaviour, it is a timely reminder that provision must be made to safeguard the rights, entitlements and indemnification of a person who might intervene in such a positive fashion.

The Bill also proposes to introduce support for codes of practice on the sale of alcohol. I do not know whether this legislation will improve or amend the situation at all, but there are some serious problems with substance abuse in Ireland at present. This has become particularly evident with the closure of a number of pubs in the country, with the discouragement — for valid reasons — of people travelling to licensed premises for social purposes. There has been a growth in unsupervised house parties, with no bar staff or anybody to tell people they have had enough or ask them whether they have a home to go to.

The old social norms have been replaced by endless drinking, where there is no control whatsoever. As other speakers have said, this is fed by cut price drink that is freely available throughout the country. I cannot see this as being in any way beneficial to society. Worse still, it has caused serious social problems in many cases, often culminating in injury or worse. Whatever else is being proposed, in the context of this Bill, that needs to be looked at again, with a view to finding out what may be done to ensure that such situations are recognised.

Amendments are proposed as regards strengthening the provisions of the Private Security Services Act 2004 in relation to the licensing, enforcement and collection of fees. That is an issue about which I have tried to elicit some information in this House over the years, without success. I tabled a question to the Minister recently about the quality and ordering of security services, with particular reference to intruder systems. The Minister replied to the effect that this was a matter for the service providers. Clearly, it is not. Some standards and code of practice must apply to those who are involved in the very sensitive business of security systems installation, obviously. If a person has a security system attached to a house, factory, institution or whatever, and three or four days later the premises are broken into, he or she would be justified in asking serious questions.

I discovered something following a number of queries that arose in my constituency. Reputable people, including institutions, are providing intruder systems which are not reliable, and this is clearly known in advance by potential intruders. Members of the public only find out when they have become the victims of theft, or a break-in. The extent of the knowledge concerning defects in the system is well known throughout the security industry. For some unknown reason, Ministers past and present have either refused, failed to recognise or are reluctant to move in that area.

Something that needs to be known is that there is a requirement for a back-up system. If a back-up GSM system is not provided, the system is not secure. All that is needed is a power cut and the security has vanished. This is the first thing anybody thinking of breaking into a premises will consider. There is no difficulty in effecting a power cut, and professional burglars

[Deputy Bernard J. Durkan.]

are adept at it. I know of a particular case where it was a week before the alarm system alerted the house owner or factory owner as to what had happened. That is a crazy system.

To my mind it is incumbent on whatever regulatory system is in place, who provides and offers a licence, to ensure that the householder, business premises or factory owner is protected in those circumstances. There is no sense in Ministers asserting that this is a matter for the service providers, in which case there is no regulation at all. In the event, there is no sense in having legislation and no point in asking questions in the House about this.

If the Ceann Comhairle is as frustrated as I am in dealing with those types of situation, he would be jumping up and down in the Chamber every morning, except it would not reflect well on the dignity of his office. However, I can assure him that it would motivate him because it is enormously frustrating and it is a major flaw in the whole security area that nothing is being done about it.

I was reading the provisions about the installation of security systems in relation to a person who installs, maintains, repairs or services electronic or other devices, constructed or adapted to give warning of, or record unauthorised entry or misconduct on or in the vicinity of the premises — the scanner systems, etc. I refer to section 6(a) in Part 4 of the Bill, and I hope it means something because the current situation is totally unsatisfactory. Countless people are being ripped off and can claim no compensation from anybody.

Will the Minister of State say whether there will now be provision for compensation for such people after the passage of this Bill? For example, if a house is cleaned out and a licensed security company has provided the intruder services, will there be a liability to ensure that the victim of the intrusion is protected? Otherwise, there is no sense in having an intruder system.

Alternatively, why not alert the entire population to the fact that several thousand premises throughout the country have alarm systems that do not work effectively? They do not work in the event of a power cut or where there is an interruption on the part of the telephone services, and as a result they are not satisfactory and do not do the job they were supposed to do. I believe this is an area that should be focused on as a matter of some urgency. It has caused me a great deal of annoyance, as I am sure it has done for other Deputies, over the years.

I promise not to digress and am being a very good lad on this occasion, a Cheann Comhairle, but the following has caught my eye, “amendments of the Equality Acts, to improve *inter alia*, the procedures of the Equality Tribunal.”. My attention is drawn, in particular to the word “tribunal” and I do not know when we will ever see the end of the tribunals in this country. They should be able to do the job and wrap up. It should not take forever, because it is getting very costly. I appreciate there is only passing reference, and it is not directly targeting the Equality Tribunal at all, but refers to tribunals in general. The word “tribunal” is the trigger mechanism there. If that word were incorporated in alarm systems throughout the country, they would always work.

The Bill also proposes amendments to the Bankruptcy Act 1988 to allow for the application of a reduction in the discharge period from 12 to six years and to provide for automatic discharge of bankruptcies existing for 20 years or more. That is not before its time. Other speakers referred to the fact that in the current economic climate there will be many more bankruptcies and businesses going into liquidation than has been the case heretofore. Apart altogether from the current economic crisis, we need to modernise the law in regard to the length of time a person should have to remain in fallow land before being allowed to re-enter business.

I cannot understand the provision for automatic discharge of bankruptcies existing for 20 years or more. In some countries, people can have gone into liquidation or bankruptcy five or ten times in 20 years. I am not suggesting it should be easy to do so but I would be inclined to

reduce the 20 years somewhat further. I do not believe that provision serves any useful purpose at present and will set out my reasons in this regard.

Nobody is anxious to see a situation whereby firms, groups, bodies or agencies become bankrupt in order to avoid discharging their liabilities. This does happen, has happened in the past and will happen again in the future. It has happened in the recent past to fairly big groups, bodies and agencies with huge assets or what appeared to be huge assets. These groups, bodies and agencies got to where they are now by whatever means and a new situation is now arising. The question that arises is should they be banned for 20 years or more? I believe that in any situation a reasonable time must be allowed to ensure people discharge their liabilities in so far as possible. Regard must also be had to their ability to discharge.

I am sure the Ceann Comhairle and other Members of the House have dealt in the past couple of years with constituents who will never be able to discharge their debts. On top of those debts are mounting legal and consultancy fees, interest penalties and so on. If that is not bad enough, a person in financial difficulty must also pay sheriff's fees of €5,000 to €10,000 on top of all that. In the mad rush for everybody to get a handful of goodies, the result will be collapse of the business with everybody getting a reduced amount.

Section 21 refers to the sums liable to be discharged in bankruptcy cases. It then sets out the level of fees that might be apportioned. Section 20 states: "The Bankruptcy Act 1988 is amended in section 61(3)(h) (amended by section 34 of the Courts and Court Officers 15 Act 2002) by the substitution of "€10,000" for "€7,000"." In 2004 we discussed the difference between these two amounts. It must be recognised at all times that there is a huge difference between €7,000 and €10,000 in terms of impact on small and big business. The impact of the extraction of the maximum amount of fees and liabilities on the smaller operator can have a devastating fact while the large operator might be able to survive.

I would like to have had time to deal with matters relating to family law. However, I will have to leave that to another day.

Deputy Ulick Burke: I welcome the opportunity to contribute to this Bill in terms of its many amendments to existing legislation. I am glad to have an opportunity to speak to a number of them in the presence of the Minister of State, Deputy Moloney, given his association with the Department of Health and Children. The provisions in regard to alcohol and the practice of the sale of alcohol are important in current times given the damage caused to health by over-indulgence in alcohol and the huge cost in this regard to the Health Service Executive and Department of Health and Children. Excessive drinking also results in accidents and deaths and on family life.

I wish to draw a particular issue to the attention of the Minister of State, namely, the fact that for the past two years British based companies have been marketing high potent alcohol shot packs in this country. They sought and got agents for the distribution and sale of these products in Ireland. These shots are also readily available on the Internet. I believe those with responsibility in respect of advertising should have raised questions in regard to the type of advertising promoted by these companies. The terminology used in the promotion of these shots includes, "easy to pour" and "immediate ready for use anywhere".

This advertising is targeted at young people in particular. Young people attend concerts and sporting events and these shots can be easily concealed on the person and thus consumed at these events. It is clear from all of this advertising that it is young people who are being targeted. There is a high percentage of alcohol in these shots.

I previously asked in this House that the Minister for Health and Children seek to prevent the sale of these packs of shots, in particular as they are promoted from outside the country.

[Deputy Ulick Burke.]

One can purchase packs of shots at any roadside filling station, although they may not be of the same brand of which I am speaking, which should not be the case regardless of whether these outlets have a licence to sell alcohol.

Debate adjourned.

Ceisteanna — Questions

Priority Questions

An Leas-Cheann Comhairle: With the permission of the House we will take Question No. 3 first.

Food Harvest 2020

3. **Deputy Shane McEntee** asked the Minister for Agriculture; Fisheries and Food the marketing budget in place to deliver on the marketing objectives outlined in Food Harvest 2020; to outline An Bord Bia's short term priorities in this regard; and if he will make a statement on the matter. [41012/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Food Harvest 2020 sets out a roadmap and framework for smart, green growth of our agrifood, fisheries and forestry sectors. In the food area in particular, the report identifies the importance of marketing what Ireland has to offer. This means creating very strong links for those who buy our products between food, high environmental standards and sustainable production.

These factors fit well with the growing consumer awareness of the environment, animal welfare and ethical production methods. They can offer a key advantage, provided that we can demonstrate to our international customers we really do produce food in a sustainable way throughout the food chain and do meet the highest internationally recognised standards.

The idea of going further and creating an umbrella brand for Irish food and drink, based to a large extent on the sound environmental credentials, has potential. However, I recognise, as indeed did the Food Harvest 2020 Committee, that realisation of a brand would involve detailed consideration and planning as well as considerable realignment of industry, producers and State resources. There are also considerations regarding EU state aid rules which do not allow marketing of agricultural produce based on origin alone, and it would be premature to put multi-annual budgets for a brand in place at this stage.

Bord Bia is carrying out research into possible branding models and "co-opetition", a model of co-operation where competitors may achieve efficiencies by working together at particular points of the supply chain and which is mentioned in the report.

With the recommendations of the food harvest report in mind, I have allocated €2.5 million to Bord Bia in 2010 for special marketing initiatives. Bord Bia is also working on a new sustainability initiative to further consolidate the market position of quality assured Irish beef and the accreditation and audit work involved is being funded from within a €4.3 million special fund for quality assurance in Bord Bia's budget for 2010. From January 2011, the environmental performance of the 32,000 farms participating in the Bord Bia beef quality assurance scheme will be tracked on an ongoing basis to objectively demonstrate its green production credentials. The board is currently completing the process of accreditation to the international recognised specification, in association with the Carbon Trust in Britain. It is understood to be the first

scheme of its type in the world to incorporate an objective assessment of the carbon footprint and will enable Irish beef farmers to demonstrate that they are improving their environmental credentials and increasing productivity.

Additional information not given on the floor of the House.

Among the Bord Bia marketing research, development and promotion initiatives in 2010 to support the food, beverages, seafood and horticulture sectors which will advance the marketing recommendations in Food Harvest 2020 are the following:

Marketplace 2010 in Croke Park in February 2010, which brought together buyers and Irish companies for 3,863 pre-arranged meetings to identify business potential which so far resulted in annualised sales arising of €8.5 million. In addition, participation in 17 key international trade fairs in 2010 is providing firms with a cost effective way of engaging with buyers and retailers. At the small business end the Bord Bia Vantage Small Business Centre of Excellence and the marketing assistance programme for SMEs with an annual turnover of between €100,000 and €3.5 million under which 156 companies were awarded grants totalling €882,000.

A second round of the Bord Bia marketing fellowship programme, in association with the UCD Michael Smurfit Graduate Business School, has taken place this year as recommended by Food Harvest 2020. This involved the recruitment of 25 graduates with upwards of three years sales and marketing experience, who have been assigned to 12 international markets for a 12 month period. A fellowship alumni programme has also been developed this year.

Deputy Shane McEntee: I thank the Minister for that reply. I asked the question because as we are all aware, agriculture and our exports are growing and the need for quality food across the world will become more in demand as time goes on. This is my first time to ask a question as spokesperson in this House but when I went home to start farming at 15 years of age when we joined the European Union, Bord Bia was always looked up to and it did a great deal of good work. I asked the question because I want to know if the Minister is happy that the funding Bord Bia gets is being put to good use and that we are implementing the right measures to promote Irish agriculture.

I am aware there was a food fair in Brussels at which all 27 member countries were invited to host a stand. Ireland ended up with a stand with an empty bottle of Beamish and a list of the numbers of pubs in the area. When people looked into the matter to know the position the organisers said that they were told that because of cutbacks——

An Leas-Cheann Comhairle: That issue would merit a specific question of its own.

Deputy Shane McEntee: The organisers said they were told that because of cutbacks Ireland had neither the staff nor the stock to put on display at the fair. I ask the Minister to look into that because I would not like to think that that would ever happen again.

Deputy Brendan Smith: I want to congratulate Deputy Shane McEntee and his colleagues. I mentioned that already to Deputy Andrew Doyle. We look forward to working with them in regard to this particular sector.

I thank Deputy McEntee for his compliments regarding the work of Bord Bia. It is an internationally recognised brand for Ireland and it does excellent work. I have the opportunity at times to travel abroad and support its work in different markets. Two weeks ago I attended the SIAL exhibition in Paris where 14 Irish companies participated in the Bord Bia stand, which was hugely important and extremely successful. It was attended by one of the largest number of trade visitors — people with purchasing power — and meetings were organised with different Irish companies through the good offices of Bord Bia.

[Deputy Brendan Smith.]

On the last question about a particular marketing focus in Brussels, I am not sure if Bord Bia had been invited to participate. I will come back to Deputy McEntee with the answer I got at the time but Bord Bia is involved in a huge range of food promotions throughout Europe and further afield on a yearly basis. Its calendar of events is extremely impressive. It will not attend every single event because there is more merit in participating in some events than others. It is recognised throughout the world for being an efficient, lean organisation and I know from my experience of travelling to promotions abroad with the company that we get access to important decision makers and people with huge purchasing power also.

An Leas-Cheann Comhairle: We will revert to Question No. 1.

Grant Payments

1. **Deputy Andrew Doyle** asked the Minister for Agriculture; Fisheries and Food the efforts he is making to overcome the delays to the processing of single farm payments which has delayed payments to farmers; and if he will make a statement on the matter. [41011/10]

Deputy Brendan Smith: I can confirm that my primary objective in relation to processing payments under the single farm payment and disadvantaged areas scheme this year is to ensure that as many payments can be made to as many farmers as quickly as possible subject to the necessary requirements of those two schemes being met. For that reason, I set out a very ambitious payments schedule for commencement of payments under the various direct payments between September and the end of the year as follows: 22 September — 75% advance payment under the disadvantaged areas scheme; 18 October — 50% advance under the single payment scheme; 20 October — 25% balancing payment under the disadvantaged areas scheme; 1 December — 50% balancing payment under the single payment scheme; and 8 December — payment of the new grassland sheep scheme.

Despite the difficult circumstances, my Department has adhered strictly to this schedule and it is my firm intention to do so again for the payment of the single farm balancing payment commencing on 1 December and the grassland sheep scheme payment on 8 December. It was vitally important that certainty be provided regarding the timing of payments, and it was also important to individual farmers and to rural Ireland as a whole to maintain payments at the maximum permitted level over that period.

Despite the record number of altered maps received from farmers this year and the consequent need to revise the area information on the land parcel identification system in order that the requirements of the governing regulations are met, my Department has paid almost €700 million to more than 110,000 farmers under both the single payment and disadvantaged areas schemes in the month since payments commenced.

It is often forgotten that under EU rules, the earliest permissible date for payment under the single payment scheme is 1 December. This year I made a special case to the European Commission, taking account of the past two difficult years endured by the farming community, and secured agreement to make an advance payment of 50% from 18 October. This is the fifth successive year that Ireland had paid an advance of the single farm payment, an achievement which is unprecedented. There is no doubt that Ireland is one of the first member states to release single payment funding and the record of the Department in processing applications since the introduction of the single payment scheme, SPS, in 2005 and making advance payments is equal to the best record of any member state.

The total number of farmers paid under the single payment scheme in the first two weeks alone is 110,438 with an amount totalling €519 million. When account is taken of the additional

amounts paid under the disadvantaged areas scheme, payments to date have reached almost €700 million, a significant figure under any circumstances. This underlines the initiatives that I have taken to achieve my objectives of maximising payments. One of the initiatives came from my decision to include the provision of advance payments under the disadvantaged areas scheme as well as the SPS. In a significant change, the Department has been able to pay those farmers whose applications are fully processed and clear on a weekly basis. I also brought forward the date for the balancing payment for the disadvantage area scheme. In addition, it has also been possible to make full or partial payments to those farmers whose only difficulty is non-digitised maps, with payment being made on those parcels of land that are digitised and cleared. This meant that thousands of farmers received payment much earlier than would normally have been the case.

Additional information not given on the floor of the House.

I have also implemented a provision, for the first time, where farmers not in receipt of their full advance payment can receive a supplementary advance payment following the re-digitising of their land parcels. In the past, such farmers would have to wait until 1 December before they could be paid their additional payment as well as their balancing payment. This is an important new development and in line with my primary focus of issuing payments to farmers as soon as they became eligible for payment.

Furthermore, as my Department became aware that the number of farmers submitting maps was showing a significant increase over previous years, arrangements were made during the summer to increase the digitising resources available to it. As a result, more maps have been digitised this year than in 2009 and almost double the average of previous years. The completion of the digitising work will remain my top priority until each and every map is updated to ensure that the area is clearly defined for payment. I also arranged that additional resources were made available from within my Department to assist in the application processing, particularly dealing with telephone queries from farmers.

I do acknowledge that some farmers have not received the full amount of their advance payment because the maps submitted by them this year have not as yet been digitised. In that context, I must point out under the legislation governing the implementation of the single payment scheme it is only permissible to pay applicants in respect of eligible land. In many cases this year applicants have identified ineligible areas on maps sent to my Department which is then obliged to have these amendments digitised onto the land parcel identification system. This means that the ineligible areas entered by farmers on the maps submitted to my Department must be re-digitised onto the land parcel identification system. That task is highly technical and must be carried out to a very high standard to preserve the integrity of the system.

This year has proven to be a particularly challenging one from the point of view of keeping the land parcel identification system up to date. I wish to set out the scale of the task. By the time the processing of the 2010 applications is completed, it is expected that my Department will have processed and digitised maps received from more than 70,000 farmers. This compares with a figure of 30,000 for 2009 and an average of 22,000 maps in recent years. On average, each farmer submitted two maps with the 2010 application forms. It is for this reason, despite the allocation of additional resources, that the digitising of the maps submitted is taking a longer period than in previous years.

The question has been asked as to the importance of the land parcel identification system, which records details of all land declared under all the area-based schemes. I must emphasise that it is essential that it is fully accurate and up to date, given the fact that it underpins total expenditure in excess of €1.8 billion annually. The system must take account of changes to

[Deputy Brendan Smith.]

areas submitted by farmers. Any failings or shortcomings in the land parcel identification system would leave this country open to the very real risk of significant EU disallowances. I am certain that everyone will agree that such a risk cannot be countenanced and I will do everything within my power to avoid compromising the value of direct payments to Irish farmers.

There has been some comment on the need to react earlier. This is easy to say but does not reflect the unprecedented number of maps requiring updating and re-digitising and the extra two months required to input the huge level of additional information into the system. Data capture, which would normally take place by July, was completed in September. In addition, the digitising of land parcels requires certain skills and knowledge and there are very few skilled operators. Therefore, it is not a situation where further staff could be readily be recruited from outside. This year, all aspects of the processing of the single payment scheme took longer than in previous years given the number of farmers who made alterations to their applications particularly relating to the changing of eligible areas.

While, as I already acknowledged, some farmers have not been paid the entire amount of their advance of the single farm payment, the existence of non-paid cases at this early stage of processing — only two weeks after payment commencement — is a feature of the processing of applications in each year and it normally takes a number of months to process all cases to finality. Every year there are farmers whose payments take time to process.

I must stress again that the payment of €700 million to 110,000 farmers achieved in the few short weeks since payments commenced is a significant achievement. The situation is kept under constant review, with a view to maximising payments and meeting the milestones set out in my ambitious schedule. I can assure farmers that my Department is unstinting in its efforts — for example, during the last week alone, my Department has issued 15,630 payments amounting to €25 million and these efforts will continue.

An Leas-Cheann Comhairle: The remainder of the reply will be in the Official Report

Deputy Brendan Smith: A Leas-Cheann Comhairle——

An Leas-Cheann Comhairle: Two minutes are allocated to replies. I have given the Minister three minutes but I do not think he was even half way through his reply.

Deputy Brendan Smith: There is very important information that Deputies will appreciate when they read the record. It is valuable information.

Deputy Noel J. Coonan: It is an important subject.

An Leas-Cheann Comhairle: That can be done by way of a tabular statement appended to the Minister's answer.

Deputy Andrew Doyle: We acknowledge the fact that the advance has been given for five years in a row, but that is because farmers have been in such dire straits with regard to their incomes. My question was about the efforts being made to overcome the delays in processing. There are major challenges associated with digitising maps, which is one part of it. There is a letter in the Irish Farmers' Journal today which best summarises the complicated, convoluted cross-compliance criteria between the single farm payment scheme and REPS. There are people whose land is not part of the land that has been digitised on the maps. Unfortunately, the letter states that the authenticated name and address of the sender are with the editor. However, it is pertinent and explains clearly the complicated process in which we are engaged.

Did the Minister consider the challenges and problems outlined in this letter? There will be outstanding cases and, no matter what the statistics, there will be unjustified and indefensible delays in some people's payments — which may, apart from anything else, affect their REPS payments.

Deputy Brendan Smith: We do not set the criteria for these schemes, which are European Union-wide. In the space of a few short weeks, more than 110,000 farmers have been issued with payments totalling €700 million.

We knew from the early part of this year there would be additional requirements from Europe with regard to mapping, land parcel identification and so on. In recent years, individual farmers may have sold sites, built new farm buildings and so on, so there are differences in the eligible areas. At the beginning of this year, to set this process in motion and ensure we do not draw penalties upon ourselves, as a Department we sent out more than half a million maps to all single farm payment recipients and asked the farmers to send back amended maps if required. I stress, in case I may be misconstrued, that the overwhelming majority of farmers who had to send amended maps had more than enough eligible land, although there may have been changes such as a new roadway or a site used to build a house for a son or daughter.

More than 70,000 of the applicants returned maps — a total of more than 250,000 — to the Department. Many of the 40,000 people who submitted their single payment scheme application online sent their maps by post. More than 70,000 farmers sent in hard-copy single payment or disadvantaged area scheme applications and, in many instances, the maps were sent separately from the applications. Many maps also came in late. Thus, the collation of the maps had to be done first, followed by the inputting of the data. It was only then, after the initial processing was done, that we knew the extent of the digitisation work that was required.

Deputy Andrew Doyle: It must have been expected that this would be an issue. The Minister mentioned that a large number of people had an adequate amount of land even though there was a discrepancy. These could have been fast-tracked.

Deputy Brendan Smith: We should not use the word “discrepancy”; perhaps “change”.

Deputy Andrew Doyle: Yes. Based on what is in the letter I mentioned, although I appreciate that I cannot discuss it directly, it seems there is a conflict between the rules and criteria set out for the single farm payment and those for REPS, which could leave some people high and dry. It is best summarised in the letter, and I ask that the Minister consider this, or a group of people will be left in limbo at the end of the year when everything else has been processed.

Deputy Brendan Smith: If a person writes to the Department or to me, he or she will get a response, and we will take up any issue. I must point out that there are no discrepancies. The administration of the single farm payment, the disadvantaged area payment, the new upland sheep payment and the REP scheme must be done in accordance with the criteria laid down by the European Union. We are not going to compromise administered schemes and risk the imposition of a penalty.

The date laid down in European law, which must be adhered to unless one has a derogation, is 1 December. Of the annual single farm payment total of under €1.3 billion, more than €500 million has been already paid six weeks in advance of the closing date. I assure the Deputy—

Deputy Noel J. Coonan: That is poor consolation for farmers who are waiting for money and have commitments they must meet. They have no money.

An Leas-Cheann Comhairle: Deputy Coonan, these are priority questions.

Deputy Brendan Smith: Deputy Coonan——

An Leas-Cheann Comhairle: The Minister should not allow those whose names are not appended to a priority question to ask questions.

Deputy Brendan Smith: That type of misrepresentation does us no justice. The Department brought in——

Deputy Noel J. Coonan: It is not misrepresentation.

Deputy Brendan Smith: Deputy Doyle is well capable of asking the questions, and I will answer them. Deputy Doyle said that this could have been expected. In anticipation of the extra workload, we had arranged for extra resources from a personnel point of view and from the company that does mapping work on contract for the Department.

An Leas-Cheann Comhairle: We must make progress.

Deputy Brendan Smith: We should recognise, as should every public representative in the House, that 90% of farmers have received a payment under these schemes. That is an important message that Deputies should be promulgating——

Deputy Noel J. Coonan: Ten percent are going out of business.

Deputy Brendan Smith: ——instead of trying to undermine a successful scheme.

An Leas-Cheann Comhairle: We are well over time on this question.

Deputy Tom Sheahan: Do you have a roadmap, a Leas-Cheann Comhairle?

Afforestation Programme

2. **Deputy Seán Sherlock** asked the Minister for Agriculture; Fisheries and Food if the commitment to establish a minimum 10,000 hectare annual planting target is being met as outlined in the programme for Government; and if he will make a statement on the matter. [41015/10]

Minister of State at the Department of Agriculture, Fisheries and Food (Deputy Seán Connick): The renewed programme for Government contains a number of commitments with regard to forestry, one of which is to increase the annual level of forestry planting to 10,000 ha. per annum.

To make progress towards that objective, provision of €116.5 million was made in 2010 to facilitate an increase in planting from 6,648 ha. in 2009 to 7,000 ha. this year. Current indications are that this increased planting target is on course to be met and may be even slightly exceeded. Planting levels in recent years had declined significantly each year from a peak of 23,710 ha. in 1995 to a low of 6,249 ha. in 2008. This decline can be attributed to a number of factors, including the reluctance of farmers to plant good, agriculturally productive land with trees, alternative land use options with generous grants and premiums, and the cessation of new planting by the State forestry company, Coillte Teoranta. Modest increases have been experienced in 2009 and 2010, reflecting an increased interest in forestry among farmers.

Following a successful spring planting season, I recently announced approval for another 1,500 ha. of forestry planting for the autumn planting programme. There was a very strong response from applicants, demonstrating the high level of interest among farmers and their appreciation of the many benefits associated with forestry. In recent years my Department has undertaken significant promotional activities to encourage increased farmer participation in

forestry, highlighting the economic, social and environmental benefits of forestry. Together with Teagasc, we have assisted in the formation of 16 forest owner-producer groups to encourage farm forest owners to co-operate on various aspects of forest management. These promotional activities, together with the opportunities presented by the current high timber prices and the developing wood energy sector, have all contributed to an increased interest in planting new forests, and this will help us to achieve significant annual forestry planting.

All aspects of public expenditure are being examined at present, and forestry is no different in this regard. I am very much aware of the concern expressed by farming and industry sources about the adequacy of the capital allocation of €89 million for the forestry programme in the capital review, Infrastructure Investment Priorities 2010-2016, which was published during the summer. While this amount is only indicative, it will nevertheless inform the Estimates process. As part of the Estimates process, the Department is reviewing its available capital resources, which are capped at €350 million, to ensure that priority needs and commitments are met.

As the Deputy will be aware, there are also ongoing discussions at both Departmental and Cabinet level on the formulation of the budget for 2011. I can assure the Deputy that the Government remains committed to ensuring the continuation of the afforestation programme at a rate and in a format that maximises the use of scarce financial resources.

Deputy Seán Sherlock: I welcome the Minister's response, but I ask him to forgive me if I missed something in his reply. Will the Government achieve a target of 10,000 ha. this year: yes or no?

Deputy Seán Connick: The figure of 10,000 ha. is indicative. We did not have an obligation to reach this level, although I would have liked to do that. However, it is likely that we will exceed the target of 7,000 ha., and I am delighted with that. We released 1,500 ha. in the past few weeks, and we had subscriptions for the equivalent of 3,600 ha. Thus, a demand exists, which we have identified. I will meet officials from the forestry section tomorrow morning in Wexford when we will discuss the excess. At present it seems likely that we will exceed the 7,000 hectares about which I am happy in the current climate.

Deputy Seán Sherlock: I wish to consider the matter from two perspectives. Would the Minister of State acknowledge that ensuring the target is met would potentially capture in the private forestry sector up to 160,000 tonnes of CO₂? According to the private forestry sector, if the State were to purchase carbon credits for that amount, it would cost approximately €46 million. While the 10,000 hectares is an aspirational figure, would the Minister of State acknowledge that we should move beyond aspirations at this stage? There is a clear need in a very productive sector to ensure that the investment will yield a multiplier of the benefits in the longer term.

Deputy Seán Connick: Regarding the carbon sequestration, the €46 million figure is applicable to 2008 and there has been a significant reduction in the CO₂ produced owing to the downturn in the economy. However, I have made that argument at the various meetings I have attended and am aware of it. As the Minister of State with responsibility for forestry I am seeking to target the 10,000 hectare total. The budget is the big issue and I am obliged to review forestry funding. Everything needs to be looked at and discussed ahead of the budget. I hope the budget will give me an adequate allowance that will allow me to reach that target, but at this time I cannot commit to a 10,000-hectare programme.

4. **Deputy Tom Sheahan** asked the Minister for Agriculture; Fisheries and Food if the Renewed Programme for Government commitment to increase the level of new forest plan-

[Deputy Tom Sheahan.]

tation to 10,000 hectares per annum is still achievable; and if he will make a statement on the matter. [41013/10]

Deputy Seán Connick: The commitment contained in the renewed programme for Government recognised that there had been considerable difficulty in recent years in maintaining a substantial afforestation programme. Planting levels peaked in 1995 at 23,710 hectares but declined significantly thereafter reaching a low of 6,249 hectares in 2008 owing to a number of factors I outlined earlier.

I recently announced approval for an additional 1,500 hectares of forestry planting for the autumn planting programme. There was a very strong response from applicants demonstrating the high level of interest among farmers and the appreciation of the many benefits associated with forestry.

The Deputy will be aware that all aspects of public expenditure are subject to more in-depth critical scrutiny than heretofore and forestry is no different in this regard. I am very much aware of the concern expressed by farming and industry sources about the adequacy of the capital allocation of €89 million for the forestry programme in the Capital Review — Infrastructure Investment Priorities 2010-2106, published during the summer. While this amount is indicative only it will, nevertheless, inform the Estimates process. I can assure the Deputy that the Government remains committed to ensuring the continuation of the afforestation programme at a rate and in a format that maximises the use of scarce financial resources.

Deputy Tom Sheahan: I thank the Minister of State for his answer. I would like to outline a few matters before I put another question to him. I recently met forestry industry representatives who informed me that they have markets for an additional 50% of product this year and that their product is at a premium this year. In one day a harvesting machine harvests 1 hectare of trees, which take 35 years to grow. We need to take afforestation very seriously.

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

Deputy Tom Sheahan: The Minister of State referred to the unwillingness of farmers but I put it to him that the forestry inspectors are considerably more unwilling than farmers are.

Deputy Seán Connick: I did not say that.

Deputy Tom Sheahan: He said farmers were not willing to plant.

Deputy Seán Connick: There were a number of issues in 2006.

An Leas-Cheann Comhairle: Allow the Deputy to continue.

Deputy Tom Sheahan: At present I have considerable anecdotal evidence of inspectors going slightly over the top. There is a belief that the Minister of State's recent announcement of the 1,500 hectares was clearing the desk for savage forestry cuts in the budget but I hope that is not the case. I want to point out how important it is.

An Leas-Cheann Comhairle: A question please, Deputy. This is Question Time.

Deputy Tom Sheahan: The Bacon report commissioned by the Department provided the evidence that for every €1 invested in forestry——

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

Deputy Tom Sheahan: There is a return of €1.59 to €1.60 to the Exchequer. In light of the importance of forestry the Minister of State must not let it slip down the ladder in the budget negotiations and provide the funding because 1 hectare a day——

An Leas-Cheann Comhairle: I am not sure there is any question there.

Deputy Tom Sheahan: ——that can be harvested takes 35 years to grow. It is a no-brainer.

Deputy Seán Connick: There were several questions there, a Leas-Cheann Comhairle. The Deputy used the term “savage cuts”. I am acutely aware of the importance of the forestry sector to getting the economy back on track and it is one of the indigenous industries on which I would like to see focus in the upcoming budget in order to increase the return from the sector. The Deputy spoke about the 50% increase in demand. As we know the biomass sector has established itself in recent years. At the National Ploughing Championships I was pleased to meet so many representatives of companies that had established themselves. Many companies employing up to six people are now operational in the sector. I accept there is significant pressure with regard to thinnings.

We are also trying to encourage the establishment of producer groups. Teagasc has been involved in setting up 16 different producer groups across the country, which are very important in creating critical mass and reducing the costs applicable. Many of our plantations are small ones and the rental cost for harvesting equipment is very high. We are hoping to have a co-ordinated approach in various regions across the country that would help in that regard.

The Deputy did not ask me about the roads but I have also asked for a review of the how we fund them. I have met many industry representatives and we have had detailed discussions ahead of any decisions that would be made on our proposals for the budget.

Deputy Tom Sheahan: Funding for the roads is very important for the forestry industry. Can any incentives be provided to owners of the private forests that are not being harvested given that there is market for an additional 50% of product?

Deputy Seán Connick: I do not have a response to that but I will check with my officials, whom I will meet in Wexford tomorrow morning. I have asked them for a review of the roads because in many cases industry representatives have told me they only need 50 m to 100 m of road and in many cases we are grant-aiding up to 300 m of roads, which means that I could get up to six roads grant-aided as opposed to one. I have asked for that matter to be reviewed. I am reviewing all aspects of forestry and I want to assure those listening to the debate and those who will read the transcript that we are committed to maximising the potential of forestry and protecting it in the future.

Common Agricultural Policy

5. **Deputy Noel J. Coonan** asked the Minister for Agriculture; Fisheries and Food his views on the recently leaked document on Common Agricultural Policy and to indicate, on foot of the proposals, the efforts he has made, and plans to make, to develop strategic alliances at a European level in order to deliver on Ireland’s objectives for a reformed CAP; and if he will make a statement on the matter. [41014/10]

Deputy Brendan Smith: I would prefer to avoid direct comment on a leaked document. It is at most a draft and may change as it goes through the inter-services consultation process within the Commission. That said, in so far as the draft communication reflects the main issues that have been under discussion in the CAP debate over recent months, I can outline the following.

[Deputy Brendan Smith.]

My overarching view is that we need a strong and adequately resourced CAP after 2013 to ensure security of food supply, to maintain family farming in Europe and, above all, to promote competitiveness and innovation. I support continuation of the current two-pillar structure. I also remain committed to full decoupling. It has been a success for Ireland and is the best way of underpinning the incomes of small family farms, while allowing them respond to market opportunities.

With regard to funding, I note the Commissioner's intention to achieve a more equitable distribution of funds between member states, as expressed during his recent visit to Ireland. I am prepared to look at the various options but all member states must be realistic on this. I am opposed to an EU-wide flat-rate payment because of the wide variations in the type and cost of farming across the EU. Instead we need to start with the current distribution mechanism and work from there. In so doing it is vital that we use the most accurate basis for comparing funding levels, that is to say eligible area.

Ultimately I want a distribution mechanism that is fair, that underpins competitiveness and sustainability and supports the viability of Irish farming and that takes into account the wide diversity and differing costs of farming across the EU. This argument applies equally to distribution of the direct payment funds in pillar 1 of the CAP and the rural development funds in pillar 2.

With regard to any proposals for redesign of direct payment models, I favour allowing member states considerable flexibility in this area, as is currently the case. The agri-ecological and social conditions of farming vary hugely within the Union and Ireland needs to have the flexibility to apply the payment model that best suits our conditions. In that regard, while there may be positives for Ireland in the increased emphasis on delivery of public goods from farming, we must bear in mind that, under cross-compliance, EU farmers are obliged to comply with the statutory management requirements of 18 EU regulations to qualify for payment. These requirements cover the broad spectrum of animal health and welfare, respect for the environment and the sustainable management of our natural resources and contribute substantially to the production of public goods from farming.

There are suggestions that payments in respect of less favoured areas should move from pillar 2 to pillar 1. The key issue is whether the funding moves with the measure. I have a strong preference for retaining LFA payments in pillar 2 where they can be targeted at those most in need. Not all member states utilise the option to pay LFA payments and it is difficult to understand in those circumstances the move from discretionary payments in pillar 2 to obligatory payments in pillar 1.

As to the market support measures for the future, I favour the continuation of market support measures at safety-net level, together with some flexibility to adapt or enhance them as needs arise. We will also need to examine additional measures to address the much increased volatility of markets.

Additional information not given on the floor of the House.

On rural development policy, we need to focus on the twin goals of competitiveness and sustainability. Measures that are directed at investment and which promote competitiveness perform a key role in encouraging efficiency and innovation in farming. They should be maintained and enhanced so that farmers can improve their performance and deal with structural issues arising for example from the ending of milk quotas. Consistent with our green growth objectives we must also have a strong agri-environment actions in our rural development policy including targeted payments for public goods, support for the development of bio-energy on

farms, and for innovative actions to mitigate greenhouse gas emissions. Our off-farm rural development actions should be consistent with this while focusing on genuinely rural areas and emphasising job creation.

As to building up strategic alliances in relation to the CAP reform process, there has been a high level of activity and debate regarding the future CAP among member states over the past two years. My Department and I have participated actively in all of these discussions with a view to building up alliances and pressing the Irish viewpoint. In addition to representing the Irish view at formal and informal meetings of EU Agriculture Ministers, I have had bilateral meetings with the Commissioner and with colleagues from a number of other member states. For instance, I travelled to Poland and Hungary last July to meet my Ministerial counterparts and earlier to Finland. I had discussions in Dublin last month with my German ministerial colleague and with Commissioner Ciolos and I have arranged meetings with my French and UK colleagues for the coming months. These contacts are proving very productive in deepening our understanding of each others positions and in establishing support for the Irish position in the negotiations.

At official level too, we have engaged actively with our colleagues in other member states, the Commission and the European Parliament, with bilateral meetings, contacts, sharing of information and analysis and discussion of policy positions. This work has proved very effective in explaining the Irish context and viewpoint and in gaining understanding and acceptance of the Irish position. It will continue as the negotiations progress.

Deputy Noel J. Coonan: I thank the Minister for his detailed reply, much of which we agree with. This is my first time dealing with CAP reform during Question Time and I would like to continue in a vein of support because this is an area of vital national interest and it is important that we achieve the best possible result. I refer to the proposals in the report of the Joint Oireachtas Committee on Agriculture, Fisheries and Food going forward. I look forward to working with the Minister from that point of view.

What are the Minister and the Taoiseach doing about seeking support from their colleagues in the Union regarding the CAP to secure major benefits for Ireland from our allies in Europe? The first part of the problem is to ensure the budget for the CAP is not tampered with and is, at least, maintained because it represents a huge opportunity for the agriculture industry bearing in mind the global population will increase by 1.5 billion by 2012. The Minister of State referred to the production of biofuel crops earlier and anaerobic digestion. Food security is important. The leaked document would lead one to believe that the EU will allow greater co-financing by national governments. What do the Minister and the Government think of that, given the constraints on our domestic budget?

Deputy Brendan Smith: I thank Deputy Coonan for his support and I look forward to working with him and his colleagues.

With regard to our allies, the first discussion I had on CAP post-2013 was at the September Council meeting in 2008. There have been numerous discussions on this issue at Council meetings since then at which I have advocated the Irish position strongly and in a positive manner. I have outlined this to the House and to the joint committee. Naturally, I have met colleagues separately outside the formal Council meetings and we have discussed the CAP on numerous occasions. I recall bilateral meetings in Poland and Hungary last July about this issue. We do not share views on all aspects of the policy but we share a strong view on the need to have an adequate budget, to which the Deputy correctly referred. I also visited Finland and the German Minister was in Dublin recently. I have meetings set up with the British Secretary of State for Environment Food and Rural Affairs, Ms Caroline Spelman, and Mr. Bruno Le Maire, the

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French Minister of Agriculture and Fishing. We have worked with like-minded member states to build up alliances.

The Taoiseach has used the opportunity at every Heads of Government meeting to outline the case for a properly and adequately resourced CAP. On the morning the EU Agriculture Commissioner attended a meeting of the Oireachtas Joint Committee on Agriculture, Fisheries and Food, we had a meeting with the Taoiseach where he outlined the view again that there was absolute support on the part of the Government for the adequate resourcing of the CAP post-2013.

Deputy Noel J. Coonan: I thank the Minister for his response. It is important that our MEPs play an active role in this as well.

Does the Minister endorse the proposals in the report of the Oireachtas Joint Committee on Agriculture, Fisheries and Food?

Deputy Brendan Smith: I have not had the opportunity to read the document yet. Hopefully, I will get an opportunity over the weekend but I am sure it is positive. Whenever I have appeared before the committee, all members have shared the same views and priorities. Bart Brady, former assistant Secretary General in the Department contributed to the work carried out by the joint committee and he is one of the eminent experts in the Union on CAP.

We ensure that we use every opportunity to outline the necessity for a properly resourced CAP. The Taoiseach does so, as do I, at every Council meeting. It is important and none of us can ever emphasise enough that the CAP is about food security for all the citizens of Europe, the protection of rural communities, the management of our natural resources and ensuring family farming survives in Europe and the citizens of Europe have access to affordable food and it is not about the transfer of funds to farmers or the agrifood industry.

Other Questions

Agri-Environment Options Scheme

6. **Deputy Joan Burton** asked the Minister for Agriculture; Fisheries and Food the cost of delivering the agricultural environment options scheme in 2010; and if he will make a statement on the matter. [40645/10]

Deputy Brendan Smith: The agri-environment options scheme was launched in March this year with a closing date for applications of 17 May 2010. In all, 9,236 applications were received by the closing date. The processing of applications is well advanced at this stage and letters of approval for participation in the scheme have issued to almost 6,000 applicants or almost two-thirds of all applicants. The process is continuing and my objective is to ensure that the examination of all remaining applications is completed as quickly as possible with a view to early decisions on entry into the scheme. My Department will be in contact with the applicants concerned in the near future.

Based on the numbers of applications processed to date, the Department estimates that the average payment to participating farmers will be almost €4,000 per annum and that the total full year cost of commitments under the scheme will be in excess of €34 million. The EU regulations governing area-based schemes provide that payments issue in two instalments. The first instalment of 75% may be paid once all administrative checks on all applications, as well as cross-checks against areas declared on single payment scheme applications, have been com-

pleted. Once the approval process has been completed, my Department will direct its attention to issuing first instalment payments as soon as possible. The balancing payment of 25% can issue once all on-the-spot inspections for the year have taken place.

Scheme delivery in 2010 involves the examination, recording and processing to approval stage of a large number of applications and including the cost of developing an IT system for the ongoing and future implementation of the scheme. An accurate estimate of the cost of delivering the scheme will be difficult to compile due to the numbers of staff involved who are also engaged on other work. In any event, an estimate cannot be completed until all valid applications, including on-farm inspections, have been processed to payment stage. My intention, at all times, is to implement schemes as efficiently as possible.

Deputy Seán Sherlock: The Minister mentioned that the average payment per person will be €4,000 per annum, which is below the €5,000 maximum. To what does he attribute this figure?

What is the up to date position regarding those who are leaving REPS 3? Will they be accommodated under the AEOS next year?

Deputy Brendan Smith: The average payment of €4,000 is based on the number of applications processed to date. Approximately two thirds have been processed and, therefore, the payment may vary. People had a menu of options for participation in the scheme. Some people opted to participate under different measures and it was up to the individual to decide which measures he or she wished to participate in. The initial take-up for a scheme is usually not good and people are not as good at maximising the opportunities provided by a new scheme. When people become more familiar with the scheme, they will have the opportunity to draw down the maximum payment. With regard to those who will exit REPS 3 between now and 17 May 2011, in the budget last year the Minister for Finance gave us permission to launch the new agri-environment options scheme, with a budget of €50 million per annum over five years, with a maximum participation of 10,000 farmers. We had in excess of 9,200 applications and it will be possible to accommodate all who meet the criteria of the scheme. Those who might wish to join the scheme in the future will be a matter for the Estimates and the budgetary process, as is usual.

Deputy Seán Sherlock: Speaking of the Estimates, is the Minister confident he can secure the €50 million next year, or more, depending on the demand for the scheme?

Deputy Brendan Smith: Those who have entered the scheme are in it for five years so funding is ring-fenced for them. No Department's Estimate is finalised yet. I do not know what allocation the Department will have, it is an issue that is up for consideration.

Deputy Andrew Doyle: A sum of €34 million, with an average of €4,000, would anticipate a figure of 8,500 farmers qualifying of the 9,200 applicants. It leaves no more than €16 million for the rest of the five year period or is that €16 million for more people to come into the scheme during the five years?

Deputy Brendan Smith: Last year, provision was made in the budget by the Minister for Finance for the new agri-environment options scheme that was to be launched in early 2010. It was decided that provision would be made to allow 10,000 people to participate at a maximum payment of €5,000, a provision of €50,000 per year. Once a person joins the scheme, he is guaranteed access to it for five years. It is a commitment of €250 million in fact for those entrants of 17 May 2010. Other people who may wish to join the scheme will have to await the outcome of the Estimates process.

Tax Code

7. **Deputy Dan Neville** asked the Minister for Agriculture; Fisheries and Food if he has made representations to the Department of Finance with regard to the retention of tax relief on farm transfers and stocking for expansion and development; and if he will make a statement on the matter. [40603/10]

Deputy Brendan Smith: It is long-standing Government policy to encourage young people to become farmers and substantial tax exemptions apply where young farmers acquire land by way of gift, inheritance or purchase, for the purpose of farming. Some of these are linked to training requirements to encourage expansion and development of a working farm. The tax reliefs include measures across various types of taxation, including income tax, capital acquisitions tax, capital gains tax and stamp duties.

I am regularly in contact with the Minister for Finance on a range of taxation matters of importance to farming, fisheries, forestry and the food industry, including those related to farm transfers and stock relief. Taxation policy is a matter for the Minister for Finance and any decision on these, and all other, tax issues is a matter for the budget.

Deputy Andrew Doyle: On stock relief for expansion, the Food Harvest 2020 report envisages 50% growth in dairying. If people expand at that level and are not allowed to claim stock relief, they will end up with a paper profit that attracts a tax on money they have not made. It is essential to facilitate that growth that stock relief is continued.

The return on investment in farming *vis-à-vis* the value of land bears no relation to the reality. If we apply the norms to it, money will be tied up to pay tax and this will stifle expansion. The Government's own report recognises this a growth area.

Deputy Brendan Smith: I am aware of the importance of stock relief. When I meet farmers, particularly young farmers or those intending to hand a farm on to a younger family member, the importance of the scheme is often mentioned. This relief has been extended several times in the past and it is a matter for the Minister for Finance and the discussions that are ongoing on the budget.

I met the IFA and other farm organisations on the forthcoming Estimates and each organisation also met the Minister for Finance this week. I am sure they put forward their proposals on taxation when they had the opportunity.

Deputy Seán Sherlock: We have all been lobbied by the IFA this week and this is one of the issues that has arisen. If we take the Deputy's point about the Food Harvest 2020 report, would the Minister acknowledge that one criticism of the document, which we support, is that if we are to achieve those targets, particularly in the dairy sector, there must be a major restructuring in the use of land and stock? To incentivise new blood into the sector, the reliefs must be continued and extended. Does the Minister agree with that point?

Deputy Brendan Smith: The points are well made by the Deputy, particularly on the importance of the Food Harvest 2020 report, which was drawn up by the stakeholders and endorsed by Government. The high level implementation group that I chair includes an Assistant Secretary General from the Department of Finance and the Department of Finance was also involved in the drafting of the report. My own colleagues in Fianna Fáil have outlined the importance of these issues at party meetings. The importance and value of these taxation measures to individual farmers has been conveyed to the Minister for Finance, as happens at this time every year.

Deputy Noel J. Coonan: The Ministers says taxation is a matter for the Minister for Finance but the Minister for Finance should listen to the Minister for Agriculture, Fisheries and Food. The Minister must show his commitment to the family farm, the cornerstone of farming in Ireland, bearing in mind we have already discussed the opportunities for food production for an increasing population. Will the Minister assure us the family farm will not be forced out of existence by tax impositions currently being considered? The farming community want a definite and absolute commitment that will not happen.

Deputy Brendan Smith: I do not know what commentary Deputy Coonan is referring to but the Government is well aware of the importance of the family farm to this country, and will continue to be mindful of that. That is how we will continue to support the sector.

Food Harvest 2020

8. **Deputy Johnny Brady** asked the Minister for Agriculture; Fisheries and Food the priorities he has identified for the Food Harvest 2020 implementation group; and if he will make a statement on the matter. [40758/10]

Deputy Brendan Smith: Food Harvest 2020, the blueprint for the development of the agri-food and fisheries sector for the next decade, was presented to Government in July this year. In my view, achieving its ambitious targets will require a concerted, co-ordinated and flexible contribution from all the key players: primary producers, industry. Departments and State agencies.

I have established and am chairing the high level implementation committee. The committee consists of all the key actors on the State sector and its function is to direct and take whatever actions are necessary to successfully implement Food Harvest 2020. As necessary, it will also act as a clearing house to steer any wider issues affecting the sector's development.

The committee held its inaugural meeting on 16 September and agreed that the following areas should be progressed: the development of the dairy sector; ensuring a credible sustainable agenda, including Brand Ireland; improving competitiveness and promoting effective business models; prioritising and advancing innovation, research and entrepreneurship; and the profitability of the beef sector. The next meeting of the HLIC is scheduled for 10 November and will progress a number of these issues.

Critical commercial decisions are required on production trends, product mix, and processing capacity for the dairy sector. The dairy expansion activation group was established on 15 October to further this objective. I have asked this group, consisting of farmers, processors and Teagasc, to submit to the committee by end November an initial road map which will highlight the key milestones from the production and processing perspectives, identify obstacles to implementation and how these should be overcome.

Within the overall framework of a joined-up State effort on implementation of Food Harvest 2020, State body chief executive officers and senior Department officials are being assigned responsibility for progressing actions and are taking lead roles for those cross-cutting issues which require collaboration. The important role of research and innovation in pursuing these goals was demonstrated by the recent €10 million call for research proposals under the three public good programmes. These focused on the smart, green and growth objectives of Food Harvest 2020.

The €100 million competitiveness fund for the food industry, which Enterprise Ireland operates on behalf of the Department, continues to focus on improving competitiveness and costs. In particular, the lean initiative will be important in helping to achieve the 20% improve-

[Deputy Brendan Smith.]

ment in competitiveness recommended by Food Harvest 2020. This successful programme is being rolled out to further companies in the sector.

The innovation voucher initiative is being used by smaller food companies to move their business onto the next level and to add value to their product. Bord Bia's marketing initiatives, such as Marketplace 2010 are delivering results. Its vantage services, as well as the work of its marketing fellows, have benefited many companies. These services and schemes are being extended.

While the above illustrates some of the actions taken to date, I will continue to lead and prioritise the implementation of this important national policy document across the full range of its 200 recommendations.

Deputy Johnny Brady: I thank the Minister for his comprehensive report. I particularly welcome the recommendation from the 2020 committee to create an umbrella brand of Irish food and drink. The report sets out several key steps to progress the development of a Brand Ireland which will deliver a coherent, unified message to all sectors of the agrifood industry. Is the Minister convinced the agrifood sector will deliver real returns and be at the forefront of the country's economic recovery?

Deputy Brendan Smith: I thank the Deputy for his apt question. I believe this sector can contribute enormously to an economic recovery based on export-led growth. The increase in food exports this year was heartening. At all the agrifood fora I recently attended, I noted how positive the various agencies and companies were to the programme.

At the first meeting of the high-level implementation group, the chief executive of Bord Bia was able to report on the work his agency had already undertaken in establishing a "Brand Ireland". If we think about the success of Kerry Gold in the dairy market, the same brand success is needed for the whole food sector. Not only do we want to get the message out that Ireland produces high quality, safe and nutritional food, but that it is also done in a sustainable manner.

Deputy Seán Sherlock: All parties welcome the Food Harvest 2020 report. Will the Minister acknowledge, however, that the implementation body's membership is not wide enough? Will he agree he should have included representatives from this side of the House as we represent a significant proportion of the population? Will the Minister guarantee the €641 million allocated to the agrifood research and development programme will be maintained to achieve this policy?

Deputy Brendan Smith: There may be some lack of detail in the information made available to the public regarding the implementation of the Food Harvest 2020 report. On the day it was launched, I stated I would chair the high-level implementation group. I also said there would not be a rigid system of having one implementation group as different issues will arise in different sectors and there may be different projects we may want to progress.

I have already established a dairy activation group, chaired by Dr. Seán Brady, and comprising farming representatives from different parts of the country such as Kerry, Waterford, south Mayo, Teagasc and various milk processors. I have given the group until the end of the month to produce an initial roadmap. I have spoken to various groups in the food sector who have made suggestions regarding other areas that need to be progressed. We will have other working groups—

An Leas-Cheann Comhairle: Will the Minister discipline himself a little as there are several other Members offering?

Deputy Brendan Smith: —to progress particular ideas. The implementation process will not be over-rigid.

Deputy Andrew Doyle: The *Irish Farmers' Journal* pointed out Turkey is a potential market for beef exports but its authorities want clarification on our BSE status. Recently at the Irish Co-Operative Organisation Society conference, the chief executive of the Irish Dairy Board identified costs of €850 million to develop the dairy industry, of which €250 million would develop routes to market infrastructure and marketing investment. While we have embassies around the world as well as Enterprise Ireland and Bord Bia, we do not have a coherent marketing plan for the dairy sector. Will these existing facilities and agencies be used? The industry will have to pay for and play its part in this regard but the State must also assist in developing routes to market, as there will be no point in increasing output by 50% if we still only get the same level of income.

Deputy Brendan Smith: We use our embassies for maintaining and opening up dialogue with existing and potential agrifood markets. When we succeeded in re-opening the Chinese market for Irish pork products, I complimented the staff in our Beijing embassy. We also use the support available to us from Bord Bia, Enterprise Ireland and other statutory agencies.

There are different views on the costs of a 50% increase in milk production. Teagasc is still examining certain aspects of it such as lengthening the dairy season which would in turn ease the demand for additional capacity. There is no point in having top-class processing facilities that are idle for a considerable part of the year.

An Leas-Cheann Comhairle: There are still several Deputies who want to come in on this but we are well over time already. Perhaps the Minister will discipline himself?

Deputy Brendan Smith: There has to be greater collaboration between all parties in the industry. I recently met with all the dairy processors regarding the issues and opportunities facing the industry.

An Leas-Cheann Comhairle: I thank the Minister for his reply. I call on Deputy Coonan.

Deputy Noel J. Coonan: I always like to co-operate with the Leas-Cheann Comhairle.

An Leas-Cheann Comhairle: That is true.

Deputy Noel J. Coonan: Notwithstanding that he continues to interrupt me. The kernel of this development of the agrifood sector is that the farmer gets a sustainable income from it. Have food exports increased in volume, value or both?

Deputy Brendan Smith: They have increased both in volume and value. At all times, we are working to get access to new markets and expanding access in existing markets. Bord Bia, the Department and the veterinary service do an exceptionally good job in this regard.

An Leas-Cheann Comhairle: I thank the Minister. I want to call on Deputies Sherlock and Johnny Brady for a final supplementary.

Deputy Brendan Smith: In the past 12 months a considerable number of new markets have been opened.

Deputy Seán Sherlock: I welcome the Minister's commitment to flexibility in the implementation process. However, the Labour Party believes it needs to be widened. Will the Minister consider engaging with parties on this side of the House to achieve this?

Deputy Johnny Brady: The Common Agricultural Policy can continue to play a vital role in ensuring the supply of high-quality and safe food for our consumers and supporting sustainable production systems in rural communities. What will be the impact on job creation from the implementation of this policy?

Deputy Brendan Smith: There would be a significant growth in jobs with the successful implementation of this policy, along with the post-2013 CAP reforms. With regard to Deputy Sherlock's point, the mechanisms I have put in place to implement this strategy are flexible. They are meant to address the issues that arise. When we deal with a particular issue and hopefully resolve it, we can proceed to deal with the next issue. I will bring in the relevant stakeholders to participate in those discussions. I will be glad to engage with all Members of the Oireachtas through the committee process. I think all Members of the House support the aims of this broad strategy, which we want to progress.

Organic Food Production

9. **Deputy Máire Hctor** asked the Minister for Agriculture; Fisheries and Food his views on the way Food Harvest 2020 can contribute to the development of the Irish organic and horticulture sectors; and if he will make a statement on the matter. [40774/10]

Minister of State at the Department of the Agriculture, Fisheries and Food, (Deputy Ciarán Cuffe): The term smart green growth sums up so much of what we wish to do with Food Harvest 2020. The policy document makes a number of specific recommendations for the horticulture sector. These recommendations are focused on the industry improving competitiveness, adapting new and greener technologies, and the State agencies fostering product and production innovation, including the production of non-traditional fruit and vegetables. This approach will also support growers coming together in producer organisations to facilitate greater bargaining power and the promotion of the health benefits of the consumption of fruit and vegetables.

The implementation of these recommendations, therefore, should lead to a more innovative and competitive horticulture industry, which should in turn be able to command a greater element of the retail price. It should also be an industry which is supplying into an expanding overall market and where Irish production is challenging and displacing imported product.

In so far as the organic sector is concerned, the key focus of Food Harvest 2020 is to show how the industry can capitalise on the expanding market opportunities. Opportunity abounds in the domestic organic retail market which is currently worth €94 million. Apart from the domestic market opportunities, major export opportunities for Irish organic produce are to be found in the major European markets.

The implementation of the food harvest recommendations, therefore, should enable the Irish organic sector to grow and prosper sustainably through the delivery of high-quality, safe and naturally based produce.

Deputy Máire Hctor: I am aware of the increased promotion, production and consumption of organic food across the country, which is to be welcomed. Has the Minister of State's Department carried out any audit on the area of land concerned or the number of organic producers across the country? Surely this must have expanded in line with the expansion of production and consumption.

Deputy Ciarán Cuffe: We have and it is a good news story. The land area under organic production has been increasing steadily since 2003. At the end of December 2009, there were 1,548 organic operators in Ireland with some 49,165 hectares of land under organic production methods. The programme for Government target is to have 5% of agricultural land under organic production by 2020. That is a high target but we have seen significant growth. More importantly, it is worth examining the value of the Irish organic retail market, which has grown fairly dramatically over the last seven or eight years. It was worth €38 million in 2003, and is now worth more than three times that figure. It was worth €124 million in 2009. That is a good news story.

Deputy Máire Hctor: What are the future prospects for organic farming? Is the Minister of State confident that the targets of Food Harvest 2020 can still be met, even in the current economic downturn?

Deputy Ciarán Cuffe: There are challenges, particularly within the Irish market. We are in the middle of a difficult recession and people are looking very carefully at what they buy. However, there are significant opportunities not just in Ireland, but also abroad. In Germany, the figures for organic consumption increased dramatically over the last two years. If we look across the water to the UK and Germany there are huge opportunities there. There has been a dip within the State over the last year or 18 months, but I remain confident that there is increasing consumer interest in organic products. There is much more discussion about where products originate and I think there is a strong future for the organic sector not just abroad, but also in the Irish market.

Deputy Noel J. Coonan: The Minister of State is very strong on targets and opportunities, but he is weak on specifics. He was part of a Government which removed the farm retirement scheme and installation aid for young farmers.

Deputy Máire Hctor: And brought it back.

Deputy Noel J. Coonan: Young farmers are the cornerstone of future agricultural production. They are the raw material we need. Will the Minister of State outline any specific incentives or measures he proposes to introduce that will help in the area of organic food production and horticulture?

Deputy Ciarán Cuffe: The Deputy is trying to pretend that we are not assisting, but we are giving huge support.

Deputy Noel J. Coonan: I am not pretending anything. There is no pretence with me; I say it straight out.

Deputy Ciarán Cuffe: Regarding the early retirement scheme this year we are putting €40 million into providing for those who wish to retire. Some €4.5 million is being allocated to installation aid. That is real money, right here, right now. It is not just that, however. We are providing financial support with supplementary measures under the earlier REP schemes. We have had the organic farming scheme since 2007 along with the capital grant schemes. We also have the organic farming action plan, as well as national organic week, the national organic conference, organic awards and the demonstration farm programme.

Two weeks ago, I attended the Terre Madre conference in Italy where Bord Bia was represented. Some 80 delegates from Ireland attended to see what was going on there, as well as ascertaining markets for Irish produce.

Deputy Noel J. Coonan: That is a big help for farmers who cannot make a living here.

Deputy Ciarán Cuffe: I was very impressed by the presence of Bord Bia there to promote fish, beef, lamb and dairy products. We had seven Irish cheeses represented at that conference together with other products, including a new Irish sea salt. Bord Bia is doing amazing work in spreading the message that there are strong export markets out there. In addition, here at home there are a number of schemes that are assisting those involved in horticulture and organic farming.

Deputy Noel J. Coonan: The Minister of State should be specific.

Grocery Sector

10. **Deputy Andrew Doyle** asked the Minister for Agriculture; Fisheries and Food if he has held recent discussions with the Minister for Enterprise, Trade and Innovation with regard to the development of a code of conduct for the grocery sector; the progress that has been made in this regard; and if he will make a statement on the matter. [40613/10]

Deputy Brendan Smith: The renewed programme for Government contains a 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 provision in the legislation, currently being prepared by the Minister for Enterprise, Trade and Innovation, Deputy Batt O’Keeffe, to merge the National Consumer Agency and the Competition Authority, which will allow for the introduction of a statutory code of conduct in the grocery goods sector. The Minister expects to publish this legislation early in 2011.

In the interim period, until the legislation is enacted, the opportunity is being taken to explore with stakeholders the possibilities of agreeing a voluntary code. To this end, the Minister appointed Mr. John Travers to facilitate discussions with stakeholders on drawing up of a voluntary code. Mr. Travers is currently engaging with the relevant stakeholders on the development of a voluntary code. It is expected that Mr. Travers will report back to the Minister on his efforts in the coming weeks. My Department and the Department for Enterprise, Trade and Innovation will continue to consult closely on this issue.

Deputy Andrew Doyle: The Minister, Deputy Batt O’Keeffe, expects to produce legislation on a statutory code early in 2011. This is the beginning of November, so do we expect Mr. Travers to make a report on a voluntary code of practice by the end of the month? This process was started in August 2009 by the then Minister, Deputy Mary Coughlan. Some 15 months later, however, nothing has been achieved. We have no agreement or indicators from the players. A leaked document from Retail Intelligence showed that this is the treasure island for our major international multiple, whose profit margin in this country is greater than anywhere else. We have seen in today’s newspapers that the price of beef is higher in Brazil than it is here. Yet the price to our producers is down, while the price for consumers is higher than everywhere else. Something is wrong, therefore, and the sooner we grasp this nettle the better.

An Leas-Cheann Comhairle: The Deputy should put a question.

Deputy Andrew Doyle: The joint committee’s proposals on CAP reform identified the European dimension of the CAP as a key issue. It is worse here, however, because the margin of profit that being hoovered up by the multiples is unacceptable.

Deputy Brendan Smith: With regard to the last part of Deputy Doyle's question, I welcome the fact that this issue has been highlighted in the all-party Oireachtas committee's paper on the Common Agricultural Policy post-2013. I have raised this issue in Europe from the point of view that even if we attain best practice in this country, it is important that similar practices operate in the other member states of the European Union. We export 85% of the food we produce. I am pleased the European Commission has agreed to establish a high-level group on the competitiveness of the agrifood sector. The Vice President of the Commission has asked me to participate in this working group and I am pleased to do so. I am also pleased the issue is being addressed at this level in the European Commission because it denotes the importance of the issue there.

I agree with Deputy Doyle. There is a real issue with retail margins on products and it is a matter of concern to the public. Increasingly, retail power is in the hands of a few large super-market chains. In the meetings I have held with the multiples since I became the Minister for Agriculture, Fisheries and Food, I have highlighted the concerns of the consumer and the industry. In each meeting I have outlined to them that the individual farmer has invested heavily in farm facilities, as has the Government. In addition, the Government and the taxpayer have invested vast resources in putting in place a robust and vigorous system of traceability. Our food is produced to an exceptionally high standard and this has come through investment by individual producers, the Government and processors. All those involved require an adequate return for the significant investments they have made to provide a system that produces top-quality food.

Deputy Seán Sherlock: I fail to see how our membership of the European Union has a bearing on this question. Will the Minister provide some direction as to when a statutory code of conduct will be put in place? When will this happen? We seek a specific time and date. Will the Minister not acknowledge there is a certain irony in the fact that the Minister of State sitting beside him, Deputy Cuffe, has referred to Terra Madre and the Slow Food movement, which comprises small organic producers who seek to find an export market? Meanwhile, in this country, the Government is capitulating to the Tescos and Asdas of this world which seek to gain a foothold here? Will the Minister confirm that he will do everything in his power to ensure that the retail planning guidelines will not be moved or shifted in any way to facilitate the "Tescoification" of the Irish grocery sector and to ensure that we can protect the primary producers to whom the Minister of State, Deputy Cuffe, referred such that we retain a good mix and not do not sell ourselves out to the large multiples?

Deputy Andrew Doyle: Let us not forget the small retailers either.

Deputy Brendan Smith: We are not capitulating to any of the multiples.

Deputy Seán Sherlock: With all due respect, a Leas-Cheann Comhairle——

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

Deputy Seán Sherlock: The Government should put its money where its mouth is.

An Leas-Cheann Comhairle: Please allow the Minister to reply.

Deputy Brendan Smith: I am unsure whether Asda has a presence in our jurisdiction.

Deputy Seán Sherlock: The Minister is well aware that it is knocking on the door. If he is not aware of this, he should be.

Deputy Brendan Smith: I am unsure of this is because the large multiples do not confide in me. Deputy Sherlock queried my reference to the European Union. Deputy Doyle adverted to the fact that this issue is referred to in the document on CAP reform to which Deputy has contributed. This is important from a European point of view as well because we must seek the best system to provide for fair practices and equity in the food chain and in every market in which we sell our product. That is important for our sector as well.

In my earlier reply I remarked that the Minister for Enterprise, Trade and Innovation, Deputy Batt O’Keeffe, intends to introduce legislation to merge the National Consumer Agency and the Competition Authority. This will allow for a statutory code of conduct in the grocery goods sector. The Minister, Deputy O’Keeffe, expects to publish the legislation early in 2011. That is as specific as I can be with regard to the legislative programme of another Department.

An Leas-Cheann Comhairle: A final supplementary question from Deputy Doyle

Deputy Andrew Doyle: This means only the merging of the National Consumer Agency and the Competition Authority will allow for the introduction of a statutory code. To finish on a note of co-operation, we published a food (fair trade and information) Bill in August 2009, the day before the Minister at the time, Deputy Coughlan, announced a consultation process. I will gladly hand the Bill over to the Minister for him to take on the matter. He may rewrite it as Government policy if he so wishes. It is there for the Minister.

Deputy Brendan Smith: I thank Deputy Doyle. A vast amount of work has been undertaken in the Department of Enterprise, Trade and Innovation on this issue. The Minister, Deputy O’Keeffe, has outlined that he intends to bring forward the appropriate legislative measures early in 2011.

Deputy Andrew Doyle: Does that apply to both organisations?

Deputy Brendan Smith: I referred to this in an earlier reply.

Deputy Andrew Doyle: Is this concerning the merger?

Deputy Brendan Smith: The proposed merger will allow for the introduction of a statutory code of conduct in the grocery goods sector. The Minister, Deputy O’Keeffe, expects to publish this legislation early in 2011.

Deputy Andrew Doyle: It is the Minister referring to a statutory code?

Deputy Brendan Smith: It will allow for a statutory code.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters

An Ceann 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 Terence Flanagan — the Minister’s plans to eliminate long-term homelessness by the end of 2010; (2) Deputy Mattie McGrath — the need for a problem in the HSE primary care reimbursement service system which is preventing medical card patients from accessing their care and medication to be resolved as a matter of urgency; (3) Deputy Joe Costello — the need to provide replacement training facilities for the unemployed in Dublin North-West and the north inner city; (4) Deputy Seán Sherlock — the need for new primary school accom-

modation in Midleton, County Cork; (5) Deputy Emmet Stagg — the progress with the review of the Environmental Protection Agency, EPA, and the Department's proposals to strengthen the remit of the authority to deal with situations at waste facilities; and (6) Deputy Fergus O'Dowd — to ask the Minister for Education and Skills to clarify the position with regard to the capital budget underspend in her Department, to indicate whether she intends to spend the remaining €331million on school buildings before the end of the year, to provide clarity as to why the Department has failed to spend its allocated budget given the obvious pressure on school demographics and if she will make a statement on the matter.

The matters raised by Deputies Joe Costello, Seán Sherlock, Terence Flanagan and Emmet Stagg have been selected for discussion.

Adjournment Debate

FÁS Training Programmes

Deputy Joe Costello: The announcement regarding the closure of the FÁS centre in Cabra is very serious. Participants have received letters to the effect that their courses are likely to cease midway through, sometime before the end of December. This FÁS centre provided a service for those in Dublin 1, Dublin 3, Dublin 7, Dublin 15 and all the way out to Blanchardstown and beyond. Now, there is no FÁS service in Blanchardstown and extending all the way to Meath. More than 250,000 people live in this area and they are being deprived of all FÁS training services. The centre in Jervis Street, in the heart of the city, was closed down last year.

When there are approximately 440,000 people unemployed, some 100,000 people leaving the country and the unemployment level is 13.6%, should we be closing down a FÁS centre? There are reasons for its closure; the roof is in bad repair and the building is structurally unsound. However, there has been no word on an alternative centre. The centre has been run down gradually. ICT programmes are no longer run in the centre. Up to two years ago some 71 staff worked there but now there are only 42 staff working there. Basic computer and technology training is no longer being provided there. Classrooms and training rooms are vacant in the centre. It has been run down over a period and now it is being closed down. The existing staff will be redeployed elsewhere, including to Ballyfermot and Baldoyle, but this is simply not good enough. There will be no training facilities in the heart of the city since the centres in Cabra and Jervis Street have closed down. People have travelled and commuted a great distance from the greater Dublin area and beyond to come to these facilities.

Class participants have received letters, including the letter I have before me, which was received by a constituent of mine. This letter informs her that the centre is to close in early December and her six-month training course will finish on 24 December. What is she supposed to do? Only one month remains on her course but she has simply been informed that the centre will be gone at that stage. Will she receive a certificate? How will this process be managed? Have alternative arrangements been made? It is somewhat rich at this time of the year as we approach Christmas that people in the middle of courses are treated in this way.

We are in the middle of the greatest recession the country has ever experienced but we are seeing the closure of a service which is essential to keep people going, to provide them with training and some hope for the future. Instead, we have a decision by the Government to the effect that since the roof has become too bad, now is the time to close the centre but this is being done without providing alternative arrangements for the participants.

I realise the staff will be taken care of to some extent in the sense that they will be redeployed elsewhere. The centre has been run down and almost 50% of the staff have moved already.

[Deputy Joe Costello.]

The situation is serious. I realise a colleague of the Minister, Tommy Simpson, works there. He has done fantastic work in this area and I realise the Minister appreciates the work he has done. All the staff there are concerned not only for their futures, but that FÁS services are effectively being run down and closed at a time when they are most needed.

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I am taking this Adjournment debate on behalf of my colleague, the Tánaiste and Minister for Education and Skills, Deputy Mary Coughlan. I thank the Deputy for raising this matter as it gives me the opportunity to set out the latest position regarding FÁS training facilities in north Dublin following the closure of the FÁS facility in Jervis Street and the plan to close its training centre in Cabra. I am familiar with a number of the staff at that centre, having worked there for many years.

I wish to outline the respective roles FÁS and the Minister for Education and Skills play in State training facilities. The role of the Minister for Education and Skills is to provide public funding and overall policy direction to FÁS rather than get involved in the day-to-day running of FÁS. Decisions of this nature are day-to-day operational matters for FÁS as part of its responsibilities under the Labour Services Act 1987.

I now turn to the specific matters raised by the Deputy and begin by setting out the background and current situation at the Cabra training centre. FÁS commissioned a report on the condition of the roof of the Cabra training centre, which was received last week. The report highlighted a potential health and safety risk and recommended replacement of the entire roof structure as soon as possible or, alternatively, the demolition of the current building and the rebuilding of a new centre. This means that in order to ensure the future safety and welfare of both the training centre staff and its trainees, it will be necessary, regrettably, to discontinue shortly the use of part, or all, of the Cabra training centre. FÁS is devising an action plan to ensure that any disruption to clients during this period is kept to an absolute minimum. In this context I understand that consultation is taking place with its staff and staff representatives on the development of a plan to ensure that training and employment services are provided as required at alternative locations.

The Cabra training centre is a relatively small one and was established in 1978. The centre also accommodates a small employment services office. In terms of training capacity it can cater for up to 82 apprentice places and 250 adult day places as well as evening courses. With the exception of a small number of courses, waiting times for course participants are relatively short. There are currently 155 trainees and 14 apprentices on full-time courses in the Cabra training centre and a further 362 trainees on short duration evening courses who will complete their courses by 11 November. FÁS does not envisage that the difficulties relating to the roof will result in the loss of any training places. Where possible, courses will be accommodated in other FÁS training centres or at alternative locations in the Dublin area. Both Finglas and Ballyfermot training centres have capacity to deliver additional full-time, part-time, blended and evening training programmes in the same manner and range as the Cabra training centre. In addition, FÁS will explore the feasibility of co-operating with other non-private daytime training and education providers in the Dublin 7, 11, and 15 areas.

As far as the provision of employment services is concerned, alternative offices are located in Blanchardstown, Ballyfermot, Baldoyle, Crumlin, D'Olier Street, Parnell Street and Finglas. Any person seeking a FÁS service will be accommodated in these offices. If appropriate, FÁS will also explore the feasibility of providing employment services in an alternative location in the Cabra area.

In the context of the next steps, an action plan to redeploy staff and training as necessary is being drawn up and will be implemented as quickly as possible. The board of FÁS will consider the options available for the training centre at its next meeting on 9 November. It is very regrettable that this action has to be taken. However, I emphasise that the health and safety of FÁS learners and staff must be the primary consideration. All efforts will be made by FÁS to minimise any disruption.

I refer to the closure of the FÁS facility in Jervis Street. The lease for the FÁS premises in Jervis Street expired in July 2009. An orderly wind-down of the training facility commenced well before the expiry of the lease involving the redeployment of the longer-term training programmes to ensure minimum disruption for the trainees involved. This left a small number of training courses that were relocated to other training locations in Tallaght, Ballyfermot and Finglas. Those trainees who had commenced their courses in Jervis Street were allowed to complete their training at the facility before its final closure. FÁS continues to provide training courses close to the city centre, through contracted service providers, in line with demand.

As far as the provision of employment services is concerned, this service was relocated to a new ground-floor office in Parnell Street near to the former location. This new facility also accommodates the offices of the Department of Social Protection and thus provides the additional benefit to those clients seeking to avail of the services of both FÁS and the Department of Social Protection in a single location. In conclusion, I assure the Deputy that every effort is being made to ensure that disruption to clients is kept to a minimum and that alternative locations are found to assist in the training of the unemployed in the north west and north inner city. I thank the Deputy for raising this matter.

School Accommodation

Deputy Seán Sherlock: I raise this matter in the context of the fact that €300 million is spent annually in Cork on prefabricated buildings in the primary school sector. Today, we learned through RTE that €330 million of the budget of the Department of Education and Skills has not yet been spent. I use the particular example of Midleton because three primary schools are housed in inadequate conditions. I put the question to the Minister about the educational needs of Midleton in the future and the answer stated: “School accommodation requirements in the Midleton/Carrigwohill area have been considered as part of this detailed study of the identified areas, which indicates that up to 38 additional primary classrooms may be required across that area to cater for increased enrolments up to the school year 2014/15.” There are three schools in the area — St. John the Baptist national school, an Educate Together school and a gaelscoil. I am sure the Minister’s response will point out the Department has applied for planning permission at Ballinacurra, a site that would be woefully inadequate for meeting the longer-term needs of primary schools in Midleton. The Educate Together school is housed in the local rugby club at a cost of €45,000 per year. The gaelscoil is spending approximately €81,000 on rental costs and is being housed in the local community centre. I do not have the figures for the third school. If we take a lateral approach about how to provide this, we can make savings in the long run. We want the Department to come down and make a proper study and assessment of the educational requirements in the Midleton area so that it can adhere to the aim to meet the need for 38 additional primary school classrooms and adhere to the various ethos that exist.

St. John the Baptist national school is largely a Church of Ireland denomination school. Along with the Educate Together school and the gaelscoil, it could be housed on one campus but the Ballinacurra site is woefully inadequate. Something must be done. In the case of St. John the Baptist national school, the school authorities have an imaginative plan and have sought a loan from the Department in order to carry out the work. It has proven it can do this

[Deputy Seán Sherlock.]

work in the past. If the Department got out of its centralised, structuralised tendency to think along the same lines, these people could achieve their aims. They seek a little help from the Government in order to do so. Similarly, the Educate Together school is housed in the local rugby club and was offered a site at the local co-op, which it could rent at a significantly lower price than the Department is paying at present. Why do we not think laterally about how we can help them?

Midleton is a barometer for many towns beyond the Pale. I asked the Department and the Minister to take on board the submissions made by the schools and to recognise the deficiencies at the Ballinacurra site. I call on someone to please meet with these people and think a little more laterally about how they are going to deliver for educational needs in the primary sector in the future.

Deputy John Gormley: I am pleased to be able to take this Adjournment matter on behalf of my colleague the Tánaiste and Minister for Education and Skills. I thank the Deputy for raising it as it provides me with an opportunity to outline to the Dáil the Government's strategy for capital investment in education projects and also to outline the current position on Midleton in particular.

Modernising facilities in our existing building stock as well as the need to respond to emerging needs in areas of rapid population growth present a significant challenge. The Government has shown a consistent determination to improve the condition of school buildings and ensure that the appropriate facilities are in place to enable the implementation of a broad and balanced curriculum.

All applications for capital funding are assessed in the planning and building unit of the Department. The assessment process determines the extent and type of need based on the demographics of an area, proposed housing developments, condition of buildings and site capacity, and leads to an appropriate accommodation solution.

As part of this process, a project is assigned a band rating under published prioritisation criteria for large-scale building projects. These criteria were devised following consultation with the education partners. Projects are selected for inclusion in the school building and modernisation programme on the basis of priority of need. That is reflected in the band rating assigned to a project. In other words, a proposed building project moves through the system commensurate with the band rating assigned to it. There are four band ratings overall, of which band 1 is the highest and band 4 the lowest. Band 1 projects, for example, include the provision of buildings where none currently exists but there is a high demand for pupil places, while a band 4 project makes provision for desirable but not necessarily urgent or essential facilities, such as a library or new sports hall.

Furthermore, the forward planning section of the Department is in the process of carrying out detailed analysis and reports in order to identify the school accommodation requirements for each area, up to and including the school year 2014-15. The progression of all large-scale building projects arising from the forward planning section's analysis of accommodation needs will be considered in the context of the Department's multi-annual school building and modernisation programme.

However, as the Deputy will be aware, as part of this process Midleton has been identified as one of the areas projected to undergo increases in educational demand in the coming years. In that context, the Department is currently in the process of acquiring a suitable site which is zoned by the local authority for education use in the Midleton area. To this end the Department has applied for planning permission as part of the exchange of contracts. Cork County Council has sought further information on this planning application and I am advised that a response

will be provided to the planning authority in the coming weeks. When the acquisition of a suitable site is concluded, the Department will consider the optimal use of the site to meet the primary school needs of Middleton in conjunction with applications from existing schools in the town. I thank the Deputy for raising the matter.

Homelessness Strategy

Deputy Terence Flanagan: I thank the Ceann Comhairle's office for the opportunity to raise this important matter. I also thank the Minister for the Environment, Heritage and Local Government, Deputy Gormley, for personally being in the Chamber. Both he and the Minister of State, Deputy Finneran, are committed to the homelessness strategy that was put together in 2008. They have achieved a lot in comparison to previous Ministers for the Environment, Heritage and Local Government in terms of addressing this scourge in society.

More than 5,000 people in the country are now homeless. I appeal to the Minister to fight for those people at the Cabinet table to ensure no cuts in budget 2011 will affect the full commitment of the Department to end long-term homelessness. Many agencies work in this area such as the Simon Communities of Ireland, Focus Ireland and Crosscare. I acknowledge the great work of the volunteers in the various agencies to tackle homelessness. Focus Ireland has said that if there is a reduction in the budget, the services will be affected drastically and that people will be trapped in emergency accommodation. The target of 1,200 units was set. Unfortunately, only 171 units have been achieved to date via the long-term leasing scheme. I urge the Minister to continue with his commitment.

The health of those who find themselves homeless is affected by their circumstances. The Simon Communities of Ireland have completed a study of 788 clients. The majority of them have health issues such as a dependency on alcohol or drug use. People's physical condition is affected because they are subject to the elements and we have had much bad weather. More services need to be provided through the Health Service Executive rather than just accommodation being provided by the Department of the Environment, Heritage and Local Government. Homeless people require back-up services.

Long-term homelessness is considered to be for a period of greater than six months. Much emergency accommodation is currently being used but a great deal of it is sub-standard and shoddy. Issues arise about the conditions of some buildings that have been allowed to deteriorate by their owners and whether they comply with fire safety regulations. That area should be investigated. We must aim to get people out of emergency accommodation into homes in the community. The sooner that is done the better.

The Fine Gael Party is very much committed to ensuring that long-term homelessness is eliminated. I hope that will continue to be a priority for the Minister and that he will match his words with action and ensure that the budget is continued in 2011 at the existing high level, which is approximately €100 million in 2010. I also hope the budget for the capital assistance scheme, currently €145 million, will be retained or increased in the budget.

There are more than 2,800 ghost estates throughout the country and more than 100,000 empty housing units. It is clear that if the Minister follows through on the political will he has expressed that people who find themselves in the awkward and terrible situation of being homeless will be housed. I commend the work that has been done by the Government in this area but much more needs to be done.

Deputy John Gormley: My Department's role in homelessness involves the provision of a national framework of policy, legislation and funding to underpin the role of housing authorities in addressing homelessness at local level. The Minister of State, Deputy Finneran, and I have made major advances in this area by developing the homelessness strategy and an implementation plan, retaining current financing for homeless accommodation services in 2010 at a record

[Deputy John Gormley.]

level of €56 million, and putting regional homelessness action plans and consultative fora on a statutory basis. Despite the severe cutbacks that have taken place elsewhere, not only have we retained that funding we have increased it in recent years in the homelessness area. That is something—

Deputy Terence Flanagan: A lot more must be done. We cannot be complacent.

Acting Chairman (Deputy Jack Wall): The Minister should be allowed to speak without interruption.

Deputy John Gormley: I assure the Deputy there is no complacency in this area. It is one which is close to my heart. We want to do our very best.

In addition, a comprehensive range of measures has been put in place to underpin the role of housing authorities and approved housing bodies towards achieving the strategy's ambitious objective of eliminating long-term homelessness and the need to sleep rough. This includes an enhanced programme for procurement of accommodation. A new tenancy-support system to help homeless persons live independently has also been put in place. A total of €60 million was recently approved under the capital assistance scheme to enable the voluntary and co-operative sector to purchase additional accommodation to meet specific categories of housing need, including persons moving out of temporary homeless accommodation. More than 100 of these units will provide long-term accommodation for such persons and approved housing bodies have been asked to develop proposals for the further delivery of leased units. The uptake on the enhanced programme leasing model has been slower than anticipated. Progress is also dependent on the response of market interests, including property owners and financial institutions.

The Minister of State, Deputy Finneran, is working with the Housing and Sustainable Communities Agency and the local authorities in Dublin, where long-term homelessness is most pronounced, to ramp up the delivery of units. A Dublin regional accommodation procurement team is actively sourcing properties for immediate acquisition by local authorities. Funding is being provided from within the 2010 social housing investment programme. Dublin City Council is undertaking an accelerated programme to bring significantly more of its longer term vacancies back into use to meet urgent housing needs, including those of the long-term homeless. A regional homeless allocations team is streamlining the allocations process for all suitable properties.

A parallel initiative has been developed through Threshold's access housing unit to maximise the potential of the private rental sector to accommodate an increased number of homeless households, especially in current market conditions. It is hoped to accommodate in the region of 200 additional households under this initiative in 2010.

Taken together, these measures have the potential to make significant further progress towards reaching the target in the current year. The Minister of State recently chaired a meeting of all the statutory and voluntary bodies in the sector and encouraged them to renew their efforts to deliver on the objectives of the homelessness strategy.

Deputy Terence Flanagan: I thank the Minister.

Waste Disposal

Deputy Emmet Stagg: I thank the Minister for taking this debate. It is the first time I have seen a senior Minister handling an Adjournment matter for a considerable time.

The case I am about to outline demonstrates the need for a review of the powers of the Environmental Protection Agency, EPA. Kerdiffstown dump near Naas in County Kildare is

a rotting, stinking disgrace and it is scandalous that a Green Party Minister has been unable to find a means of dealing with it or of enabling the EPA and other agencies to deal with it by changing the law to empower them to act effectively.

The dump has a long and troubled history. It began life as a quarry in the 1950s. In 1996, Neiphin Trading Limited began receiving waste at the site and there were constant complaints about the activity. In 2003, the EPA granted the company its first waste disposal licence for construction and demolition waste. Shortly afterwards, the company was found to be in breach of the terms of the licence. This became a pattern over the next years, with repeated reports outlining licence breaches and the operating company ignoring the warnings. The breaches covered a wide area, from the security and management of the site to the type of waste being dumped. In the meantime, buildings were constructed on the site without planning permission and a former EPA inspector joined the board of A1 Waste. Unbelievably, this situation continued until 2010 when the EPA finally collected enough evidence to secure a High Court injunction against the operating company.

Three companies are associated with the dump. Neiphin Trading Limited is in liquidation, Dean Waste Company Limited is in receivership and Jengsoph Limited is insolvent. How wonderfully convenient for the directors of these companies. They have left behind an unholy mess in my constituency beside the capital town, right on top of Johnstown village and in the townland of Kerdiffstown, where the residents have suffered long and unheard.

I pay tribute to the members of the Kerdiffstown residents association, which has fought a long, hard battle, and to the members of Clean Air Naas, who have brought their considerable muscle to the campaign. They are to be thanked for their selflessness and dedication to their communities.

Where once there was a hole in the ground, there is now a veritable mountain of rotting, stinking waste. It is one of the highest points in County Kildare. There is no protection for ground or surface water from the leachate running off the dump and it should be noted that the River Morrell, a tributary of the Liffey and a source of Dublin and Kildare's water supply, runs within 100 m of the site. The danger of serious pollution is real. The air near and downwind from the dump is stinking and there is no infrastructure to collect or dispose of the noxious gases. They are simply allowed to go straight into the atmosphere. This has caused real stress and fear for the people living in the area and some 30,000 people are affected. There is no effective security at the dump and scavengers and others have free access. A number of fires have occurred, giving rise to more fear and dread in the dump's general area. Rats and birds are teeming in the area. It is estimated that the site holds some 1.1 million tonnes of waste, which have been effectively abandoned by those who made the site a profitable, if illegal enterprise.

I call on the Green Party's Minister for the Environment, Heritage and Local Government to take effective action to secure and clean up this rotting menace. It is not acceptable for him to hide behind so-called independent quangos or court cases. He must issue a directive to the EPA to move in, secure the site and remove the dangerous waste. While this will be an expensive operation, the potential high cost of the alternative cannot be countenanced. The landfill levy fund amounts to €198 million and I call on the Minister to use part of the fund to enable the EPA to take the necessary action. It is noteworthy that the Dean group of waste companies got away with paying nothing into the fund for a ten-year period.

Through Ms Nessa Childers, I have also raised this issue with the European Commissioner and I intend to pursue that course further.

In seeking to protect the environment, the EPA is operating with one arm tied behind its back. The Minister needs to change the law so that, when a landfill licenceholder breaches the terms of that licence, the EPA is empowered to close down him or her there and then. This is not currently the case. As the EPA is dealing with rich companies and individuals, the Kerdiffs-

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town dump has been allowed to grow and fester since the first licence breach in 2003. If the law was otherwise, the dump would have been closed down in 2003, not 2010. If this is not a case for changing the powers of the EPA, I do not know what is.

Deputy John Gormley: On foot of a commitment in the programme for Government, a review of the EPA began in February 2010. Under its terms of reference, the review group has been asked to review the legislation governing the EPA, assess performance against its mandate and evaluate the scope of that mandate, review the resources allocated to the EPA, assess the structures and governance of the agency and assess the relationship between it and other parts of the environmental governance structure. The review group members are drawn from a varied background and include environmental, legal, academic, business and agriculture experts. The group also includes former directors of the Irish EPA and its Dutch counterpart.

A public consultation process in respect of the review was held earlier this year and received more than 130 submissions. The review group, as part of its ongoing work programme, also consulted with a wide range of stakeholders, including environmental non-governmental organisations, the IFA, IBEC, Departments, other public bodies, the City and County Managers Association and the EPA. The group's work is ongoing and it is expected that it will finalise its report by the end of the year and report to me shortly thereafter. Clearly, there will be a need to consider carefully the group's recommendations, on which I do not intend to speculate or pre-empt.

The review group has adopted a thematic approach which includes an examination of the licensing framework, both in terms of the EPA's role and the legislation that governs it. Waste facilities operate under waste licences issued by the agency, with these licences being subject to stringent conditions regarding the operation of such facilities. The need for strong enforcement action has been aided by ministerial policy directions that issued in May 2005 and July 2008 providing guidance where illegal deposition is discovered. I am concerned about any facility that is causing environmental pollution, but there is adequate legislation in place for the regulatory bodies to deal with such matters.

The Government is committed to ensuring an adequate enforcement response to illegal waste activity and I would point to continuing support from the environment fund towards enforcement staffing costs. This funding of more than €7.5 million has been used to finance the activities of 120 additional local authority enforcement personnel. I also hope to provide additional funding this year of up to €1 million to cover the additional enforcement costs of local authorities.

The EPA plays a key role in monitoring, maintaining and improving Ireland's environmental performance. Accordingly, a high level of importance is attached to this review. Good environmental governance is a key priority for the Government as a whole, in particular as an essential element of sustainable development. The review is also important in the context of the Transforming Public Services agenda and the need for efficiency and effectiveness in a resource-constrained environment. The ultimate aim of the review is to strengthen the agency and I look forward to the finalisation of the review group's report.

The Dáil adjourned at 5.20 p.m. until 2.30 p.m. on Tuesday, 9 November 2010.

Written Answers.

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

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

Organic Farming

11. **Deputy Jack Wall** asked the Minister for Agriculture, Fisheries and Food the number of applications pending for grant aid under the REP scheme to organic farmers; and if he will make a statement on the matter. [40643/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Organic Farming Scheme was introduced in 2007 to deliver enhanced environmental and animal welfare benefits and to promote organic production. Support for these objectives had been provided by way of supplementary measure under the Rural Environment Protection Scheme. A total of 365 applications were received in respect of the 2010 Organic Farming Scheme. This is in addition to the 488 participants in the scheme at the end of 2009. Following review at the end of 2009, the scheme was re-launched at the beginning of the year and included a new requirement that applicants had completed an approved training course before joining the scheme. All new applicants are also required to submit a detailed 5 year business plan.

The applications and business plans are currently being processed in the Department with a view to early decision on entry into the scheme. The Department will be in contact with the applicants in the near future and my intention is to ensure that all administrative checks are completed and that payments commence as quickly as possible.

Direct Payment Schemes

12. **Deputy David Stanton** asked the Minister for Agriculture, Fisheries and Food the way in which mapping issues are impacting on payment of single farm payment and disadvantaged area payments to farmers; the number of farmers awaiting payment because of difficulties with mapping; and if he will make a statement on the matter. [40536/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): This year has proven to be a very challenging one from the point of view of processing Single Payment Scheme applications. A substantial additional workload has led to a situation where the initial processing and administrative validation of applications took considerably longer than recent years. In addition, there was a very large increase in the volume of maps submitted on which area

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changes were recorded. Most of these changes record where farmers wish to identify and have removed ineligible areas from the land parcels claimed.

By the time the processing of the 2010 applications is completed, it is expected that my Department will have processed and digitised maps received from over 70,000 farmers. This compares with a figure of 30,000 for 2009 and an average of 22,000 maps in recent years. On average each farmer submitted two maps with their 2010 application forms. It is for this reason that, despite the allocation of additional resources, the digitising of the maps submitted is taking a longer period than in previous years consequently some farmers have not received the full amount of their advance payment because maps submitted by them have not as yet been digitised.

Notwithstanding these difficulties, the total number of farmers advance paid under the Single Payment Scheme since payments commenced on 18th October is 110,438 with an amount totalling €519 million. Of the remaining 11,500 eligible applicants yet to be paid, approximately 600 applicants have not been paid due to the need to have their land parcels re-digitised. My Department is prioritising the re-digitising of the parcels for these applicants. The remaining maps requiring digitising will continue to be given top priority until they have all been processed.

When account is taken of the additional amounts paid under the Disadvantaged Areas Scheme, payments to date have reached almost €700 million, a significant figure under any circumstances. This underlines the initiatives that I have taken to achieve my objectives of maximising payments. One of the initiatives came from my decision to include the provision of advance payments under the Disadvantaged Areas Scheme as well as the SPS. In a significant change, my Department has been able to pay those farmers whose applications are fully processed and clear on a weekly basis. I also brought forward the date for the balancing payment for the Disadvantaged Areas Scheme. In addition, it has also been possible to make full or partial payments to those farmers whose only difficulty is non-digitised maps, with payment being made on those parcels of land that are digitised and cleared. This meant that thousands of farmers received payment much earlier than would normally have been the case.

I must point out that under the legislation governing the implementation of the Single Payment Scheme it is permissible to pay applicants only in respect of eligible land. In many cases this year, applicants have identified ineligible areas on maps sent to my Department which is then obliged to have these amendments digitised onto its Land Parcel Identification System. It is a key control under the European Union's Integrated Administrative and Control System that the Land Parcel Identification System is kept fully up to date. This means that the ineligible areas entered by farmers on the maps submitted to my Department must be re-digitised onto the Land Parcel Identification System. That task is highly technical and must be carried out to a very high standard to preserve the integrity of the system.

I must re-iterate that it is essential that the Land Parcel Identification System, which records details of all land declared under all the area-based schemes, is fully accurate and up to date, given the fact that it underpins total expenditure under these schemes of in excess of €1.8 billion annually. Consequently the system must take account of changes to areas submitted by farmers. Any failings or shortcomings in the Land Parcel Identification System would constitute a breach of the Integrated Administrative and Control System and would leave my Department open to the very real risk of significant EU fines. I am strongly of the view that such a risk which cannot be countenanced as it could compromise the value of direct payments to farmers. This year has proven to be a particularly challenging one from the point of view dealing with the volume of maps received while keeping the Land Parcel Identification System up to date and maximising payments made to farmers.

Finally, I set a very demanding schedule of payments for the Disadvantaged Areas Scheme, Single Payment Scheme and the Grassland Sheep Scheme from September to December 2010. I intend to adhere to this schedule. In the meantime, multiple payment runs under the Schemes will be made on a weekly basis to pay farmers, whose applications are fully processed and clear. I am confident that, by year-end, the total value of payments, which will have issued to farmers under these Schemes, will be well in excess of €1 billion.

13. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food the amount of interest payment due to the 17,400 farmers whose farm waste management payments were delayed; and if he will make a statement on the matter. [40629/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The arrangements for payment of the remaining grants under the Farm Waste Management Scheme on a phased basis were confirmed in early 2009 with 40 per cent being paid in that year as claims were approved. A further instalment of 40 per cent was paid early in 2010 and the final instalment of 20 per cent will be paid in early 2011. At that stage, total expenditure under the Scheme, since its introduction in 2001, will be of the order of €1.2 billion. I also announced that a special ex-gratia payment not exceeding 3.5 per cent of the value of the deferred amount would be made to farmers whose Farm Waste Management grants were partially deferred in the manner set out above. This payment will also be made in early 2011.

Food Industry

14. **Deputy Michael P. Kitt** asked the Minister for Agriculture, Fisheries and Food the level of demand for organic food and if he believes there is potential for this to grow; and if he will make a statement on the matter. [40776/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The organic food sector in Ireland is currently valued at approximately €94 million annually and there are about 1,500 producers engaged in organic production. However, a large portion of the organic produce on the Irish market is imported. Apart from the domestic market, there are major export opportunities for Irish organic produce in other European markets. For example, the UK market is currently estimated to be worth Stg.£1.5 billion annually and the German organic market is valued at €5.85 billion annually.

There are many factors driving the recent growth in demand for organic food, such as health and environmental concerns. The wish for GM-free food among certain consumers has also been a factor. Against this background, I am satisfied that there is considerable potential for expansion in organic production here. This is recognised in the commitment in the Programme for Government and, more recently, has been reflected in the Food Harvest 2020 Report. The report places the organic sector within the overall context of development of agriculture and the food industry and sets out a number of specific recommendations for the sector in relation to grant aid for production and processing, the promotion of consumer awareness, marketing and research and development.

Tax Code

15. **Deputy Noel J. Coonan** asked the Minister for Agriculture, Fisheries and Food his views on the cost of the carbon tax for farms, which is estimated to be in the region of €225 for the average farm annually; and if he will make a statement on the matter. [40557/10]

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

[Deputy Brendan Smith.]

Finance and the Minister for the Environment, Heritage and Local Government. The Renewed Programme for Government contained a commitment to introduce a Carbon Tax in Budget 2010 and this commitment was fulfilled when a carbon tax at a rate of €15 per tonne on fossil fuels was introduced in the third Carbon Budget, delivered by the Minister for the Environment Heritage and Local Government, on 9 December 2009.

The tax applied to petrol and auto-diesel with effect from 10 December 2009 and from 1 May 2010 to Kerosene, Marked Gas Oil (also known as green diesel), Liquid Petroleum Gas (LPG), Fuel Oil and Natural Gas. In the case of the Agriculture Sector, the impact of the introduction of the carbon levy resulted in an approximate 8.7% increase in the price of Marked Gas Oil. The Minister for Finance has indicated that the estimated revenue arising from a carbon tax of €15 per tonne, on Marked Gas Oil used by farmers, is €12.5 million in a full year and being applied from 1 May, approximately €7 million in 2010.

The overall impacts on the Agriculture Sector of the Carbon Levy were calculated by Teagasc, based on National Farm Survey data. Whilst there is, of course, a considerable degree of variability across the various farm systems, the Teagasc analysis estimated that the average increase across all farms, including the impacts of the carbon levy on all fuel types, will be in the region of €230 per farm. It is important to stress that this figure of €230 per farm takes account of the increase on all fuel and lubricants that might be used by a farmer and is not confined solely to the green diesel used by farmers. It includes the increase in cost of the fuel consumed by agricultural contractors, hauliers, machinery hire and transport, or fuel used in other farm machinery owned by the farmer themselves, and also the fuel the farmers use in their private cars.

I am mindful that, as matters stand, a significant financial concession is 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. It is also worth bearing in mind that since an excise duty on agricultural diesel was first introduced in 1988, at a rate of €47.36 per 1,000 litres, the rate has been increased, only for the first time, on foot of the introduction of this carbon tax. To help illustrate the significance of this concession; since 1988, the excise rates for petrol and auto-diesel have increased by around 40% and 45% respectively while agricultural diesel has remained unchanged.

When introducing the Carbon 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. As the Deputy will, of course, be aware, 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 CO₂ equivalent. The aim of this carbon tax is to bring about a behavioural change that results in reduced consumption of fossil fuel and consequently, a reduction in emissions.

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 29.1% of Ireland's emissions in 2009, I am also very conscious of the need to effect a reduction in these emission levels. As the figure of €230 per farm, established by Teagasc, assumes no change in fuel use by farmers, it should be possible to offset at least some of the increased costs associated with the introduction of the carbon tax, through better management of fossil fuel usage.

Farming Statistics

16. **Deputy David Stanton** asked the Minister for Agriculture, Fisheries and Food, further to Parliamentary Question No. 407 of 25 May 2010, the further progress that has been made with the estimates of future farm numbers in 2020 especially the demographic profile of farmers, as commissioned from the rural economy research centre of Teagasc by his Department as part of the 2020 strategy. [40537/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Teagasc have provided farm number estimates for 2020 which will be available to the Food Harvest High Level Implementation Committee at its next meeting. These figures focus on farm viability and do not include a demographic profile. Information on current farm demographics is published by the CSO and included in the Annual Review and Outlook published by my Department.

Alternative Farm Enterprises

17. **Deputy Catherine Byrne** asked the Minister for Agriculture, Fisheries and Food if he has held discussions with the Department of Communications, Energy and Natural Resources with regard to the delay in seeking approval for the renewable energy feed in tariff designed to support the biofuel sector; and if he will make a statement on the matter. [40553/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Renewable Energy Feed in Tariff (REFIT) is a matter in the first instance for my colleague the Minister for Communications, Energy and Natural Resources. I have written previously to the Minister for Communications, Energy and Natural Resources in relation to REFIT tariffs and officials from my Department are in ongoing contacts with their counterparts in the Department of Communications, Energy and Natural Resources with a view to progressing this and other issues.

Food Industry

18. **Deputy Damien English** asked the Minister for Agriculture, Fisheries and Food the proportion of the budget for food industry competitiveness, marketing and innovation that has been spent in 2010; and if he will make a statement on the matter. [40574/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Food Sector Competitiveness Fund, approved by Government in 2009, included lean manufacturing, R&D and marketing initiatives. The budget provided for 2010 is €9.5 million comprising €7 million for lean manufacturing and R&D initiatives managed by Enterprise Ireland and €2.5 million for marketing initiatives by An Bord Bia. By the end of 2010, nearly €3 million will have been spent on lean manufacturing including leadership training including €593,864 in expenditure to date. Further projects underway together with applications in hand will mature for payment in 2011. This includes much of the €450,000 in €5,000 innovation vouchers recently awarded to food companies. With regard to the €2.5million for marketing, Bord Bia has allocated this to initiatives underway.

Agri-Environment Options Scheme

19. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Fisheries and Food the number of farmers who have applied for the agri-environmental options scheme; and if he will make a statement on the matter. [40625/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Some 6,000 letters of approval for participation in the scheme have now issued to applicants under the Agri-Envir-

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onment Options Scheme. Comprehensive administrative and validation checks must be carried out on all applications to ensure eligibility and compliance with the terms and condition of the scheme before letters of approvals can issue, particularly in the case of those applications which required the submission of a Sustainable Management Plan. This represents the majority of 3,419 applicants who have not yet received a start date. I expect the administrative and validation process to be completed and all outstanding cases to be notified of the outcome of their application before the end of November, with successful applicants receiving a start date of 1st November, 2010.

EU Directives

20. **Deputy Frank Feighan** asked the Minister for Agriculture, Fisheries and Food his views on the proposed changes to the nitrates directive; and if he will make a statement on the matter. [40576/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I welcome the agreement that has been reached with the EU Commission on the content of Ireland's 2nd National Action Programme (NAP) under the Nitrates Directive. This new programme will run to the end of 2013. The overall package will, in this economically challenging climate, assist Ireland's agri-food sector meet its targets under the Food Harvest 2020 strategy on the basis of sustainable farming practices.

A comprehensive public consultation process on the proposed NAP revisions commenced in June this year; 45 submissions were received including from the main farming organizations and environmental non-governmental organizations. I set up, jointly with the Minister for the Environment, Heritage and Local Government, an Expert Advisory Group to assist both Departments in taking forward the review process and in determining a common position on the measures which should be included in the 2nd NAP. Following completion of the Expert Group's Report, there have been a number of detailed discussions with the EU Commission on the proposed content of the new programme.

I am pleased that the EU Commission has accepted Ireland's argument that there should be a limited extension of the current transitional arrangements on phosphorous granted to the pig, poultry and mushroom sectors under the first action programme. This concession will continue but will be phased out on a stepped basis between January 2013 and January 2017. I am also pleased with the progress made on fertiliser application limits and winter ploughing and green cover. In the light of the Expert Review Group Report and subsequent discussions with the Commission, the current regime of closed periods for land-spreading is not being changed. It was clear from the discussions that the EU Commission views the current arrangements in this country as one of the most favourable of all member states.

The conclusion of an agreement with the EU Commission on this package of measures clears the way for a formal vote by the EU Nitrates Committee on Ireland's request for a renewal of its derogation under the Nitrates Directive. This derogation allows more intensive farmers to operate at higher stocking levels subject to adherence to stricter rules. The EU Commission has indicated that on the basis of the new National Action Programme now agreed, it can support Ireland's request for a renewal of the derogation. The proposed changes in the 2nd Action Programme must go through a screening process in line with the requirements of the EU Strategic Environmental Assessment Directive. This screening process has been initiated by the Department of the Environment, Heritage and Local Government. Regulations to give effect to the Programme will be finalised shortly.

Poultry Industry

21. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the plans in place to ensure the future success of the poultry sector is not jeopardised by the introduction of new poultry regulations in 2011; and if he will make a statement on the matter. [40562/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I assume that the Deputy's question refers to Council Directive 99/74/EC which prohibits the use of conventional cages within the EU from 1 January 2012. Production thereafter will only be allowed in 'enriched cages' or non-cage systems, i.e. either free-range or barn systems, including organic systems. The Directive lays down specific requirements that must be delivered by enriched cages, including provisions regarding space, nesting, perches, litter, feed trough and aisle width.

I am acutely aware of the challenges facing the poultry sector arising from the introduction of these new standards. Mindful of the additional costs this will place on producers, earlier this year I introduced the Poultry Welfare Scheme which will assist producers meet the new animal welfare standards for poultry production. Under the scheme, €16 million is being made available for conversion to enriched cages, free-range or barn systems. The scheme will provide for grant-aid at a standard rate of 40 per cent for investments in new laying hen structures, conversions and upgrades.

It is important that the industry post January 2012 is fully compliant with the new standards and is in a position to compete, both domestically and with imports. The provision of aid reflects the importance placed on the maintenance of the highest standards of animal welfare in the laying hen sector and this will serve as a valuable selling point for Irish producers and will help to preserve and protect the excellent reputation of the Irish laying hen producer sector in the future. I understand a number of applications for grant aid under the scheme have been received and are currently being processed in the Department's On Farm Investment Division in Johnstown Castle, Wexford. The closing date for applications is 30 June 2011 with all work to be completed by 31 December 2011.

On-farm Investment Schemes

22. **Deputy Seán Ó Feargháil** asked the Minister for Agriculture, Fisheries and Food the basis on which funding will be made available under the new sheep fencing and mobile handling scheme; and if he will make a statement on the matter. [40762/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Sheep Fencing and Mobile Handling Equipment Scheme opened for applications on 1 November 2010. The Scheme will remain open for valid applications until 31 December 2013 and selection criteria will be applicable in order to determine those grant applications which will proceed to the approval stage. Under the terms of Ireland's Rural Development Programme, a sum of €8 million will be made available for the Scheme during the course of its lifetime.

Beef Exports

23. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food if his Department is taking all necessary steps to ensure grading machines are working correctly; and if he will make a statement on the matter. [40545/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): In the European Union (EU), carcasses of adult bovines are classified or graded in accordance with Commission Regulation (EC) 1249/2008 using the EUROP scale for conformation and a scale of 1 to 5 to indicate fat cover. Some Member States, including Ireland, further divide each main class into

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sub-classes in order to refine the classification assessment of the beef carcase. Classification is used in many cases as the basis for payment to producers and it underpins the EU price reporting system for beef.

Machine classification was only introduced following a formal authorisation procedure, in accordance with Commission Regulation (EC) 1215/2003. At this point in time there are 23 machines in use in the meat plants, while 4 plants continue to classify manually. It is now estimated that in excess of 90% of beef carcasses from export approved plants are classified by machine. At the time of the introduction of machine classification, it was viewed by Irish beef producers and the processing industry as an independent and objective manner of classifying beef carcasses as opposed to manual classification, which is regarded as subjective.

Since the introduction of mechanical classification of beef carcasses in late 2004/early 2005, the performance of the classification machine in each beef processing plant is monitored by regular unannounced inspections by officials of my Department. The classification results allocated to beef carcasses are downloaded from the mechanical classification system onto a hand-held computer and the officials assesses the results of at least 80 carcasses previously classified by the machine. This assessment of the classification for both conformation and fat is carried out using sub-classes for each main class. The performance of the machine is determined using the same scoring criteria as laid down in the EU Regulation for authorisation purposes.

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

In order to further improve the performance and monitoring of the classification machines, officials of my Department have held discussions in recent months with the various stakeholders involved in beef carcass classification. The stakeholders included farmers' representatives, the meat trade and the manufacturers of the classification machines. I wish to acknowledge the participation and positive contributions of all stakeholders during the discussions. A number of measures have been introduced, or are in the process of being introduced, in order to enhance controls and procedures with the aim of ensuring the effective operation of the mechanical classification system. These measures include:

- Increased frequency of control visits by officials of my Department;
- Enhanced monitoring of inspection results;
- Monitoring of classification trends in each meat plant;
- Formal self-checks of machines by factory operatives in each meat plant;
- Ongoing training of factory operatives on the operation of machines;
- Enhanced communications between stakeholders.

The performance of the classification machine in each beef processing plant and the implementation of these enhanced controls continue to be monitored by regular unannounced inspections of meat plants by officials of my Department.

Crop Losses

24. **Deputy Kathleen Lynch** asked the Minister for Agriculture, Fisheries and Food the amount paid under the crop damage compensation scheme to potato and field vegetable grow-

ers in 2010 as a result of frost damage in winter 2009/2010; and if he will make a statement on the matter. [40651/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): To date, 112 applicants have been paid a total of €2,754,884.49 under the Frost Damage Scheme. There are a further 90 files which are at various stages of being processed at present. All outstanding payments will have to be completed this year.

Organic Farming

25. **Deputy Mary Upton** asked the Minister for Agriculture, Fisheries and Food the amount of grant aid paid to organic farmers under the REP scheme for the years 2009 and 2010; and if he will make a statement on the matter. [40642/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The amount of grant aid paid to organic farmers under the REP scheme in 2009 amounted to €452,924 while the amount paid to date in 2010 amounts to €1,900,780.

On-farm Investment Schemes

26. **Deputy James Bannon** asked the Minister for Agriculture, Fisheries and Food if there are plans to address outstanding young farmers' installation aid and farmer hardship cases; and if he will make a statement on the matter. [40542/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Young Farmers' Installation Scheme was suspended for new applications on 14 October 2008. 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.

Fishing Vessel Licences

27. **Deputy Jim O'Keeffe** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the difficulties confronting the owners of fishing vessels in the 15 metre to 18 metre category which do not comply with the new safety regulations; if he will arrange to introduce a decommissioning arrangement for such vessels; and if he will make a statement on the matter. [39734/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Matters concerning maritime safety, including in respect of sea fishing vessels, is a matter for the Minister for Transport. I have no function in relation to the matter. I have no plans for a further decommissioning scheme at present.

Grant Payments

28. **Deputy Seymour Crawford** asked the Minister for Agriculture, Fisheries and Food the number of farmers that have not been paid any area aid or single farm premium so far this year on a county basis; the number of others that have received reduced payments because of unresolved mapping problems (details supplied); and if he will make a statement on the matter. [40534/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): By the time the processing of the 2010 applications is completed, it is expected that my Department will have processed and digitised maps received from over 70,000 farmers. This compares with a figure of 30,000 for 2009 and an average of 22,000 maps in recent years. On average each farmer submitted two maps with their 2010 application forms.

Despite the huge additional workload significant progress has been made with the result that very few of the farmers who have yet to be paid have problems relating to the digitising of maps. In addition it has also been possible to make full or partial payments to those farmers whose only difficulty is non-digitised maps, with payment being made on those parcels of land that are digitised and cleared. This meant that thousands of farmers received payment much earlier than would normally have been the case. I also have implemented a provision, for the first time, where farmers not in receipt of their full advance payment can receive a supplementary advance payment following the re-digitising of their land parcels. In the past, such farmers would have to wait until 1 December before they could be paid their additional payment as well as their balancing payment.

There has some comment on the need to react earlier. This is easy to say but does not reflect the unprecedented number of maps requiring updating and re-digitising and extra two months required to input the huge level of additional information into the system. Data capture, which would normally take place by July, was only completed in September. In addition, the digitising of land parcels requires certain skills and knowledge and there are very few skilled operators. Therefore, it is not a situation where further staff could be readily recruited from outside. This year, all aspects of the processing of the Single Payment Scheme took longer than in previous years given the number of farmers who made alterations to their applications particularly relating to the changing of eligible areas.

The following tabular statements illustrate the payments to date under the Single Payment Scheme and Disadvantaged Areas Scheme.

2010 Single Payment Scheme

County	Fully Paid	Partially Paid	Not paid as case is Not clear
Carlow	1,232	280	116
Cavan	3,787	595	325
Clare	5,041	626	349
Cork	9,207	2,408	1,165
Donegal	6,534	578	760
Dublin	490	52	90
Galway	9,550	970	1,173
Kerry	5,683	943	867
Kildare	1,411	353	252
Kilkenny	2,289	747	363
Laois	2,144	499	241
Leitrim	2,370	639	315
Limerick	4,124	569	387
Longford	1,903	284	154
Louth	1,122	198	163
Mayo	7,746	2,163	1,274
Meath	3,147	248	247
Monaghan	3,171	438	336

County	Fully Paid	Partially Paid	Not paid as case is Not clear
Offaly	2,415	432	153
Roscommon	4,584	538	501
Sligo	3,156	381	330
Tipperary	4,978	1,303	574
Waterford	1,935	318	152
Westmeath	2,224	395	278
Wexford	2,732	846	378
Wicklow	1,326	389	317
Total	94,301	17,192	11,260

2010 Disadvantaged Areas Scheme

County	Full payment	Partial payment	Not paid as case is not clear
Carlow	495	188	64
Cavan	3,506	903	270
Clare	4,834	832	264
Cork	4,612	1,663	571
Donegal	5,550	1,362	783
Dublin	86	17	16
Galway	8,682	1,749	1,122
Kerry	5,114	1,558	727
Kildare	359	73	60
Kilkenny	1,099	490	127
Laois	1,154	384	109
Leitrim	2,068	928	327
Limerick	2,286	375	176
Longford	1,783	405	132
Louth	512	150	80
Mayo	7,136	2,510	1,210
Meath	931	275	87
Monaghan	2,983	721	234
Offaly	1,706	491	127
Roscommon	4,114	1,043	421
Sligo	3,044	551	268
Tipperary	2,932	1,080	337
Waterford	1,015	272	93
Westmeath	1,823	525	176
Wexford	840	408	166
Wicklow	1,024	439	223
Totals	68,664	19,392	8,170

Agri-Environment Options Scheme

29. **Deputy Pádraic McCormack** asked the Minister for Agriculture, Fisheries and Food the number of applicants under the agri-environment options scheme that remain outstanding;

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when it is expected successful applicants will receive notification of a start date; and if he will make a statement on the matter. [40591/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Some 6,000 letters of approval for participation in the scheme have now issued to applicants under the Agri-Environment Options Scheme. Comprehensive administrative and validation checks must be carried out on all applications to ensure eligibility and compliance with the terms and condition of the scheme before letters of approvals can issue, particularly in the case of those applications which required the submission of a Sustainable Management Plan. This represents the majority of 3,419 applicants who have not yet received a start date. I expect the administrative and validation process to be completed and all outstanding cases to be notified of the outcome of their application before the end of November, with successful applicants receiving a start date of 1st November, 2010.

Afforestation Programme

30. **Deputy Margaret Conlon** asked the Minister for Agriculture, Fisheries and Food the value of the financial approvals for the autumn forestry planting that he announced recently; and if he will make a statement on the matter. [40765/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The estimated cost for establishment grants and first premiums for the 1500 hectares approved for this autumn's planting programme is approximately €5.6 million.

Grant Payments

31. **Deputy Eamon Gilmore** asked the Minister for Agriculture, Fisheries and Food when all REPS 4 payments due in 2010 will issue; and if he will make a statement on the matter. [40628/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The EU Regulations governing REPS 4 and other area-based schemes provide that payments issue in two instalments. The first instalment of 75% may be paid once all administrative checks on all applications, as well as cross-checks against areas declared on Single Payment Scheme applications, have been completed. This process is under way and while my objective is to make all payments as soon as possible, the checks are likely to take several more weeks to complete. The balancing payment of 25% can issue once all on-the-spot inspections for the year have taken place. The programme of inspections is well advanced at this stage.

Fishing Industry Development

32. **Deputy Niall Blaney** asked the Minister for Agriculture, Fisheries and Food his views regarding the possible transfer of fish quotas to Norway; and if he will make a statement on the matter. [40763/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The annual consultations between EU and Norway on a bilateral fisheries agreement for 2011 will commence on 15 November 2010. At the last Fisheries Council meeting, held on 26 October 2010 in Luxembourg, the fisheries agenda item of particular importance for Ireland was the discussion regarding these negotiations between the EU and Norway on a bilateral fisheries agreement for 2011.

These negotiations are held annually, whereby Norway and the Community routinely swap fishing opportunities in each others waters as part of the agreement each year. As Ireland

receives very limited fishing opportunities from the fish stocks received from Norway, our main interest relates to eliminating or, as a minimum, reducing to the lowest possible level the transfers to Norway from stocks in Western Waters which we fish. In the past a significant share of the blue whiting stock in Western Waters, in which Ireland has a share, has formed part of the transfers to Norway. Ireland has consistently opposed what has to date been an unfair and inequitable process which results in a Member State, like Ireland which does not benefit, paying for the fishing opportunities of other Member States.

At the Fisheries Council, Minister Connick reminded the Commissioner and his fellow Ministers of the Commissions statement from last Decembers Fisheries Council which provides that *“Bearing in mind that Member States benefit to a different degree from the exchange of fishing opportunities with Norway, the Commission shall endeavour to ensure that the costs and benefits for individual Member States of the annual arrangements with Norway should be as balanced as possible.”* Minister Connick strongly defended Ireland’s position, opposing the transfer of these fish quotas to Norway to pay for cod and other stocks which do not benefit Ireland. In particular the Minister made it abundantly clear that Ireland will totally oppose any moves to include stocks that the Irish fleet fishes in the waters off the west coast, such as horse mackerel and mackerel, in the balance.

It is very clear that there will be a major problem balancing the quota exchanges in any EU-Norway agreement this year especially as the TAC for blue whiting which was used to partly meet the balance in the transfers has been cut by some 90%. Ireland has called on the Commission to bring forward a new framework whereby Member States that want to avail of the Cod being offered by Norway can contribute to a communal EU pool of quotas to be exchanged with Norway. In this way those Member States that want the cod can avail of it, but not to the detriment of Member States who do not benefit. Minister Connick will be keeping in close contact with the negotiations and will be working to deliver an agreement which will protect the fishing opportunities for our fishermen in 2011.

Organic Farming

33. **Deputy Michael P. Kitt** asked the Minister for Agriculture, Fisheries and Food the potential he believes there to be for the organic farming scheme; and if he will make a statement on the matter. [40775/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The objective of this Scheme is to deliver enhanced environmental and animal welfare benefits and to encourage producers to respond to the market demand for organically produced food. The domestic organic retail market is currently worth about €94 million and a large portion of this produce is imported. Apart from the domestic market, major export opportunities for Irish organic produce are to be found in the major European markets. For example the UK market is currently estimated to be worth Stg£1.85 billion while the German market is currently valued at €5.85 billion. By encouraging farmers to consider the organic option and avail of the opportunities that exist in the Organic Sector, the Organic Farming Scheme therefore has the potential to make a significant contribution to the environment and the economy.

Food Harvest 2020

34. **Deputy Máire Hocht** asked the Minister for Agriculture, Fisheries and Food his plans for the implementation of the recommendations set out in Food Harvest 2020 in relation to organics and horticulture; and if he will make a statement on the matter. [40773/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Action on all recommendations is overseen by the High Level Implementation Committee (HLIC) which I chair. In relation to horticulture, a Horticulture Action Group will shortly be established to oversee implementation and to report back to the HLIC on an ongoing basis on progress. Responsibility for progressing actions in relation to organics and all areas is being assigned at senior official and State Body CEO level, as relevant.

Equine Identification

35. **Deputy Brian O'Shea** asked the Minister for Agriculture, Fisheries and Food the number of fines that have been issued in respect of those who have breached the new requirements on equine identification; and if he will make a statement on the matter. [40653/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): European Commission Regulation (EC) No. 504/2008 set out an improved system for the identification for equidae and is binding on all Member States of the European Union. It is a legal requirement since July 2009 that each equine must be identified in accordance with this Regulation. This involves the equine being implanted with a microchip and having a passport issued from an approved studbook or horse passport issuing agency, with the details relating to the animal recorded on a database maintained by the passport issuing body.

Keepers of equines must have passports for their animals in order to be eligible to participate in a wide range of events and activities across the equine sector e.g. thoroughbred breeding and racing, showjumping, competitions, shows, sales and also if certain veterinary medications are to be availed of. Equines cannot be considered for slaughter for human consumption unless they have a passport.

Officials from my Department who carry out checks of equine passports at Rosslare and Dublin ports have found in recent years near 100% compliance with the requirement for horses to be accompanied by passports; they observe that on foot of publicity campaigns undertaken by my Department in recent years there is a high level of awareness amongst those involved in the equine industry of the passport requirements. All keepers of horses, passport issuing bodies and veterinary practitioners are obliged to comply with the provisions of this legislation.

The Department's approach has been one of informing all stakeholders in the equine industry (keepers of equines, approved passport issuing bodies, veterinary representative organizations, marts/ sales where horses are transacted, etc.) through a combination of initiatives including direct correspondence and communications in the equine press of the requirement to have all horses identified. No prosecutions have been undertaken to date.

Research Funding

36. **Deputy Edward O'Keeffe** asked the Minister for Agriculture, Fisheries and Food the level of funding that will be provided for the recently announced research call across the food institutional research measure, research stimulus fund and competitive forest for research development; and if he will make a statement on the matter. [40779/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Funding of approximately €10 million in total over four years has been allocated to the recently announced Research Call across the Food Institutional Research Measure, the Research Stimulus Fund and the Programme of Competitive Forest Research for Development. This funding comprises a number of new initiatives that will facilitate collaborative, inter-institutional, public good type research to enable fulfilment of a number of industry relevant targets set out in the recently published *Food Harvest 2020* Report.

Grant Payments

37. **Deputy Michael D. Higgins** asked the Minister for Agriculture, Fisheries and Food the amount paid out to the horticulture sector under the investment aid grant scheme under the national development plan; the number of payments issued to date; the highest amount of a single payment; and if he will make a statement on the matter. [40648/10]

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

Under the first two rounds of the scheme, a total of €8,254,321 was paid out to 222 producers in 2008 and 2009 which supported investment of €20.6M. The highest amount paid to an individual applicant was €404,640. This year a grant package of €3.8M is available to 107 horticulture producers which will fund projects to the investment value of €9.5M.

Dairy Industry

38. **Deputy Noel Treacy** asked the Minister for Agriculture, Fisheries and Food the way he anticipates the 50% growth target for dairy production set out in Food Harvest 2020 can be achieved; and if he will make a statement on the matter. [40759/10]

77. **Deputy Noel Treacy** asked the Minister for Agriculture, Fisheries and Food the timetable he has given the dairy expansion activation group in which to report; and if he will make a statement on the matter. [40760/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 38 and 77 together.

I expect that the *Food Harvest 2020* target of a 50 per cent increase in milk production by 2020 will be achieved through a focused and determined implementation of the report's recommendations for the dairy sector. These recommendations cover the full range of activities in both production and processing, and include:

- the need to improve on-farm competitiveness through, for example, animal health and genetic improvement programmes as well as increased efficiency through education and technology transfer,
- the need to ensure adequate capacity and maximum efficiency at processing level, and
- the need to facilitate more commercially focused R&D and marketing activities, as well as further research into strategies to reduce greenhouse gas emissions.

I have previously stated my commitment to leading and driving the implementation of this report. I established, and am chairing, a very focused High Level Implementation Group which will ensure effective, joined-up action, and will act as a clearing house for the range of issues that are likely to arise in relation to the development of the agriculture sector as a whole. I have also recently established the Dairy Expansion Activation Group, comprised of dairy farmers,

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processors and Teagasc, which I have tasked with addressing the specific actions required to achieve the dairy expansion target. I have asked for an initial ‘road map’ to be submitted to the High Level Implementation Group by the end of November, highlighting key milestones and identifying how any obstacles to implementation should be overcome.

Pigmeat Sector

39. **Deputy Joe Costello** asked the Minister for Agriculture, Fisheries and Food the amount of money to date that has been paid out under the pigmeat recall scheme; the number of companies which has been paid compensation from this scheme; the amount each company received under this scheme; and if he will make a statement on the matter. [40646/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): A total of €100m has been paid out under the Scheme to date: €35m in 2008, €55m in 2009 and €10m in 2010. Co funding in the sum of €8m was provided by the EU in respect of some 7,500 tonnes of the affected pigmeat product. A total of 120 companies have been paid to date. The information requested by the Deputy relating to how much each company received is commercially sensitive and I regret that I cannot issue it to him.

Poultry Industry

40. **Deputy Róisín Shortall** asked the Minister for Agriculture, Fisheries and Food the number of poultry breeder eggs imported in 2009 and 2010; and if he will make a statement on the matter. [40658/10]

43. **Deputy Pat Rabbitte** asked the Minister for Agriculture, Fisheries and Food the number of poultry egg breeders here; and if he will make a statement on the matter. [40657/10]

63. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food the incentives in place to promote poultry egg breeding activities here; and if he will make a statement on the matter. [40659/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 40, 43 and 63 together.

According to records held in my Department, some 79 poultry flocks are involved in the production of hatching eggs, with a further 33 involved in rearing these birds to laying age. During 2009, approximately 6 million eggs were imported into Ireland for the purpose of hatching, while for the first nine months of 2010 some 6.6 million eggs were imported for the same purpose. These imports originate in the United Kingdom, the Netherlands and France.

The Common Agricultural Policy constrains the financial assistance that can be afforded to poultry producers. Usually, such assistance is linked to avian health or welfare considerations. For example, Council Directive 99/74/EC prohibits the use of conventional cages within the EU, and comes into effect from 1 January 2012. Production thereafter will only be allowed in ‘enriched cages’ or non-cage systems, i.e. either free-range or barn systems, including organic systems. The Directive lays down specific requirements that must be delivered by enriched cages, including provisions regarding space, nesting, perches, litter, feed trough and aisle width.

Mindful of the additional costs this will place on producers, earlier this year I introduced the Poultry Welfare Scheme which will assist producers meet the new animal welfare standards for poultry production. Under the scheme, €16 million is being made available for conversion to

enriched cages, free-range or barn systems. The scheme will provide for grant-aid at a standard rate of 40 per cent for investments in new laying hen structures, conversions and upgrades.

It is important that the industry post January 2012 is fully compliant with the new standards and is in a position to compete, both domestically and with imports. The provision of aid reflects the importance placed on the maintenance of the highest standards of animal welfare in the laying hen sector and this will serve as a valuable selling point for Irish producers. It will help to preserve and protect the excellent reputation of the Irish laying hen producer sector in the future. I understand a number of applications for grant aid under the scheme have been received and are currently being processed in the Department's On Farm Investment Division in Johnstown Castle, Wexford. The closing date for applications is 30 June 2011 with all work to be completed by 31 December 2011.

Direct Payment Schemes

41. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which all farm payments for the past four years to date in 2010 have been completed in full; the number of cases referred for review and re-evaluation in each year; the reason for any rejection arising; the criteria used for review; if specific areas of the country have been singled out for review resulting in delayed payment; if on review it has emerged that similar applications in exactly identical circumstances have resulted in payment in some and rejection and delay of others; when it is expected that all outstanding payments will be made up to date in respect of each category of payment; and if he will make a statement on the matter. [40539/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My Department is involved in the payment of a wide range of grants and subventions including, for example, payments under the Single Payment Scheme to some 130,000 beneficiaries and area based compensation allowances to some 102,000 farmers. The information sought by the Deputy is not readily available in my Department and the resources required to compile the level of detail would not be justified in the required timeframe. However, details of payments made under EU Schemes for the years 2007 to 2009 are available on my Department's website.

Veterinary Medicines

42. **Deputy John Deasy** asked the Minister for Agriculture, Fisheries and Food the efforts being made to address the disproportionate cost of veterinary medicines; and if he will make a statement on the matter. [40566/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My Department does not have any statutory function in relation to the pricing of veterinary medicines. However, my Department does have statutory responsibility for the regulation of veterinary medicines from the point of view of public health and animal health and welfare. In exercising these functions, my Department is conscious of the need to minimise costs for farmers and pet animal owners and has, within the limits afforded by EU legislation, adopted a number of measures over the years with a view to stimulating competition in the supply of medicines.

Fundamental to these efforts has been a policy to retain a viable 'off-prescription' category for medicines which, on scientific evaluation, do not need to be prescribed by a veterinary practitioner. I might add that, during the last review of the EU medicines regime, Ireland was to the fore in opposing Commission proposals to reserve all veterinary medicines to the "prescription-only" category. We were largely successful in this regard, with the result that farmers can continue to purchase major categories of medicines, such as wormers and vaccines, from a wide range of authorised outlets, without incurring the cost of a veterinary call-out fee.

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Other measures adopted by my Department aimed at empowering farmers and other animal owners to get the best value when purchasing medicine supplies include:

- A requirement for all outlets to display price lists and, in the case of vets, to show on invoices the cost of the medicine separate from the cost of the professional service;
- A requirement on vets to issue written prescriptions, enabling farmers to shop around and purchase from the best value outlet;
- An extension of the range of outlets from which many prescription only medicines can be purchased to include Licensed Merchants, in addition to pharmacies and veterinary practices;
- An extension of the maximum validity of a prescription to 12 months, thereby enabling farmers stagger their purchases to meet their immediate and seasonal needs.

I believe these measures provide clear evidence of my Department's commitment to playing its part in minimising costs. I would encourage farmers to take maximum advantage of these measures and I would ask manufacturers and distributors of veterinary medicines to play their parts in driving down costs by offering best value consistent with a reasonable commercial return.

Question No. 43 answered with Question No. 40.

Departmental Offices

44. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food the stage at which plans to reduce the DVE, AES and forestry offices from 48 to 16 stand; and if he will make a statement on the matter. [40641/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): To date under the local office reorganisation plan Department services provided by 31 former local offices have been consolidated at 10 enhanced regional offices. These regional offices allow my Department to provide in a more efficient and effective manner the full range of services to our clients at Castlebar, Clonakilty, Drumshanbo, Enniscorthy, Navan, Limerick, Roscommon town, Tipperary Town, Tralee and Waterford City. Six regional offices are soon to be established in Counties Cavan, Cork, Donegal, Galway, Kildare and Offaly in order to facilitate the closure of remaining local offices and complete the 16 regional office network for my Department.

Beef Industry

45. **Deputy Willie Penrose** asked the Minister for Agriculture, Fisheries and Food when he will publish beef carcass classification results based on the Meat Industry Ireland beef grid; the reason there has been a delay in publishing the results; and if he will make a statement on the matter. [40636/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The classification results for beef carcasses are forwarded to my Department by meat plants on a weekly basis. The classification results are in turn reported to the European Commission in accordance with Commission Regulation (EC) 1249/2008. The computerised reporting systems that report classification results make use of main classes for both conformation and fat and were not designed to provide information based on the various sub-classes for both conformation and fat. The IT services of my Department are currently working on a computer system that will

provide information on the classification results within sub-classes for both conformation and fat. This system is expected to be available shortly.

Grant Payments

46. **Deputy Brendan Howlin** asked the Minister for Agriculture, Fisheries and Food when the farm waste management interest will be paid; and if he will make a statement on the matter. [40630/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): It is intended that the ex-gratia payment due to farmers, whose grants under the Farm Waste Management Scheme were paid on a phased basis, will be made in January 2011.

Food Industry

47. **Deputy Brendan Howlin** asked the Minister for Agriculture, Fisheries and Food the number of schools that have participated in the incredible edibles scheme administered by Bord Bia; the annual cost of the scheme to date; and if he will make a statement on the matter. [40649/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Incredible Edibles challenge is funded by the fruit and vegetable industry and Bord Bia and is administered by Agri Aware on their behalf. In 2010, 2,635 equating to 79% of all primary schools, participated in the Incredible Edibles programme. The challenge has the aim of educating pupils about how fresh produce is grown and what is involved in taking it from the field to the fork. The growing challenge also educates children on the critical role fresh fruit and vegetables play in a healthy balanced diet.

Grant Payments

48. **Deputy Jan O'Sullivan** asked the Minister for Agriculture, Fisheries and Food when the remaining amount will be paid and will all payments due to farmers be made by 1 December 2010; and if he will make a statement on the matter. [40635/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My Department had now processed 111,500 SPS applications with payments worth in excess of €519 million having been issued in just two weeks. Payments under the Disadvantaged Areas Scheme of the order of €177 million have also issued to 90,000 farmers. Those who have yet to receive an advance payment or have received a partial advance payment under either the Single Payment Scheme or the Disadvantaged Areas Scheme payments will be paid, as soon as the errors and other area related eligibility issues holding up payments are resolved and their cases are fully processed for payment. Regular payment runs will continue from now until 1 December when Single Payment Scheme balancing payments will be made in respect of all fully clear cases.

Greyhound Racing Industry

49. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Fisheries and Food when he will bring forward legislation relating to the regulation of the greyhound sector; and if he will make a statement on the matter. [40644/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): A Bill providing for the welfare of greyhounds is currently being drafted with a view to presentation in the current Dáil session.

Health and Safety

50. **Deputy Róisín Shortall** asked the Minister for Agriculture, Fisheries and Food the promotional activities his Department has taken to counter the number of farm deaths in view of the fact that the number of deaths this year has reached 23, the highest number in ten years; and if he will make a statement on the matter. [40639/10]

67. **Deputy Emmet Stagg** asked the Minister for Agriculture, Fisheries and Food the stage at which the implementation process of the new Farm Safety Action Plan 2009 — 2012 stands; and if he will make a statement on the matter. [40640/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 50 and 67 together.

Firstly I would like to express my deepest concern and sadness at the number of fatalities on Irish farms this year. The tragic deaths of 23 people through farming activities is of grave concern to us all. Needless to say I strongly support the Health and Safety Authority, which is the national body in Ireland with responsibility for securing health and safety at work, in their endeavours to promote farm health and safety.

During 2008 a Farm Safety Action Plan for the period 2009-2012 was developed by the Health and Safety Authority and the Farm Safety Advisory Committee, which was launched by my colleague Minister Kelleher, the then Minister for Labour Affairs, in December 2008. This Action Plan sets out ambitious goals and actions to raise national awareness of occupational health and safety in agriculture and to reduce fatalities and accidents on Irish farms. The seven goals of the Action Plan are:

- To raise national awareness of occupational safety and health in agriculture
- To increase the uptake of training on farm safety and occupational health.
- To achieve a reduction in the incidence of fatal accidents to elderly farmers.
- To achieve a reduction in the incidence of fatal accidents to children.
- To achieve a reduction in the incidence of accidents involving livestock
- To achieve a reduction in the incidence of accidents involving tractors and machinery.
- To achieve improvements in the level of occupational ill health among farmers.

My Department has given specific commitments to support this plan and when called upon earlier this year, by my colleague Minister Calleary, my Department gave further commitments to raising the awareness of health and safety in agriculture by including a farm health and safety element in all new programmes. To-date in 2010 my Department has:

Included such an element in the new Dairy Efficiency Programme. This will enable farmers to address key farm health and safety issues with their advisor during Discussion Group meetings. Updated its farm health and safety section of the website. Farm health and safety is now highlighted in the 'Most Popular' section of the website to make it easier for our customers to access the information.

Continued to prioritise appropriate health and safety aspects in farm building specifications when they are being drafted or revised. In August 2010 my Department published a revised specification for loose dry sow units and a new specification for laying hen houses — both of these specifications contain safety related issues on the first two pages.

Maintained the requirement for farmers participating in training courses for the third and fourth Rural Environment Protection Scheme to be advised on farm health and safety matters.

In addition to my Department's farm health and safety promotional activities, Teagasc is actively promoting farm health and safety in all its training programmes, providing courses on the farm safety Code of Practice. They also include health and safety messages in their publications for farmers and their advisors are briefed in the farm safety Code of Practice.

Direct Payment Schemes

51. **Deputy Jim O'Keefe** asked the Minister for Agriculture, Fisheries and Food the procedures that are necessary to sort out delays in single farm payments arising from mapping problems; the number of persons awaiting such payments as a result of the mapping issues; and if he will make a statement on the matter. [39733/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): This year has proven to a particularly challenging one from the point of view of keeping my Department's Land Parcel Identification System up to date. By the time the processing of the 2010 applications is completed, it is expected that my Department will have processed and digitised maps received from over 70,000 farmers. This compares with a figure of 30,000 for 2009 and an average of 22,000 maps in recent years. On average each farmer submitted two maps with their 2010 application forms. It is for this reason, despite the allocation of additional resources, that the digitising of the maps submitted is taking longer than in previous years

Nevertheless the total number of farmers advance paid under the SPS since payments commenced on 18th October is 110,438 with an amount totalling €519 million. It is estimated that 600 of the remaining 11,500 eligible applicants are not paid as yet due to the need to have their maps digitised. I am having these cases given top priority by my Department. The remaining maps requiring digitising will continue to be given top priority until they have all been processed. When account is taken of the additional amounts paid under the Disadvantaged Areas Scheme, payments to date have reached almost €700 million, a significant figure under any circumstances.

Grant Payments

52. **Deputy Joe Costello** asked the Minister for Agriculture, Fisheries and Food when the 2010 REPS 4 payments will issue; and if he will make a statement on the matter. [40627/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The EU Regulations governing REPS 4 and other area-based schemes provide that payments issue in two instalments. The first instalment of 75% may be paid once all administrative checks on all applications, as well as cross-checks against areas declared on Single Payment Scheme applications, have been completed. This process is under way and while my objective is to make all payments as soon as possible, the checks are likely to take several more weeks to complete. The balancing payment of 25% can issue once all on-the-spot inspections for the year have taken place. The programme of inspections is well advanced at this stage.

EU Council Meetings

53. **Deputy Niall Blaney** asked the Minister for Agriculture, Fisheries and Food the outcome of the recent EU Fisheries Council; and if he will make a statement on the matter. [40764/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): At the last Fisheries Council meeting, held on 26 October 2010 in Luxembourg, the fisheries agenda item of part-

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icular importance for Ireland was the discussion regarding the upcoming negotiations between the EU and Norway on a bilateral fisheries agreement for 2011. These negotiations are held annually, and Norway and the Community routinely swap fishing opportunities in each others waters as part of the agreement each year.

As Ireland receives very limited fishing opportunities from the fish stocks received from Norway, our main interest relates to eliminating or, as a minimum, reducing to the lowest possible level the transfers to Norway from stocks in Western Waters which we fish. In the past a significant share of the blue whiting stock in Western Waters, in which Ireland has a share, has formed part of the transfers to Norway. Ireland has consistently opposed what has to date been an unfair and inequitable process which results in a Member State, like Ireland which does not benefit, paying for the fishing opportunities of other Member States.

At the Council, Minister Connick reminded the Commissioner and his fellow Ministers of the Commissions statement from last Decembers Fisheries Council which provides that: “Bearing in mind that Member States benefit to a different degree from the exchange of fishing opportunities with Norway, the Commission shall endeavour to ensure that the costs and benefits for individual Member States of the annual arrangements with Norway should be as balanced as possible.” Minister Connick strongly defended Ireland’s position, opposing the transfer of these fish quotas to Norway to pay for cod and other stocks which do not benefit Ireland. In particular the Minister made it abundantly clear that Ireland will totally oppose any moves to include stocks that the Irish fleet fishes in the waters off the west coast, such as horse mackerel and mackerel, in the balance.

It is very clear that there will be a major problem balancing the quota exchanges in any EU-Norway agreement this year especially as the TAC for blue whiting which was used to partly meet the balance in the transfers has been cut by some 90%. Ireland has called on the Commission to bring forward a new framework whereby Member States that want to avail of the Cod being offered by Norway can contribute to a communal EU pool of quotas to be exchanged with Norway. In this way those Member States that want the Cod can avail of it, but not to the detriment of Member States who do not benefit.

On a side topic, Minister Connick also referred to the ongoing negotiations between the EU, Norway, the Faroe Islands and Iceland on arrangements for the management of the mackerel stock which is so important economically to Ireland. The Minister restated Ireland’s support of the Commission’s efforts to bring about an agreement but not at any cost.

Grant Payments

54. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the steps he is taking to expedite payments due to farmers; and if he will make a statement on the matter. [39784/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Under the legislation governing the implementation of the Single Payment Scheme it is permissible to pay applicants only in respect of eligible land. This year up to 70,000 applicants have identified ineligible areas and features on maps sent to my Department which is then obliged to have these amendments re-digitised onto its Land Parcel Identification System. The volume of maps received is 40,000 more than in 2009. Additional resources were allocated to the re-digitising of the maps received. Nevertheless in some cases the required amendments were not carried out prior to payment.

Consequently some applicants were paid an amount less than the 50% advance payment expected in respect of the Single Payment Scheme and less than the 75% paid under the

Disadvantaged Area Scheme. However, it is important to emphasise that payments did issue to these farmers and they did not have to wait to have all of their parcels re-digitised to be paid, as was the case in other years. Furthermore, in recognition of the need to maximise payments I have implemented a provision whereby farmers not in receipt of their full advance payment can receive a supplementary advance payment following the re-digitising of their land parcels.

The earliest permissible date for the payment under the Single Payment Scheme is 1 December. However in 2010 I made a special case to the European Commission and secured agreement to make an advance payment of 50% from 18th October. The total number of farmers paid since payments commenced just over two weeks ago is 110,438 farmers with an amount totalling €519 million. The balancing payments of 50% will commence on 1st December. The payment of the aid under the Disadvantaged Areas Scheme commenced on 22 September 2010. The total number of farmers paid to date under this Scheme is 89,096 with the total amount paid of €177.5 million. Between both schemes nearly €700 million has been paid out to farmers.

The measures I have taken have maximised the rate at which farmers can be paid taking account of the need to process the very large volume of maps received. My Department will continue to ensure that the digitising of all maps received is a top priority.

On-farm Investment Schemes

55. **Deputy Seán Ó Feargháil** asked the Minister for Agriculture, Fisheries and Food the level of funding being made available for the new sheep fencing and mobile handling scheme; and if he will make a statement on the matter. [40761/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Sheep Fencing and Mobile Handling Equipment Scheme opened for applications on 1 November 2010. The Scheme will remain open for valid applications until 31 December 2013 and selection criteria will be applicable in order to determine those grant applications which will proceed to the approval stage. Under the terms of Ireland's Rural Development Programme, a sum of €8 million will be made available for the Scheme during the course of its lifetime.

Milk Quota

56. **Deputy John Cregan** asked the Minister for Agriculture, Fisheries and Food the closing date for the milk quota trading scheme for the 2011 to 2012 milk quota year; and if he will make a statement on the matter. [40778/10]

86. **Deputy John Cregan** asked the Minister for Agriculture, Fisheries and Food the basis on which the recently announced new milk quota trading scheme will operate; and if he will make a statement on the matter. [40777/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 56 and 86 together.

I recently announced the ninth Milk Quota Trading Scheme, which will be the first of two Trading Schemes to allocate quota in respect of the 2011/2012 milk quota year. The structure of the Scheme will remain largely unchanged. It will again be run in respect of each Co-op area, and will be comprised of a priority pool and a market exchange. Sellers will continue to contribute 30 per cent of the total quota offered for sale to the priority pool. The method for calculating the market clearing price, including the 40 per cent price corridor, will remain unchanged. The 3:2 ratio on the distribution of priority pool quota between young farmers and

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category 1 producers remains, as does the option for sellers in certain Co-op areas to sell at one or two cent per litre less than their original offer price. I have, however, decided to reduce the maximum price at which quota is traded in the priority pool, from 6 cent/litre to 5 cent/litre. If the exchange price for a given Co-op area drops below 5 cent/litre, the priority pool price will be the same as the exchange price.

In addition, I have introduced a national component in each phase of the scheme that will involve a new mechanism to allow sellers who have been successful in selling some but not all of their quota on the market exchange to dispose of their remaining quota through a national pool. Where necessary, this redistribution will be carried out by the Department immediately after each of the two stages in order to ensure that sellers are not forced to retain some of the quota offered for sale because of insufficient demand in their areas. Such a re-distribution will not involve a separate application process.

The closing date for receipt of applications is Friday 5 November 2010. Full details of the Scheme are available from Co-ops or on the Department's website:

www.agriculture.gov.ie/dairyingfarming/milkquotas.

Food Industry

57. **Deputy Edward O'Keeffe** asked the Minister for Agriculture, Fisheries and Food the importance he attaches to continued investment in research and innovation in the Irish agriculture food sector; and if he will make a statement on the matter. [40780/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My Department remains committed to investing in research and innovation in the Irish Agri-Food sector. I believe that both public and private investment in research and innovation is critical to ensuring that the Agri-Food industry becomes part of the smart economy thereby enabling it to play a key role in leading our country to better economic times.

The Food Harvest 2020 Report, recently published by my Department following detailed consideration of the appropriate future strategic direction of the sector by a Group comprising all the major stakeholders, highlights research and innovation as a prerequisite to achieving the growth targets set out in the report. In response to key recommendations in this report, I recently announced a €10m research Call comprising a number of industry relevant novel initiatives across my Department's three Competitive Research Funding Programmes, namely the Food Institutional Research Measure (FIRM), the Research Stimulus Fund (RSF) and the Programme of Competitive Forest Research for Development (COFORD).

My Department invests heavily in agri-food research and innovation both directly through these three competitive, public good, funding programmes as well as indirectly via grant-in-aid funding to Teagasc and the Marine Institute. This funding has built significant human and physical research capacity, capability and critical mass that serves to underpin the sector for the benefit of producers, processors, the wider rural community, and the consumer. The recently announced Call will add further this. Of course, as acknowledged in Food Harvest 2020, the industry itself must play its part too by increasing the level of its own investment in research and innovation both at producer and processor level.

Forestry Sector

58. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food if he will amend the new conditions relating to farmer status in applying for forestry grants; and if he will make a statement on the matter. [40620/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The new conditions relating to farmer status were recently agreed following a long consultation with a wide range of forestry stakeholders. I am satisfied that the new conditions are appropriate for applications for forestry grants.

Food Industry

59. **Deputy Liz McManus** asked the Minister for Agriculture, Fisheries and Food the marketing initiatives that have been undertaken by Bord Bia in 2010 and at what cost to improve the food industry's competitiveness; and if he will make a statement on the matter. [40652/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An Bord Bia is undertaking a series of market research, development and promotion initiatives in 2010 to support the food, beverages, seafood and horticulture sectors including the following. The Marketplace 2010 event in Croke Park in February 2010 brought together 383 buyers with 155 Irish companies for 3,863 pre-arranged meetings to identify business potential. The net budget for the event was under €400,000. Annualised sales arising from the event so far amount to €8.5 million and the target of €10 million in new business after 12 months is accordingly set to be exceeded. In addition, An Bord Bia is participating in 17 key international trade fairs in 2010, providing firms with a cost effective way of engaging with buyers and retailers.

An Bord Bia's Marketing Assistance Programme provides support to food, drink and horticulture companies to assist them in improving marketing techniques and capabilities. It is open to SME's with a minimum annual turnover of €100,000 in the year of application and a maximum turnover of €3.5million. In 2010, 156 companies were awarded grants totalling €882,000. The programme is designed to dovetail with the objectives of the Bord Bia Vantage Small Business Centre of Excellence in helping small businesses to grow.

A second round of the An Bord Bia Marketing Fellowship Programme in association with the UCD Michael Smurfit Graduate Business School commenced in 2010 involving the recruitment of 25 graduates with upwards of three years sales and marketing experience and their assignment to 12 international markets for a 12 month period. The programme which commenced in Autumn 2009 has proven highly successful in terms of market research and business development. The cost of the programme and a Fellowship Alumni programme will be €1.375 million.

An Bord Bia is also working on a new sustainability initiative to further consolidate the market position of quality assured Irish beef. From January 2011, the environmental performance of all 32,000 farms participating in the An Bord Bia Beef Quality Assurance Scheme will be tracked on an ongoing basis to objectively demonstrate its green production credentials. Bord Bia is currently completing the process of accreditation to the internationally recognised specification, PAS 2050, in association with The Carbon Trust in the UK. It is understood to be the first scheme of its type in the world to incorporate an objective assessment of the carbon footprint and will enable Irish beef farmers to demonstrate how they are improving their environmental credentials and increasing productivity. The accreditation and audit work is being funded from within the €4.3 million special fund for Quality Assurance in An Bord Bia's budget for 2010.

Grant Payments

60. **Deputy Brian O'Shea** asked the Minister for Agriculture, Fisheries and Food the percentage of the total money paid out to farmers by 18 October 2010; and if he will make a statement on the matter. [40634/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My overall priority in relation to processing payments under the Single Farm Payment and Disadvantaged Areas Scheme in 2010 is to ensure that as many payments can be made to as many farmers as quickly as possible subject to the necessary requirements of those two schemes being met. For that reason, I set out a very ambitious payments schedule for the commencement of payments under the various Direct Payments between September and the end of the year. My Department is adhering to the schedule.

The total number of farmers advance paid under the SPS since payments commenced on 18th October is 110,438 with an amount totalling €519 million. These applicants have been paid more than 93% of the total due, as they were paid on the basis of their eligible digitised land. As the maps submitted by farmers are re-digitised additional payments will be made to the farmers in question provided that their applications are clear for payment.

Food Industry

61. **Deputy Ciarán Lynch** asked the Minister for Agriculture, Fisheries and Food the amount paid to producers under the producer organisation scheme for the years 2009 and 2010; and if he will make a statement on the matter. [40650/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): In the face of ever-greater concentration of demand, the grouping of supply of fruit and vegetables through Producer Organisations is more than ever an economic necessity in order to strengthen the position of producers in the market.

Accordingly, in its 2007 reform of the common organisation of the market for fruit and vegetables, the European Union made further provision for financial assistance to producers grouping, on a voluntary basis, to form recognised Producer Organisations. Recognised POs implement approved operational programmes which aim to improve the quality and efficiency of operations to achieve the following objectives: improving the competitiveness and market orientation of the sector so as to contribute to achieving sustainable production that is competitive both on the EU and external markets; reducing fluctuations in producers' incomes resulting from crises on the market; increasing the consumption of fruit and vegetables in the Community; and continuing the efforts made by the sector to maintain and protect the environment.

Payments are made to the recognised Producer Organisation undertaking the approved Operational Programme, rather than to the individual producer members of the PO. Payments are made annually in arrears. In 2009, €4,968,268 was paid to the three recognised POs in respect of their 2008 operational programmes. The sum of €5,785,391 was paid this year to the three POs in respect of the 2009 calendar year.

Food Security

62. **Deputy Michael D. Higgins** asked the Minister for Agriculture, Fisheries and Food the progress that has been made on the reform process regarding the Committee on World Food Security and its role within the UN system; and if he will make a statement on the matter. [29665/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The first meeting of the reformed Committee on World Food Security (CFS) took place from 11th to 16th October 2010. The reform of the Committee on World Food Security (CFS) has been brought about both by the ongoing reform of the UN Food and Agriculture Organisation and by the increasing recognition, since the 2008 food price spikes, of the need to improve global governance in food and nutrition security.

These food price crises have brought greater focus on the role that this Committee can play. The vision of the reformed CFS is to be an inclusive international and intergovernmental platform for all stakeholders to work together to ensure food security and nutrition for all. The Committee is intended to be a central component in the global food security architecture and aims to; achieve greater inclusivity through strong involvement from Civil Society, increase capacity to address food insecurity through use of a High Level Panel of Experts to provide the most comprehensive scientific input, and develop greater policy coordination and coherence.

The main highlight of the new Committee was the increased involvement of civil society organisations. Non-governmental organisations participated in all the debates on the same basis as Member Governments and a formal mechanism was agreed for the ongoing involvement of, and support for, NGOs participation. Discussions at CFS concentrated on the issues of land tenure, price volatility and protracted crises. A set of international guidelines is currently being drawn up by the UN Food and Agriculture Organisation on responsible governance on land tenure. The new High Level Panel of Experts has been asked to report on the issue of price volatility, including its causes and possible ameliorating measures. As part of the process of increased policy coherence, the CSF will commence work on drawing up a global strategic framework for food security and nutrition.

Ireland is very supportive of the ongoing reform and looks forward to further developments in this process. At the recent CFS meeting Ireland was represented on the Speakers Panel in an important side event to highlight the importance of the Nutrition Framework (SUN), which aims to support nutrition interventions in early childhood.

Question No. 63 answered with Question No. 40.

Fishing Industry Development

64. **Deputy Christy O’Sullivan** asked the Minister for Agriculture, Fisheries and Food his plans to advance the development of the Irish seafood sector; and if he will make a statement on the matter. [40768/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): As was set down in the Food Harvest 2020 report, I believe that seafood innovation and new product development together with maintenance of an international reputation for wholesome, fresh and natural seafood, produced in the most sustainable and environmentally friendly manner, are essential to the advancement and further development of the Irish seafood sector. With this in mind I have sought to support initiatives that endeavour to deliver these fundamental requirements while also seeking to increase Ireland’s market share of the international seafood industry.

Primary examples of my approach to advance the development of the Irish seafood sector at this time are the adoption of the National Seafood Programme and the endorsement of Bord Iascaigh Mhara’s (BIM) 3 Year Strategy. Together these target based initiatives represent a means of ensuring the sustainable development and advancement of the Irish seafood sector. The National Seafood Programme provides Exchequer funded support with the development of new products and processes, innovation, adding value to products, maintaining and improving environmental and food quality standards and improving cost efficiency. In addition, the EU Co-funded Fisheries Operational Programme this year is providing grant aid support for environmental and inshore management systems for the fishing fleet.

BIM’s Strategy is geared at improving the seafood sector’s performance by assisting industry through programmes of skills development, enhanced environmental compliance, product differentiation and labelling, new product development and innovation and improved commercial

[Deputy Brendan Smith.]

practices. The Strategy's time frame and targets are designed to contribute to the achievement of 2020 targets in Food Harvest (FH 2020). Indeed, the level of progress achieved will be a valuable marker of the efficiency of actions being taken under FH 2020.

To date, BIM has made considerable progress in assisting the seafood sector in being more innovative. The BIM Seafood Development Centre, based in Clonakilty, Co. Cork, has assisted in excess of 60 companies in using its innovation facility since its launch in 2009. The facility is well on its way to delivering its ambitious target of €100 million in additional value added sales over the next five years.

On-farm Investment Schemes

65. **Deputy Bobby Aylward** asked the Minister for Agriculture, Fisheries and Food following the introduction of the sheep fencing and mobile handling scheme, the other on-farm investment schemes he plans to introduce; and if he will make a statement on the matter. [40771/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): EU Commission approval for the introduction of five targeted modernisation schemes focused on supporting productive investment in the agricultural sector was received earlier this year. Due to the relatively short time-frames for completion of the investment works concerned, priority was given to the introduction of the Sow Welfare and Poultry Welfare Schemes which were launched on 16 June last. The Sheep Fencing/Handling Scheme opened for applications on 1 November. The remaining on-farm investment schemes provided for in Ireland's Rural Development Programme are the Dairy Equipment and Water Harvesting Schemes. However, no dates have yet been fixed for their introduction.

Common Agricultural Policy

66. **Deputy Seán Fleming** asked the Minister for Agriculture, Fisheries and Food his plans to further discuss the future of the Common Agricultural Policy after 2013; and if he will make a statement on the matter. [40770/10]

76. **Deputy Seán Fleming** asked the Minister for Agriculture, Fisheries and Food the discussions he has had in relation to the future of the Common Agricultural Policy after 2013; and if he will make a statement on the matter. [40769/10]

80. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food his proposals to ensure that the agricultural sector is not negatively affected in any reform of the Common Agriculture Policy and ultimately World Trade Organisation having particular regard to the pivotal role for agriculture in this country's economic recovery; if he will ensure that during any such negotiations a trade off is not agreed which could seriously damage this country's economic prospects even further; his views in this area; and if he will make a statement on the matter. [40538/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 66, 76 and 80 together.

My view is that the agriculture and food production sector is hugely important in the context of Europe's economic and industrial recovery. It contributes to all three priorities of the EU 2020 strategy of smart, green and inclusive growth. Its importance has been acknowledged in the conclusions by the Heads of State and Government at the spring European Council and in the recently released EU budget review document by the Commission. For Ireland the future

CAP will determine the policy framework for the successful delivery of our Food Harvest 2020 strategy and it will be of vital importance to ensure that it underpins that strategy.

In the circumstances, my priority is to ensure that the proposed reform of the EU Common Agricultural Policy results in a strong and properly resourced policy in the years ahead. There is good support for this position among my colleagues in the EU Council of Agriculture Ministers. I want the current two pillar structure to be continued with a primary focus of pillar 1 on the support of farm income and the main focus of pillar 2 on the development of agriculture in rural areas. I am also determined to ensure that any WTO agreement reached is balanced in all its dimensions and does not impact negatively on EU or Irish agriculture.

Although formal negotiations have yet to commence, there has been a high level of activity and debate regarding the future CAP among Member States over the past two years with formal policy debates taking place in the EU Council of Agriculture Ministers as well as informal contacts and meetings at bilateral level, the production of position papers by stakeholder organisations and a full-scale consultation process initiated by the Commission.

I and my Department have participated actively in all of these discussions with a view to building up alliances and pressing the Irish viewpoint. In addition to representing the Irish view at formal and informal meetings of EU Agriculture Ministers, I have had bilateral meetings with the Commissioner and with colleagues from a number of other Member States. I travelled to Poland and Hungary last July to meet my Ministerial counterparts. I had discussions in Dublin last month with my German Ministerial colleague and I have arranged meetings with my French and UK colleagues for the coming months.

These contacts are proving very productive in deepening our understanding of each others positions and in establishing support for the Irish position in the negotiations. I had the pleasure of welcoming Commissioner Ciolos to Ireland last month. It was an opportune time for such a visit just as the Commission was finalising its thinking on its formal communication.

At official level too, we have engaged actively with our colleagues in other Member States, the Commission and the European Parliament. There have been a number of bilateral meetings and contacts and we have shared information and analysis, discussed policy positions and explained the Irish context and viewpoint. This work has also proved very effective in gaining understanding and acceptance of the Irish position.

I am also continuing to consult widely on the domestic front. I had the opportunity of addressing the Joint Committee on Agriculture on the occasion of the EU Commissioner's visit and of hearing their views. Earlier in the year I established a Consultative Committee to advise me on the CAP after 2013. That Committee is composed of all of the major farming and agriculture related representative organisations involved in social partnership as well as a number of academics and officials. The Committee had its first meeting last May and went on to participate in the Stakeholder event I organised during the visit of Commissioner Ciolos. Its upcoming meeting later this month will be addressed by a senior Commission official.

The formal Commission communication on the future of the CAP will be released later this month with legislative proposals due to follow in mid 2011. We have a long way to go before we arrive at a conclusion of these negotiations. They will not be easy but I am determined to fight for the best possible outcome for Irish agriculture. Agriculture is our largest indigenous industry and we have much to gain from a successful outcome.

Question No. 67 answered with Question No. 50.

Forestry Sector

68. **Deputy Margaret Conlon** asked the Minister for Agriculture, Fisheries and Food the

[Deputy Margaret Conlon.]

level of forestry planting he anticipates taking place in 2010; and if he will make a statement on the matter. [40766/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): It is anticipated that planting in 2010 will be in the region of 7,000 hectares.

On-farm Investment Schemes

69. **Deputy Kathleen Lynch** asked the Minister for Agriculture, Fisheries and Food when the dairy hygiene and water harvesting schemes will be introduced under the targeted agricultural modernisation scheme; and if he will make a statement on the matter. [40632/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): EU Commission approval for the introduction of five targeted modernisation schemes focused on supporting productive investment in the agricultural sector was received earlier this year. Due to the relatively short time-frames for completion of the investment works concerned, priority was given to the introduction of the Sow Welfare and Poultry Welfare Schemes which were launched on 16 June last. The Sheep Fencing/Handling Scheme opened for applications on 1 November. No dates have yet been fixed for the introduction of the Dairy Equipment and Water Harvesting Schemes.

Grant Payments

70. **Deputy Ruairí Quinn** asked the Minister for Agriculture, Fisheries and Food his plans to restore the payment rate under the suckler cow welfare scheme; and if he will make a statement on the matter. [40656/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Scheme implementation and the delivery of services by my Department in the future, including the implementation of the Suckler Cow Welfare Scheme, will be considered in the context of 2011 Budgetary process and the preparation of the Four Year Expenditure Programme.

Fishing Industry Development

71. **Deputy Christy O'Sullivan** asked the Minister for Agriculture, Fisheries and Food the benefits he expects to be delivered by Bord Iascaigh Mhara's three year strategy and the Irish national seafood programme; and if he will make a statement on the matter. [40767/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I am confident that the Bord Iascaigh Mhara 2010-2012 Strategy — 'Delivering on the Potential of Irish Seafood', drafted in consultation with the Irish seafood industry, will deliver on its stated targets thus bringing innovative, developmental and financial benefits to both the sector and the economy as a whole. The development of the seafood sector is supported by the Irish Seafood National Programme, which I launched in July of this year and the EU co-funded Operational Programme for Fisheries.

BIM's new strategy document concentrates on avenues to deliver essential developmental services to a seafood industry undergoing rapid and unparalleled change. The strategy sets down over 70 detailed actions under four key themes that underpin the opportunities for the Irish seafood sector. It is anticipated that the strategy will be central to creating some 600 additional jobs across the Irish seafood sector, in addition to developing an extra €50 million in value added seafood sales through processes such as the differentiation of some 40,000 tonnes of seafood products as eco-labelled and of Irish origin worth approximately €120 million,

the increase in aquaculture production capacity by approximately 10,000 metric tonnes valued at an estimated €18 million in new sales together with delivering some 3,500 training places to the seafood sector in over 30 coastal locations annually. The strategy is geared toward improving the seafood sector's performance through difficult and challenging times by assisting industry through focused support programmes.

The Irish National Seafood Programme provides Exchequer funded support to the seafood sector to develop new products and processes through enhanced innovation that adds value to products while maintaining and improving environmental and food quality standards with improved cost efficiency. Grants totaling €1.91 million have been made available to 19 seafood projects in both the processing and aquaculture sectors under the Programme for investment projects worth €10.5 million. In addition, the EU Co-funded Operational Programme is providing grant aid this year to support a range of measures covering environmental and inshore management systems for the fishing fleet.

I believe that the seafood sector, made up as it is of indigenous operators, will have a significant role to play in Ireland's economic recovery. BIM's new strategy is a welcome addition to the suite of harmonised strategies for the seafood sector including *Steering a New Course*, *Sea Change*, as well as *Food Harvest 2020*. It adds to and fully complements the existing strategies and positions Ireland well to maximise the very large opportunities which are presenting themselves in the international seafood markets.

On-farm Investment Schemes

72. **Deputy Bobby Aylward** asked the Minister for Agriculture, Fisheries and Food the level of overall funding being provided for the various targeted agricultural modernisation schemes; and if he will make a statement on the matter. [40772/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): In accordance with Ireland's Rural Development Programme, a sum of €90 million has been made available for the five targeted on-farm investment schemes listed below:

- Sow Welfare Scheme;
- Poultry Welfare Scheme;
- Sheep Fencing and Mobile Handling Equipment Scheme;
- Dairy Equipment Scheme;
- Water Harvesting Scheme.

The first three Schemes referred to above have already been introduced by my Department. In addition, the Rural Development Programme also makes provision for indicative funding of €20 million from 2010-2015 for investment in bio-energy crops within the agricultural modernization chapter. In this regard, the Bioenergy Scheme 2010-2012 was launched earlier this year to provide support to farmers in establishing willow and miscanthus crops.

Direct Payment Schemes

73. **Deputy Liz McManus** asked the Minister for Agriculture, Fisheries and Food when all land will be digitised for the single farm payment scheme and disadvantaged area scheme; and if he will make a statement on the matter. [40633/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Under the legislation governing the implementation of the Single Payment Scheme the Department must be informed of changes to land parcels details through the submission by farmers of maps. These are submitted as necessary by farmers where existing parcels are being altered or subdivided or where previously undeclared parcels are claimed. During the processing of the maps received the changes made by the applicants are re-digitised onto my Department's Land Parcel Identification System. That task is highly technical and must be carried out to a very high standard to preserve the integrity of the system

This year has proven to a particularly challenging one from the point of view of keeping the Land Parcel Identification System up to date. By the time the processing of the 2010 applications is completed, it is expected that we will have processed and digitised maps received from over 70,000 farmers. This compares with a figure of 30,000 for 2009 and an average of 22,000 maps in recent years. On average each farmer submitted two maps with their 2010 application forms. It is for this reason, despite the allocation of additional resources, that the digitising of the maps submitted is taking a longer period than in previous years. I envisage that, given the extent of the task, all of the required digitising will be completed in early 2011.

Afforestation Programme

74. **Deputy Jan O'Sullivan** asked the Minister for Agriculture, Fisheries and Food the initiatives being undertaken to promote farmer participation in forestry in view of the new opportunities presented by the emerging wood energy sector; and if he will make a statement on the matter. [40654/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I welcome the opportunities presented by the development of the wood energy sector. Wood fuel from Irish forests is a sustainable, renewable, carbon-neutral and indigenous source of energy and has significant potential to replace imported carbon emitting fossil fuels. Indeed, wood biomass is already making a significant contribution to Ireland's renewable energy targets. My Department operates a number of initiatives to promote farmer participation in forestry and to realise the opportunities presented by the emerging wood energy sector.

Farmer participation in forestry is supported and encouraged through a range of attractive financial incentives and supports. In 2010, some €116 million has been allocated for expenditure by my Department specifically in the forestry sector. The Afforestation Grant and Premium Scheme combines 100% grants for planting and attractive premiums payable for 20 years for farmers. My Department has already paid out over €70 million this year in annual forestry premiums to private forest owners, most of whom are farmers, and a further €20 million in planting grants.

My Department, in conjunction with Teagasc, has assisted in the formation of 16 forest owner producer groups. The primary purpose of these groups is to encourage farm forest owners to co-operate in the various aspects of forest management and in the marketing of the timber produced in order to achieve economies of scale. This support is aimed at increasing the supply of forest thinnings to, inter alia, local wood energy facilities.

My Department also undertakes significant promotional activities to encourage increased farmer participation in forestry. Funding is also provided to Teagasc who plays an important role in the development of forestry in Ireland through promotion, training and advice. Forestry Advisers at Teagasc offices run a number of training courses, information evenings and field days and provide free and independent advice on all aspects of forestry to farmers.

75. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food his views that areas approved by the national parks and wildlife service for afforestation are being refused by the forestry service for planting; and if he will make a statement on the matter. [40621/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My Department operates a wide-ranging consultation process in relation to applications for afforestation grant aid depending on the sensitivity of the application submitted. The National Parks and Wildlife Services is only one component of that process. Afforestation sites must be capable of producing a commercial crop of timber and, in many cases, while the site may be suitable environmentally it may not be eligible for grant aid.

Question No. 76 answered with Question No. 66.

Question No. 77 answered with Question No. 38.

Agri-Environment Options Scheme

78. **Deputy Joan Burton** asked the Minister for Agriculture, Fisheries and Food the number of farmers who have been accepted into the agri-environmental options scheme; when will payments be made; and if he will make a statement on the matter. [40626/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Some 6,000 letters of approval for participation in the scheme have now issued to applicants under the Agri-Environment Options Scheme. Comprehensive administrative and validation checks must be carried out on all applications to ensure eligibility and compliance with the terms and condition of the scheme before letters of approvals can issue, particularly in the case of those applications which required the submission of a Sustainable Management Plan. This represents the majority of 3,419 applicants who have not yet received a start date. I expect the administrative and validation process to be completed and all outstanding cases to be notified of the outcome of their application before the end of November, with successful applicants receiving a start date of 1st November, 2010.

79. **Deputy Ruairí Quinn** asked the Minister for Agriculture, Fisheries and Food the number of applications that have been approved under the agricultural environment options scheme for 2010; and if he will make a statement on the matter. [40637/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Some 6,000 letters of approval for participation in the scheme have now issued to applicants under the Agri-Environment Options Scheme. Comprehensive administrative and validation checks must be carried out on all applications to ensure eligibility and compliance with the terms and condition of the scheme before letters of approvals can issue, particularly in the case of those applications which required the submission of a Sustainable Management Plan. This represents the majority of 3,419 applicants who have not yet received a start date. I expect the administrative and validation process to be completed and all outstanding cases to be notified of the outcome of their application before the end of November, with successful applicants receiving a start date of 1st November, 2010.

Question No. 80 answered with Question No. 66.

Animal Welfare

81. **Deputy Eamon Gilmore** asked the Minister for Agriculture, Fisheries and Food the

[Deputy Eamon Gilmore.]

efforts being made to tackle the growing numbers of abandoned horses; and if he will make a statement on the matter. [40647/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My Department's statutory responsibility extends to the welfare and protection of farmed animals only i.e. animals normally bred or kept for the production of food or for use in or for the purpose of farming. Notwithstanding this, it is apparent from ongoing communications between officials of my Department and representatives of Local Authorities and Animal Welfare Organisations that there is an increasing risk of abandonment of horses.

The evidence indicates that horses are usually abandoned on waste lands/public roads etc and in such circumstances they become a matter for Local Authorities to address under the Control of Horses Act 1996. This Act contains a comprehensive range of measures to deal with problems relating to horses including the problem of abandonment and it assigns to local authorities the primary role for dealing with such horses. The Act contains provisions on the seizure and detention of stray horses, the confiscation of horses which stray repeatedly and the disposal of seized horses. If there are welfare or cruelty issues associated with abandoned horses, the Garda Síochána have powers to deal with such issues under the Protection of Animals Acts 1911 and 1965.

My Department provides some €2million per annum to Local Authorities to assist them in implementing the Control of Horses Act. Officials of my Department are continuing to work with Local Authority representatives on a protocol to improve implementation of the Control of Horses Act throughout the Local Authority areas. The protocol will look at those Local Authority areas where the Control of Horses Act has been working particularly well with a view to incorporating some of the best practices in other areas.

Mindful too of the valuable work being done by animal welfare organisations throughout the country and as a contribution towards the cost of their activities in the forthcoming year, I provided funding of €1.185 million to assist them in their work in 2010. I also urged those welfare organisations that have the capacity to deal with larger animals to consider placing greater resources in promoting horse welfare.

Food Industry

82. **Deputy Arthur Morgan** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to a report published by the Joint Committee on Enterprise, Trade and Innovation on creating jobs in the agri-food sector; if he has seen the recommendations of the report; the action he will take to implement the recommendations of the report; and if he will make a statement on the matter. [36182/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Report of the Joint Committee on Enterprise, Trade and Innovation referred to by the Deputy analyses the business operating environment of the agri-food sector and makes recommendations within the overall theme of increasing employment in the sector.

The Report identifies the importance of the sector to the Irish economy, which is also the focus of the Food Harvest 2020 strategy for the development of agri-food, forestry and seafood sectors which I launched in July 2010. Food Harvest 2020 identifies growth prospects for the sectors, particularly on export markets if 'smart, green, growth' strategies are pursued. I have already established a High Level Implementation Committee for the Food Harvest 2020 strategy, which I am chairing and which brings together all the key actors in the state development services and is action focused. I will consider the recommendations of the Joint Commit-

tee and bear them in mind in implementing actions to deliver on the ambitious targets set out in the Food Harvest 2020 report.

Food Harvest 2020

83. **Deputy Johnny Brady** asked the Minister for Agriculture, Fisheries and Food the progress that has been made in implementing the recommendations of Food Harvest 2020; and if he will make a statement on the matter. [40757/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The following are some of the actions which have been taken to date to progress the implementation of Food Harvest 2020:

- I have established and am chairing the High Level Implementation Committee (HLIC). The HLIC consists of all the key actors on the state sector. Its function is to direct and take whatever actions are necessary to successfully implement Food Harvest 2020 and to act as a clearing house to steer any wider issues affecting the sector's development. It held its inaugural meeting on 16 September and the next meeting is scheduled for 10 November.
- There have been ongoing meetings between my Department and various players in the industry including Teagasc, on particular aspects of this 2020 Strategy. This obviously feeds into the overall process.
- To progress necessary commercial decisions on production trends, product mix, and processing capacity for the dairy sector, the Dairy Expansion Activation Group was established on 15 October. This group is to submit to the HLIC by end November, an initial 'road map' to deal with these issues.
- State Body CEOs and senior Department officials are being assigned responsibility for progressing actions and are taking lead roles for those cross cutting issues which require collaboration to ensure 'joined-up' state effort.
- My Department's recent €10 million call for research proposals under its three public good programmes was focused by the 'Smart' 'Green' 'Growth' objectives of Food Harvest 2020.

These illustrate the main actions being taken to ensure effective implementation of this important national policy document, right across the full range of its 200 recommendations.

Agri-Environment Options Scheme

84. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food his plans to extend the agri-environmental options scheme to new applicants in 2011; and if he will make a statement on the matter. [39783/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Further participation in the new Agri-environment Options Scheme as well as other scheme implementation and service delivery by my Department in the future will be considered in the context of the 2011 Budgetary process and the preparation by the Government of the 4 year Expenditure Programme”.

Afforestation Programme

85. **Deputy Seymour Crawford** asked the Minister for Agriculture, Fisheries and Food the

[Deputy Seymour Crawford.]

number of hectares he expects will be planted in forestry this year; the number he intends to fund for the year 2011; the benefits, if any, planting these areas will give us in meeting our climate change commitments; if he has the capital available to meet his commitments; and if he will make a statement on the matter. [40535/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): It is anticipated that planting in 2010 will be in the region of 7,000 hectares. Like all other State spending programmes the funding for the afforestation programme in 2011 is currently being considered as part of the Estimates process. I am well aware of the contribution forestry makes, through carbon sequestration, in meeting our climate change commitments. In 2008 Kyoto-eligible forests sequestered 2.75 million tonnes of carbon dioxide. The Government is committed to ensuring the continuation of the afforestation programme at a rate that maximises the use of available financial resources and that continues to contribute to our climate change commitments.

Question No. 86 answered with Question No. 56.

On-farm Investment Schemes

87. **Deputy Ciarán Lynch** asked the Minister for Agriculture, Fisheries and Food when the sheep handling and fencing scheme will be introduced; and if he will make a statement on the matter. [40631/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Sheep Fencing/Mobile Handling Equipment Scheme opened for applications on 1 November 2010.

FÁS Training Programmes

88. **Deputy Martin Ferris** asked the Tánaiste and Minister for Education and Skills her plans to enter into bilateral agreements with other states such as Australia and Canada to enable apprentices to finish out their work experience abroad to enable them to qualify. [40797/10]

Minister of State at the Department of Education and Skills (Deputy Seán Haughey): Under current apprenticeship rules, all apprentices are required to complete on-the-job assessments with a FÁS approved employer. However, under recognition of prior learning arrangements put in place by FÁS, apprentices not currently meeting the minimum on-the-job training period but with work experience from abroad can submit an application and portfolio of evidence to the FÁS Redundant Apprentice Accreditation Committee for assessment and with a view to the award of their Advanced Craft Certificate.

FÁS has been in contact with the relevant Canadian and Australian authorities with a view to supporting redundant apprentices seeking employment abroad. However, given the slow-down in the construction sectors in particular in Canada and Australia, it is understood that priority is being accorded to nationals of those countries in their respective labour markets.

Employment Support Services

89. **Deputy Finian McGrath** asked the Tánaiste and Minister for Education and Skills if she will support a matter (details supplied). [40853/10]

Minister of State at the Department of Education and Skills (Deputy Seán Haughey): I refer the Deputy to the reply given to Parliamentary Question 39507/10 of 28 October 2010. As previously stated on 22nd October 2010 the European Commission announced its approval of an application from Ireland for European Globalisation Adjustment Fund (EGF) co-financing

assistance in support of redundant workers formerly employed at the S R Technics aircraft maintenance facility at Dublin airport. The EGF application is for a total of Euros 11.46m of which the EU contribution sought is Euros 7.45m. The application remains to be approved by the Council of Ministers and the European Parliament.

Former S R Technics workers may avail of a wide range of supports for which EGF co-financing assistance has been sought including occupational guidance, training, educational opportunities and enterprise supports. An information event was held at the ALSAA complex in Dublin Airport on 20th October 2010 for redundant S R Technics workers to inform them of the supports being provided with anticipated EGF support. A large range of service providers were present and it is estimated that several hundred redundant workers attended the event.

The Department is currently seeking to complete a public procurement process to establish a national coordinator for EGF implementation, including for the S R Technics application. In the interim all State agencies and relevant educational bodies involved in service provision for redundant S R Technics workers are cooperating to ensure appropriate supports are being provided.

Residential Institutions Redress Scheme

90. **Deputy Maureen O’Sullivan** asked the Tánaiste and Minister for Education and Skills the reason she will not support the call for justice from those who were abused when placed by the State in foster homes; the reason this group is remaining outside the redress scheme; and her view on a case (details supplied). [40908/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The Redress Scheme was established in 2002 as an exceptional measure to address abuse in specified residential institutions and to quote the then Minister from the Second Stage Debate on the redress legislation “It is not, and was never intended to be, a panacea for every injustice committed on children”. The inclusion of children abused in foster care was raised during the passage of the original legislation, however foster care settings were not included on the basis that there was no substantial evidence of widespread abuse in foster homes.

Following the publication of the Ryan Report in May 2009, there were a range of demands for the redress scheme to be extended, including demands to include foster care settings. The Government considered these demands and in its statement of 15th April last indicated that it did not propose to revise the arrangements.

Skills Development

91. **Deputy Richard Bruton** asked the Tánaiste and Minister for Education and Skills if there is any procedure where persons who have experience in caring within their family context can get the opportunity to receive recognition and formal training in such a way that they would be then certified as qualified to do similar work outside their own family setting. [40913/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): Learning can take place in a wide variety of settings, potentially including family contexts. There is demand for assessment and recognition of such prior learning and training from individuals and learners who wish to receive an award or gain credit against a formal programme of education or training. The term ‘Recognition of Prior Learning’ refers to the process of recognition of the knowledge, skills and competence an individual learner has already acquired and is essential for the promotion of lifelong learning.

[Deputy Mary Coughlan.]

The Further Education and Training Awards Council (FETAC) has devised a set of guidelines to support their registered providers in the recognition of prior learning, in order to facilitate individuals who wish to receive recognition for learning and training that they have undertaken outside of the formal education sector. These guidelines are available on the FETAC website. A number of FETAC registered providers would give programmes in the care area and would use the FETAC guidelines in assessing and recognising any prior learning achieved.

Special Educational Needs

92. **Deputy Brendan Howlin** asked the Tánaiste and Minister for Education and Skills, in view of the fact that there has been no change in the needs of children on the autistic spectrum in a school (details supplied) in County Wexford who were allocated special needs assistants on a 1:1 basis, the reason the allocation of SNAs for autistic children attending this school is to be reduced; if her attention has been drawn to the fact that without 1:1 SNA support, these children's prospects of progressing to mainstream school may be jeopardised; if she will review and reverse this retrograde decision; and if she will make a statement on the matter. [40781/10]

Tánaiste and Minister for Education and Skills (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.

The allocation for any school and any adjustments to that allocation depends on a number of factors such as the number of pupils with care/medical needs leaving, the number of new pupils and the changing needs of the pupils. While SNA posts may be allocated to schools in line with my Department's criteria, SNA posts may also be suppressed where a child may leave or move school, or may achieve a greater level of independence.

I am sure the Deputy will agree that at a time of constrained resources it is essential that we ensure that public resources, both staff and resources, are deployed as effectively as possible. Resources left in an area that are not in accordance with criteria mean public resources are not available for another deserving area.

The NCSE has introduced an appeals process whereby schools and parents, where appropriate, may seek to appeal the decision of a SENO in relation to the allocation of resources. Information regarding the appeals process is available on the NCSE's website at www.ncse.ie. It is open to a school to appeal a SENO's decision under this appeals process. I can assure the Deputy that supports will continue to be made available to schools which have enrolled pupils who qualify for such support and children with special educational needs will continue to have access to an appropriate education in line with my Department's policy.

Higher Education Grants

93. **Deputy John Browne** asked the Tánaiste and Minister for Education and Skills the reason a person (details supplied) will not qualify for the top-up payment of a higher education grant. [40783/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): To qualify for the special rate of grant, an applicant must qualify for the ordinary grant in respect of the 2009/10 academic year. In addition, total reckonable income must not exceed a specified amount, which is €22,308 in the 2008 tax year. Finally, on the operative date, 31st December 2008 for the

2009/10 academic year, the reckonable income must include one of the eligible long-term social welfare payments prescribed under the scheme.

An appeal was received in respect of the person referred to by the Deputy by my Department. Officials in my Department examined the student's appeal in detail and a response was issued to the candidate on the 14th of June 2010. My Department upheld the decision not to award the special rate of grant in this instance as the reckonable income exceeded the income limit of €22,308. The terms and conditions of the student grant schemes are applied impartially and accordingly, it is not possible to make an exception in an individual case.

Departmental Agencies

94. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Education and Skills when the annual report of FÁS was due; the reason for the delay; when it will be published; and if she will make a statement on the matter. [40799/10]

Minister of State at the Department of Education and Skills (Deputy Seán Haughey): The FÁS Annual Report was received in my Department on 2 November. It will be submitted to Government in the near future and is expected to be published by the end of November.

School Curriculum

95. **Deputy Paul Kehoe** asked the Tánaiste and Minister for Education and Skills if swimming lessons organised during school time by a primary school and paid for by a parent are a compulsory activity set by the Department; and if she will make a statement on the matter. [40804/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): At primary level, the curriculum in Physical Education includes six broad strands featuring Athletics, Dance, Gymnastics, Games, Outdoor and adventure activities and Aquatics. While five of the strands are designed to be implemented each year where possible, the Aquatics strand is outlined for implementation at any level, depending on the availability of facilities in the area.

The Physical Education curricula at both primary and second level have been developed on the understanding that facilities available to schools vary. Consequently, they offer a level of flexibility that allows each individual school to design a programme that can be delivered using the resources and supports available to it. Where schools decide to provide pupils with swimming classes in school time, they are expected to fund them from resources already available to them. Under the Rules for National Schools, while voluntary contributions may be sought, no school may charge a fee as a condition of admission to an activity provided within school hours.

My Department does not provide specific grants to primary schools to fund swimming classes. At primary level, schools currently receive, in ancillary and capitation grants, at least €355 per student. Enhanced rates are payable for students who are members of the Travelling community or who have special educational needs. Primary schools may use this funding to support the implementation of the curriculum, including Physical Education.

Higher Education Grants

96. **Deputy Martin Ferris** asked the Tánaiste and Minister for Education and Skills if she will review the decision to reject an application for a grant in respect of a person (details supplied) in County Kerry. [40814/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The decision on eligibility for a student grant is a matter, in the first instance, for the relevant grant awarding authority i.e. the applicant's local authority or VEC. Where a grant application is refused, the

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reason for the refusal is given by the grant awarding authority. An applicant may appeal the decision to the relevant local authority or VEC. Where the grant awarding authority decides to reject the appeal, the applicant may appeal this decision to my Department by submitting an appeal form outlining clearly the grounds for the appeal. No appeal has been received by my Department to date from the candidate referred to by the Deputy.

School Term

97. **Deputy Finian McGrath** asked the Tánaiste and Minister for Education and Skills her views on a proposal (details supplied). [40830/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The scheduling of school holiday periods at Christmas and Easter and mid-term breaks is agreed between the education partners under the auspices of the Teachers Conciliation Council. The Teachers Conciliation Council is the recognised forum for dealing with matters relating to pay and conditions of service of teachers. The parties to the forum include representatives of the managerial authorities of schools, the teacher unions and the Departments of Education & Skills and Finance.

The current agreement covers the school years 2008/9 to 2010/11. Discussions in regard to the arrangements for the school years 2011/12 to 2013/14 have recently commenced. My Department has received representations regarding the timing of the mid-term break and the date of Halloween. These have been raised with the group and will be taken into consideration during the discussions, as will the Deputy's proposal. When the arrangements for the forthcoming years have been finalised, schools will be notified by means of a Circular letter. The arrangements will also be available on my Department's website.

Schools Building Projects

98. **Deputy Joanna Tuffy** asked the Tánaiste and Minister for Education and Skills the position regarding the extension to a secondary school (details supplied) in County Meath; the target date for completion of this extension; the levels of funding for the extension; and if she will make a statement on the matter. [40837/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The project to which the Deputy refers is at an early stage of architectural planning. Officials from my Department have contacted the VEC requesting further information in relation to the most recent Design Team submission. Once these clarifications have been received, they will be assessed by the Technical staff in my Department. The further progression of this project will be considered in the context of my Department's multi-annual School Building and Modernisation Programme for 2011 and subsequent years. However, it is not possible to give a more indicative timeframe for the progression of the project to tender and construction at this time.

99. **Deputy Joanna Tuffy** asked the Tánaiste and Minister for Education and Skills the position regarding an application for a new school building for a school (details supplied) in County Meath; the reason for the delay in the commencement of work on this project; the expected completion date for this project; the level of funding for the new building; and if she will make a statement on the matter. [40838/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): My Department considers that the provision of 24 classrooms plus appropriate ancillary accommodation will meet the needs of the school referred to by the Deputy. In accordance with the published criteria for large scale building projects, the project for this school has been assigned a Band 1 rating. Information in respect of the current school building programme along with all assessed

applications for major capital works, including this project, is available on the Department's website at www.education.ie.

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 the 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 the project at this time.

100. **Deputy Joanna Tuffy** asked the Tánaiste and Minister for Education and Skills the reason for the delay in the granting of a permanent structure to a school (details provided) in County Meath; the time frame for the completion of a permanent structure for this school; and if she will make a statement on the matter. [40839/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I can confirm that the school to which the Deputy refers has applied to my Department for large scale capital funding for a new school building. In accordance with the published prioritisation criteria for large scale building projects, the project for this school has been assigned a band 2 rating. Information in respect of the current school building programme along with all assessed applications for major capital works, including this project, is available on the Department's website at www.education.ie.

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 the 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 the project at this time.

Special Educational Needs

101. **Deputy Joanna Tuffy** asked the Tánaiste and Minister for Education and Skills if there has been an instruction from the Regional special educational needs organiser to reduce special needs assistance to fifth and sixth class pupils in County Meath; the level of reduction of special needs support on a school by school basis in County Meath, in tabular form; and if she will make a statement on the matter. [40840/10]

104. **Deputy Joanna Tuffy** asked the Tánaiste and Minister for Education and Skills if there has been a reduction in resource and learning support services in primary and post-primary schools in County Meath for the 2010-11 academic year; if she will provide a list of primary and post-primary schools in County Meath that have had a reduction in hours for special needs assistants and resource-learning support teachers; the number of schools in County Meath that have lost a special needs assistant for the 2010-11 academic year; and if she will make a statement on the matter. [40929/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I propose to take Questions Nos. 101 and 104 together.

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. Additional teaching and SNA supports are allocated as necessary by the NCSE in line with my Department's policy to support children with special educational needs. Schools, which have enrolled pupils with special educational needs that are eligible for such support, apply to the NCSE for the allocation of the necessary resources.

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I have arranged for the issue raised by the Deputy in relation to any instruction from the SENO in Meath to be forwarded to the NCSE for their attention and direct reply in this regard. The specific information requested by the Deputy in relation to County Meath is not readily available in my Department.

Higher Education Grants

102. **Deputy Noel Ahern** asked the Tánaiste and Minister for Education and Skills the regulation on reckonable income used in the assessment of third level grant applications; if car loans are normally regarded as an asset or as reckonable income or an asset in the assessment of grant applications and the rationale behind same; her views on the case of an application (details supplied) that was refused by Fingal County Council, who included the value of a car loan when they were calculating the family's annual means; and if the applicant in question who received a grant for the 2009-10 college year can have their application refused when their family's annual income including the value of car loan has actually decreased by more than 10% since this time last year. [40906/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The assessment of means under my Department's student grant schemes is based on gross income from all sources, with specified social welfare and Health Service Executive payments being excluded from the calculation. Under the schemes, reckonable income is defined as income from:

- Employment/Pensions;
- Self Employment/Farming;
- Rent and income from Land/Property;
- Deposit/Investment Accounts;
- Maintenance Arrangements;
- Gifts/Inheritances and Disposal of Assets and Rights;
- Social Welfare in certain circumstances.

A car loan is not regarded as reckonable income and assets are not taken into account in determining eligibility under the schemes.

The decision on eligibility for a student grant is a matter, in the first instance, for the relevant grant awarding authority i.e. the applicant's local authority or VEC. Where a grant application is refused, the reason for the refusal is given by the grant awarding authority. An applicant may appeal the decision to the relevant local authority or VEC. Where the grant awarding authority decides to reject the appeal, the applicant may appeal this decision to my Department by submitting an appeal form outlining clearly the grounds for the appeal. No appeal has been received by my Department to date from the candidate referred to by the Deputy.

Departmental Correspondence

103. **Deputy Seán Ó Fearghaíl** asked the Tánaiste and Minister for Education and Skills if she will consider issues raised in correspondence (details supplied); and if she will make a statement on the matter. [40917/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): A reply has issued from my Department to the correspondence referred to by the Deputy.

Question No. 104 answered with Question No. 101.

Schools Building Projects

105. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Education and Skills if officials from her Department have met with the Office of Public Works to progress the provision of a premises to a school (details supplied) in Dublin 11; and when this matter is likely to be finalised. [40930/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I refer to the reply to Question No. 132 of 19 October, 2010. The position as stated at the time remains unchanged.

Schools Recognition

106. **Deputy Brian Hayes** asked the Tánaiste and Minister for Education and Skills the position regarding an application (details supplied); and if she will make a statement on the matter. [40931/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): In July 2008 Notifications of Intention to apply for recognition for two new primary schools in the area referred to by the Deputy were received by my Department from the patron body in question. A review of the procedures for the establishment of new primary schools is currently being carried out under the Commission on School Accommodation. In the interim it is not proposed to recognise any new primary schools, except in areas where the increases in pupil numbers cannot be catered for in existing schools and which require the provision of new schools. The Commission is due to report to me shortly at which time I will have to consider the policy matters and necessary arrangements and revised procedures that will need to be put in place.

The Forward Planning Section of my Department has carried out a study of the country to identify the areas where, due to demographic changes, there may be a requirement for significant additional school provision at both primary and post-primary levels over the coming years. The study indicated that the requirement for additional primary provision in the short to medium term is likely to be greatest in more than 40 identified locations across the country based on significant changes to the demographics of those areas. Part of the area referred to by the Deputy was included in these initial identified areas. The Forward Planning Section of my Department will continue to analyse demographic trends to determine the level of additional provision which will be required into the future. Overall school requirements in the area referred to will be considered in this context.

Departmental Expenditure

107. **Deputy Brian Hayes** asked the Tánaiste and Minister for Education and Skills if she will provide an itemised list of payments made to external solicitors and external barristers whose services were procured directly by the Department and by each agency and body under its aegis in the years 2007, 2008, 2009 and 2010; the reason for each such procurement; if such services were procured through competitive tendering processes in every instance; and if she will make a statement on the matter. [40938/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): It is not possible to provide the information requested in the time available. A reply will issue to the Deputy as soon as the information is to hand.

Schools Building Projects

108. **Deputy Paul Connaughton** asked the Tánaiste and Minister for Education and Skills if there is preparatory work being carried out on a new vocational school in Athenry, County

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Galway; if her attention has been drawn to the fact that this school has a total of 14 unsuitable prefabs based all over the site; if her further attention has been drawn to the fact that the original school was built to accommodate 350 students and in today's circumstances is very much below standard; and if she will make a statement on the matter. [40958/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I can confirm that the school to which the Deputy refers applied to my Department for large scale capital funding for an extension and refurbishment project. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned a Band 2 rating.

The priority attaching to individual projects is determined by published prioritisation criteria, which were formulated following consultation with the Education Partners. There are four band ratings under these criteria, each of which describes the extent of accommodation required and the urgency attaching to it. Band 1 is the highest priority rating and Band 4 is the lowest. Documents explaining the band rating system are also available on the Department's website.

The Forward Planning Section of my Department has carried out a study of the country to identify areas where, due to demographic changes, there may be a requirement for significant additional school provision at both primary and post primary levels over the coming years up to and including the school year 2016/17. This study has been conducted using data from the Central Statistics Office, the General Register Office and the Department of Social & Family Affairs in addition to the recent schools' enrolment data. Consideration is currently being given to the means by which emerging needs will be met within areas of growth identified by Forward Planning Section including Athenry.

The progression of all large scale building projects, including the project in question, from initial design stage through to construction phase will be considered in the context of the Department's multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

In the meantime, I am pleased to inform the Deputy that in May of this year I approved a significant devolved grant to the school authority to build 5 x 49 m² mainstream classrooms to replace some of the existing prefabs at the school.

Special Educational Needs

109. **Deputy Richard Bruton** asked the Tánaiste and Minister for Education and Skills the position regarding the recognition of applied behavioural analysis schools for the education of children on the autistic spectrum; the position in relation to the pilot ABA schools that have been established by parents; and if she will make a statement on the matter. [40963/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The Deputy will be aware that the 2007 Programme for Government committed to the long-term funding for the centres in the ABA pilot scheme subject to agreement with my Department on standards that will enable them to be supported as primary schools for children with autism.

Agreement on transitional arrangements for the pilot centres was reached following a long process of discussions and engagement with the representative body of the pilot centres. Each of the centres has now applied for special school status. I am pleased to advise you that I have been able to respond positively to applications and all, but one, of the centres have now been granted recognition as special schools for children with autism. The application from the remaining centre is currently being processed.

Managers have been appointed by the Patrons to manage the transitional process from centre to special school. The schools have now advertised for the posts of Principal Teacher. As part of the transition process, my Department is arranging for training in a range of autism-specific interventions for the new Principals and Teachers once they have been appointed. In addition, training is being provided for the Managers and the new Boards of Management. It is my intention to continue to support the transitional process.

FÁS Training Programmes

110. **Deputy John Deasy** asked the Tánaiste and Minister for Education and Skills the number of persons in Waterford city and county who received an offer of training from FÁS in each of the years 2006, 2007 and 2008; and if she will make a statement on the matter. [40964/10]

112. **Deputy John Deasy** asked the Tánaiste and Minister for Education and Skills the number of persons who received an offer of training from FÁS nationally in each of the years from 2006 to 2009 and to date in 2010; and if she will make a statement on the matter. [40966/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I propose to take Questions Nos. 110 and 112 together.

The information requested could not be produced within the timeframe concerned. The information is currently being researched by FÁS and it is anticipated that this information will be produced by the end of the week. As soon as the information requested becomes available, FÁS will reply directly to the Deputy.

111. **Deputy John Deasy** asked the Tánaiste and Minister for Education and Skills the number of persons in Waterford city and county who received job placements from FÁS in each of the years 2006, 2007 and 2008; and if she will make a statement on the matter. [40965/10]

113. **Deputy John Deasy** asked the Tánaiste and Minister for Education and Skills the number of persons who received job placements from FÁS nationally in each of the years from 2006 to 2009 and to date in 2010; and if she will make a statement on the matter. [40967/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I propose to take Questions Nos. 111 and 113 together.

The information requested could not be produced within the timeframe concerned. The information is currently being researched by FÁS and it is anticipated that this information will be produced by the end of the week. As soon as the information requested becomes available, FÁS will reply directly to the Deputy.

Question No. 112 answered with Question No. 110.

Question No. 113 answered with Question No. 111.

Schools Building Projects

114. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Education and Skills if the funding for a building project for a school (details supplied) in Dublin 8 has been approved; if her attention has been drawn to the fact that this school operates out of prefabricated classrooms which are no longer fit for purpose; when she expects construction to commence; and if she will make a statement on the matter. [40968/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I can confirm that the school to which the Deputy refers applied to my Department for large scale capital funding for a school building project to provide additional accommodation. In accordance with the published criteria for large scale building projects, the project for this school has been assigned a Band 2 rating. Information in respect of the current school building programme along with all assessed applications for major capital works, including this project, is available on the Department's website at *www.education.ie*.

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 the 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 in question at this time.

115. **Deputy Niall Collins** asked the Tánaiste and Minister for Education and Skills the position regarding the schools under construction for the State in Kildare and in Athboy, County Meath, by a contractor (details supplied) who has now ceased trading; if the contracts will be assigned to a new contractor to complete the building projects; if all outstanding creditors will be paid when these contracts are assigned; and if she will make a statement on the matter. [40975/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): Kildare Town Community School and Athboy Community School are included in the 2nd bundle of primary/post-primary projects being provided under my Department's PPP programme. The other schools in the bundle are Bantry Community College and Gaelscoil Bantry, Co. Cork, Abbeyfeale Community College, Co. Limerick, Wicklow Town Community College.

The Macquarie Partnership for Ireland (MPFI) consortium was awarded the contract for the delivery of the 6 schools in early June 2010 and construction works commenced immediately. Under the contract all schools are due to be completed in late 2011. The contract provides that should there be any difficulties in relation to a contractor being unable to continue the consortium must make alternative arrangements to deliver the schools. I understand that the National Development Finance Agency is in consultation with the consortium on this matter and arrangements are already in place to provide for the continuation of the construction of the schools.

As you are aware the High Court appointed an interim Examiner to the contractor in question on Tuesday 12th October, 2010 and I understand that the contractor is continuing to trade while in interim examinership. The responsibility for the management of issues which may arise in connection with the delivery of the schools in this bundle rests with Macquarie Partnerships for Ireland.

116. **Deputy Niall Collins** asked the Tánaiste and Minister for Education and Skills if any further new secondary school building projects will be offered to the market as part of a public private partnership bundle; and if she will make a statement on the matter. [40980/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): As the Deputy may be aware the 3rd bundle of primary/post-primary schools to be delivered under my Department's Public Private Partnership (PPP) programme was offered to the market in early August 2010. This bundle comprises seven post-primary and one primary school.

The eight schools are Coláiste Ailigh, Letterkenny, Co Donegal, Ballinamore Community School, Co Leitrim, Doughiska Community College, Co Galway, new post-primary school Gorey, Co Wexford, Tramore Secondary School, Co Waterford, Athlone Community College, Co Westmeath, Doon /Cappamore Secondary School, Co Limerick and a new primary school

in Doughiska Co. Galway. The 1st bundle of 4 PPP schools became operational in September 2010 and the 2nd Bundle of 8 schools is currently in construction.

While I have no immediate plans to announce any further bundles, my Department will continue to assess the potential to utilising PPPs as one of the methods of procurement for the delivery of new school buildings at both primary and post-primary levels.

Higher Education Grants

117. **Deputy Paul Kehoe** asked the Tánaiste and Minister for Education and Skills if any assistance is available towards the cost of tuition fees in respect of a person (details supplied) who is receiving the back to education allowance and is therefore not entitled to a higher education grant; and if she will make a statement on the matter. [40986/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): From September 2010, as announced in the last Budget, all new applicants who are in receipt of the Back to Education Allowance are ineligible for student maintenance grants. However, the cost of the student services charge and any fees payable to colleges will continue to be met, for eligible students, by the Exchequer on their behalf. Students should apply to their assessing authority, i.e. their local authority or Vocational Education Committee, to have their eligibility assessed.

Students who were in receipt of the BTEA and the maintenance grant for the 2009/10 academic year will continue to be eligible for both payments for the duration of their current course provided they meet the terms and conditions of the relevant grant scheme. Students progressing to a new course, with effect from 2010/11, will no longer be eligible for student maintenance grants but can apply to their local authority or Vocational Education Committee for assistance towards the cost of the student services charge and any fees payable.

Site Acquisitions

118. **Deputy Joanna Tuffy** asked the Tánaiste and Minister for Education and Skills the school sites purchased by the Department of Education and Skills in Waterford between 2005 and 2008; the price paid for each site, the address and location of each site, and the name of the vendor of each site in tabular form; and if she will make a statement on the matter. [40987/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The details of the sites acquired by my Department between 2005 and 2008 in County Waterford are provided below. The Deputy might wish to note that due to a typographical error in an earlier reply to Questions Nos. 227, 229 and 231 of 29 September 2010, this spreadsheet contains the corrected information in relation to the property acquired at Dromin Woodtown, Co. Waterford.

Sites Acquired by Department of Education and Skills from 1 January 2005 to 31 December 2008 in County Waterford

County	Site Location	School	Roll No.	Size (ac)	Sale Closed	Cost	Vendor
Waterford	Tramore	Amalgamation of CBS Tramore 64923 & Stella Maris Secondary School 64922	91,520	14.1a	2006	€4,117,200.00	Michael Morrissey, Manor House, Priests Road, Tramore, Co. Waterford
Waterford	Dromin Woodtown	Property known as Rosminians School	N/A	1.08a	2005	€711,053.32	Very Rev. Joseph O'Reilly, Rosminian Fathers, Grace Park Gardens, Drumcondra, Dublin

Tax Code

119. **Deputy Noel Ahern** asked the Minister for Finance the tax relief available to parents

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who wish their older schoolgoing daughters to be protected by the HPV vaccine; and if he will make a statement on the matter. [40896/10]

Minister for Finance (Deputy Brian Lenihan): The position is that where the human papillomavirus (HPV) vaccine or cervical cancer vaccination is provided by a practitioner, defined as a person registered in the register established under section 43 of the Medical Practitioners Act 2007, then the expenditure incurred in relation to the advice and treatment provided would qualify for health expenses relief under section 469 of the Taxes Consolidation Act 1997. Section 469 of the Taxes Consolidation Act 1997 defines 'health care' as the prevention, diagnosis, alleviation or treatment of an ailment, injury, defect or disability, and includes care received by a woman in respect of a pregnancy. Similarly "health expenses" means expenses in respect of the provision of health care, being expenses representing the cost of:

- services of a practitioner,
- diagnostic procedures carried out on the advice of a practitioner,
- Maintenance or treatment in a hospital, or
- drugs or medicines supplied on the prescription of a practitioner.

Health expenses relief is available for expenditure incurred in relation to the claimant and any other person whose expenses they are meeting.

EU Solidarity Fund

120. **Deputy Tom Hayes** asked the Minister for Finance the amount of the funding received from the European Solidarity Fund that has been spent to date; the projects to which this money has been allocated; and if he will make a statement on the matter. [40745/10]

Minister for Finance (Deputy Brian Lenihan): The total direct costs arising from the floods in late 2009 were estimated to amount to €520.9 million. Of this, €276.9 million related to costs to the State with the remaining €244 million euro consisting of damage to private infrastructure (residential property, commercial property, and motor vehicles) which was covered by private insurance. My Department made an application to the EU Commission for funding under the EU Solidarity Fund based on costings of damage received from Departments and local authorities. A regional application was made as the estimate of the extent of the damage does not meet the Solidarity Fund's threshold of 0.6% of GNI or €935.5 million euro for a national disaster.

A total of €111.5 million euro of the €276.9 million cost to the State was eligible for assistance under the EU Solidarity Fund criteria or 21.4% of total direct costs. This included damage to roads, infrastructure, the provision of temporary accommodation and the costs incurred by the rescue services.

The Commission informed the Department on 14 September 2010 that it is proposing financial aid amounting to €13.02 million in response to Ireland's application to the EU Solidarity Fund. This amount will now have to be confirmed by the European Parliament and the European Council by way of an amending budget procedure.

The funds received will be used to recoup in part the significant expenditure incurred by the State in responding to the emergency. As soon as the budget appropriations become available, consultation will begin with the relevant Departments and local authorities to determine how the money will be paid out.

Planning Applications

121. **Deputy Lucinda Creighton** asked the Minister for Finance the reason for a planning application in the name of the Commissioners of Public Works in Ireland at a location (details supplied) in Dublin 2; if he will outline the proposed development and any associated costs; and if he will make a statement on the matter. [40784/10]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The Commissioners of Public Works agreed to process an application for planning permission under the terms of the Planning and Development Regulations 2001 to refurbish the interior of 2 Lower Pembroke Street on behalf of the One Family Agency. The estimated construction cost for the refurbishment is €280,000.00 plus VAT.

Tax Code

122. **Deputy Michael Creed** asked the Minister for Finance if he will oblige financial institutions which are financing private construction industry projects to seek the tax clearance and subcontractor certificates of contractors involved in these projects before releasing funds, as an effort to eliminate the black economy from the construction sector; and if he will make a statement on the matter. [40787/10]

Minister for Finance (Deputy Brian Lenihan): The primary purpose of the tax clearance process, as operated by the Office of the Revenue Commissioners, is to ensure that persons who are in receipt of contracts or grants, subsidies and other payments from the State, or who derive an economic benefit from a licence or permit to conduct certain activities in the State, are in compliance with their tax obligations. In relation to the specific proposal that the banks seek tax clearance and subcontractor certificates before releasing funds for construction projects, this would potentially lead to delays in the flow of funds to business. Construction projects would cover a very large range of activities from large construction projects, commercial and residential, to small extensions and in many cases at the time of the drawdown of the funds the borrower may not have identified all of the specific contractors and subcontractors that will be employed in the work. In any event, hidden economy activity might be paid out of the borrowers' own resources.

However, the issue of the black or hidden economy continues to be of great concern, and I am informed by the Revenue Commissioners that specific measures are being implemented to tackle such issues in the construction sector, particularly in recent times in relation to one-off housing and self-builds. Revenue and the Department of Social Protection are working closely together and both organisations will include, in their priorities for 2011, actions specifically directed at mitigating hidden economy activity.

Currently Revenue has many initiatives in place to tackle hidden economy activity in the sector. These measures include: -

- Liaison with industry representative bodies to identify hidden economy trends.
- An ongoing focus on hidden economy activities by the Hidden Economy Monitoring Group.
- Liaising and sharing information with other relevant Departments and carrying out joint investigations where appropriate.

In addition, Revenue may also monitor the registration of contractors through the revised Form RCT 1 process, carry out unannounced visits to one-off housing and self-builds and examine planning applications. It also has a central non-resident unit based in Dublin to deal with all

[Deputy Brian Lenihan.]

non-resident cases. Revenue uses confidential information and local intelligence to target suspect sites. This approach is most effective and anyone with information on hidden economy activity can report their concerns to their local, or indeed any, Revenue office. The Revenue Commissioners are continuing also to tackle the problem of the hidden economy through their routine audit and compliance activity.

Departmental Staff

123. **Deputy Joan Burton** asked the Minister for Finance the total number of whole-time equivalent staff serving in each Department or agency at certain grades (details supplied) at 30 September 2010; the equivalent numbers at the same date for each of the past five years; and if he will make a statement on the matter. [40819/10]

Minister for Finance (Deputy Brian Lenihan): The number of civil servants serving (whole time equivalent) in the requested grades for each of the past five years is set out in the format requested by the Deputy in the attachments. This data is based on the latest information supplied by Departments and Offices to my Department.

Grade Title	2006 Dec	2007 Sep	2008 Sep	2009 Sep	2010 Sep
Secretary General	17.00	17.00	17.00	17.00	17.00
Secretary General Equivalent	18.00	18.00	18.00	17.00	17.00
Deputy Secretary Total	3.00	2.00	2.00	2.00	1.00
Assistant Secretary Total	144.00	146.00	154.00	150.00	138.00
Principal Total	371.45	381.55	433.55	414.65	368.90
Principal Higher Total	339.55	358.20	364.40	336.90	302.00
Assistant Principal Total	1,243.65	1,255.32	1,369.11	1,331.15	1,228.12
Assistant Principal Higher Total	728.14	752.47	778.18	751.01	675.63
HEO Higher Total	889.16	853.00	818.01	874.76	898.79
HEO Total	2,138.68	2,228.64	2,407.10	2,380.22	2,183.51
EO Higher Total	1,032.57	994.51	960.50	1,065.13	1,119.22
EO Total	3,504.73	3,705.77	3,957.99	3,824.29	3,584.42
SO Total	1,438.07	1,424.87	1,487.18	1,502.06	1,494.45
CO Total	10,564.85	11,000.63	11,335.64	10,735.85	10,512.26
Total	22,432.85	23,137.96	24,102.66	23,402.02	22,540.30

The above data does not include the National Gallery, CPSA, Prisons and Foreign Affairs local recruits serving abroad. In addition the grade of Secretary General in the above table also includes Grades paid at Secretary General level. September data is not available for 2006.

December 2006	Secretary General Total	Deputy Secretary Total	Assistant Secretary Total	PO Total	Principal Higher Total	AP Total	AP Higher Total	HEO Higher Total	HEO Total	EO Higher Total	EO Total	SO Total	CO Total	Total
Total	17.00	3.00	144.00	371.45	339.55	1,243.65	728.14	889.16	2,138.68	1,032.57	3,504.73	1,438.07	10,564.85	22,414.85
Agriculture, Fisheries & Food	1.00	.00	10.00	24.00	8.00	95.00	19.60	80.43	158.36	103.25	297.83	134.15	1,150.23	2,081.85
Attorney General	.00	.00	.00	.00	1.00	3.00	2.00	2.00	3.00	3.00	4.00	7.00	32.20	57.20
Central Statistics Office	.00	.00	.00	2.00	1.00	15.30	3.40	20.00	45.30	34.90	95.82	34.70	373.58	626.00
Chief State Solicitor	.00	.00	.00	.00	.00	.00	2.00	2.00	3.00	2.60	6.50	9.90	56.90	82.90
Communications Energy & Nat. Resources	1.00	1.00	4.00	16.00	6.00	39.18	10.00	20.90	43.15	21.72	58.50	4.50	98.93	324.88
Community, Equality & Gaeltacht Affairs	1.00	.00	2.00	10.00	7.00	25.30	9.00	16.00	35.90	19.10	33.83	2.00	70.43	231.56
Comptroller & Auditor General	.00	.00	.00	.00	.00	.00	.00	.00	.00	1.00	1.50	1.00	5.00	8.50
Courts Service	.00	.00	3.00	18.40	19.00	81.70	34.10	41.03	118.93	43.60	162.09	20.00	327.32	869.17
Defence	1.00	.00	1.00	8.80	4.00	28.00	3.00	16.73	33.50	22.10	42.05	31.80	138.63	330.61
Director Of Public Prosecutions	.00	.00	.00	.00	1.00	3.00	3.00	4.00	3.50	3.30	9.80	5.00	51.90	84.50
Education Group	1.00	.00	7.00	28.60	8.50	64.10	16.50	47.80	116.23	77.72	240.92	52.56	419.12	1,080.05
Enterprise Group	1.00	.00	8.00	37.75	12.60	65.08	30.35	31.93	98.00	41.70	188.03	39.63	314.27	868.34
Environment Heritage & Local Government	1.00	.00	6.00	28.80	11.00	79.93	29.33	38.33	89.40	41.73	128.30	26.33	204.71	684.86
Finance	2.00	.00	10.00	1.00	54.90	13.00	153.30	40.63	45.28	24.50	20.30	32.60	113.23	510.74
Foreign Affairs Group	1.00	.00	33.00	16.00	7.00	48.80	36.00	16.70	46.00	20.90	80.30	37.60	443.30	786.60
Garda Civilians	.00	.00	.00	3.00	1.00	5.50	2.00	8.00	11.00	10.00	24.00	143.23	825.48	1,033.21
Health & Children	2.00	.00	9.00	23.30	11.00	78.10	24.40	31.93	65.00	25.73	82.60	17.66	156.21	526.93
Justice & Law Reform Total	1.00	.00	12.00	38.60	30.00	111.43	34.70	60.20	143.43	66.03	274.11	27.53	803.60	1,602.63
Office Of Public Works	.00	.00	.00	7.80	8.00	23.80	22.50	22.80	52.39	18.40	70.38	21.70	113.63	361.40
Oireachtas	.00	.00	1.00	3.00	4.00	.00	2.00	2.00	5.00	.00	5.00	5.00	72.01	99.01
Ombudsman	.00	.00	.00	3.00	2.00	11.10	4.50	3.00	6.00	2.00	7.73	1.00	18.40	58.73
Presidents Establishment	1.00	.00	.00	.00	1.00	1.00	1.00	1.80	1.50	.00	3.73	1.40	8.00	20.43
Property Registration Authority	.00	.00	.00	3.00	3.00	18.70	8.80	18.00	38.85	37.80	120.65	26.60	225.70	501.10
Public Appointments Service	.00	.00	1.00	2.00	2.00	7.00	2.00	6.90	10.90	5.70	17.80	10.10	66.70	132.10
Revenue Commissioners	.00	1.00	14.00	29.00	95.80	196.43	162.93	120.60	484.38	153.30	920.40	239.83	2,009.56	4,427.23
Social Protection	1.00	1.00	5.00	39.80	14.75	159.50	53.80	188.35	394.75	205.89	477.83	459.65	2,195.28	4,196.60
State Laboratory	.00	.00	.00	.00	.00	1.00	.00	.00	1.00	.00	.00	2.50	5.80	10.30
Taoiseach	.00	.00	8.00	6.00	15.00	9.40	25.53	10.50	19.42	8.10	24.00	11.30	54.60	191.85
Tourism, Culture & Sport	1.00	.00	3.00	5.00	5.00	12.40	9.60	6.80	11.00	8.50	24.50	4.00	37.70	128.50
Transport	1.00	.00	6.00	14.60	6.00	43.90	21.80	26.90	49.51	24.10	69.43	15.70	163.03	441.97
Valuation Office	.00	.00	1.00	2.00	.00	3.00	1.00	2.90	5.00	5.90	12.80	12.10	9.40	55.10

The Above Data Does Not Include The National Gallery, Cpsa, Prisons And Foreign Affairs Local Recruits Serving Abroad September Data Is Not Available For 2006.

September 2007	Secretary General Total	Deputy Secretary Total	Assistant Secretary Total	PO Total	PO Higher Total	AP Total	AP Higher Total	HEO Higher Total	HEO Total	EO Higher Scale Total	EO Total	SO Total	CO Total	Total
Total	17.00	2.00	146.00	381.55	358.20	1,255.32	752.47	853.00	2,228.64	994.51	3,705.77	1,424.87	11,000.63	23,119.96
Agriculture, Fisheries & Food	1.00	.00	10.00	20.60	10.00	96.10	27.60	73.03	171.56	96.55	316.43	120.45	1,144.95	2,088.27
Attorney General	.00	.00	1.00	.00	2.00	3.00	3.00	2.00	6.00	2.00	6.50	6.60	33.20	65.30
Central Statistics Office	.00	.00	1.00	2.00	1.00	18.30	2.60	22.00	42.80	38.60	91.92	22.80	310.13	553.15
Chief State Solicitor	.00	.00	.00	1.00	.00	.00	1.00	2.00	3.00	1.90	7.30	10.80	51.50	78.50
Communications Energy & Nat. Resources	1.00	1.00	4.00	13.00	6.00	42.28	7.00	19.70	45.60	19.92	67.80	7.00	96.71	331.01
Community, Equality & Gaeltacht Affairs	1.00	.00	3.00	10.00	7.00	28.10	9.00	17.00	37.43	19.30	31.96	4.00	70.43	238.22
Comptroller & Auditor General	.00	.00	.00	.00	.00	.00	.00	.00	.00	1.00	2.50	1.00	4.00	8.50
Courts Service	.00	.00	3.00	22.60	18.80	80.39	33.10	38.33	116.00	42.20	183.03	18.89	332.06	888.40
Defence	1.00	.00	2.00	9.90	4.00	29.00	4.00	14.73	33.10	22.60	45.18	33.30	146.30	345.11
Director Of Public Prosecutions	.00	.00	.00	.00	1.00	3.00	3.00	4.00	4.30	2.80	8.30	6.00	54.50	86.90
Education Group	1.00	.00	7.00	29.60	9.50	68.40	15.50	39.80	117.73	83.25	235.92	52.16	439.75	1,099.61
Enterprise Group	1.00	.00	9.00	36.75	12.60	64.53	31.95	30.33	101.80	41.30	197.10	43.13	344.59	914.08
Environment Heritage & Local Government	1.00	.00	6.00	25.80	11.00	78.26	30.33	33.50	103.96	35.00	139.10	25.13	198.14	687.22
Finance	2.00	.00	10.00	1.00	58.70	12.00	152.30	40.73	44.28	22.10	19.30	33.60	119.69	515.70
Foreign Affairs Group	1.00	.00	33.00	18.00	7.00	53.50	39.10	17.90	49.35	24.90	92.50	41.70	548.05	926.00
Garda Civilians	.00	.00	.00	4.00	1.00	6.50	7.00	7.00	19.60	9.00	25.00	146.16	1,077.11	1,302.37
Health & Children	1.00	.00	8.00	26.30	16.00	64.00	36.90	31.13	67.90	24.53	71.23	17.03	146.24	510.26
Justice & Law Reform Total	1.00	.00	12.00	38.80	37.00	110.43	37.70	54.75	155.43	52.31	356.04	30.03	830.62	1,716.11
Office Of Public Works	.00	.00	.00	7.80	8.00	23.00	21.90	22.00	55.36	22.50	69.73	18.93	130.63	379.85
Oireachtas	.00	.00	1.00	3.00	4.00	.00	1.60	2.00	6.00	.00	12.00	6.00	78.01	113.61
Ombudsman	.00	.00	.00	3.00	1.00	10.90	4.50	2.00	6.00	3.00	7.73	1.00	20.40	59.53
Presidents Establishment	1.00	.00	.00	.00	1.00	1.00	2.00	1.00	2.50	.00	3.73	2.00	6.00	20.23
Property Registration Authority	.00	.00	.00	3.00	3.00	22.40	8.80	20.10	43.35	41.75	119.65	22.70	267.13	551.88
Public Appointments Service	.00	.00	1.00	2.00	1.00	5.00	2.00	6.50	11.90	6.00	16.60	12.90	68.50	133.40
Revenue Commissioners	.00	1.00	14.00	33.00	95.60	212.93	163.13	120.00	493.86	148.18	972.58	238.50	2,032.73	4,525.51
Social Protection	1.00	.00	5.00	38.80	17.00	154.90	53.00	189.25	401.90	189.89	495.30	454.26	2,235.04	4,235.34
State Laboratory	.00	.00	.00	.00	.00	1.00	.00	.00	1.00	.00	.00	2.50	5.80	10.30
Taoiseach	1.00	.00	6.00	7.00	13.00	13.40	22.53	11.02	25.80	6.90	22.10	14.10	51.10	193.95
Tourism, Culture & Sport	1.00	.00	3.00	6.00	6.00	12.40	11.40	6.80	13.00	11.50	21.50	5.00	40.70	138.30
Transport	1.00	.00	6.00	16.60	6.00	37.60	19.53	22.40	43.33	18.40	55.74	15.30	108.22	350.12
Valuation Office	.00	.00	1.00	2.00	.00	3.00	1.00	2.00	4.80	7.13	12.00	11.90	8.40	53.23

The Above Data Does Not Include The National Gallery, Cpsa, Prisons And Foreign Affairs Local Recruits Serving Abroad.

September 2008	Secretary General Total	Deputy Secretary Total	Assistant Secretary Total	PO Total	PO Higher Total	AP Total	AP Higher Total	HEO Higher Total	HEO Total	EO Higher Total	EO Total	SO Total	CO Total	Total
Total	17.00	2.00	154.00	433.55	364.40	1,369.11	778.18	818.01	2,407.10	960.50	3,957.99	1,487.18	11,335.64	24,084.66
Agriculture, Fisheries & Food	1.00	.00	11.00	25.60	12.00	109.50	29.60	68.10	186.22	102.27	337.59	120.21	1,141.67	2,144.76
Attorney General	.00	.00	1.00	.00	2.00	3.00	3.00	3.00	7.00	1.00	5.50	4.60	32.70	62.80
Central Statistics Office	.00	.00	2.00	2.00	1.00	18.20	2.60	20.90	43.40	32.20	100.13	17.60	304.75	544.78
Chief State Solicitor	.00	.00	.00	1.00	.00	2.00	1.00	1.00	5.80	1.50	11.40	8.90	55.90	88.50
Communications Energy & Nat. Resources	1.00	1.00	3.00	15.00	3.00	34.98	4.00	11.30	31.20	14.18	36.70	3.10	55.10	213.56
Community, Equality & Gaeltacht Affairs	1.00	.00	3.00	11.00	7.00	28.10	9.60	13.50	37.73	17.00	37.06	4.00	69.93	238.92
Comptroller & Auditor General	.00	.00	.00	.00	.00	.00	.00	.00	.00	1.00	2.50	1.00	6.80	11.30
Courts Service	.00	.00	3.00	22.80	19.80	81.90	40.69	40.63	107.20	49.20	173.53	19.33	322.04	880.12
Defence	1.00	.00	2.00	10.50	4.00	29.60	5.50	15.53	37.90	22.50	49.18	33.50	145.48	356.69
Director Of Public Prosecutions	.00	.00	.00	.00	1.00	3.60	3.00	4.00	6.30	1.60	9.10	6.00	50.80	85.40
Education Group	1.00	.00	8.00	40.60	9.60	83.70	16.13	33.30	134.00	72.62	249.18	55.76	489.81	1,193.70
Enterprise Group	1.00	.00	9.00	37.75	13.80	67.43	31.15	33.23	115.40	44.20	225.80	45.03	354.18	977.97
Environment Heritage & Local Government	1.00	.00	6.00	33.80	10.80	85.26	22.90	26.93	111.36	29.00	124.60	15.13	160.16	626.94
Finance	2.00	.00	11.00	3.00	54.40	12.00	150.85	37.93	50.51	22.60	23.70	30.60	103.16	501.75
Foreign Affairs Group	1.00	.00	35.00	17.00	6.00	53.50	34.20	19.55	47.80	20.50	104.70	41.60	504.90	885.75
Garda Civilians	.00	.00	.00	3.00	2.00	5.50	9.00	10.00	49.10	9.30	69.26	181.83	1,320.15	1,659.14
Health & Children	1.00	.00	8.00	26.80	14.40	69.10	32.90	26.96	64.70	19.00	73.40	10.40	107.36	454.02
Justice & Law Reform Total	1.00	.00	14.00	58.80	40.00	167.83	39.50	46.45	199.22	45.31	445.29	36.23	917.18	2,010.81
Office Of Public Works	.00	.00	.00	6.80	10.00	23.80	25.90	18.40	52.94	22.80	77.13	21.10	134.43	393.30
Oireachtas	.00	.00	1.00	10.50	3.00	1.00	1.00	.00	.00	.00	15.00	3.80	78.81	114.11
Ombudsman	.00	.00	.00	4.00	2.00	17.63	5.00	3.00	6.80	3.00	10.73	1.00	25.60	78.76
Presidents Establishment	1.00	.00	.00	.00	1.00	1.00	2.00	2.00	.50	.00	3.00	5.00	3.60	19.10
Property Registration Authority	.00	.00	.00	3.00	3.00	20.40	8.90	19.65	44.10	41.27	132.58	25.60	227.40	525.90
Public Appointments Service	.00	.00	1.00	2.00	1.00	4.50	2.00	7.50	11.63	3.60	15.50	14.10	64.63	127.46
Revenue Commissioners	.00	.00	14.00	30.00	97.60	223.08	185.03	130.30	545.54	147.28	1,000.63	241.27	2,086.71	4,701.44
Social Protection	1.00	1.00	5.00	40.80	19.00	159.20	51.40	183.75	404.40	194.44	496.84	489.66	2,309.84	4,356.33
State Laboratory	.00	.00	.00	.00	.00	1.00	.00	1.00	1.00	.00	.00	2.40	5.30	10.70
Taoiseach	1.00	.00	7.00	6.00	11.00	14.60	20.00	9.60	25.90	6.70	21.90	14.83	51.90	190.43
Tourism, Culture & Sport	1.00	.00	3.00	4.00	4.00	13.90	9.50	5.60	15.00	9.70	18.53	2.00	38.60	124.83
Transport	1.00	.00	6.00	15.80	12.00	30.80	30.83	23.40	59.65	21.40	76.53	19.50	152.75	449.66
Valuation Office	.00	.00	1.00	2.00	.00	3.00	1.00	1.50	4.80	5.33	11.00	12.10	14.00	55.73

The Above Data Does Not Include The National Gallery, Cpsa, Prisons And Foreign Affairs Local Recruits Serving Abroad.

September 2009	Secretary General Total	Deputy Secretary Total	Assistant Secretary Total	Principal Total	Principal Higher Total	AP Total	AP Higher Total	HEO Higher Scale	HEO Total	EO Higher Total	EO Total	SO Total	CO Total	Total
Total	17.00	2.00	150.00	414.65	336.90	1,331.15	751.01	874.76	2,380.22	1,065.13	3,824.29	1,502.06	10,735.85	23,385.02
Agriculture, Fisheries & Food	1.00	.00	9.00	25.60	11.00	104.80	27.00	76.99	169.93	110.37	314.26	101.01	1,029.91	1,980.87
Attorney General	.00	.00	1.00	.00	1.00	3.00	3.00	2.00	6.00	1.00	7.00	3.00	33.60	60.60
Central Statistics Office	.00	.00	2.00	3.00	1.00	16.87	5.00	24.10	36.20	34.71	94.90	12.43	257.24	487.45
Chief State Solicitor	.00	.00	.00	1.00	.00	2.00	1.80	.00	5.80	.50	12.30	9.40	53.90	86.70
Communications Energy & Nat. Resources	1.00	1.00	3.00	14.00	5.00	30.19	9.00	11.70	27.50	13.23	34.70	2.00	49.60	201.92
Community, Equality & Gaeltacht Affairs	1.00	.00	3.00	11.00	5.80	24.80	9.00	15.00	34.83	12.80	37.06	3.40	59.43	217.12
Comptroller & Auditor General	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	3.50	1.00	4.80	9.30
Courts Service	.00	.00	5.00	19.80	18.80	78.80	37.90	36.63	109.75	45.40	173.33	18.23	293.76	837.40
Defence	1.00	.00	2.00	9.50	4.00	29.60	5.40	13.83	37.90	21.70	47.88	30.90	128.00	331.71
Director Of Public Prosecutions	.00	.00	.00	.00	1.00	4.00	3.00	4.00	5.80	3.80	7.50	6.00	49.20	84.30
Education Group	1.00	.00	8.00	41.60	8.60	88.70	16.80	34.20	130.10	74.92	238.14	55.66	419.41	1,117.13
Enterprise Group	1.00	.00	10.00	36.75	11.00	63.00	29.00	41.36	113.90	55.73	197.50	33.75	310.92	903.91
Environment Heritage & Local Government	1.00	.00	5.00	28.00	8.00	83.03	21.40	28.70	106.93	28.40	124.40	13.73	134.47	583.06
Finance	2.00	.00	10.00	.00	54.10	4.00	146.78	37.23	48.66	23.00	21.30	28.10	101.46	476.63
Foreign Affairs Group	1.00	.00	34.00	18.00	9.00	57.50	36.30	18.75	52.40	19.90	117.60	44.10	467.75	876.30
Garda Civilians	.00	.00	.00	2.00	3.00	7.50	9.00	12.00	64.60	9.30	99.33	194.26	1,361.06	1,762.05
Health & Children	1.00	.00	7.00	29.80	17.00	72.00	27.70	26.03	63.50	19.90	71.00	11.70	96.73	443.36
Justice & Law Reform Total	1.00	.00	13.00	55.80	37.00	157.90	49.43	75.58	191.74	98.50	321.05	33.03	824.25	1,858.28
Office Of Public Works	.00	.00	.00	6.00	8.00	22.80	20.00	17.40	56.91	23.53	73.13	22.50	111.06	361.33
Oireachtas	.00	.00	1.00	8.00	2.00	5.00	1.00	1.00	2.00	.00	14.00	3.00	75.01	112.01
Ombudsman	.00	.00	.00	3.00	3.00	17.83	6.10	3.00	6.80	2.73	9.50	1.00	20.87	73.83
Presidents Establishment	1.00	.00	.00	.00	1.00	.80	1.00	2.00	.50	.00	3.00	5.40	4.60	19.30
Property Registration Authority	.00	.00	.00	3.00	3.00	19.10	7.90	19.75	41.30	41.80	115.83	20.20	203.60	475.48
Public Appointments Service	.00	.00	1.00	1.00	1.00	3.50	2.00	8.30	8.73	6.70	15.43	9.80	50.90	108.36
Revenue Commissioners	.00	.00	14.00	27.00	85.00	214.78	173.38	132.63	539.99	148.67	1,024.50	228.54	1,896.22	4,484.71
Social Protection	1.00	1.00	6.00	40.80	17.00	156.10	46.40	189.75	418.22	227.84	527.57	561.16	2,466.91	4,659.75
State Laboratory	.00	.00	.00	.00	.00	1.00	.00	1.00	1.00	.00	.00	2.40	5.40	10.80
Taoiseach	1.00	.00	7.00	6.00	7.60	15.35	18.49	9.10	24.90	6.40	22.00	12.93	44.70	175.47
Tourism, Culture & Sport	1.00	.00	3.00	6.00	3.00	17.00	9.80	7.80	11.00	9.50	18.55	4.00	27.80	118.45
Transport	1.00	.00	5.00	16.00	11.00	28.20	25.43	22.23	59.53	20.20	68.83	17.90	144.69	420.01
Valuation Office	.00	.00	1.00	2.00	.00	2.00	2.00	2.70	3.80	4.60	9.20	11.53	8.60	47.43

The above data does not include the National Gallery, CPSA, Prisons and Foreign Affairs local recruits serving abroad.

September 2010	Secretary General Total	Deputy Secretary Total	Assistant Secretary Total	PO Total	PO Higher Total	AP Total	AP Higher Total	HEO Higher Total	HEO Total	EO Higher Total	EO Total	SO Total	CO Total	Total
Total	17.00	1.00	138.00	368.90	302.00	1,228.12	675.63	898.79	2,183.51	1,119.22	3,584.42	1,494.45	10,512.26	22,523.30
Agriculture, Fisheries & Food	1.00	.00	8.00	21.60	12.00	92.23	28.50	66.59	149.63	103.54	290.09	82.42	938.00	1,793.60
Attorney General	.00	.00	.00	.00	1.00	3.00	3.00	2.00	7.00	2.00	6.00	4.00	30.20	58.20
Central Statistics Office	.00	.00	.00	3.00	1.00	15.70	5.00	26.40	35.40	40.54	87.60	13.13	292.30	520.07
Chief State Solicitor	.00	.00	.00	1.00	.00	2.00	1.80	3.00	3.00	1.50	11.30	9.40	54.00	87.00
Communications Energy & Nat. Resources	1.00	1.00	2.00	14.00	4.00	26.39	9.80	9.99	24.65	11.14	34.70	2.00	50.70	191.37
Community, Equality & Gaeltacht Affairs	1.00	.00	4.00	17.00	9.80	39.20	14.50	21.30	40.33	18.00	50.76	3.40	86.18	305.47
Comptroller & Auditor General	.00	.00	.00	.00	.00	.00	.00	.00	.00	2.00	2.50	1.00	2.80	8.30
Courts Service	.00	.00	5.00	17.00	16.70	73.10	31.70	34.23	107.15	44.30	174.13	17.13	286.82	807.26
Defence	1.00	.00	2.00	11.60	3.00	27.00	4.70	13.76	36.20	19.00	43.43	26.90	121.90	310.49
Director Of Public Prosecutions	.00	.00	.00	.00	1.00	4.00	3.00	4.00	6.30	3.90	7.50	5.00	47.70	82.40
Education Group	1.00	.00	10.00	38.00	11.60	82.90	22.10	49.50	114.83	78.40	219.17	52.83	405.54	1,085.87
Enterprise Group	1.00	.00	7.00	28.00	8.00	49.50	23.00	33.33	99.03	57.83	177.76	32.95	307.49	824.89
Environment Heritage & Local Government	1.00	.00	6.00	22.00	7.80	74.43	16.80	37.10	91.23	32.80	104.90	11.73	128.21	534.00
Finance	2.00	.00	9.00	.00	48.10	4.00	122.88	34.23	36.66	22.80	18.50	26.63	97.43	422.23
Foreign Affairs Group	1.00	.00	32.00	14.00	7.00	58.00	33.80	18.75	48.80	20.30	81.60	42.60	442.50	800.35
Garda Civilians	.00	.00	.00	2.00	2.00	8.80	8.00	19.60	52.50	19.10	90.13	188.82	1,339.86	1,730.81
Health & Children	1.00	.00	7.00	28.30	11.00	67.50	24.90	24.50	63.70	19.80	64.70	12.13	87.93	412.46
Justice & Law Reform Total	1.00	.00	10.00	43.00	29.00	101.80	40.33	60.08	153.56	84.06	264.67	26.43	739.38	1,553.31
Office Of Public Works	.00	.00	.00	6.00	7.00	20.80	14.20	20.10	51.01	25.90	68.89	20.80	107.66	342.36
Oireachtas	.00	.00	1.00	8.00	2.00	4.90	1.00	2.00	2.00	.00	10.00	3.00	68.81	102.71
Ombudsman	.00	.00	1.00	2.00	4.00	15.83	7.10	3.00	6.80	3.53	9.50	1.00	21.10	74.86
Presidents Establishment	1.00	.00	.00	.00	1.00	2.00	1.00	1.00	1.60	.00	2.73	5.50	5.00	20.83
Prisons (Admin Staff)	.00	.00	.00	5.00	3.00	17.50	4.00	7.00	14.00	8.00	11.00	6.00	27.93	103.43
Property Registration Authority	.00	.00	.00	3.00	.00	18.10	8.80	18.95	40.50	42.40	108.63	20.45	187.70	448.53
Public Appointments Service	.00	.00	1.00	.00	1.00	3.50	2.00	6.30	6.73	5.70	12.73	8.80	40.80	88.56
Revenue Commissioners	.00	.00	14.00	18.00	90.00	209.78	162.83	142.28	490.44	175.93	958.01	221.79	1,888.09	4,371.15
Social Protection	1.00	.00	6.00	34.40	8.00	146.86	37.60	198.90	409.00	237.15	562.71	600.65	2,483.62	4,725.89
State Laboratory	.00	.00	.00	.00	.00	1.00	.00	1.00	1.00	.00	.00	2.40	4.40	9.80
Taoiseach	1.00	.00	5.00	9.00	7.00	13.60	12.66	8.50	20.10	6.90	18.30	11.93	43.30	157.29
Tourism, Culture & Sport	1.00	.00	3.00	8.00	2.00	15.50	10.80	7.80	12.00	9.70	20.55	4.00	28.05	122.40
Transport	1.00	.00	4.00	14.00	3.00	27.20	17.83	21.90	54.36	18.40	63.13	17.90	135.46	378.18
Valuation Office	.00	.00	1.00	1.00	1.00	2.00	2.00	1.70	4.00	4.60	8.80	11.73	11.40	49.23

The above data does not include the National Gallery, CPSA, Prisons (Main) and Foreign Affairs local recruits serving abroad.

Pension Provisions

124. **Deputy Finian McGrath** asked the Minister for Finance if he plans to cut pensions in the next budget. [40852/10]

Minister for Finance (Deputy Brian Lenihan): As is customary, I do not propose to comment in advance of the Budget on any matters that might be the subject of Budget decisions. I can assure the Deputy, however, that the Government remains steadfast in its determination to restore order to the public finances and Budget 2011 will play an important part in the process of fiscal correction now underway.

Tax Code

125. **Deputy Bernard J. Durkan** asked the Minister for Finance the way it was determined that the Revenue Commissioners should not have to refund interest paid in respect of a projected capital gain that in the event did not accrue due to failure of contract; the way it can be argued that the contract predetermines a liability to interest even though the capital was refunded; the number of similar situations that have arisen, if interest has not been refunded in any case; and if he will make a statement on the matter. [40891/10]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that the person concerned did not pay interest to Revenue in respect of the capital gain, because the transaction in question did not give rise to an interest charge. The person has, however, been seeking the payment of interest by Revenue. The legislation providing for interest on repayment of tax is contained in section 865A of the Taxes Consolidation Act 1997, which states that interest on a repayment arises where the repayment is not made within a period of 93 days after a person's application for the repayment becomes a valid claim. In this case the person's application for repayment became a valid claim on 24 June 2009, the date the Revenue Commissioners were advised the contract was rescinded. The refund was made on 7 July 2009.

No data is available on the number of similar situations that have arisen. Interest on repayments of tax can only arise where a repayment of tax is not made within a period of 93 days after a person's application for the repayment becomes a valid claim.

Tax Collection

126. **Deputy Bernard J. Durkan** asked the Minister for Finance the extent of a settlement figure required by Customs and Excise in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [40892/10]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that the following are the circumstances of this case. On a date in May this year, 184 items of new clothing, footwear and accessories were detained and subsequently seized from a passenger (details supplied) who was stopped in the Green Channel at Dublin Airport, having arrived from Istanbul, Turkey. The duty-free and tax-free passenger baggage allowances applicable to travellers arriving from a non-Member State such as Turkey are of an upper monetary limit of €430 and are confined to importations of goods for personal use only. On examination of the goods the Customs Officer formed the opinion that their value was substantially in excess of this limit. The officer also suspected that some of the goods were of a counterfeit nature.

The goods in question were detained for further enquiry. Confirmation was subsequently obtained that a quantity were in fact counterfeit. The items in question were seized under Customs legislation as counterfeit as such items are prohibited under EU and national law.

The value of the remaining items was estimated at €4,499. While there is no evidence to suggest that these goods were counterfeit, this value was substantially in excess of the passenger baggage allowance referred to above. There were also strong indications that their importation was of a commercial rather than personal nature. These goods were seized as they had been detected in the Green channel in the possession of the passenger in question and had not been declared. The Duty and VAT liability on these goods amounted to €553.53 and €1,042.02 respectively, making a total of €1,595.55. Following receipt of representations from a solicitor on behalf of the passenger, Revenue offered return of the non-counterfeit goods on payment of €2,500. This represents Customs Duty of €553.53, VAT of €1,042.02 and a compromise penalty payment of €904.45 in lieu of retention of the goods and possible criminal proceedings.

Under Customs law a person has the right to make a claim challenging a seizure. This involves the initiation by Revenue of civil proceedings in order for a court to adjudicate on the validity of the seizure. The process requires the attendance of the claimant to give evidence at such proceedings. The representations of the individual's solicitor in this case are regarded as constituting such a claim and Revenue is in touch with her to confirm that she wishes to proceed on that basis.

Tax Refunds

127. **Deputy Bernard J. Durkan** asked the Minister for Finance the way it was determined that a refund to the extent of €22,000 as determined by their tax consultant who is completely familiar with such matters has been reduced to a refund of €530 in view of the fact that all allowances sought were in accordance with regulations and that the determination as proposed has a knock-on effect of creating serious hardship in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [40893/10]

Minister for Finance (Deputy Brian Lenihan): I have been advised by the Revenue Commissioners that they are unable to comment on an agent's view of expected refund due. However following a Revenue Audit, deductions incorrectly claimed in arriving at Case 1 Profit have been withdrawn and the net result is a refund of €509.53. This will be refunded as soon as the proposed settlement is agreed by taxpayer.

Pension Provisions

128. **Deputy Richard Bruton** asked the Minister for Finance the position regarding a decision on a pension parity claim (details supplied); and if he will make a statement on the matter. [40919/10]

Minister for Finance (Deputy Brian Lenihan): The individual in question submitted an appeal for my determination under section 41(11) of the Harbours Act 1996 in respect of the superannuation benefit payable under the superannuation scheme of which he was a member. My determination issued on 13 November 2009, informing the individual that I could not uphold the appeal and setting out the reasons for the determination. The appellant was advised of his rights with regard to the Pensions Ombudsman's Regulations 2003 and that he might refer the matter to the Pensions Ombudsman if he wished to pursue the matter further.

Budget Submissions

129. **Deputy Joe Behan** asked the Minister for Finance further to the pre-budget meeting between his officials and representatives of the tobacco industry in September 2010, the persons who attended the meeting on behalf of the tobacco industry, the topics under discussion and

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the effect the discussions are likely to have on the formulation of proposals in budget 2011 regarding the tobacco industry; and if he will make a statement on the matter. [40932/10]

Minister for Finance (Deputy Brian Lenihan): Officials of my Department met with representatives of the Irish Tobacco Manufacturers Advisory Committee (ITMAC) and representatives from Philip Morris International (PMI). ITMAC was represented by its Chairman, its Secretary and by the CEOs of John Player & Sons and P.J.Carroll & Company Ltd. PMI was represented by its Corporate Affairs Manager UK & Ireland, Corporate Affairs Manager Ireland, Director Corporate Affairs EU and Director Fiscal Affairs & International Trade EU. The bodies outlined their views in regard to a range of issues including developments in the tobacco market, the taxation of tobacco products, the EU Tobacco Excise Directive, the European Court of Justice ruling on setting minimum retail prices for cigarettes and the incidence of tobacco smuggling.

As I said in my reply to the Deputy on 27 October, 2010, it is normal practice for officials of my Department to meet with various interest groups, especially in the run-up to the annual Budget. Decisions in relation to the Budget are taken in the context of a variety of factors, and not on the basis of meetings with industry representatives.

Departmental Expenditure

130. **Deputy Brian Hayes** asked the Minister for Finance if he will provide an itemised list of payments made to external solicitors and to external barristers whose services were procured directly by the Department and by each agency and body under its aegis in the years 2007, 2008, 2009 and 2010; the reason for each such procurement; and if such services were procured through competitive tendering processes in every instance; and if he will make a statement on the matter. [40941/10]

Minister for Finance (Deputy Brian Lenihan): In general, my Department uses the services of the Office of the Attorney General and the Office of the Chief State Solicitor. However it seeks outside legal advisors in circumstances requiring legal services of a specific nature. The costs associated with the Office of the Attorney General and the Office of the Chief State Solicitor are borne by their respective Votes. The following tables set out the detail sought by the Deputy in relation to the legal fees paid by my Department and by the Offices under the aegis of my Department for the years 2007, 2008, 2009 and to date in 2010.

The Office of Public Works was unable to provide the information requested by the Deputy in the time available, however, this information is being collated and will be issued directly to the Deputy.

Advisor	2007	2008	2009	2010 (to date)	Reason	Tendered (Yes/No)
McCann Fitzgerald	0	48,400	0	0	Advice relating to procurement of air/ transport agency services	Yes
McCann Fitzgerald	39,325	14,664	0	0	Advice relating to Public Sector Standard Conditions of engagement for construction consultants	Yes
Matheson Ormsby Prentice	25,549	0	0	0	Advice relating to general supplies and services contracts	Yes
Max Abrahamson	12,100	0	0	0	Advice relating to Public Sector Standard Conditions and amendments to Arbitration and Conciliation regulations	Yes
Arthur Cox	0	1,628,024	5,875,869	3,907,000	Advice relating to bank guarantee scheme	No*
A&L Goodbody	137,090	182,007	0	0	Advice relating to Standard Public Works Contracts for works contractors	Yes
A&L Goodbody	66,657	0	0	0	Advice relating to Public Private Partnership, terms and conditions	Yes
A&L Goodbody	112,050	0	0	0	Advice relating to sale of ACC bank	Yes
Paul O'Higgins S.C.	0	0	0	15,125	Advice provided to Messrs Regling and Watson as part of their preliminary investigation into the banking sector	Yes

*Normal procurement procedures were not followed because of the urgency of the issue.

Advisor	2007	2008	2009	2010 (to date)	Reason	Tendered (Yes/No)
Public Appointments Service						
Matheson Ormsby Prentice	0	17,000	0	0	Advice in relation to awarding of a commercial contract	No*
Office of the Commission for Public Service Appointments						
Matheson Ormsby Prentice	130,000	115,000	109,000	7,000	General advice in relation to the Commissions work	Yes
State Laboratory						
Darach Connolly Solicitors	0	103,000	0	0	Advice in relation to a personal injury claim	**
Sarah Mahon Solicitors	0	0	86,000		Advice in relation to a compensation claim by an individual	**

*Normal procurement procedures were not followed because of the urgency of the issue.

**The Chief State Solicitors Office engaged the services of the solicitors involved on behalf of the State Laboratory.

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A payment of €1,000 in 2010 was made to the State Claims Agency for legal opinion they received in a case involving the issuing of incorrect results by the State Laboratory. Both the Valuation Office and the Office of the Appeals Commissioners incurred no legal fees in the period in question.

Revenue

The Revenue Solicitor provides legal services for Revenue and in that capacity engages external barristers in circumstances that require specific legal advices and legal opinions on issues in Tax, Customs and general litigation, for advising proofs for Court and Administrative Tribunal cases and for providing full advocacy services in the conduct on Tax, Customs and general litigation (both civil and criminal) before the District, Circuit, High and Supreme Courts, Appeal Commissioners and other administrative tribunals. The use of a competitive tendering process for these services is not feasible.

Details of the amounts paid to various external barristers in the years 2007, 2008, 2009 and to end October 2010 are given in the following table as Counsel Fees. Revenue also engages external solicitors for various services of a legal nature. The majority of these services relate to the collection/recovery of debt due to Revenue/Exchequer. For the years in question Revenue's Office of the Collector General engaged firms of solicitors following tendering processes in line with public procurement guidelines. Details of payments made to each of these firms of solicitors are given in the following table.

Revenue

	Description	2007	2008	2009	2010 (to date)	Total
Engagement of Barristers	Counsel Fees	1,315,252	1,914,880	1,660,464	837,128	5,727,724
For the supply of legal services for the collection/recovery of debt due to Revenue/ Exchequer	Holmes, O'Malley, Sexton	714,861	838,145	738,295	605,886	2,897,187
	Ivor Fitzpatrick & Co	643,981	615,345	1,155,080	826,026	3,240,432
	George V Maloney	684,732	471,984	598,573	399,986	2,155,275
	Mason, Hayes & Curran	633,536	773,212	662,172	519,408	2,588,328
	Matheson, Ormsby, Prentice	916,065	794,517	746,975	622,680	3,080,237
	Pierce & Fitzgibbon	741,625	846,706	837,588	300,478	2,726,397
	Patrick J Brady & Co	7,453	0	0	0	7,453
	Lavelle, Coleman	0	0	0	182,369	182,369
	Miscellaneous Legal	17,365	20,731	62,102	23,150	123,349
Commissioner for Oaths & Other legal services	Commissioner for Oaths	30,042	48,072	63,524	45,061	186,699
P35 Prosecutions	State Solicitor	0	5,096	841	294	6,231
Total		5,704,912	6,328,689	6,525,615	4,362,466	22,921,682

Tax Reliefs

131. **Deputy Pat Rabbitte** asked the Minister for Finance if he will provide the details, if any, of any analysis carried out by him or by the Revenue Commissioners, similar to that done on high-income individuals, on the nature and extent of the use of tax reliefs and exemptions by

highly profitable corporations to reduce tax liabilities and to result in the payment of corporation tax at an effective rate that is significantly lower than 12.5%; and if he will make a statement on the matter. [40961/10]

Minister for Finance (Deputy Brian Lenihan): I can confirm that the type of analysis referred to by the Deputy has not been carried out by my Department or by the Revenue Commissioners. As the Deputy will be aware, the analysis which was carried out in relation to high-income individuals arose out of particular concerns about the level of tax being paid by a number of such individuals, and as a result of which restrictions on the use of tax reliefs and exemptions by high-income individuals were introduced in Finance Act 2006 with further restrictions introduced in this year's Finance Act.

Where particular concerns have been brought to my attention about the use of tax reliefs or exemptions by companies, I have introduced legislative restrictions where appropriate to address those concerns. Large profit-making companies have contributed significantly to corporation tax revenues in recent years. In 2009, for example, total corporation tax payments by the top 100 companies amounted to just under €3 billion or 76 per cent of the total corporation tax yield.

Misuse of Drugs

132. **Deputy Frank Feighan** asked the Minister for Finance in view of the recent reports in the media confirming that legal highs can be purchased on-line and sent to customers here without any check carried out by Customs and Excise, the steps, if any, he will take to prevent this occurring; and if he will make a statement on the matter. [40989/10]

Minister for Finance (Deputy Brian Lenihan): I would point out to the Deputy that, following amendments to the Misuse of Drugs provisions in May 2010 and the commencement of the Criminal Justice (Psychoactive Substances) Act 2010, all the substances previously described as “legal highs” are subject to control. Revenue's Customs Service has primary responsibility for the prevention, detection, interception and seizure of controlled drugs at importation. At the operational level, Revenue is fully committed to providing an effective level of protection at frontiers against drug smuggling by systematically applying controls commensurate with the levels of risk identified.

All operations are risk focussed and resources are deployed to combat areas of greatest risk. In this regard, Revenue is continuously engaged in analysis and evaluation of seizure trends, routes and smuggling risks and in consequential resource deployment. I have been assured by the Revenue Commissioners that they are satisfied that the current risk based approach, which is in line with international best practice in this area, is the correct approach to follow. I am also advised by the Revenue Commissioners that controls are being applied to on-line purchases arriving in the State and, accordingly, the media report that checks are not being carried out by Customs is not correct.

133. **Deputy Frank Feighan** asked the Minister for Finance the number of private aircraft searched by Customs and Excise for drugs at Ireland West Airport, Knock, Carrickfinn, County Donegal, Galway and Sligo airports for the year 2009 and from 1 January to 31 October 2010. [40990/10]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that the decision on whether or not to search private aircraft at the listed airports is taken following profiling, review of intelligence and interview with the crew/passengers. In line with best practice in customs administration worldwide, Revenue regards the development of infor-

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mation and intelligence as critical to the detection of evasion and drug smuggling. This is very important in the case of Ireland and other EU Member States where the operating environment for Customs has been shaped to a significant degree by the introduction of the Internal Market and the related principles of freedom of movement within the EU. Of specific relevance are the abolition of routine and systematic Customs checks on goods and passengers moving within any part of the EU. The approach has, of necessity, been to balance the freedom of movement principle in regard to people and goods with the need to control smuggling.

A selection of private aircraft has been targeted in the period in question, involving Customs staff assembling a profile of the aircraft, undertaking covert surveillance and interviewing connected persons. However, it is not appropriate to publish precise details of such enforcement activities as this could prejudice current and future operations.

The following Table sets out the number of Customs checks overseeing all aircraft and flights at the listed airports for the period in question. Attendance by Customs officers is selective and targeted and is based on analysis of seizure trends, traffic frequency, routes and other risk indicators as well as specific intelligence. A drugs detector dog is frequently in attendance. Flights with origins and destinations with a high-risk rating attract particular interest.

	2009	2010 (to end Oct)
Ireland West Airport, Knock	1,380	1,506
Donegal	75	57
Galway	322	151
Sligo	72	30

During 2009, staff made 5 seizures of Cannabis Resin, 15 seizures of Herbal Cannabis and 4 seizures of Amphetamines at Knock whilst Galway staff recorded one seizure of Herbal Cannabis. During 2010, staff made 3 seizures of Cannabis Resin and 13 seizures of Herbal Cannabis Resin at Knock. No seizures of drugs have been recorded at Galway so far in 2010. There have been no drugs seizures recorded at Sligo or Donegal Airports for 2009 or to date in 2010.

134. **Deputy Frank Feighan** asked the Minister for Finance the number of vessels searched at Sligo Port, Galway and Killybegs for the year 2009 and to date in 2010. [40991/10]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that all commercial shipping into the ports in question is subject to risk profiling. The decision on whether or not to search vessels is taken following risk assessment and the review of intelligence. Standardised Risk Assessments (SRAs) are an important part of intelligence and profiling work. SRAs produce risk indicators for the purpose of targeting goods and vessels by Customs officers, either for physical inspection or post importation enquiries.

Revenue enforcement staff monitor the ports of Galway, Sligo and Killybegs as part of their ongoing patrols, while the Customs Cutters patrol the coastline. The attendance of Revenue staff is selective and targeted and is based on analysis of seizure trends, traffic frequency, routes and other risk indicators as well as specific intelligence. The following table sets out the number of Revenue attendances overseeing all vessels and traffic at the listed ports for the period in question. While there is constant monitoring of the ports and the coastline, it is not the policy of the Revenue Commissioners to publish precise details of enforcement activities as this could prejudice current and future operations.

	2009	2010 (to end Oct)
Galway	105	90
Sligo	8	20
Killybegs	46	54

Revenue continuously assesses the risk along the coast, including any small ports and other landing places, for the illegal importation of drugs and contraband. Revenue officers liaise with local Gardaí, Harbour Masters and the Coastguard regarding drugs and with trade interests in respect of fiscal products. As part of the Customs Drugs Watch programme, a confidential 24/7 free phone is promoted and maintained as a communications channel for the maritime and coastal communities to report suspicious activity. Revenue continues to work proactively with an Garda Síochána and the Naval Service as part of the Joint Task Force on Drugs Interdiction.

In terms of maritime surveillance, there are currently two Customs Cutters in service, the *RCC Suirbhéir* and the *RCC Faire* and these support our teams of land-based enforcement officers involved in anti-smuggling duties. Patrols of the ports by the Cutters are kept under constant review to take account of available intelligence and emerging smuggling trends. The Commissioners are satisfied that the current arrangements for maritime and port surveillance are sufficient and effective.

Child Care Services

135. **Deputy Pat Breen** asked the Minister for Health and Children if a person (details supplied) can be facilitated; and if she will make a statement on the matter. [40743/10]

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 provides for a free pre-school year to eligible children in the year before they commence primary school.

Parents of children eligible to avail of the free pre-school provision enrol their child in a service participating in the scheme in September of the relevant school year. Capitation funding is provided at the beginning of each school term based on the enrolment returns submitted to my Office by participating services. Parents whose child is enrolled in a childcare service at the beginning of the school term can transfer that child to a new service during that term but the capitation payment in respect of the child remains with the service in which the child was initially enrolled. The capitation payment will only transfer to the new service from the start of the following school term and any childcare provision availed of in the period between the date of transfer and the start of the new term must be paid for by the parent.

Hospital Services

136. **Deputy Denis Naughten** asked the Minister for Health and Children when a person (details supplied) in County Roscommon will be called for a procedure; the reason for the delay in same; and if she will make a statement on the matter. [40746/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Nursing Homes Support Scheme

137. **Deputy Jack Wall** asked the Minister for Health and Children if any assistance can be given to a person (details supplied); and if she will make a statement on the matter. [40753/10]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): The Nursing Homes Support Scheme is the single national system of financial support available to new entrants to long-term nursing home care in Ireland. Should the individual referred to by the Deputy wish to return to Ireland and avail of the scheme, he would have to satisfy the HSE that he is ordinarily resident in the State. Ordinarily resident means that someone who has been living in Ireland for at least a year or intends to live in Ireland for at least a year. The Information Booklet on the scheme can be downloaded from the HSE website at: http://www.hse.ie/eng/services/Find__a__Service/Older__People__Services/nhss/

Health Service Staff

138. **Deputy Seán Power** asked the Minister for Health and Children when emergency medical controller vacancies will be filled in view of the fact that they are front-line services and not part of the moratorium on public service recruitment; and if she will make a statement on the matter. [40756/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Mental Health Services

139. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children if she will offer a commitment to maintain funding for mental health services at their current level in view of the fact that spending in this field is now at its lowest level in modern history, more than half of all staff cut from the Health Service Executive in 2009 came from mental health services despite mental health representing just 9% of the HSE workforce, residential conditions in some centres are inhumane, 200 children were admitted to adult centres due to the dearth of appropriate facilities and persons with intellectual disabilities are inappropriately placed in psychiatric institutions in large numbers, and given that the recession makes the demand and necessity for well funded mental health services all the greater. [40789/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): The HSE is working within limited financial resources. The appropriate management of the public finances means that the health sector, which represents over 27% of public expenditure, must operate within the approved budget set out at the start of the year. Under Section 31(1) of the Health Act, 2004, the HSE is required to prepare an annual National Service Plan. The Plan, which must indicate the type and volume of health and personal social services to be provided by the HSE, is submitted to the Minister for Health and Children for approval. The appropriate management of the health services also means that the mental health services must be funded in an equitable and sustainable manner.

The estimated cost of the implementation of '*A Vision for Change*' is €150m over 7 — 10 years. Development funding totalling €54 million has been allocated to the HSE since the launch of the Report in 2006. In addition, almost €1 million was allocated this year under the Dormant Accounts Fund for a programme of suicide prevention measures to help communities to develop integrated local action plans for suicide prevention. To further the implementation of '*A Vision for Change*', the 2010 Employment Control Framework for the health service provided an exemption from the moratorium on recruitment and allowed 100 psychiatric posts to be filled by nurses or therapists.

There are substantial resources already invested in mental health. The reconfiguring and remodelling of these resources will be the main focus for the immediate future. While implementation of '*A Vision for Change*' has been somewhat slower than originally anticipated it is

important to say that in many parts of the country, services are pressing ahead with the implementation of the policy. Significant progress has been achieved including: shorter episodes of inpatient care, improved child and adolescent mental health services, fewer involuntary admissions and the involvement of service users in all aspects of mental health policy, service planning and delivery. Acute admissions to St Brendan's Hospital have ceased. Plans for the transfer of acute inpatient admissions from St Ita's Hospital to a new purpose built unit on the Beaumont Hospital Campus are proceeding. New Community Nursing Units in Ballinasloe and Mullingar have been developed.

The number of child and adolescent inpatient beds will increase from 30 to 52 before the end of 2010. This together with the Mental Health Commission code of practice relating to the admission of children under the Mental Health Act 2001 will greatly reduce the need to admit children to adult units.

Medical Cards

140. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding a matter (details supplied). [40807/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Services

141. **Deputy Brendan Kenneally** asked the Minister for Health and Children when the Health Service Executive will develop a plastic surgery service in Waterford Regional Hospital; and if she will make a statement on the matter. [40809/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Prescription Charges

142. **Deputy Finian McGrath** asked the Minister for Health and Children if she will clarify a matter regarding prescription charges (details supplied). [40824/10]

Minister for Health and Children (Deputy Mary Harney): Section 59 of the Health Act 1970, as amended by the Health (Amendment) (No. 2) Act 2010, provides for a charge of €0.50 per prescribed item supplied to medical card holders by community pharmacists. The charges are subject to a cap of €10 per month for each person or family.

Services for People with Disabilities

143. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a matter (details supplied). [40825/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

Nursing Homes Support Scheme

144. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support the case of a person (details supplied) in Dublin 9. [40826/10]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Health Services

145. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support the case of a person (details supplied) in Dublin 3. [40827/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters, I have arranged for the Health Service Executive to reply directly to the Deputy.

Pension Provisions

146. **Deputy Tom Hayes** asked the Minister for Health and Children when a pension payment will issue to a person (details supplied) in County Tipperary; and if she will make a statement on the matter. [40833/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

Health Services

147. **Deputy Jack Wall** asked the Minister for Health and Children when a child will be assessed (details supplied); and if she will make a statement on the matter. [40854/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters, I have referred the question to the Health Service Executive for direct reply to the Deputy.

Hospital Waiting Lists

148. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if and when a surgery appointment will issue in the case of a person (details supplied) in County Laois; and if she will make a statement on the matter. [40882/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Medical Cards

149. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a full medical card will issue in the case of persons (details supplied) in County Kildare; and if she will make a statement on the matter. [40883/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Health Services

150. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if sufficient regard has been taken of the health and welfare of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [40884/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

Vaccination Programme

151. **Deputy Noel Ahern** asked the Minister for Health and Children the programmes or financial assistance available to parents who wish to get their older school going daughters protected with the HPV vaccine; and if she will make a statement on the matter. [40896/10]

Minister for Health and Children (Deputy Mary Harney): The national HPV vaccination programme commenced in May in secondary schools for girls in first year. The second phase of the HPV vaccination programme is now underway. During this calendar year all girls currently in second year and those who entered first year in September are being offered vaccination. The programme will continue with the vaccine being offered to all girls in first year in secondary school each year. It is not proposed to extend the vaccination programme to other classes at present. Unfortunately it will not be possible to refund the costs of vaccinations administered privately.

Medical Cards

152. **Deputy Noel Ahern** asked the Minister for Health and Children the position regarding and if she will provide data on the number of long-term medical card holders who have had their medical card withdrawn or altered in the past two years (details supplied); and if she will make a statement on the matter. [40897/10]

153. **Deputy Noel Ahern** asked the Minister for Health and Children the position regarding the income guideline figures for medical cards; if dates are available for the number being refused with income under the €25 a week; if she will report on withdrawal of medical card for a person (details supplied) in their early 60s with severe medical expenses and problems because of €22 a week job pension. [40898/10]

Minister for Health and Children (Deputy Mary Harney): I propose to take Question Nos. 152 and 153 together.

The assessment of eligibility for a medical card is statutorily a matter for the Health Service Executive (HSE) and is determined following an examination of the means of the applicant and his/her dependants. Under Section 45 of the Health 1970, medical cards are provided for persons who, in the opinion of the HSE, are unable without undue hardship to arrange general practitioner medical and surgical services for themselves and their dependants. Under Section 58 of the Health Act 1970, as amended, GP visit cards are provided for adult persons with limited eligibility for whom, in the opinion of the HSE, and notwithstanding that they do not qualify for a medical card, it would be unduly burdensome to arrange GP medical and surgical services for themselves and their dependants.

In assessing eligibility, the HSE uses guidelines based on people's means, which includes their income, certain allowable outgoings and the effect of other factors which may impact on people's ability to meet the cost of GP services for themselves and their families. Notwithstanding the above, the HSE may issue a medical card on a discretionary basis, if the applicant would otherwise be caused undue hardship in providing general medical and surgical services for himself / herself and any dependants. The Executive takes all medical issues into account in determining whether or not undue hardship exists.

Attached is a table containing the current income guidelines for medical cards and GP visit cards for persons applying for a medical card under the general medical card scheme.

[Deputy Mary Harney.]

General Medical Card/GP Visit Card Income Thresholds (Effective from 01-01-2009)

	Medical Card Net Weekly Rate	GP Visit Card Net Weekly Rate
	€	€
<i>Single Person Living Alone</i>		
Aged up to 65 years	184.00	276.00
Aged 66 years and over	201.50	302.00
<i>Single Person Living with Family</i>		
Aged up to 65 years	164.00	246.00
Aged 66 years and over	173.50	260.00
<i>Married Couple or Persons living together as Husband & Wife/Single Parent Families with Dependent Children</i>		
Aged up to 65 years	266.50	400.00
Aged 66 years and over	298.00	447.00
<i>Allowances</i>		
Allowance for first 2 children under 16 years financially dependent on applicant	38.00	57.00
For 3rd and subsequent children under 16 years financially dependent on applicant	41.00	61.50
Allowance for first 2 children over 16 years financially dependent on applicant	39.00	58.50
For 3rd and subsequent children over 16 years financially dependent on applicant	42.50	64.00
For a dependant over 16 years in full-time education and not grant-aided	78.00	117.00

Additional guideline allowances will be given for:

- Reasonable expenses incurred in respect of rent/mortgage payments;
- Reasonable expenses incurred in respect of childcare costs;
- Reasonable expenses incurred in travel to work.
- The assessment of eligibility for medical cards will be based on the combined income of the applicant and spouse (if any) after tax, PRSI and Income Levy have been deducted.
- Applicants whose weekly incomes are derived solely from Social Welfare or Health Service Executive allowances/ payments, which are in excess of the Financial Guidelines (either at first application or renewal) qualify for a medical card.

As the HSE has the responsibility for the administration of the General Medical Services Scheme, it is the appropriate body to consider the other issues raised by the Deputy. My Department has therefore requested the Parliamentary Affairs Division of the Executive to arrange to address these matters and to have a reply issued directly to the Deputy.

Adoption Services

154. **Deputy Noel Ahern** asked the Minister for Health and Children the position regarding setting up a policy on a bilateral agreement with Russia on adoption; the steps taken to achieve same; if she is working with one or a number of support groups on same and if names can be quoted on same groups; if greater compliance of post-placement reports has been achieved and if Russia is satisfied with progress; under new adoption legislation will it be her Department that is the relevant recognised Department or is that power delegated to the Office of the Minister for Children and the target date for a bilateral agreement with Russia. [40899/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): The Adoption Act, 2010 was commenced on 1 November 2010. The commencement of the Act coincides with Ireland's ratification of the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption. The legislation, which incorporates the provisions of the Hague Convention, is designed to provide a framework to ensure that appropriate procedures have been followed and that all adoptions are effected in the best interests of the child. Future Inter-country adoption arrangements will be governed by the terms of the Adoption Act, 2010.

The Russian Government has made it clear that if adoptions are to continue, they wish to have bilaterals put in place with receiving countries. I have written to the Minister of Education and Science of the Russian Federation to initiate discussions on putting in place a bilateral agreement with Russia that provides safety around the issues of consent and the financial costs of effecting an adoption.

It should be noted that the Adoption Act, 2010, contains a special provision that will enable prospective adoptive parents to proceed with an adoption from a non-Hague or non-bilateral country, if prior to the establishment date, they have been issued with a Declaration of Eligibility and Suitability to adopt. This is significant in that it allows applicants to adopt from Russia if the Declaration has been issued by the Adoption Board prior to commencement of the legislation. The provision requires that the Adoption Authority would be satisfied that the particular adoption meets all the standards of the Hague Convention.

My Office continues to work with Russian authorities with regard to the issue of post placement reports. We have received positive feedback from the Russian Embassy on the issue of outstanding reports. The Russian Embassy indicated to my Office that, during a recent visit to Ireland, the Russian Deputy Foreign Minister confirmed that Ireland was not blacklisted as regards to inter country adoption. The Russian Embassy in Dublin advised the Department that prospective adoptive parents can still proceed in applying to the Russian consulate for documents for visas and adoptive dossiers for registration.

Sale of Tobacco Products

155. **Deputy Noel Ahern** asked the Minister for Health and Children the position regarding the selling to under age persons of tobacco products; if she will provide the enforcing agency in this case; the persons that would have to give evidence in court and so on; and if she will make a statement on the matter. [40900/10]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): The sale of tobacco products to a person under 18 years of age is prohibited under Section 45 of the Public Health (Tobacco) Act 2002. This legislation is enforced by the Environmental Health Officers of the Health Service Executive.

Alcohol Prices

156. **Deputy Noel Ahern** asked the Minister for Health and Children the position regarding the practice of some supermarkets in selling alcohol at exceptionally low price levels; if below cost selling is permitted; if there is any policing or inquiries into same; if the relevant price is the invoiced price or if transportation, warehousing, profit are considered to judge the base price; if there are health concerns regarding the level of alcohol now being consumed at home; if a minimum floor price for the sale of alcohol can be set to control consumption, improve tax take and provide fair competition with pubs; if trends in this direction in Scotland are being monitored; if an all-Ireland policy can be implemented. [40904/10]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): The Minister for Enterprise, Trade and Employment revoked the Restrictive Practices (Groceries) Order 1987 with effect from March 2006. This resulted in the removal of price control on alcohol products. Information available from the alcohol industry would indicate that there has been a reduction in recent years in the sales of alcohol in the on-trade sector. I am concerned at the resultant increase in the amount of alcohol sold in the off-trade sector for home consumption as the overall level of alcohol consumption in the population is still too high.

In March, 2009 the Government agreed to include alcohol in a National Substance Misuse Strategy (NSMS) that would be coordinated jointly by the Department of Community, Equality and Gaeltacht Affairs and my Department. A Steering Group has been established to develop proposals on the alcohol element of the NSMS. The NSMS Steering Group is examining a wide range of issues in relation to alcohol policy such as pricing (including minimum pricing), availability, treatment, prevention and marketing. The NSMS Steering Group is due to report on its findings by the end of the year. I look forward to receiving the Report from the Steering Group and considering the recommendations around the price at which alcoholic drinks are sold. My Department is continuing to monitor developments on alcohol policy in Scotland and in Northern Ireland particularly in relation to any proposals on the pricing of alcohol products.

Hospital Waiting Lists

157. **Deputy Seán Ó Fearghail** asked the Minister for Health and Children if she will request the Health Service Executive to expedite surgery in respect of a person (details supplied); and if she will make a statement on the matter. [40915/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Departmental Correspondence

158. **Deputy Seán Ó Fearghail** asked the Minister for Health and Children if she will detail the engagement she and her Department have had with a foundation (details supplied); if she will confirm that it is her Department's intention to provide the maximum support to this foundation; and if she will make a statement on the matter. [40918/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): I met with the Jack and Jill Foundation on Tuesday 12th October last. The Health Service Executive was also represented at the meeting. We discussed a range of issues including additional State funding. I will continue to engage with the Jack and Jill Foundation. Both the Minister and I and the Health Service Executive recognise the valuable contribution that the many agencies and charities make in the provision of health and personal social services to people with a disability.

Reflecting the current economic situation the health sector must manage service levels within available resources. The HSE together with the 'non-statutory organisations' who provide services on behalf of the HSE, will continue to review how these services are provided in order to protect the delivery of front line services as much as possible. In the current environment, this is a challenge for all, including the HSE and non statutory charity organisations. The HSE will continue to work closely with all agencies and bodies in the sector, including Jack and Jill, to provide whatever assistance it can from within its resources, in the context of the annual Service Level Agreement arrangements.

The very difficult financial position facing the country will obviously require very careful management across all areas of expenditure, including the disability sector. Notwithstanding

this difficult financial environment, the Government is determined to do everything possible to protect patient services, to respond to priority demographic and other needs, and to support ongoing reform of the public health services within the resources available for health.

Departmental Expenditure

159. **Deputy Brian Hayes** asked the Minister for Health and Children if she will provide an itemised list of payments made to external solicitors and to external barristers whose services were procured directly by the Department and by each agency and body under its aegis in the years 2007, 2008, 2009 and to date in 2010; the reason for each such procurement; if such services were procured through competitive tendering processes in every instance; and if she will make a statement on the matter. [40943/10]

Minister for Health and Children (Deputy Mary Harney): In respect of my Department, the information requested by the Deputy is currently being collated and will be forwarded as soon as it is available. In respect of agencies or bodies under my Department's aegis, payment for legal services is an operational matter for the agencies or bodies in question and such information is not held by my Department. The Deputy's question has been forwarded to the Parliamentary Affairs Division of the Health Service Executive for its attention and direct reply to the Deputy.

Health Services

160. **Deputy Richard Bruton** asked the Minister for Health and Children the commitment that her Department has made to develop a special centre for the treatment of cystic fibrosis; the reason for any slippage from that schedule that has occurred; if her Department has resolved the issues that have delayed the implementation of this strategy; and if she will make a statement on the matter. [40962/10]

Minister for Health and Children (Deputy Mary Harney): The St Vincent's University Hospital and the HSE are working to ensure the earliest possible delivery of the new ward block. Adequate funding has been earmarked for the development in the multi-annual capital programme of the Department of Health and Children and the HSE. That funding remains in place and will be used.

The contract for construction of the new facility was signed on the 14 October 2010. The site has been handed over to the contractor. An architect has been appointed, the contractor and design team are on site and construction work has commenced. The site had previously been cleared in readiness for construction to begin. It is expected that construction of the building will take 18 months. Completion is expected as early as possible in 2012.

161. **Deputy Eamon Gilmore** asked the Minister for Health and Children the reason the orthotic clinic in the Dún Laoghaire area has been suspended and the reason patients in need of surgical footwear have a nine month wait for the provision of essential surgical footwear; and if she will make a statement on the matter. [40978/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

Hospital Waiting Lists

162. **Deputy Michael McGrath** asked the Minister for Health and Children the position regarding a hospital appointment for a person (details supplied) in County Cork [40979/10]

Minister for Health and Children (Deputy Mary Harney): The scheduling of patients for hospital treatment is a matter for the consultant concerned in each case and is determined on the basis of clinical need. Should the patient's general practitioner consider that the patient's condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant involved.

The management of hospital services generally, including out-patient waiting lists, is a matter for the Health Service Executive and the individual hospitals concerned. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the case investigated and to reply directly to the Deputy.

Long-Term Illness Scheme

163. **Deputy David Stanton** asked the Minister for Health and Children, further to Parliamentary Question No. 263 of 12 October 2010, when the qualifying illnesses for the long-term illness scheme was last revised; the basis under which different illnesses are selected for eligibility under the scheme; and if she will make a statement on the matter. [40997/10]

Minister for Health and Children (Deputy Mary Harney): The Long Term Illness Scheme arose from a non-statutory scheme, established administratively in 1967, for the free supply of certain products for the treatment of diabetes to persons who did not hold a medical card under the Health Act 1947. The scheme was introduced on a statutory basis in 1971 under Section 59(3) of the Health Act 1970. It provides that the HSE may make arrangements for the supply without charge of drugs, medicines or medical and surgical appliances to persons suffering from a prescribed disease or disability of a permanent or long-term nature.

In 1971 the following conditions were prescribed for the purposes of section 59(3) of the Act: mental handicap, mental illness (for people under 16 only), phenylketonuria, cystic fibrosis, spina bifida, hydrocephalus, diabetes mellitus, diabetes insipidus, haemophilia, cerebral palsy, and epilepsy. The list was extended in 1973 to include conditions arising from the use of the drug thalidomide. Parkinsonism, acute leukaemia, muscular dystrophies and multiple sclerosis were added to the list of prescribed illnesses in 1975. No further conditions have been added since 1975.

The illnesses covered by the Scheme were those identified at the time as being of a long-term nature where the supply without charge of drugs, medicines or medical and surgical appliances was considered warranted for patients with these illnesses or conditions. There are no plans to extend the list of eligible conditions.

Under the Drugs Payment Scheme no individual or family pays more than €120 per calendar month towards the cost of approved prescribed medicines. The scheme is easy to use and significantly reduces the cost burden for families and individuals incurring ongoing expenditure on medicines. In addition, people who cannot, without undue hardship, arrange for the provision of medical services for themselves and their dependants may be entitled to a medical card. In the assessment process, the Health Service Executive can take into account medical costs incurred by an individual or a family. Those who are not eligible for a medical card may still be able to avail of a GP visit card, which covers the cost of general practice consultations.

Health Services

164. **Deputy Emmet Stagg** asked the Minister for Health and Children the reason for the delay in providing speech therapy to a person (details supplied) in County Kildare. [41006/10]

165. **Deputy Emmet Stagg** asked the Minister for Health and Children the reason for the delay in providing an assessment of needs for a person (details supplied). [41007/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): I propose to take Questions Nos. 164 and 165 together.

As the Deputy's questions relate to service matters, I have arranged for the Health Service Executive to respond directly to the Deputy. End of Take

Airport Development Projects

166. **Deputy Pat Breen** asked the Minister for Transport, further to Parliamentary Question No. 307 of the 18 May 2010, when his Department will issue a decision on a project (details supplied) at Shannon Airport; and if he will make a statement on the matter. [40844/10]

Minister for Transport (Deputy Noel Dempsey): My Department understands that the Dublin Airport Authority is in active discussions with the Lynx group regarding the Project with meetings taking place on an ongoing basis.

Departmental Expenditure

167. **Deputy Brian Hayes** asked the Minister for Transport if he will provide an itemised list of payments made to external solicitors and to external barristers whose services were procured directly by the Department and by each agency and body under its aegis in the years 2007, 2008, 2009 and to date in 2010; the reason for each such procurement; if such services were procured through competitive tendering processes in every instance; and if he will make a statement on the matter. [40947/10]

Minister for Transport (Deputy Noel Dempsey): The information requested by the Deputy is being compiled and will be forwarded shortly.

Public Transport

168. **Deputy Jimmy Deenihan** asked the Minister for Transport the reasons he has increased Bus Éireann's public service obligation subsidy to reflect CIE's increased costs and yet refuses to increase PSO payments to an airline (details supplied) to reflect cost increases, for which the Government is directly responsible; and if he will make a statement on the matter. [41010/10]

Minister for Transport (Deputy Noel Dempsey): The overall payment to CIE for PSO services has reduced from €308.627 million in 2008 to €276.188 million in 2010. PSO air services are governed by specific EU Regulations for the operation of air services and the State must abide by the tender specifications and applicable provisions of EU law. The current PSO contracts were awarded following an EU public tendering process. Ryanair tendered for the PSO contract on the Kerry Dublin route and we were obliged to take the lowest tender, which was submitted by Ryanair.

The bid met the requirements as set out in the specifications published in the EU Official Journal, which stipulated, inter alia, that three return flights per day would be provided. The bid from Ryanair also set out the compensation it required in order to operate the service. Based on that bid, Ryanair were awarded the contract to provide the scheduled air services over the three year contract period and are receiving payments in accordance with the contract.

I can assure the Deputy that I have fully met my obligations under the terms of the contract and must comply with the requirement of European Law in relation to the operation of the PSO contracts governed by Regulation 1008/2008. It is a matter for Ryanair to ensure that it

[Deputy Noel Dempsey.]

also meets its obligations under the contract. Subvention payments made to the CIE companies have no relevance to the contractual arrangements relating to the provision of air services to Kerry Airport.

Garda Operations

169. **Deputy Thomas P. Broughan** asked the Minister for Justice and Law Reform if he will report on Operation Tombola; the cost and achievements of this operation so far; and if he will make a statement on the matter. [40744/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I have requested this information from the Garda authorities and will respond directly to the Deputy once it is received.

Residency Permits

170. **Deputy Willie Penrose** asked the Minister for Justice and Law Reform the position regarding an application by a person (details supplied) for renewal of their residency permit; if in the context of their circumstances their residency permit can be extended for three years, in order to allow their Garda National Immigration Bureau card to be issued to enable them to seek work; if he will take steps to have same expedited; and if he will make a statement on the matter. [40791/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I am informed by the Immigration Division of my Department that the person concerned made an application for a permanent residence card as the non EU family member of an EU citizen on 29 January, 2010. The legal representative for the person referred to by the Deputy was informed of the decision to refuse this application on 30 July, 2010. A request by the applicant for a review of this decision was received on 6 September, 2010 and the decision to refuse this application is currently under review. On 10 September, 2010 EU Treaty Rights section wrote to the legal representative for the applicant requesting further documentation in relation to their client's application for residence in the State. To date EU Treaty Rights Section has not received a reply from the applicant or their legal representative.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Visa Applications

171. **Deputy Bobby Aylward** asked the Minister for Justice and Law Reform the progress to date on an application for holiday visa in respect of a person (details supplied). [40812/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The first stage of visa application process, for the 'visit' visa application referred to by the Deputy, was completed on the 29 October 2010. Records indicate that the required documentation received was forwarded that same day by the Honorary Consulate, Bangkok to the Embassy of Ireland, Kuala Lumpur for initial consideration. I understand that the Embassy of Ireland, Kuala Lumpur is not in a position to consider the application under delegated sanction. Accordingly the application was forwarded on the 2 November 2010 to the Visa Office, Dublin for consideration and decision.

It is not possible to give an exact time frame for decision. I can however advise that Visa Officers are currently considering 'visit' visa applications received in the Visa Office, Dublin on the 15 September 2010. Based on the information provided the applicant's proposed date of entry to the State is 30 December 2010. I can advise the Deputy that where all the required documentation has been submitted and no queries remain outstanding, a decision on the application can be expected well in advance of the proposed date of entry. Once a decision on the application referred to has been made, the applicant will be informed by way of written correspondence from the Honorary Consulate, Bangkok. Details of the decision will also be made available on the website of the Irish Naturalisation and Immigration Service (www.inis.gov.ie).

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

172. **Deputy Tom Hayes** asked the Minister for Justice and Law Reform when a decision on an application for a visa will issue to a person (details supplied); and if he will make a statement on the matter. [40834/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The first stage of the visa application process (on-line application form), for the 'Join Spouse' visa application referred to by the Deputy, was completed on the 23 August 2010. It would appear that the required documentation was received in the first instance on the 22 September 2010 in the Honorary Consulate, Istanbul. This documentation was forwarded immediately and received by the Embassy of Ireland, Ankara on the 23 September 2010. This documentation was then forwarded that same day to the Visa Office, Dublin for decision and was received on the 4 October 2010.

It is not possible to give an exact time frame for decision. I can however advise the Deputy that the application referred to is currently being considered by a Visa Officer. A decision on the application will be made in due course. Once a decision on the application referred to has been made, the applicant will be informed by way of written correspondence. Details of the decision will also be made available on the website of the Irish Naturalisation and Immigration Service (www.inis.gov.ie).

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

173. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform, further to Parliamentary Question No. 1113 of 29 September 2010 wherein he indicated that no record of visa application could be found for the persons referred to, if he or his Department has as yet identified the persons from the visa reference numbers therein indicated (details supplied); and if he will make a statement on the matter. [40869/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I am informed by the Irish Naturalisation and Immigration Service (INIS) that the person referred to by the Deputy made a Family Reunification application in May 2007 in respect of her father and four nieces. A decision in this case issued to the applicant on 19 January 2010 and a copy of the consideration

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detailing the reasons for the decision was also provided. Following an enquiry from the Deputy, a letter issued to the above named on 11 May 2010 advising her that it was open to her to submit any additional evidence which was not available at the time of application. To date no response has been received.

I should inform the Deputy that as set out in my reply to Parliamentary Question No. 1113 of 29 September, 2010 the visa reference numbers provided by the Deputy do not appear to have any link to the person concerned. Indeed, no record can be found of visa applications for the persons referred to and three of the reference numbers provided are neither current nor valid visa transaction numbers. A further two reference numbers, whilst appearing on the visa system to be valid visa transaction numbers, do not however on the face of it, have any link to what appears to be the reference in Ireland.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Residency Permits

174. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the progress to date in the determination of residency, citizenship status entitlement in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [40870/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): As the name of the person referred to by the Deputy does not match the reference number supplied, it is not possible to provide the information sought at this time. However, if the Deputy wishes to re-submit his Question with the correct name and reference number included, I will be happy to provide a substantive reply. However, I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

175. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the progress to date in the determination of residency and citizenship status in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [40871/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The persons referred to claimed asylum in the State in 2003 and had their claims examined by the Office of the Refugee Applications Commissioner which recommended that they be recognised as refugees. Based on this recommendation, they were issued with a formal declaration of refugee status by letters dated 14/09/2004. This communication also advised them of the rights and entitlements accompanying refugee status in the State. They continue to hold the status of refugee in the State.

Valid applications for certificates of naturalisation from the persons referred to in the Deputy's Question were received in the Citizenship Division of my Department in November 2008. Officials in the Citizenship Division inform me that processing of both applications is ongoing and the files will be submitted to me for a decision in due course.

176. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the progress to date in the determination of residency and citizenship status entitlement in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [40872/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my detailed Reply to his earlier Parliamentary Question, No 385 of Thursday, 8 July 2010 and the written Reply to that Question. The position in the State of the person concerned now falls to be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. 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.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

177. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform, further to Parliamentary Question No. 170 of 1 July 2010, if he will indicate whether the case in question was at any time considered by a person or persons not known to have ever granted residency status to anyone; and if he will make a statement on the matter. [40873/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my detailed Reply to his Parliamentary Question No. 170 of Thursday, 1 July 2010, in this matter. As stated in that response I am satisfied that the State has a very fair and comprehensive mechanism in place for the consideration of all asylum applications and, as such, I am satisfied that the asylum application made by the person concerned was properly considered before a final decision to refuse it was taken.

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.

However, I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

178. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the progress to date in determination of residency entitlement in the case of a person (details supplied) in County Laois; and if he will make a statement on the matter. [40874/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my Reply to his Parliamentary Question, No 154 of Thursday, 27 May 2010, 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

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Protection) Regulations 2006 (S.I. No. 518 of 2006). 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.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

179. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the progress to date in determination of residency entitlement in the case of a person (details supplied) in County Laois; and if he will make a statement on the matter. [40875/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my detailed Reply to his earlier Parliamentary Question, No 153 of Thursday, 27 May 2010, 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.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

180. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the progress to date in the determination of residency status entitlement in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [40876/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): Arising from the refusal of their asylum applications, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the first named person concerned was notified, by letter dated 21 November 2005, the second person concerned, by letter dated 25 November 2005, and the third and fourth persons concerned, by separate letters dated 28 June 2010, that the Minister proposed to make Deportation Orders in respect of them. They were given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making

of Deportation Orders or of making representations to the Minister setting out the reasons why Deportation Orders should not be made against them. In addition, the third and fourth persons concerned were notified of their entitlement to apply for Subsidiary Protection in accordance with the European Communities (Eligibility for Protection) Regulations 2006.

The second person concerned initiated Judicial Review Proceedings in the High Court, challenging the decision of the Refugee Appeals Tribunal in his case. The High Court refused the Judicial Review Leave Application with the consequence that the earlier decisions of the Refugee Appeals Tribunal and the Minister stood.

The position in the State of the persons 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 files are 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 persons concerned.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

181. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform when residency status will be renewed in the case of a person (details supplied) in Dublin 7; and if he will make a statement on the matter. [40877/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The person concerned has been granted Permission to Remain in the State for the period to 10 January 2011. This decision was conveyed in writing to the person concerned by letter dated 10 January 2008. An application for the renewal of this permission has been received in my Department and this application will be considered at the appropriate time.

However, I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

182. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform to indicate if and when a person (details supplied) in County Carlow will qualify for naturalisation; and if he will make a statement on the matter. [40878/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I am not in a position by way of answer to a Parliamentary Question to indicate whether or not individual naturalisation cases will succeed. The general position in relation to a foreign national adult who is not the spouse of an Irish citizen nor a refugee or stateless person is as follows:

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. These are that the applicant must—

- be of full age
- be of good character

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- 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
- 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.
- Further information and application forms are available on the Irish Naturalisation and Immigration Services website at <http://www.inis.gov.ie>.

It is open to the person concerned to lodge an 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.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

183. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding entitlement in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [40879/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I have been informed by the Irish Naturalisation and Immigration Service that the second-named person referred to by the Deputy was granted long term residency in the State on 8 June 2010 and subsequently has had her permission to remain extended until 8 June 2015.

However, the first-named person does not meet the qualifying criteria for long term residency. Applications for long term residency are considered in respect of persons who have resided legally (endorsements in passport) for a period of 60 months or longer on the basis of Work Permit conditions. An exemption from Work Permit requirements is considered at the same time. The person in question has had only three work permits in the State since 2003. He will be allowed to remain in the State as a dependant of his wife, but will require a work permit to take up employment in the State.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such

cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

184. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the progress to date in the determination of residency status in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [40880/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I am informed by the Immigration Division of my Department that an application for residence based on EU Treaty Rights has been received in respect of the person referred to by the Deputy. As the Deputy will be aware, on 28 September, 2010 EU Treaty Rights Section wrote to the Deputy, as the appointed representative of the applicant, attaching a letter for the applicant's attention requesting further supporting documentation in relation to the application for residence in the State. To date EU Treaty Rights Section has not received a reply from the applicant or the Deputy.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Deportation Orders

185. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the progress to date and expected in the case of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [40881/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): Arising from the refusal of her asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 29 November 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.

The position in the State of the person concerned now falls to be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. 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.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Liquor Licensing Laws

186. **Deputy Noel Ahern** asked the Minister for Justice and Law Reform the position regarding the selling to under age persons of alcohol products; if he will provide the enforcing agency

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in this case; the persons that would have to give evidence in court and so on; and if he will make a statement on the matter. [40901/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): Section 31 of the Intoxicating Liquor Act 1988, as amended, contains provisions which prohibit a licensee from selling, or permitting any person from selling, intoxicating liquor to persons under the age of 18 years. The penalties applicable on conviction for offences under this section have been updated most recently in sections 13 and 17 of the Intoxicating Liquor Act 2008. The enforcement of the law in this area is a matter for the Garda Síochána.

187. **Deputy Noel Ahern** asked the Minister for Justice and Law Reform the position regarding home deliveries of alcohol products; if home deliveries are in accordance with legislation; if the products should be paid for on a licensed premises; if paying over the phone or e-mail by bank card is in order; if advertising the fact that you have a delivery service with or without specifying the delivery charge is in order; and if delivering to a location (details supplied) other than a dwelling is in order. [40902/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): Provisions relating to the sale and supply of intoxicating liquor are set out in the Licensing Acts 1833 to 2010. The Acts deal specifically with the delivery of intoxicating liquor to persons under the age of 18 years. Under section 31(2) of the Intoxicating Liquor Act 1988 (as amended), it is an offence for a license holder to sell or deliver, or permit any other person to sell or deliver, intoxicating liquor for consumption by a person under the age of 18 years in any place except with the explicit consent of the person's parent or guardian in a private residence in which he or she is present either as of right or with permission. I am considering the need for any additional provisions in relation to deliveries in the context of the forthcoming Sale of Alcohol Bill.

Garda Vetting of Personnel

188. **Deputy Richard Bruton** asked the Minister for Justice and Law Reform if any special measures or redeployment is planned to deal with the backlog in the Garda vetting unit for the clearing of persons who have secured posts in children's services; and if he will make a statement on the matter. [40912/10]

Minister for Justice 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. Since 2004 the service has been, and continues to be, extended to organisations working with children and/or vulnerable adults. Over that period there has been a substantial increase in the numbers of vetting applications received by the GCVU. In 2007 it received 187,864, rising to 218,404 in 2008. In 2009 it received over 246,000 applications. At present, there are approximately 60,000 vetting applications in the course of being processed.

I am informed by the Garda Authorities that the current average processing time for vetting applications received at the GCVU is approximately 12 weeks. The allocation of Garda resources, including personnel, is a matter for the Garda Commissioner. Due to the high volume of applications, an additional ten persons have recently been recruited to the Vetting Unit on a temporary basis. In addition, overall staffing arrangements at the Unit are kept under review.

Crime Prevention

189. **Deputy Cyprian Brady** asked the Minister for Justice and Law Reform if he is satisfied that the Garda has the necessary powers to deal with the problem of persons openly using drugs in certain Dublin city centre areas (details supplied); the steps he will take to minimise the impact on local businesses and their staff, local residents and tourists in the area. [40927/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I have requested a report from the Garda authorities in relation to the matter referred to by the Deputy. I will contact the Deputy again when the report is to hand.

Illegal Immigrants

190. **Deputy Michael D. Higgins** asked the Minister for Justice and Law Reform the operational approach taken during deportation procedures with specific reference to the way those deported are treated when they arrive in the country to which they have been deported; if there are procedures operated by Irish officials in place to help those persons who have been deported to adapt and accustom themselves to their new surroundings; if Irish embassies and consulates are used in this regard; and if he will make a statement on the matter. [40928/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The Garda National Immigration Bureau is responsible for effecting removals from the State including the escorting of deportees while on flights. I am informed by the Garda National Immigration Bureau that prior to all such flights, contact is made with the relevant Embassies and they are made aware of names of all deportees and any other relevant information. It has been the experience to date that deportees are, in most circumstances, met upon arrival by family members. Deportees are returned to their country of origin in which case they would be familiar with their surroundings.

Departmental Expenditure

191. **Deputy Brian Hayes** asked the Minister for Justice and Law Reform if he will provide an itemised list of payments made to external solicitors and to external barristers whose services were procured directly by the Department and by each agency and body under its aegis in the years 2007, 2008, 2009 and to date in 2010; the reason for each such procurement; if such services were procured through competitive tendering processes in every instance; and if he will make a statement on the matter. [40944/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I can inform the Deputy that, for the most part, the legal services sought by my Department and its associated bodies are co-ordinated and paid for by the Office of the Attorney General and Office of the Chief State Solicitor. These services are typically sought in the context of the preparation of legislation, legal advice in respect of policy issues and in the management of litigation including judicial reviews.

In a number of instances, my Department and its associated bodies, in accordance with normal procurement procedures, have sought and paid for legal advice and services additional to those provided for centrally by the Attorney General and the Chief State Solicitor. However, in the time available to reply to this Question, it is not feasible to extract the information sought by the Deputy without a disproportionate use of resources in gathering and compiling the list of payments sought.

Criminal Prosecutions

192. **Deputy Pat Rabbitte** asked the Minister for Justice and Law Reform if the investigation in a newspaper of 23 October 2010 has been drawn to his attention in respect of the unlawful killing of a person (details supplied); his views that the content warrants the reopening of this case; his further views that the circumstances described warrant investigation under the Commissions of Investigation Act; and if he will make a statement on the matter. [40951/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that the incident referred to was the subject of investigation by An Garda Síochána, which resulted in the submission of an investigation file to the law officers, who directed charges of manslaughter and assault be proffered. At the ensuing trial, following evidence given by the State pathologist, directions to acquit were given by the judge. The question of reopening a criminal investigation into any aspect of this matter is one for An Garda Síochána. There are no plans in relation to the establishment of a Commission of Investigation in the matter.

Control of Firearms

193. **Deputy Emmet Stagg** asked the Minister for Justice and Law Reform if he has received the statutory annual report of the Garda Commissioner as required by section 31 of the Criminal Justice (Miscellaneous Provisions) Act 2009 detailing his review of the operation of the Firearms Acts 1925 to 2009 for the firearms licensing period ending 31 July 2010 and if so when he intends to lay a copy of such report before each House of the Oireachtas; if he has not received the Commissioner's report, can he please inform the House of the following: when he expects to receive the report from the Garda Commissioner and the reason for the delay in the Commissioner submitting a report of statistical information which has been available since 31 July 2010. [41008/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): As the Deputy will appreciate, the changeover to the new licensing regime has been a significant project, involving not just legislative change and the associated project management and IT developments, but also a District level audit of all licensed firearms. I can inform the Deputy that approximately 200,000 new three year licences have been issued and that there has been a significant number of old, 1 year firearms certificates, cancelled. I expect to have the Commissioner's report when the process of collating and assessing data is finalised. I will then take the necessary steps in relation to it.

Garda Stations

194. **Deputy Frank Feighan** asked the Minister for Justice and Law Reform if funding will be made available to carry out minor improvements to the Garda barracks (details supplied). [41028/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The programme of refurbishment of Garda accommodation is based on agreed priorities established by An Garda Síochána. This programme is progressed by the Office of Public Works, who have responsibility for the maintenance of Garda accommodation. Any refurbishment works to be carried out in respect of the station referred to by the Deputy will be considered in the context of An Garda Síochána's identified accommodation priorities and in the light of available resources.

Departmental Expenditure

195. **Deputy Brian Hayes** asked the Minister for Foreign Affairs if he will provide an itemised

list of payments made to external solicitors and to external barristers whose services were procured directly by the Department and by each agency and body under its aegis in the years 2007, 2008, 2009 and to date in 2010; the reason for each such procurement; if such services were procured through competitive tendering processes in every instance; and if he will make a statement on the matter. [40942/10]

Minister for Foreign Affairs (Deputy Micheál Martin): As the Deputy will be aware, Government Departments do not directly pay for the legal services provided by the Office of the Attorney General, the Chief State Solicitor's Office and the State Claims Agency or for advice from Counsel briefed by them. My Department has a Legal Division, staffed by qualified legal professionals who provide legal advice on a wide range of international legal issues. Having such 'in-house' legal experts reduces the costs which would be incurred if the Department was to engage externally for similar services.

Nevertheless, there are from time to time occasions where a need to engage external legal services arises, where the necessary specialised expertise is not available within my Department and cannot be accessed from the Attorney General, the Chief State Solicitor's Office or the State Claims Agency, for example in regard to advice relating to the lease or purchase of embassy properties abroad. I have provided details in the following table on the total costs for external legal services in respect of advice sought in Ireland and overseas for the period in question. I regret that it is not possible in the timeframe to provide a detailed breakdown of these costs.

Year	2007	2008	2009	2010 (to date)
Cost of External Legal services	299,830	217,443	168,674	231,397

The procurement of legal services remains subject to basic EU treaty obligations of transparency and non-discrimination as well as being subject to the general requirement under Department of Finance and Comptroller and Auditor General (C&AG) guidelines that services of this nature must be procured by competitive process.

Social Welfare Code

196. **Deputy Finian McGrath** asked the Minister for Social Protection if he will respond to a query (details supplied). [40847/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The question asked relates to the impact of the habitual residence condition on returning Irish emigrants. The current guidelines regarding determination of habitual residence address the issue of returning emigrants very specifically under the heading: Resuming previous residence. "A person who had previously been habitually resident in the State or within the Common Travel Area and who moved to live and work in another country and then resumes his/her permanent residence in the State may be regarded as being habitually resident immediately on his/her return to the State.

In determining habitual residence in such cases the deciding officer should take account of

- purpose of return e.g. expiry of foreign residence permit
- the applicant's stated intentions
- verified arrangements which have been made in regard to returning on a long-term basis e.g. transfer of financial accounts and any other assets
- length and continuity of the previous residence in the State

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- the record of employment or self employment in another State and
- whether s/he has maintained links with the previous residence and can be regarded as resuming his/her previous residence rather than starting a new period of residence.”

The information sought from an applicant who has returned to the State will therefore include such elements as: how long they were previously resident here, why they left, how long they lived in various countries abroad and why they lived there, why they have returned, and whether they own property in Ireland or abroad. It is generally found that this information is sufficient to enable the deciding officer to determine whether their present circumstances in Ireland indicate a temporary visit or habitual residence.

197. **Deputy Finian McGrath** asked the Minister for Social Protection if the invalidity pension will be cut in the next budget. [40851/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): Social welfare expenditure for 2011, including expenditure on invalidity pension payments, will be considered in the context of the forthcoming Budget, having regard both to needs and to the resources available to meet those needs. In an uncertain economic environment, my priority will be to ensure that the Government strategy to stabilise the financial position is advanced and to protect those most in need in a manner which is sustainable in the years ahead.

Social Welfare Benefits

198. **Deputy Bernard J. Durkan** asked the Minister for Social Protection, further to Parliamentary Question No. 175 of 14 October 2010, if the question of payment of child benefit has been resolved; if the negotiations with other jurisdictions have been concluded and if and when payment will be authorised in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [40885/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): Correspondence issued to the Lithuanian authorities on 12 October 2010 in relation to the person concerned, querying her entitlement to family benefits in that State as her son now resides there. No reply has been received to date, but based on experience of this type of case a reply from the Lithuanian authorities could take between 3 and 6 months. On receipt of a reply from the Lithuanian authorities entitlement to Child Benefit will be examined and the person concerned will be notified accordingly.

199. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the reason a difference in determination of means emerged in the case of a person (details supplied) in County Kildare; if he will ensure the case is fully investigated; and if he will make a statement on the matter. [40886/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The person concerned applied for disability allowance on 27 August 2009. He was assessed with weekly means of €437.52 based on his spouse's earnings from insurable employment. As this exceeded the (then) statutory limit of €339.90 per week for payment of disability allowance his claim was refused. Means are assessed on the claimant's own means and that of their spouse/partner subject to certain exceptions laid down in legislation. Mortgage repayments are not included in these exceptions and are therefore not deductible when assessing means.

A letter issued to the person concerned on 7 December 2009 advising him of this decision and advising him of his right of appeal to the Social Welfare Appeals office within 21 days.

The person concerned subsequently appealed the decision. Based on the evidence, the appeals officer found that the person had failed to show that his means did not exceed the statutory limit applicable from 2 September 2009 and the appeal was disallowed. He was notified of this decision by letter on 20 May 2010. An appeals officer's decision is final and conclusive in the absence of any fresh facts or evidence.

200. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if and when job-seeker's benefit will be paid in the case of persons (details supplied) in County Kildare; and if he will make a statement on the matter. [40887/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): One of the persons concerned is in receipt of jobseeker's benefit since June 2010. The second person concerned applied for jobseeker's allowance from 17th September 2010 having exhausted her entitlement to jobseeker's benefit. She will be interviewed by an Inspector regarding her means in the next week and a decision will be made on her claim when the means assessment is completed. The second person concerned has been advised that if her jobseeker's allowance claim is awarded the amount payable on both claims will be limited to the amount one would receive if they claimed for the other as a qualified adult and that they have the option of the first person concerned claiming the full qualified adult and qualified child rate while awaiting a decision on her claim.

201. **Deputy Bernard J. Durkan** asked the Minister for Social Protection, further to Parliamentary Question No. 182 of 14 October 2010, when it is expected to reinstate rent supplement in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [40888/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): In reply to Parliamentary Question No. 182 of 14th October 2010 I advised the Deputy that the person in question had been asked to supply information to the HSE, only part of which has been supplied to date. The HSE is still awaiting the information from the person concerned in order to determine entitlement to rent supplement.

Social Welfare Appeals

202. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when an appeal in respect of child benefit and one parent family allowance will be decided in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [40889/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Social Welfare Appeals Office has advised me that the appeals from the person concerned were referred to an Appeals Officer who proposes to hold an oral hearing in both cases. The person concerned will be informed when arrangements have been made.

There was 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 was an increase of a further 44% in the number of appeals received in the first eight months of 2010. These increases have caused delays in the processing of appeals. In order to be fair to all appellants, oral hearings are arranged in strict chronological order.

A number of initiatives have been put in place to enhance the capacity of the office to deal with the current caseload and inflows. In that regard:

- 2 additional Appeals Officers were assigned to the Office in 2009,
- A number of additional staff were assigned to the administration area of the Office,

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- The organisation of the Appeals Officer's work has been changed so as to increase productivity,
- A project to improve the business processes in the office was undertaken which has resulted in a number of improvements being implemented, and
- Significant enhancements have been made to the office's IT and phone systems.

In addition, it was decided to use experienced retired staff strictly on a short term basis to supplement the current resources and the services of eight retired officers have now been secured on a part-time basis and have been operating since July. I am assured by the Chief Appeals Officer that she is keeping current processes under continuous review with a view to achieving a more effective throughput of appeals, while ensuring that any progress does not conflict with due process in terms of the rights of appellants and adherence to the requirements of natural justice. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Benefits

203. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the correct level of rent support payable in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [40890/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Health Service Executive has advised that the person concerned has been awarded rent supplement of €658.30 per month which is the maximum amount payable based on her household circumstances.

Departmental Expenditure

204. **Deputy Brian Hayes** asked the Minister for Social Protection if he will provide an itemised list of payments made to external solicitors and to external barristers whose services were procured directly by the Department and by each agency and body under its aegis in the years 2007, 2008, 2009 and 2010; the reason for each such procurement; if such services were procured through competitive tendering processes in every instance; and if he will make a statement on the matter. [40945/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The information requested is not immediately available in my Department but is being compiled at present and my officials will write to the Deputy when it is available.

Social Welfare Benefits

205. **Deputy Dan Neville** asked the Minister for Social Protection his views on a matter (details supplied); and if he will make a statement on the matter. [40956/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Health Service Executive (HSE) has advised that there is no record of an application for mortgage interest supplement from the person concerned. If the person concerned wishes to make an application for mortgage interest supplement he should contact the community welfare officer at his local health centre.

206. **Deputy Willie Penrose** asked the Minister for Social Protection the reason rent supplement has been suspended in respect of a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [40981/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Health Service Executive (HSE) informed the person concerned on 24 August 2010 that he should seek accommodation within the relevant prescribed maximum rent limits or seek a reduction in the rent charged by the landlord. The HSE advised the person concerned that payment of rent supplement would continue for an 8 week period after which his rent supplement would cease if he did not either source alternative accommodation within the relevant prescribed maximum rent limits or obtain a reduction in the rent charged by the landlord within that period.

As the person concerned has not been in contact with the HSE in that regard, the payment of rent supplement has now been suspended. If the person concerned wishes to discuss their entitlement to rent supplement he should contact the community welfare officer at his local health centre.

207. **Deputy Michael Ring** asked the Minister for Social Protection the position regarding the case of a person (details supplied) in County Mayo. [40988/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The back to work claim of the person concerned is being examined to determine if there is an entitlement to arrears for the period in question. A decision will be made as soon as possible and she will be notified of the outcome.

Social Welfare Code

208. **Deputy Róisín Shortall** asked the Minister for Social Protection the specific sections and subsections of each Social Welfare Act in 2008, 2009 and 2010 that have not yet been commenced. [40995/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The information requested by the Deputy is set out in the attached tables.

Social Welfare and Pensions Act 2008

Section 5	Transfer of Pension rights to EC Institution Scheme.
Sections 12, 13, 14	Blind Welfare Allowance.
Sections 18(2), 18(3), 18(4)	Supplementary Welfare Allowance.
Social Welfare (Miscellaneous Provisions) Act 2010	
Section 3	Normal residence of qualified child — amendment.
Section 6	Amendment to Section 40 (Illness Benefit) of the Principal Act.
Section 14	Amendment to Section 220 (Child Benefit) of the Principal Act (Qualified Person amendment).
Section 18	Jobseeker's Benefit — Reduction in rates in certain circumstances.
Section 19	Jobseeker's Allowance — Reduction in rates in certain circumstances.
Section 20	Supplementary Welfare Allowance — reduction of weekly amount in certain circumstances.
Section 25	One-Parent Family Payment amendments.
Part 3	Functions of Minister relating to An Foras Áiseanna Saothair.
Part 5	Expenses relating to administration of Part 3.

Civil Registration

209. **Deputy Róisín Shortall** asked the Minister for Social Protection his intention, if any, to

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alter civil registration legislation to address anomalies whereby some couples can avoid paying marriage notification fees. [40996/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The matter raised by the Deputy refers to the fact that parties to a proposed marriage who obtain a court exemption from the requirement to give to a registrar three months notification of intention to marry are not required to pay the notification fee which is currently €150. A general review of the provisions of the Civil Registration Act 2004 is being carried out by An tArd-Chláraitheoir (Registrar General) who has statutory responsibility in relation to the administration of the Civil Registration Service. It is expected that this review will be completed early in 2011. The matter raised by the Deputy will be included in the review. As the Deputy is aware, there are a number of steps to be taken before any amending legislation might come before the Oireachtas and it is not possible to be definite as to timescales at this juncture.

Departmental Expenditure

210. **Deputy Brian Hayes** asked the Minister for Tourism, Culture and Sport if she will provide an itemised list of payments made to external solicitors and to external barristers whose services were procured directly by the Department and by each agency and body under its aegis in the years 2007, 2008, 2009 and to date in 2010; the reason for each such procurement; if such services were procured through competitive tendering processes in every instance; and if she will make a statement on the matter. [40946/10]

Minister for Tourism, Culture and Sport (Deputy Mary Hanafin): In general, whenever the Department requires legal services it obtains these from the Office of the Attorney General and/ or the Office of the Chief State Solicitor. Any associated fee costs are borne directly by those two Offices. However, on occasion and in exceptional circumstances the Department, including the National Archives, may obtain legal services from other sources. These are set out in the table for the period in question.

Year	Name of Solicitor or Barrister	Amount paid	Reason	Competitive Tendering Process
		€		
2007	Nil			
2008	Nil			
2009	McCann Fitzgerald	4,860.00	State aid issues (Cultural Institutions)	No
2010	McCann Fitzgerald	883.30	Advice on Arts and Culture Enhancement Support Scheme	No

In the case of agencies and bodies under the aegis of the Department the securing of external legal services and the associated fee costs are a matter for the agencies and bodies themselves.

Local Authority Charges

211. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government if he will review the imposition of a non-principal residential tax on a person (details supplied); and if he will make a statement on the matter. [40957/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Local Government (Charges) Act 2009, which introduces the charge on non-principal

private residences, has as its starting position a universal liability for residential property in respect of the charge. It goes on to exempt certain buildings and owners from this liability, the most important exemption being where a property is occupied by the owner as his or her sole or main residence on the liability date. If the owner does not live in the property as his or her sole or main residence, it becomes liable for the charge unless otherwise exempt, even if it is the only property that person owns. The use to which the property is put — whether it is vacant, rented out or used as a holiday home — is irrelevant for the purposes of the Act.

The Local Government (Charges) Act 2009 places collection of the charge under the care and management of the relevant local authority and I, as Minister for the Environment, Heritage and Local Government, do not have any review or appeal function under the provisions of the Act.

Consultancy Contracts

212. **Deputy James Bannon** asked the Minister for the Environment, Heritage and Local Government the amount of money paid to consultants in County Longford for studies and reports in the past five years; the benefits to the county; if these reports could have been prepared in-house; and if he will make a statement on the matter. [40739/10]

213. **Deputy James Bannon** asked the Minister for the Environment, Heritage and Local Government the amount of money paid to consultants in County Westmeath for studies or reports in the past five years; the benefits to the county; if these reports could have been prepared in-house; and if he will make a statement on the matter. [40740/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 212 and 213 together.

In 2008, my Department engaged ERA Maptec Limited to prepare documentation for the proposed nomination of the Monastic City of Clonmacnoise and its Cultural Landscape to the World Heritage List; part of the area covered by the work lies within County Westmeath. Inclusion in the World Heritage List will increase international recognition for the site, leading to an increased number of visitors to the area. It was considered desirable to engage these consultants to enhance the quality of the nomination. The sum of €83,858 has been paid to the consultants in respect of this work. In addition, payments may be made to consultants locally and recouped from my Department's capital budget in respect of capital investment programmes funded from the Exchequer.

Water and Sewerage Schemes

214. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government the position regarding the Belmullet sewerage scheme in County Mayo. [40754/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Further to the reply to Question No. 514 of 29 June 2010, my Department still awaits the submission of additional information from Mayo County Council, in particular the Certificate of Completion of Planning, to enable the Department to complete its assessment of the Council's contract documents for the collection network element of the Belmullet Sewerage Scheme. My Department is also assessing the Council's design brief for the appointment of consultants to advance the procurement of the wastewater treatment plants at Belmullet, Charlestown and Foxford under a separate Design Build Operate contract. A decision in this matter will be notified to the Council as soon as possible.

Turbary Rights

215. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government the total number of applications received from householders for a grant payment in lieu of cutting turf on designated bogs; the number approved and rejected; the total provision and payment made for this scheme; and if he will make a statement on the matter. [40800/10]

216. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government the number of active turf cutters on each of the 32 designated bogs which are due for closure for turf cutting in the next season; and if he will make a statement on the matter. [40801/10]

217. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government the total provision made in 2010 for the purchase of designated bog; the total paid to date; the provision for 2011; and if he will make a statement on the matter. [40802/10]

218. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government the provision made for the payment of compensation to turf cutters in 2011; when he intends to make an announcement on the proposed scheme; and if he will make a statement on the matter. [40803/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 215 to 218, inclusive, together.

My Department has received 278 applications for the Interim Compensation for Winter 2010/11 Scheme. So far, 53 of these applications have been deemed to be invalid and 141 have been approved for payment. Of these, the payment of the €1,000 has been completed on 115 applications. A further 84 are being assessed. In total, it is estimated that there are about 750 active cutters on the 32 Raised Bog SACs.

For this year, there is a provision of €4.35m for the compensation of landowners/holders of turbary rights within the designated raised bog areas. This provision covers both the Bog Purchase Scheme and the compensation of commercial turf cutters, but not the interim compensation scheme referred to above. So far this year, expenditure has reached approximately €0.65m. My Department is continuing to work on the details of longer-term compensation for turf cutters, and I will make recommendations to Government as soon as possible. The financial provisions for 2011 will be determined in the context of the annual estimates provisions.

Water and Sewerage Schemes

219. **Deputy Billy Timmins** asked the Minister for the Environment, Heritage and Local Government the position regarding a matter (details supplied); and if he will make a statement on the matter. [40813/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Water Services Investment Programme 2010-2012, a copy of which is available in the Oireachtas Library, provides for the development of a comprehensive range of new water services infrastructure in County Wicklow. Three contracts under the Arklow Sewerage Scheme are included in the Programme amongst the list of contracts in the county to start in the period 2010-2012.

The major contract relates to the proposed wastewater treatment plant. I understand that the unsuccessful applicant to the High Court for a judicial review of An Bord Pleanála's decision to grant approval for the wastewater treatment plant was given leave to appeal to the Supreme

Court and has exercised that option. The hearing was held on 2 December 2009 and the Council is awaiting the Supreme Court's decision in the matter. Further progress on this element of the scheme together with the contract for the Northern and Southern Interceptor Network will be dependent on the decision of the Court. The Council has recently submitted a proposal to my Department for the upgrade of the South Green and Harbour Road Network contract and this is currently being considered.

Local Authority Charges

220. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government if he will support a matter (details supplied). [40828/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Local authorities are under a statutory obligation to levy rates on any property used for commercial purposes in accordance with the details entered in the valuation lists prepared by the independent Commissioner of Valuation under the Valuation Act 2001. The levying and collection of rates are matters for each individual local authority. However, I have urged local authorities to exercise restraint in setting the Annual Rate on Valuation (ARV) in this and previous years and they have responded positively in this regard. Across the 88 local authorities the average change of ARV from 2009 to 2010 shows a decrease of 0.62%. As part of a range of measures to aid economic recovery, I am clear on the need for continued reductions in commercial rates over the coming years.

221. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government if he will support the issues raised in a query (details supplied). [40831/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Local authorities are under a statutory obligation to levy rates on any property used for commercial purposes in accordance with the details entered in the valuation lists prepared by the independent Commissioner of Valuation under the Valuation Act 2001. The levying and collection of rates are matters for each individual local authority.

Litter Pollution

222. **Deputy Noel Ahern** asked the Minister for the Environment, Heritage and Local Government his plans to change the legislation regarding fines due for litter left at bottle banks; if he will ask local authorities to use their discretion and pursue the serious offenders rather than some marginal cases as covered by media lately or else introduce a staged fine system where minor or serious offenders could be treated appropriate to the offence, whereas currently some enforcement is seen as over zealous; and if he will make a statement on the matter. [40895/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Litter Pollution Acts 1997 to 2009 provide a strong statutory framework for combating litter pollution. Under the Acts, the primary management and enforcement response to littering must come from the local authorities. Therefore, it is a matter for each local authority to decide on the most appropriate enforcement actions in their areas, taking account of local circumstances and priorities.

Local authorities are independent statutory bodies, with democratically elected councils and their own management system and it is a matter for each local authority to determine the most appropriate course of action to tackle litter pollution within the legislation provided.

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There is a range of penalties in place for offences under the Litter Pollution Acts, ranging from an on-the-spot fine of €150 for more minor offences, to a maximum fine of €3,000 on summary conviction and a maximum fine of €130,000 on conviction on indictment for more serious offences. The fines for continuing offences following conviction are €600 per day for summary offences and €10,000 per day for indictable offences. A person convicted of a litter offence may also be required by the Courts to pay the local authority's costs and expenses in investigating the offence, taking remedial action to remove the litter and in bringing the prosecution. Taking into account the provisions set out above I have no plans to amend the Litter Pollution Acts at this time.

Departmental Expenditure

223. **Deputy Brian Hayes** asked the Minister for the Environment, Heritage and Local Government if he will provide an itemised list of payments made to external solicitors and to external barristers whose services were procured directly by the Department and by each agency and body under its aegis in the years 2007, 2008, 2009 and to date in 2010; the reason for each such procurement; if such services were procured through competitive tendering processes in every instance; and if he will make a statement on the matter. [40940/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The information requested in respect of payments made by my Department between 2007 and to date in 2010 is set out in the following table. This does not include costs associated with the Planning Tribunal; payments of this nature by agencies or bodies under the aegis of my Department are a matter for the agency or body concerned.

Area	Solicitor/Barrister Name	Description of Services	Amount	Year Paid	Competitive Tending Process
Built Heritage and Architectural Policy	J.A. Shaw & Co Solicitors	Ascertaining title to Cadamstown Bridge, correspondence with Offaly County Council, OPW, Chief State Solicitor's Office leading to execution of Guardianship Agreement.	1,758	2007	No
National Parks & Wildlife Service	McCann Fitzgerald Solicitors	Expert advice on issues arising from a drainage works contract.	152,594	2007	No
National Parks & Wildlife Service	McCann Fitzgerald Solicitors	Expert advice on issues arising from a drainage works contract.	15,378	2008	No
National Parks & Wildlife Service	McCann Fitzgerald Solicitors	Expert advice on issues arising from a drainage works contract.	21,198	2009	No
National Parks & Wildlife Service	McCann Fitzgerald Solicitors	Expert advice on issues arising from a drainage works contract.	7,017	2010	No
National Parks & Wildlife Service	Wesley Farrell	Infringement Proceedings in relation to the Habitats Directives. Drafting amending Regulations to address the European Court of Justice Judgement C418-04	12,100	2008	Yes
National Parks & Wildlife Service	Wesley Farrell	Infringement Proceedings in relation to the Habitats Directives. Drafting amending Regulations to address the European Court of Justice Judgement C418-04	45,249	2009	Yes
National Parks & Wildlife Service	Wesley Farrell	Infringement Proceedings in relation to the Habitats Directives. Drafting amending Regulations to address the European Court of Justice Judgement C418-04	15,997	2010	Yes
National Parks & Wildlife Service	Elizabeth Cogan	Expert advice on addressing the European Court of Justice Judgement C418-04	19,729	2008	Yes
National Parks & Wildlife Service	Elizabeth Cogan	Expert advice on addressing the European Court of Justice Judgement C418-04	18,207	2009	Yes

Area	Solicitor/Barrister Name	Description of Services	Amount	Year Paid	Competitive Tending Process
National Parks & Wildlife Service	Elizabeth Cogan	Expert advice on addressing the European Court of Justice Judgement C418-04	8,719	2010	Yes
Housing Division	William Fry Solicitors	Legal advice on contracts for Rental Accommodation Scheme.	13,310	2007	Yes
Housing Division	William Fry Solicitors	Legal advice on contracts for Rental Accommodation Scheme.	15,625	2008	Yes
Housing Division	William Fry Solicitors	Legal advice on contracts for Incremental Purchase Scheme.	48,840	2008	Yes
Housing Division	William Fry Solicitors	Legal advice on contracts for Tenant Purchase of Apartments Scheme.	48,857	2008	Yes
Air Quality	Eugene Regan	Legal services re transposition of Large Combustion Plants Directive	901	2009	No
Nuclear Safety	Philipe Sands	Legal services — nuclear safety issues	4,117	2007	No
Nuclear Safety	Philipe Sands	Legal services — nuclear safety issues	1,565	2008	No
Nuclear Safety	Niamh Hyland	Legal services — nuclear safety issues	6,060	2008	No
Nuclear Safety	Eoghan Fitzsimons	Legal services — nuclear safety issues	12,120	2008	No
Nuclear Safety	PaulSreenan	Legal services — nuclear safety issues	10,100	2008	No

Flood Relief

224. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government, further to Parliamentary Question No. 230 of 13 October 2010, if the report on the design work has been evaluated; when will a response issue to the Office of Public Works in relation to the flood mitigation works in Roundfort-Hollymount; and if he will make a statement on the matter. [40952/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Following the evaluation of the report received by my Department on 8 October 2010 from the Office of Public Works (OPW), a meeting was held recently between my Department and OPW to clarify certain technical issues concerning the proposed work. The OPW since provided to my Department further information requested at the meeting and a response will issue shortly.

Turbary Rights

225. **Deputy Maureen O'Sullivan** asked the Minister for the Environment, Heritage and Local Government, further to Parliamentary Questions Nos. 234, 235 and 236 of 20 October 2010, the way peat extraction operations in raised bog and blanket bog special areas of conservation and natural heritage area effect has been given to the requirement of a determination under Article 4 of Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment and if his attention has been drawn to any determinations having been made since SI 364 of 2005 removed the previous key exemptions for peat extraction in the Planning and Development Regulations SI 600 of 2001. [40953/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): For projects requiring consent of planning authorities or national authorities, Directive 85/337/EEC as amended provides for environmental impact assessment (EIA) where there is likely to be a significant effect on the environment. Peat extraction is listed in Annex 2 of the Directive, making it a matter for Member States to determine the thresholds or criteria beyond which EIA is required before consent is necessary or can be given. However, both planning authorities and An Bord Pleanála have power under the 2001 Planning Regulations to request an applicant to submit an EIS for any development which falls below the EIA thresholds but which may have significant effects on the environment. In general, planning permission is required for new or extended areas of peat extraction of 10 hectares or more. This has been interpreted as including the combined area of existing site plus extension.

Furthermore, the Planning and Development Regulations of 2005 removed any exemption and required planning permission if peat extraction was likely to have significant effects on the environment by reference to the criteria set out in Schedule 7 of the 2001 Regulations, unless the proposed extraction was on an area of less than 10 hectares and was on a Natura 2000 site or a Natural Heritage Area. These protected sites are regulated under the EC (Natural Habitats) Regulations and the Wildlife Acts, respectively. Extraction works in new areas of under 10 hectares in these protected sites require consent from me, as relevant Minister, under the Habitats Regulations and the Wildlife Acts in lieu of planning permission.

EIA is required for any new or expanded peat extraction development of 30 hectares or more, irrespective of the status of the site. I understand that there have been a number of cases in which my Department, the EPA or a planning authority has determined that an EIA is required.

Departmental Agencies

226. **Deputy Noel Ahern** asked the Minister for Communications, Energy and Natural Resources the position regarding agencies under his remit (details supplied), changing corporate name and so on; his views on media reports regarding cost for such change; and if he will make a statement on the matter. [40894/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): As part of the electricity deregulation process, the Commission for Energy Regulation (CER) commissioned market research which indicates that there is confusion among electricity consumers as to the separate identities and roles of ESB as owner and operator of the electricity network and ESB as an electricity supplier. This is of concern because ESB Networks must provide, and be perceived to provide, the same level and quality of service to all customers irrespective of their electricity supplier.

It is vital for consumers to have full confidence that they can switch supplier without any impact on the quality of their network service. Therefore, as part of the deregulation process and the delivery of real competition, ESB is required by the CER to rebrand its electricity supply business. ESB would also in any case be required to engage in some form of rebranding as part of the implementation of EU Internal Energy Market Third Directive. Member States are obliged under the Directive to ensure that there is absolute clarity for consumers as to the separate identities and functions of the energy network operator and a related energy supply company. For this reason, the issue of rebranding needs to be addressed for both ESB and, in due course, BGE.

ESB has advised that rebranding will have an estimated cost of between €6 and €8 million. The CER has also confirmed that there is no plan to include the costs of rebranding in ESB's regulated revenues in the period 2010 to 2012. ESB has made it clear that the company will introduce its new brand in a practical and cost effective way without causing inconvenience, expense or confusion to customers.

Once full electricity market deregulation has been introduced, expenditure on advertising and marketing, and whether these costs are met from electricity revenues, will be a commercial decision for all competing suppliers including ESB and BGE. The deregulated market will maintain constant pressure on all costs incurred by suppliers, who will be competing vigorously on price offerings to customers.

Turning to the gas market, I would emphasise that there is no specific proposal or timescale or firm costings as yet for rebranding. Any statements or speculations about the cost of any future possible rebranding are highly premature. However, with the successful development of competition in the retail gas market, the CER intends to publish for consultation in the coming weeks a roadmap for gas market deregulation. The question of rebranding is likely to be addressed in that context.

In the context of delivering full competition in the gas market and delivering on EU requirements, all concerned are committed to ensuring any rebranding of BGE which might be required is done in a fully cost effective and transparent way.

Departmental Expenditure

227. **Deputy Brian Hayes** asked the Minister for Communications, Energy and Natural Resources if he will provide an itemised list of payments made to external solicitors and barristers whose services were procured directly by the Department and by each agency and body under its aegis in the years 2007, 2008, 2009 and to date in 2010; the reason for each such

procurement; if such services were procured through competitive tendering processes in every instance; and if he will make a statement on the matter. [40935/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): In the time available, it has not been possible to conclude an examination of the relevant records. Officials within my Department are compiling the information and I will revert to the Deputy as soon as possible.

Health and Safety Issues

228. **Deputy Michael D. Higgins** asked the Minister for Communications, Energy and Natural Resources in reference to a particular gas terminal (details supplied) if he will detail the specific risk assessments that have been made by the State and are required to be made by private companies using the terminal; the procedures in place to deal with any gas leak; the specific methodology if any for detecting gas leaks; and if he will make a statement on the matter. [40959/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The design and construction of the Corrib Gas terminal is based on best international engineering practice for gas processing terminals. While the terminal is designed to ensure against a leak of gas, the developer has proposed systems that would detect a leak. The methodology proposed is standard and involves proven fire and gas detection systems. In line with the approval of the Corrib Plan of Development, these systems are at present being checked and commissioned by the developer and by third party Independent Verification Body, DNV. They are also being audited by my Department's auditor Keane Offshore Integrity Ltd.

In addition to my Department, there are a number of statutory bodies which have a regulatory function with respect to risk assessment in relation to the construction and operation of the Corrib Gas terminal, including An Bord Pleanála, Mayo County Council, the Health and Safety Authority and the Environmental Protection Agency

Departmental Correspondence

229. **Deputy Frank Feighan** asked the Minister for Communications, Energy and Natural Resources if a full reply will issue to correspondence sent to him six weeks ago (details supplied). [41030/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I can confirm to the Deputy that a full reply was issued to him on 3rd November. I outline in brief below the points made in my response. The Government recognises that the cost of energy in Ireland is a serious competitiveness issue facing the enterprise sector during this difficult period for the economy. The provision of secure, sustainable and competitive energy supplies is critical for the economy and is a challenge we are determined to meet.

Significant steps have already been taken to improve Ireland's competitiveness and these policies are working. Regulated electricity prices for small businesses fell by 15% from May 2009 to September 2010 and the electricity market for all businesses will be completely deregulated from 1st October 2010. By shopping around for an electricity supplier businesses can avail of further significant savings. Large businesses have similarly seen declines of between 34% — 44% on average over the past 18 months.

The PSO levy is not a new levy on business. It has existed since 2003 but has been set at zero for the last three years. Its legal basis and method of calculation are set out in the regulations made under the Electricity Regulation Act 1999. In general terms the cost of the PSO

[Deputy Eamon Ryan.]

levy tends to be low during periods when fossil fuel prices are high, as in these cases the market adequately rewards renewable and indigenous peat producers. Hence, for the last three years we have had a nil PSO.

However, as fossil fuel prices fall, peat and renewable generators are no longer as competitive with fossil fuels and suppliers need to be compensated for purchasing their output. As gas prices have fallen significantly since their peak this is what gives rise to the proposed increased PSO levy from this October.

The PSO levy supports the security of our energy supplies and the development of renewable electricity in Ireland. Already at a low cost, the levy has enabled the connection of more than 1,400 MW of renewable energy mostly wind to the electricity grid. This renewable energy is helping to reduce wholesale electricity prices at times of high wind by displacing higher cost fossil fuel generators. Renewable energy and other sources and technologies supported by the PSO levy helps to reduce our dependence upon imported fossil fuels. It is our lack of indigenous fossil fuels and high level of dependence upon price-volatile imports which led to high electricity costs in 2008. By continuing to support renewable electricity we reduce this dependence and the risk of future price volatility.

The Government will however ensure that the development of renewable energy is achieved in a cost effective way. We have the second lowest rates of renewable energy supports across Europe, which reflects our abundance of renewable resources. I intend to review the operation of the peat PSO to ensure that it is also being operated in as cost efficient a fashion as possible. It remains the Government's position that the development of renewable energy in Ireland is lowering electricity prices to consumers in the long run and that the PSO levy is required to support this development.

Forestry Sector

230. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food if he is committed to maintaining funding to the forestry sector in view of the potential for job creation in this indigenous industry; and if he will make a statement on the matter. [41016/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Renewed Programme for Government commits, subject to resources, to increase the level of annual planting to 10,000 hectares per annum. In order to make progress towards that objective provision of €116.5m was made in 2010 to facilitate an increase in planting from 6,648 hectares in 2009 to 7,000 hectares this year. This increased planting is on course to be met.

The serious decline in the public finances means that all aspects of public expenditure are being subject to critical scrutiny, and forestry, which accounts for a substantial share of the agricultural budget, is no different in this regard. As the Deputy will be aware, ongoing discussions are taking place at both Departmental and Cabinet level on the formulation of the Budget for 2011. I can assure the Deputy that the Government remains committed to ensuring the continuation of the afforestation programme at a rate and in a format that maximises the use of scarce financial resources.

Grant Payments

231. **Deputy James Bannon** asked the Minister for Agriculture, Fisheries and Food the reason an application for single farm payment had been delayed in respect of a person (details supplied) in County Longford; and if he will make a statement on the matter. [40733/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named

on the 19 April 2010. This application was selected for and was the subject of a Ground Eligibility and Animal Identification Inspection. The inspection process is complete and the application has now been fully processed. Payment under the Disadvantaged Areas Scheme will issue within a week. The 50% advance under the Single Payment Scheme will issue within a week with the balancing payment due in December.

232. **Deputy James Bannon** asked the Minister for Agriculture, Fisheries and Food the reason an application for single farm payment had been delayed in respect of a person (details supplied) in County Longford; and if he will make a statement on the matter. [40734/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the 2010 Single Payment Scheme was received from the person named on 11 May 2010. The 50% advance payment, which issued on 18 October, was in respect of those parcels cleared for payment at that stage. A number of parcels listed on the application required digitisation; immediately this process is complete, provided no errors are identified, the further payment due will issue to the person named.

233. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork will receive their single farm payment grant; and if he will make a statement on the matter. [40747/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 13 May 2010. The advance payment under the Single Payment Scheme issued on 18 October, based on the land cleared at that stage. A number of parcels listed on the application of the person named required digitisation; immediately this process is complete, provided no errors are identified, the application will be further processed, with a view to the payments due issuing shortly thereafter.

234. **Deputy Tom Hayes** asked the Minister for Agriculture, Fisheries and Food when the single farm payment will issue to a person (details supplied) in County Tipperary; and if he will make a statement on the matter. [40786/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the Single Payment Scheme/Disadvantaged Area Scheme was received from the person named on the 26 April 2010. This application was selected for and was the subject of a Ground Eligibility and Animal Identification Inspection. The inspection process is completed and the application has now been fully processed. Payment under the Disadvantaged Areas Scheme will issue within a week. The 50% advance under the Single Payment Scheme will issue within a week with the balancing payment due in December.

235. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food when payment will issue to a person (details supplied) in County Clare; and if he will make a statement on the matter. [40798/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person named registered 64 animals in the 2009 Suckler Welfare Scheme. The person named has received payment in respect of 58 animals, which were eligible for payment. There are outstanding queries in respect of all of the remaining animals. My Department has received no reply to the letter issued to the person named regarding these queries.

236. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will receive their payment under the disadvantaged area payment; and if he will make a statement on the matter. [40817/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the Single Payment Scheme/Disadvantaged Area Scheme was received from the person named on the 8 April 2010. This application was selected for and was the subject of a Ground Eligibility and Animal Identification Inspection. The inspection process is completed and the application has now been fully processed. Payment under the Disadvantaged Areas Scheme will issue within a week. The 50% advance under the Single Payment Scheme will issue within a week with the balancing payment due in December.

237. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork will receive their disadvantaged area payment and their single farm payment; and if he will make a statement on the matter. [40835/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 26 April 2010. Advance payments under the Disadvantaged Areas Scheme and the Single Payment Scheme issued on 21 September and 18 October, respectively, in both cases based on the land cleared at that stage. A number of parcels listed on the application of the person named required digitisation; immediately this process is complete, provided no errors are identified, the application will be further processed, with a view to the payments due issuing shortly thereafter.

238. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Cork has not been paid their disadvantaged area grant; and if he will make a statement on the matter. [40836/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the 2010 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 12 May 2010. A number of parcels listed on the application required re-digitisation, as this process is now complete, the total payment due in respect of the Disadvantaged Areas Scheme will issue to the person named in the coming days.

Food Harvest 2020

239. **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 and to date in 2010; and if he will make a statement on the matter. [40855/10]

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. Food Harvest 2020 provides a vision for Irish Agri-food and Fisheries for the next 10 years and includes specific recommendations for these valuable sectors.

Dairy Sector

The development of a strong and vibrant dairy sector is at the heart of the Food Harvest 2020 Plan, which contains an ambitious target of 50% production expansion laid down for the development of the 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 this year with increased commodity prices on world and EU markets, and a consequent rise in milk prices.

Beef Sector

With a current annual output value of some €1.9 billion, Irish beef and livestock production makes an extremely valuable contribution to the overall Irish economy. Progressive initiatives to position Irish beef in higher value EU markets have proved very successful over the past decade. As a result, 99% of Irish beef exports now goes to EU markets with annual exports valued at €1.4 billion in 2009. Additionally, live cattle exports were valued at €157 million in 2009. Given recent developments in the domestic and international economy, the immediate prospects for the Irish beef sector still remain challenging. In view of the importance of international trade, the impact of exchange rate developments and a consumer switch to lower value cuts will continue to exert a strong influence on market returns.

From a more strategic perspective, the 2020 report provides a sound framework for the development of the sector generally. The report sees the maintenance of Irish beef's premium position in EU markets and closing the price differential between Irish and other premium competitors in those markets as the main challenges facing the sector. Against this background, the report recommends the development and enhancement of a number of policy initiatives to underpin the market performance of Irish beef. In particular, it envisages a focus on genetic advances to drive productivity and product quality. A combination of better quality breeding and better carcase quality at a younger age together with genetic advances can potentially deliver greater profitability at farm level. An important spin-off from the significant growth expected in the dairy sector will be an increased supply of calves for rearing and finishing. Complementary Teagasc initiatives, such as the Better Farm Beef programme, offer the best route for producer viability and growth through the adoption of best practice at farm level.

Increased product differentiation, based on predominantly grass-based Irish beef, has the potential to build on the success of current marketing strategies and concepts such as Brand Ireland, when delivered. Collectively, these strategies can provide enhanced returns to the producer and close the current price differential for beef in high-value EU markets. The beef industry has, in the 2020 report, set itself a target of 20% growth in output value over the next decade. Achieving this target will depend on increased communication, collaboration and consolidation across the supply chain and I can assure the Deputy that my Department will continue to work with other industry stakeholders in pursuit of the vision for the beef sector set out in the report.

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 but recovered somewhat during the early and mid part of 2010.

[Deputy Brendan Smith.]

The normal seasonal decline is ongoing at present, but prices in Ireland remain approximately 5% ahead year on year. 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 prepared a development strategy for the Irish pig industry, which identifies the issues facing the sector and makes certain recommendations that need to be taken to position the sector for a successful future. The recommendations of this steering group have been largely incorporated into the 2020 report, which targets a 50% growth in the value of output by 2020.

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.

Poultry

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. The 2020 report targets a 10% increase in the value of poultry output over the next decade.

Lamb

2010 has so far proved to be a very positive year for the sheep sector in Ireland with factory prices running approximately 16% ahead of 2009 levels for the year to date. This is due in no small part to the tightening supply situation, down 14% on 2009 levels, which has led to increased competition among processors for supplies. The sheepmeat sector faces ongoing challenges caused by the decline in the national flock which has led to declines in throughput at processing plants in recent years, leading to questions about the future of the Industry. However, the relevant stakeholders have taken action designed to safeguard the future of the sector as follows.

Bord Bia's promotional strategy for the Irish sheep sector addresses the issue of safeguarding the future of the sector 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 depen-

dency on the French market. Bord Bia will spend up to €1 million this year on such promotional campaigns.

Food Harvest 2020 also includes specific recommendations for the sheep sector. It envisages that over the coming years, demand for sheepmeat on the European market will outstrip production levels, which could provide opportunities for exporting countries such as Ireland. This should provide the potential for better returns, provided the industry can continue the market and product diversification which has been evident in recent years. At producer level there is likely to be improved price prospects, provided an increased focus on production, efficiency and product quality is evident. Based on a renewed commercial focus by the sheep sector, building consumption on the domestic market and through the implementation of the recommendations of Food Harvest 2020, the industry has targeted a growth in output value of 20% by 2020.

The recommendations of the report focus on farm competitiveness and the processing sector. On the farm side, they emphasise the importance of the continuance of the application of on-farm labour efficiencies and new technologies, breed improvement and the production of a quality product. On the processing side, the focus is on efficiencies, innovation and improved product range. These recommendations build on the Malone report, which was published in 2006 and provided a clear framework for the sheep sector. Indeed the Malone report is still very pertinent and Food Harvest 2020 endorses its findings and recommendations and calls for their full implementation by the relevant stakeholders.

I have also provided a number of key supports to this sector in the past two years, most notably €7 million from the 2009 Single Farm Payment National Reserve under the Uplands Sheep Payment Scheme, €54 million for the three year grassland sheep scheme commencing this year and €8 million for the sheep fencing/mobile handling equipment scheme, also commencing this year. I am confident that all of these initiatives will provide a much-needed boost to the sheep sector.

Cereal Sector

The maintenance of an efficient and viable cereals sector in Ireland is clearly very important. Not only does it generate an income for 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 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 new emerging markets like China and India drove up world grain market prices. Grain prices in Ireland increased to record levels during 2007 and growers here reacted by increasing acreage sown. This resulted in a bumper harvest in 2008 with total grain production of 2.4m tonnes, the second highest on record. Bad weather at planting, coupled with poor returns for growers resulted in a lower harvest for 2009 of 1.9m 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.

Globally grain prices have increased significantly in 2010, due to lower than expected harvest figures and the grain export ban imposed by Russia. Grain prices in Ireland have increased by up to 50% on 2009 prices. This is a welcome development for tillage farmers after two difficult years. Good sowing conditions have renewed interest in planting of winter cereals.

[Deputy Brendan Smith.]

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.

Dairy Industry

240. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food his development programme, if any, for the dairy sector over the next five years; the degree to which this relates to progress over the past five years; and if he will make a statement on the matter. [40856/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My development programme for the dairy sector is, in fact, a ten-year one, taking the sector to milk quota abolition and beyond. The *Food Harvest 2020* report, which I launched during the summer with the Taoiseach, outlines the positive prospects for the dairy sector over the medium- to long-term, and sets an ambitious target of a 50 per cent increase in milk production by 2020. It outlines a number of recommendations designed to support the realisation of this potential growth, ranging from milk processing to on-farm competitiveness, technology transfer, and R&D and marketing. I have established, and am chairing, a very focused High Level Implementation Group which will ensure effective, joined-up action, and will act as a clearing house for the range of issues that are likely to arise in relation to the development of the agriculture sector as a whole.

I have also recently established the Dairy Expansion Activation Group, comprised of dairy farmers, processors and Teagasc, which I have tasked with addressing the specific actions required to achieve the dairy expansion target. I have asked for an initial ‘road map’ to be submitted to the High Level Implementation Group by the end of November, highlighting key milestones and identifying how any obstacles to implementation should be overcome.

Of course this focus on how to deal with future challenges is a continuation of the approach that I have taken to the implementation of milk policy in recent years. Having secured as much additional quota as possible for Irish dairy farmers in the run up to quota abolition through the November 2008 Health Check agreement, I have continued to strive to get as much of that quota as possible into the hands of active producers while at the same time encouraging the adoption of best practice on dairy farms so that they can continue to be competitive through improved efficiency.

Innovative measures such as simplified and flexible milk quota regulations, new rules for participation in Milk Production Partnerships, the Milk Quota Trading Scheme, new measures to encourage new entrants, and the Dairy Efficiency Programme have helped the sector to progress significantly in recent years, as has the ongoing investment at processing level supported by the Dairy Investment Fund. I intend to ensure that the implementation of *Food Harvest 2020* builds on this momentum, and I am confident that it will help to ensure that the dairy sector achieves its full potential.

Sheep Sector

241. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food his development programme, if any, for the lamb sector over the next five years; the degree to

which this relates to progress over the past five years; and if he will make a statement on the matter. [40857/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I am strongly committed to securing a future for the sheep industry in Ireland. This sector is a valuable part of the overall agri-food sector and its future depends on its ability to meet the needs of the market. In order to do this effectively, the sector must focus on competitiveness, innovation and the demands of the consumer. Food Harvest 2020 provides a vision for Irish Agri-food and Fisheries for the next 10 years and includes specific recommendations for the sheep sector. It envisages that over the coming years, demand for sheepmeat on the European market will outstrip production levels, which could provide opportunities for exporting countries such as Ireland. This should provide the potential for better returns, provided the industry can continue the market and product diversification which has been evident in recent years. At producer level there is likely to be improved price prospects, provided an increased focus on production, efficiency and product quality is evident. With a renewed commercial focus by the sheep sector, building consumption on the domestic market and through the implementation of the recommendations of Food Harvest 2020, a growth in output value of 20% is achievable by the sheep sector by 2020.

The recommendations of the report focus on farm competitiveness and the processing sector. On the farm side, they emphasise the importance of the continuance of the application of on-farm labour efficiencies and new technologies, breed improvement and the production of a quality product. On the processing side, the focus is on efficiencies, innovation and improved product range. These recommendations build on the Malone report, which was published in 2006 and provided a clear framework for the sheep sector. Indeed the Malone report is still very pertinent and Food Harvest 2020 endorses its findings and recommendations and calls for their full implementation by the relevant stakeholders.

While the responsibility for implementing most of the recommendations of the Malone report 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 over 8,400 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 have also provided a number of key supports to this sector in the past two years, most notably €7 million from the 2009 Single Farm Payment National Reserve under the Uplands Sheep Payment Scheme, €54 million for the three year grassland sheep scheme commencing this year and €8 million for the sheep fencing/mobile handling equipment scheme, also commencing this year. I am confident that all of these supports will provide a much-needed boost

[Deputy Brendan Smith.]

to sheep farmers' incomes, which should encourage them to stay in the sector. As the grassland 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. In addition, 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. I am confident that all of these initiatives will be of significant assistance in developing a strong and sustainable sheep sector for the future.

Food Labelling

242. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food if he is satisfied that the food labelling and traceability regulations applicable here and throughout the European Union are being complied with in the spirit and the letter; if all food labelling reliably indicates the origin of the product; the degree to which checks are made to determine their veracity; the number of instances, if any, in which inaccurate labelling has been detected; and if he will make a statement on the matter. [40858/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Minister for Health & Children has overall responsibility for the general food labelling legislation. Responsibility for the enforcement of this legislation rests with the Food Safety Authority of Ireland (FSAI). This is done through service contracts between the FSAI 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. My Department conducts checks, including labelling, as appropriate in the business premises for which it has responsibility and non-compliances are followed up as necessary.

It is understood from the FSAI that a range of inspections are carried out at catering and retail establishments by the other service-contracted bodies which include checks on labelling.

Food Imports

243. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which traceability regulations in respect of meat and meat product imports are enforced with particular reference to the extent and number of inspections; and if he will make a statement on the matter. [40859/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Consignments of food products of animal origin directly entering on to the territory of the EU must be the subject of a prior notification of import. My Department, in co-operation with Customs service, monitors and operates animal and public health controls at EU approved Border Inspection Posts (BIP) on all direct imports into Ireland coming from non-EU (or third) countries.

These are required to undergo veterinary examination at the BIP of entry to include documentary checks (100%), identity checks (100%) and physical checks ranging from 20% to 50% of consignments according to whether the consignment consists of meat or meat products. Consignments failing to comply with veterinary control checks may be detained for further examination and where non-compliance is established are returned to the exporting country or destroyed at the importers cost. During 2009 a total of 1,061 consignments of meat and meat

products for human consumption were directly imported through BIPs in Ireland, representing a total of 20,400 tonnes.

Laboratory Facilities

244. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which the anticipated laboratory testing facilities at Backweston, Celbridge, County Kildare are in place in accordance with previous indications to the House; and if he will make a statement on the matter. [40860/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The DAFF Laboratory facilities at Backweston are capable of dealing with DAFF's analytical requirements to a considerable degree but do not fully meet evolving requirements. While it is possible to carry out a large range of tests at DAFF Laboratories at Backweston, a small number of samples are sent abroad annually for tests which are not carried out at DAFF laboratories e.g. typing of bacteria, tests for exotic viruses, confirmatory testing, toxin or residue analysis.

In the animal health area, while amelioration works on some areas of the laboratories are required prior to they coming on stream (likely to be in 2011/2012), the vast majority of the Laboratories are completely operational and functioning as intended. Currently, some tests in the animal health area eg for testing for Foot and Mouth Disease Virus etc are referred to laboratories abroad. It is envisaged that such referrals will reduce in the future, as DAFF Laboratories continue to introduce new analytical methods and technologies with the objective of meeting a higher proportion of our needs and thus minimising our dependency on external laboratories. Demands on laboratory resources are however, expected to increase further due to the introduction of new EU legislation and its associated testing requirements and also the implications of schemes to reduce staff numbers.

Rural Environment Protection Scheme

245. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which payments under REPS have been made up to date in each of the past three years and to date in 2010; the total number of applications received; the total referred for clarification or review on technical or other grounds; the outcome of any such review; and if he will make a statement on the matter. [40861/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Farmers are currently in receipt of payments under two REP Schemes, REPS 3 and REPS 4 and there are roughly 31,000 participants in each of the schemes.

REPS 3

Payments under REPS 3 are made in advance, on receipt of the farmer's application for payment on or after the anniversary date of commencement in the scheme. Generally, REPS 3 payments are made within the 8 weeks deadline, as agreed under the Farmers Charter. On the 1st November 2010 there were 2,700 REPS 3 applications pending examination with a view to payment in the Department. A further 10,000 payment applications are expected to be lodged before the end of the year. Every effort will be made to clear as many of these payments as possible before year end.

REPS 4

The EU Regulations governing REPS 4 provide that payments issue in two instalments. The first instalment of 75% may be paid once all administrative checks on all applications, as well

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as cross-checks against areas declared on Single Payment Scheme applications, have been completed. This process is under way and while my objective is to make all payments for 2010 as soon as possible, the checks are likely to take some weeks to complete. The balancing payment of 25% can issue once all on-the-spot inspections for the year have taken place. The programme of inspections is well advanced at this stage.

As a result of EU audits in early 2008, new checking systems were introduced which led to delays in processing payments for the 2008 scheme year. The additional screening checks which were introduced also raised queries on a large number of plans. As a consequence, the payment of the 75% instalment in respect of 2008 commenced in February, 2009 and continued for some months afterwards. Likewise the 75% payment for the 2009 scheme year commenced in December, 2009 and continued for a number of months. As queries were cleared, payments were made at weekly intervals. There are still some outstanding issues which have held up payment and my officials have made the applicants aware of these and in the majority of cases are awaiting further information from the applicants.

Grant Payments

246. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which all farm-related payments have been made up to date in each county; if any payments remain outstanding in each county; the number, the reason, when such payments are likely to issue; and if he will make a statement on the matter. [40862/10]

248. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which all farm payments have been made up to date in each category in each division here in 2008, 2009 and to date in 2010; and if he will make a statement on the matter. [40864/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 246 and 248 together.

My Department is involved in the payment of a wide range of grants and subventions including, for example, payments under the Single Payment Scheme to some 130,000 beneficiaries and area based compensation allowances to some 102,000 farmers. Payments are also made under various investment schemes, Forestry, Early Retirement, Installation Aid, Welfare related schemes etc. The information sought by the Deputy is not readily available in my Department and the resources required to compile the level of detail would not be justified in the required timeframe. However, details of payments made under EU Schemes for the years 2007 to 2009 are available on my Department's website.

Common Agricultural Policy

247. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the steps he has taken to ensure that the food producing sector is not disadvantaged by any step likely to be taken in the context of Common Agricultural Policy reform; and if he will make a statement on the matter. [40863/10]

250. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the steps he has taken or proposes to take along with his EU colleagues to develop the agricultural sector further with consequent benefit in the current economic situation; and if he will make a statement on the matter. [40866/10]

251. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the discussions he has with his EU colleagues in preparation for the development of the food and agriculture industry after 2013 in Ireland and throughout Europe with particular reference to utilising the sector in the context of economic revival; and if he will make a statement on the matter. [40867/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 247, 250 and 251 together.

I am determined to ensure that the proposed reform of the Common Agricultural Policy will deliver a strong and well funded policy in the years ahead. I have made my position very clear to the EU Commission and to my colleagues in the EU Council of Agriculture Ministers and I am pleased to report that there is good support for my position.

There is widespread recognition that the agriculture and food production sector is hugely important in the context of Europe's economic and industrial recovery. It contributes to all three priorities of the EU 2020 strategy of smart, green and inclusive growth. On foot of the efforts of Ireland and a number of other like-minded Member States, its importance has been acknowledged in the conclusions by the Heads of State and Government at the spring European Council.

A modern, productive EU agriculture and food sector will contribute to security of food supply, both within and beyond Europe. Moreover, it is a sector in which global demand is guaranteed to increase. It supports green growth, ensures appropriate land management and contributes to social inclusion in rural areas. It ensures the sustainable use of natural resources and supports climate change mitigation. It provides stable employment opportunities, requiring high skill levels and qualifications and greater levels of R&D and innovation as part of smart growth.

There has been a high level of activity and debate regarding the future CAP among Member States over the past two years with formal policy debates taking place in the EU Council of Agriculture Ministers as well as informal contacts and meetings at bilateral level, the production of position papers by stakeholder organisations and a full-scale consultation process initiated by the Commission.

I and my Department have participated actively in all of these discussions with a view to building up alliances and pressing the Irish viewpoint. In addition to representing the Irish view at formal and informal meetings of EU Agriculture Ministers, I have had bilateral meetings with the Commissioner and with colleagues from a number of other Member States. I travelled to Poland and Hungary last July to meet my Ministerial counterparts. I had discussions in Dublin last month with my German Ministerial colleague and with Commissioner Ciolos and I have arranged meetings with my French and UK colleagues for the coming months. These contacts are proving very productive in deepening our understanding of each others positions and in establishing support for the Irish position in the negotiations.

At official level too, we have engaged actively with our colleagues in other Member States, the Commission and the European Parliament, with bilateral meetings, contacts, sharing of information and analysis and discussion of policy positions. This work has proved very effective in explaining the Irish context and viewpoint and in gaining understanding and acceptance of the Irish position.

I am also continuing to consult widely on the domestic front. I had the opportunity of addressing the Joint Committee on Agriculture on the occasion of the EU Commissioner's visit and of hearing their views. Earlier in the year I established a Consultative Committee to advise me on the CAP after 2013. That Committee is composed of all of the major farming and

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agriculture related representative organisations involved in social partnership as well as a number of academics and officials. The Committee had its first meeting last May and went on to participate in the Stakeholder event I organised during the visit of Commissioner Ciolos. Its upcoming meeting later this month will be addressed by a senior Commission official.

The formal Commission communication on the future of the CAP will be released later this month with legislative proposals due to follow in mid 2011. I will continue to press the Irish viewpoint at all levels. While we have a long way to go before we arrive at a conclusion of these negotiations, I am determined to fight for the best possible outcome for Irish agriculture. Agriculture is our largest indigenous industry and we have much to gain from a successful outcome.

Question No. 248 answered with Question No. 246.

Food Industry

249. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the new export markets achieved or identified for Irish meat and dairy products over the past 12 months; and if he will make a statement on the matter. [40865/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): It is my policy and that of the Government to ensure that Irish producers have access to as many global markets as possible. Irish dairy products are exported to other EU Member States and to over 100 countries worldwide. The amount of exports to any particular destination varies in accordance with changes in the supply/demand dynamics in particular regions of the world and in respect of the various dairy products involved. In overall terms, Ireland's dairy exports amounted to €2 billion in 2009. The UK represents the largest single share of export sales at approximately 32% with the rest of the EU accounting for 48%. North America and Africa account for 6% and 7% respectively. As international demand changes the Irish dairy industry is placing an increasing emphasis on consumer food markets, particularly in the EU, US, Russia and the Middle East and in high growth emerging economies.

Irish beef production makes an extremely valuable contribution to the overall Irish economy. Progressive initiatives to position Irish beef in higher value EU markets have proved very successful over the past decade. As a result, 99% of Irish beef exports now goes to EU markets with annual exports valued at 1.4 billion in 2009. In the past 12 months agreements have been reached with the veterinary authorities in the United Arab Emirates, Tunisia and Morocco on the veterinary health conditions which must be met in connection with the export of beef to those countries.

It is estimated that the Irish sheep sector is currently worth around €250 million, with over two thirds of output exported to the EU. However there has been fresh interest in exporting to third country market and in recent months, a certificate has been agreed for sheepmeat with Tunisia.

The pig sector remains an important component of the Irish agricultural sector. 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. Pork remains the most-consumed meat worldwide and consumption is expected to increase steadily over the next decade. We currently export to over 20 non-EU markets. China and Russia were fully re-opened to Irish pork earlier this year, a move which marked the end of the interruption to trade that arose in late 2008 as a result of the dioxin crisis.

My Department, together with Bord Bia, the Department of Foreign Affairs and the industry will continue to work together to identify new potential markets for Irish dairy and meat products.

Questions Nos. 250 and 251 answered with Question No. 247.

Grant Payments

252. **Deputy Jimmy Deenihan** asked the Minister for Agriculture, Fisheries and Food when payment of single farm payment will issue in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [40923/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the 2010 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 11 May 2010. A number of maps submitted with the application required amendment on my Department's Land Parcel Mapping system. The Single Payment Scheme/Disadvantaged Areas for the person named has been fully processed and payment will issue shortly.

Departmental Expenditure

253. **Deputy Brian Hayes** asked the Minister for Agriculture, Fisheries and Food if he will provide an itemised list of payments made to external solicitors and external barristers whose services were procured directly by the Department and by each agency and body under its aegis in the years 2007, 2008, 2009 and to date in 2010; the reason for each such procurement; if such services were procured through competitive tendering processes in every instance; and if he will make a statement on the matter. [40934/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): It was not possible to provide the information requested within the required timeframe. However, I have arranged for this information to be provided to the Deputy as soon as possible.

Grant Payments

254. **Deputy Michael Moynihan** asked the Minister for Agriculture, Fisheries and Food the reasons for the delay in issuing the payments for the disadvantaged areas scheme and the single payment scheme to a person (details supplied) in County Cork and when he expects these payments to issue. [40948/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 13 May 2010. A number of parcels listed on the application of the person named required digitisation; immediately this process is complete, provided no errors are identified, the application will be further processed, with a view to the payments due issuing shortly thereafter.

255. **Deputy Michael Moynihan** asked the Minister for Agriculture, Fisheries and Food the reasons for the delay in issuing the payments for the disadvantaged areas scheme and the single payment scheme to a person (details supplied) in County Cork and when he expects these payments to issue. [40949/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the 2010 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 6 May 2010. Advance payments under the Disadvantaged Areas Scheme issued on 21 September and under the Single Payment Scheme on 18 October, in both cases on the basis

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on the land cleared at that stage. A number of parcels listed on the application required re-digitisation; immediately this process is complete, and provided no errors are identified, the application will be further processed, with a view to the payments due issuing shortly thereafter.

256. **Deputy Michael Moynihan** asked the Minister for Agriculture, Fisheries and Food the reasons for the delay in issuing the payment for the single payment scheme to persons (details supplied) in County Cork and when he expects this payment to issue. [40950/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the 2010 Single Payment Scheme was received from the person named on 14 May 2010. Single Payment Scheme advance payments of 50% commenced issuing on 18 October in respect of those lands cleared for payment at that stage. A number of parcels listed on the application of the person named required digitisation; while this process is now complete it was found that the reference areas on one parcel declared by the person named had been over-claimed. A letter regarding this matter has issued to the person named and on receipt of a satisfactory reply the application will be further processed, with a view to payment due issuing at an early date.

257. **Deputy Niall Collins** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) will receive payments under the single farm payment scheme and the disadvantaged area scheme; and if he will make a statement on the matter. [40969/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the 2010 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 10 May 2010. Payments under both Schemes have commenced based on land parcels cleared for payment. However, a land parcel listed on the application of the person named requires digitisation; immediately this process is complete, provided no errors are identified, the application will be processed in full with a view to payments due issuing shortly thereafter.

258. **Deputy Frank Feighan** asked the Minister for Agriculture, Fisheries and Food when single farm payment will issue to person (details supplied) and the amount of same. [40992/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the 2010 Single Payment Scheme was received from the person named on 17 May 2010. As the initial validation checks on the application revealed that two of the land parcels declared had been over-claimed, a query letter was issued on 12 October 2010. A map of the area concerned was enclosed with the letter and the person named invited to examine the boundaries and either accept the over-claim or amend the boundaries as appropriate. To date no reply has been received.

259. **Deputy Simon Coveney** asked the Minister for Agriculture, Fisheries and Food when a single farm payment will issue to a person (details supplied) in County Cork. [41001/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the 2010 Single Payment Scheme was received from the person named on 17 May 2010. Single Payment Scheme advance payments of 50% commenced issuing on 18 October in respect of those lands cleared for payment at that stage. A number of parcels listed on the application of the person named required digitisation; immediately this process is complete, provided no errors are identified, the application will be further processed, with a view to payments due issuing shortly thereafter.

260. **Deputy Simon Coveney** asked the Minister for Agriculture, Fisheries and Food when a single farm payment will issue to a person (details supplied) in County Cork. [41002/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the Single Payment Scheme/Disadvantaged Area Scheme was received from the person named on the 17 May 2010. This application was selected for and was the subject of a Ground Eligibility and Full Cross Compliance Inspection. The inspection process is completed and the application has now been fully processed. Payment under the Disadvantaged Areas Scheme will issue within a week. The 50% advance under the Single Payment Scheme will issue within a week with the balancing payment due in December.

Rural Environment Protection Scheme

261. **Deputy Frank Feighan** asked the Minister for Agriculture, Fisheries and Food the position regarding an application for REPS in respect of a person (details supplied) and when payment will issue. [41020/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person named is a participant in REPS 3 under which annual payments issue after the anniversary date for commencement of the contract. The anniversary date for the person named is 1st December 2010 and payment will issue as soon as possible after that date subject to the submission of a claim.

Grant Payments

262. **Deputy Frank Feighan** asked the Minister for Agriculture, Fisheries and Food the position regarding an application for farm payments in respect of a person (details supplied) [41025/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the 2010 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 15 April 2010. Payment under the Single Payment Scheme for the person named was processed by my Department on 18 October 2010. This amount consists of an advance payment of 50% of his valid payments under the scheme for 2010. A balancing payment will issue on 1st December. Payments under the Disadvantaged Areas Scheme for the person named were processed by my Department in two instalments on 5 October 2010 and 19 October 2010. These amounts consist of an advance payment of 75% and a balancing payment of 25% of the named person's valid payments under the scheme for 2010.

263. **Deputy Frank Feighan** asked the Minister for Agriculture, Fisheries and Food the position regarding an application for farm disadvantaged payment in respect of person (details supplied) and when will payment issue. [41026/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the 2010 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 17 May 2010. A number of parcels listed on the application of the person named required re-digitising; immediately this process is complete, provided no errors are identified, the applications for Single Payment and Disadvantaged Area payment will be further processed, with a view to any payments due issuing shortly thereafter.

Job Creation

264. **Deputy James Bannon** asked the Minister for Enterprise, Trade and Innovation the

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number of jobs created in the past 12 months by the Longford County Enterprise Board; the amounts allocated to support small business projects; and if he will make a statement on the matter. [40735/10]

266. **Deputy James Bannon** asked the Minister for Enterprise, Trade and Innovation the amount of funding that will be paid out before the end of 2010 by Longford County Enterprise Board; and if he will make a statement on the matter. [40737/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): I propose to take Questions Nos. 264 and 266 together.

The role of Longford County Enterprise Board, as one of the thirty-five County and City Enterprise Boards (CEBs) throughout the country, is to provide a source of support for micro-enterprise in the start-up and expansion phases, to promote and develop indigenous micro-enterprise potential and to stimulate economic activity and entrepreneurship at local level. Subject to certain eligibility criteria, the Board supports individuals, firms and community groups provided that the proposed projects have the capacity to achieve commercial viability. Business growth, job creation and job retention are inherent considerations in the activities of the CEBs.

The CEBs deliver a series of Programmes to underpin this role and they can provide both financial and non-financial assistance to a project promoter. The forms of financial assistance which are available, subject to certain eligibility criteria, include Priming Grants, Expansion/Development Grants and Feasibility/Innovation Study Grants. The provision of non-financial assistance can take the form of a wide range of business advice such as Programmes covering Business Management, Mentoring, E-commerce, Enterprise Education, and Women in Business networks.

In 2010, Longford CEB received an Exchequer Capital Allocation of €315,909 for the provision of financial and non-financial supports to the micro-enterprise sector within the county. More recently this was supplemented by an additional allocation of €50,000, which was made available through savings made within my Department. It is expected that the Board’s Total Capital Allocation will be fully expended by the end of the year.

Statistical information in relation to CEBs is collated on an annual basis; therefore final expenditure figures and net job figures existing in 2010 for Longford CEB will not be available until early 2011. However, in the most recent year for which job figures are available i.e. 2009, there were 745 net jobs existing in CEB supported enterprises across the county of Longford. During 2010 Longford CEB will continue to support enterprise development in this area through the provision of both direct and indirect assistance and will ensure that available funds are targeted to maximise entrepreneurial development at county level.

265. **Deputy James Bannon** asked the Minister for Enterprise, Trade and Innovation the number of jobs created in the past 12 months by the Westmeath County Enterprise Board; the amounts allocated to support small business projects; and if he will make a statement on the matter. [40736/10]

267. **Deputy James Bannon** asked the Minister for Enterprise, Trade and Innovation the amount of funding that will be paid out before the end of 2010 by Westmeath County Enterprise Board; and if he will make a statement on the matter. [40738/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): I propose to take Questions Nos. 265 and 267 together.

The role of the Westmeath County Enterprise Board (CEB) is to provide support for small businesses with 10 employees or fewer in the start-up and expansion phases, to promote and develop indigenous micro-enterprise potential and to stimulate economic activity and entrepreneurship at local level throughout Westmeath. Business growth and job creation are inherent considerations in the activities of the CEB. CEBs provide both financial and non-financial assistance to a project promoter. The forms of financial assistance that are available, subject to certain eligibility criteria, include Priming Grants, Expansion/Development Grants and Feasibility Grants. The provision of non-financial assistance includes general Business Advice and Business Management Training as well as Mentoring and Networking opportunities.

In 2010, Westmeath CEB received an Exchequer Capital Allocation of €371,027 for the provision of financial and non-financial supports to the micro-enterprise sector within the county. More recently this was supplemented by an additional allocation of €122,089 was made available through savings made within my Department. It is expected that the Board's Total Capital Allocation will be fully exhausted by the end of the year.

Statistical information in relation to CEBs is collated on an annual basis; therefore final expenditure figures and net job figures existing in 2010 for Westmeath CEB will not be available until early 2011. However, in the most recent year for which job figures are available i.e. 2009, there were 1004.5 net jobs existing in CEB supported enterprises in the county of Westmeath. During 2010 Westmeath CEB will continue to support enterprise development in this area through the provision of both direct and indirect assistance and will ensure that available funds are targeted to maximise entrepreneurial development at county level.

Question No. 266 answered with Question No. 264.

Question No. 267 answered with Question No. 265.

Industrial Development

268. **Deputy Paul Connaughton** asked the Minister for Enterprise, Trade and Innovation the number of Industrial Development Authority visits that were made with potential industrialists in 2009 and to date in 2010 to the new business and technology park at Tuam, County Galway [40751/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O'Keeffe): I am informed by the IDA that there have been no site visits to Tuam in 2009 and to date in 2010 although there were a total of 58 visits to Galway by potential investors in that period. As part of its strategy to attract inward investment, IDA Ireland introduces a prospective client company to 3 or 4 selected locations/towns which can meet the company's requirements for skills, labour, site and/or building(s), infrastructure, etc. In selecting locations to show companies, IDA Ireland seeks to include locations which have been affected by closures/job losses and also gives priority to the Border, Midlands and West regions. While IDA Ireland seeks to influence the selection of location, the final decision on where to visit and where to locate is taken in all cases by the promoting company.

269. **Deputy Paul Connaughton** asked the Minister for Enterprise, Trade and Innovation the position regarding the new business technology park at Athenry; the infrastructural developments that have taken place since the Industrial Development Authority purchased the site from Teagasc; if any visits have been organised by the IDA for potential industrialists to the site to date in 2010; and if he will make a statement on the matter. [40752/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): I am informed by IDA that a 97 ha site in Athenry Co. Galway was acquired from Teagasc in December 2007. These lands were identified as having the potential to be developed for utility intensive development as part of IDA’s Strategic Sites Initiative.

IDA Ireland is working on the delivery of infrastructure and services to the site. Developing the access road into the site has been the immediate priority since the completion of the purchase. Access to the site is off the M6 Galway to Dublin Motorway and the construction of the access road has been divided into two phases. Phase 1 is the section off the M6 into the southern portion of the lands and works on this phase have been completed. Phase 2 involves the construction of two new bridges over the R348 and the Galway-Dublin Railway line and extension of the road northwards to service the northern portion of the site and this phase is currently at the design stage.

IDA Ireland is working with Galway City and County Councils regarding the water and waste water capacity. In relation to waste water it was established that an extension to the Mutton Island treatment plant would be required in order to cater for the Athenry site requirements. Galway City Council lodged an application with the EPA for a discharge license which Mutton Island has duly been granted and all service connections and routes have been agreed between IDA and the County and City Councils.

The site’s water requirements will be met by an extension to the Tuam Regional Water Supply Scheme. Preliminary design and site investigations have been completed along the selected route. In addition Bord Gais (BGE) has agreed to supply the site with the required capacity. This site is being marketed for new FDI investments in the Bio-Pharma, ICT and related industry sectors. To date in 2010 there has been one visit to the Athenry site.

Sale of Alcohol

270. **Deputy Noel Ahern** asked the Minister for Enterprise, Trade and Innovation the position regarding the practice of some supermarkets in selling alcohol at exceptionally low price levels; if below cost selling is permitted; if there is any policing of or inquiries into same; if the relevant price is the invoiced price or if transportation, warehousing, profit are considered to judge the base price; if there are health concerns regarding the level of alcohol now being consumed at home; if a minimum floor price for the sale of alcohol can be set to control consumption, improve tax take and provide fair competition with pubs; if trends in this direction in Scotland are being monitored; if an all-Ireland policy can be implemented. [40903/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): The sale of alcohol is essentially regulated by the liquor licensing laws, which are the policy responsibility of the Minister for Justice and Law Reform and I have no direct function in this matter. The use of aggressive pricing strategies in any business is a legitimate marketing tool and is the normal outcome of the competitive process. Low cost and below cost selling by a retailer, including an off-licence, is not of itself an offence unless it involves abuse of a dominant position. A determination on whether a retailer is abusing a dominant position in the marketplace would necessitate a comprehensive investigation by the Competition Authority.

The Authority is the independent statutory body responsible for enforcing competition law in the State and complaints of any alleged anti-competitive practice should be referred to it.

Health concerns in relation to levels of alcohol consumption are primarily a matter for the Minister for Health and Children. In 2009, the Government approved the development of a combined national substance misuse strategy to cover both alcohol and drugs. The National Substance Misuse Strategy Steering Group, under the joint chairmanship of the Department

of Health and Children (www.dohc.ie) and the Department of Community, Equality and Gael-tacht Affairs (www.pobail.ie) has been tasked with developing the alcohol portion of the combined national substance misuse strategy based on proven methods to reduce alcohol related harm.

Employment Rights

271. **Deputy Richard Bruton** asked the Minister for Enterprise, Trade and Innovation if the terms of the transfer of undertakings have been fully respected in a case (details supplied); if the existing firms are protected beyond a six month period and if a new company who operates other sites or different terms and conditions is entitled to consolidate operations at the lower terms. [40910/10]

Minister of State at the Department of Enterprise; Trade and Innovation (Deputy Dara Calleary): The current Irish law in the area of “transfer of undertakings” is the European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003 — Statutory Instrument (S.I.) No. 131 of 2003. The Regulations implement the mandatory (i.e. mandatory to transpose) provisions of EU Council Directive 2001/23/EC of 12 March 2001 which is aimed at safeguarding the rights of employees in the event of a transfer of an undertaking, business or part of a business to another employer as a result of a legal transfer. Also, section 21 of the Employees (Provision of Information and Consultation) Act 2006 transposed a provision of the European Directive relating to the information to be provided by the original employer to the new employer.

The Regulations provide that all the rights and obligations of an employer arising from a contract of employment (including terms inserted by collective agreements) other than pension rights, existing on the date of a transfer, are transferred to the new employer on the transfer of the business or part thereof. Another provision of the Regulations is that both the outgoing and incoming employers are obliged to inform their respective employees’ representatives of, *inter alia*, the date or proposed date of the transfer, the reasons for the transfer and the legal, social and economic implications of the transfer for the employees. Where there are no representatives, employers must arrange for the employees to choose representatives for this purpose.

In accordance with the Transfer of Undertaking Regulations, it would be a matter for a Rights Commissioner to determine in law if any particular case is in compliance with the transfer of undertakings legislation. Thus, the circumstances of each individual case would have to be considered by a Rights Commissioner, in the first instance, in the light of all previous case law, including European Court of Justice case law.

If an employee has a complaint relating to alleged contravention of the Regulations on Transfer of Undertakings, the employee may bring a case, in the first instance, to a Rights Commissioner and, on appeal, to the Employment Appeals Tribunal. Any such case should be taken within six months of the date on which an employee considers that there has been a contravention of the Transfer of Undertakings Regulations

Enterprise Support Services

272. **Deputy Richard Bruton** asked the Minister for Enterprise, Trade and Innovation if he provides any advisory services for persons considering the establishment of a co-operative; or if his attention has been drawn to any support networks. [40911/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): In Ireland, co-operatives usually register as industrial and provident societies under the Industrial and Provi-

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dent Societies Acts (IPS Acts). However some choose to register as a company, and indeed some of the larger agricultural cooperatives use both company and industrial and provident legal forms in their group structures.

The Registry of Friendly Societies (RFS) administers the IPS Acts, while the Companies Registration Office (CRO) administers company law. Both of these statutory offices are located in the one building and a single Registrar has responsibility for both. These offices provide information to potential cooperatives with regard to registration requirements and the obligations of the different legal entities, but do not provide advice on the type of corporate structure to be chosen in any particular instance.

There are a number of independent umbrella organisations for specific types of cooperatives, depending on their purpose and these bodies may be in a position to advise businesses interested in the cooperative model. These include, for example, the Irish Co-operative Organisation Society (ICOS) which deals predominately with agricultural cooperatives, the National Association of Building Co-operatives (NABCO), and the National Federation of Group Water Schemes.

Departmental Expenditure

273. **Deputy Brian Hayes** asked the Minister for Enterprise, Trade and Innovation if he will provide an itemised list of payments made to external solicitors and to external barristers whose services were procured directly by the Department and by each agency and body under its aegis in the years 2007, 2008, 2009 and to date in 2010; the reason for each such procurement; if such services were procured through competitive tendering processes in every instance; and if he will make a statement on the matter. [40939/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): In the time allowed, my Department cannot collect the extensive information requested by the Deputy and, accordingly, I will forward the information to the Deputy shortly.

Redundancy Payments

274. **Deputy Tom Hayes** asked the Minister for Enterprise, Trade and Innovation when redundancy payment will issue to persons (details supplied) in County Tipperary; and if he will make a statement on the matter. [40960/10]

Minister of State at the Department of Enterprise; Trade and Innovation (Deputy Dara Calleary): My Department administers the Social Insurance Fund (SIF) in relation to redundancy matters on behalf of the Department of Social Protection. 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 statutory redundancy lump sum claim on 7 October 2010 in respect of the last individual named above. This claim awaits processing. On the basis of valid claims entered in the Redundancy Payments system, there is no record of any current redundancy claims in respect of the other individuals in question.

In respect of lump sum payments paid directly to employees in instances where employers are unable to pay the statutory redundancy entitlements, the current processing time for these claims has improved and claims dating from April 2010 are currently being processed. Of course in some instances, where the necessary supporting documentation for lump sum claims is not

provided to my Department, or where queries arise, processing of claims can be further delayed until the required documentation is provided and/or outstanding queries are resolved.

My Department continues to make every effort to reduce processing times. Measures already taken in the Department to alleviate the pressures on the Payments area include:

- Almost doubling the number of staff working solely on redundancy payment claims through reassignment to a current level of 52 full time equivalents;
- Prioritisation of the Department's overtime budget towards staff in the Section to tackle the backlog outside normal hours;
- Establishment of a special call handling facility in NERA to deal with the huge volume of telephone calls from people and businesses concerned about their payments;
- Better quality information relating to current processing times on the Department's website;
- Engagement with the Revenue Commissioners to facilitate the offset of redundancy rebate payments by employers against existing outstanding tax liabilities which those employers owe to the Revenue Commissioners.

The backlog and waiting times remain at unacceptable levels. However, improvements are evident. In 2009, my Department processed 50,664 claims, up 70% on the previous year. Furthermore, the level of new claims processed in the first nine months of 2010 was 58,202 — up over 81% on the corresponding 9-month period in 2009 (32,127) and surpassing the total amount of claims processed for the full year 2009 which came to 50,644. The backlog of claims is decreasing — reducing from its highest level in November 2009 of 43,608 to a level of 29,776 as of the end of September 2010.

Responsibility for the payment functions arising under the Redundancy and Insolvency payment schemes is due to be transferred to the Department of Social Protection with effect from 1 January 2011. In transferring the functions between Departments, it is the intention that this will operate seamlessly and without any adverse impact on the service levels being experienced by individuals or the business community awaiting payment of redundancy claims.

Job Creation

275. **Deputy Frank Feighan** asked the Minister for Enterprise, Trade and Innovation the extent, if any, to which he and his Department have engaged with the job creating sectors throughout County Roscommon with a view to generating increased employment; the steps he has taken to assist those with entrepreneurial skills or who have become unemployed with a view to encouraging job creation in County Roscommon; and if he will make a statement on the matter. [41003/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O'Keeffe): The State Development agencies, Enterprise Ireland and IDA Ireland, and the Roscommon County Enterprise Board are continuing to drive and promote enterprise development, and consequently employment creation, in County Roscommon. Enterprise Ireland is actively focused on the creation of new jobs through supporting entrepreneurs setting up new high potential start-up companies, and the retention and creation of new jobs in existing companies. The agency provides a range of supports for high potential start up companies.

Enterprise Ireland works with and supports local entrepreneurs with commercial business plans and provides preferential funding for entrepreneurs and companies, with detailed export

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plans, who are expanding or establishing a business in County Roscommon. To date in 2010, Enterprise Ireland has made payments of €951,265 to its client companies in County Roscommon. Since 2009 a total of 10 innovation vouchers were approved to companies in the County. These vouchers allow companies to spend a minimum of €5,000 towards research and development in a third level institution of their choice.

Enterprise Ireland continues to work with community groups in County Roscommon to develop Enterprise Centres designed to foster micro enterprises. The agency has approved support for Community owned or led Enterprise Centres in Arigna, Ballaghaderreen, Boyle, Castlerea and Roscommon, which is helping to provide workspace for the creation of new projects and businesses.

Roscommon County Enterprise Board supports the micro-enterprise sector, businesses with 10 employees or less, in the start-up and expansion phases and promotes entrepreneurship at local level. The Board delivers a series of programmes to underpin this role and provides both financial and non-financial assistance to a project promoter. Due to the Board’s unique relationship with its clients and the local business community, the Board can specifically tailor programmes to meet the evolving needs and requirements of small enterprises. The Board will continue to assist micro-enterprises in order to stimulate indigenous enterprise creation and to boost employment creation and retention.

IDA Ireland is concentrating its efforts on the county town of Roscommon and through its network of overseas offices the agency is actively marketing the town to potential investors. At present, there are eight IDA Ireland supported companies in County Roscommon employing approximately 817 people. The agency has invested €2.2m in a quality flagship Business Park in Roscommon and has undertaken a major upgrade and enhancement of its existing Industrial Estate at Racecourse Road/Gallowstown. The upgrade includes site services, broadband ducting and significant landscaping upgrades to bring the Park to top quality standards for marketing purposes.

276. **Deputy Frank Feighan** asked the Minister for Enterprise, Trade and Innovation the extent, if any, to which he and his Department have engaged with the job creating sectors throughout County Leitrim with a view to generating increased employment; the steps he has taken to assist those with entrepreneurial skills or who have become unemployed with a view to encouraging job creation in County Leitrim; and if he will make a statement on the matter. [41004/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): The State Development agencies, Enterprise Ireland and IDA Ireland, and the Leitrim County Enterprise Board are continuing to drive and promote enterprise development, and consequently employment creation, in County Leitrim.

Enterprise Ireland is actively focused on the creation of new jobs through supporting entrepreneurs setting up new high potential start-up companies, and the retention and creation of new jobs in existing companies. Enterprise Ireland provides a range of supports for high potential start up companies including, financial supports, business and marketing advice, mentoring and product development. Enterprise Ireland works with and supports local entrepreneurs with commercial business plans and provides preferential funding for entrepreneurs and companies, with detailed export plans, who are expanding or establishing a business in the County. On September 28, 2010, an Enterprise Start event was held in the Sligo Enterprise Ireland office for Sligo and Leitrim.

To date in 2010, Enterprise Ireland has made payments of €791,353 to its client companies in County Leitrim. A total of 11 Innovation Vouchers were approved to companies in Co. Leitrim since 2009. This allows the company to spend a minimum of €5,000 towards R&D in a third level institution of their choice.

Enterprise Ireland continues to work with community groups in County Leitrim to develop Enterprise Centres designed to foster micro enterprises. Enterprise Ireland has approved funding of over €2.3 million in support of Community Enterprise Centres in the County. These include Centres in Drumshanbo, Carrick-on-Shannon, Mohill, Drumkeerin, Ballinamore, Keshcarrigan and Manorhamilton.

Leitrim County Enterprise Board provides support for small businesses with 10 employees or fewer in the start-up and expansion phases, develops indigenous micro-enterprise potential and promotes entrepreneurship at local level. The Board delivers a series of programmes to underpin this role and can provide both financial and non-financial assistance to a project promoter. Due to the Board's unique relationship with its clients and the local business community, the Board can specifically tailor programmes to meet the evolving needs and requirements of small enterprises. The Board will continue to assist micro-enterprises in order to stimulate indigenous enterprise creation and to boost employment creation and retention.

In addition to marketing County Leitrim for new investments, IDA Ireland is actively engaged with its existing base of companies in the County, highlighting the ongoing importance of upskilling and reskilling and the need to add high value activities in order to ensure their sustainability and ongoing development. At present, there are 5 IDA supported companies in the County employing 988 people in full-time employment.

Redundancy Payments

277. **Deputy Frank Feighan** asked the Minister for Enterprise, Trade and Innovation the position regarding an application for redundancy payment in respect of a person (details supplied). [41017/10]

Minister of State at the Department of Enterprise; Trade and Innovation (Deputy Dara Calleary): My Department administers the Social Insurance Fund (SIF) in relation to redundancy matters on behalf of the Department of Social Protection. 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 wish to advise the Deputy that on the basis of valid claims entered in the Redundancy Payments System in my Department, there is no record of a redundancy claim having been received in respect of the individual in question. It is my Department's practice not to enter incomplete claims on the system as these claims cannot be processed until the necessary documentation is submitted. Forms are returned to allow missing details and/or supporting documentation to be submitted. Submission of correctly completed Redundancy claim forms (RP50's) with all of the required documentation greatly facilitates the processing of claims.

Under Redundancy legislation the onus, in the first instance, is on the employer to pay to the employee their redundancy entitlements. The employer is then entitled, by virtue of pay related social contributions to the Social Insurance Fund, to recover 60% of the amount paid to the employee.

In circumstances where the employer is unable to pay the redundancy entitlements, a claim can be lodged with the Department and the documentation required in support of lump sum claims is evidence of the employer's inability to pay the redundancy entitlements to the

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employees. This involves requesting a statement from the company's Accountant or Solicitor attesting to the inadequacy of assets to make the redundancy payments and, the latest set of financial accounts for the company. The employer is also asked to admit liability for the 40% liability attaching to the company arising from the redundancy payments.

If this information is provided to the Department, the employees are paid their redundancy entitlement from the Social Insurance Fund. Upon payment, the Department pursues the company for the 40% share that the company would ordinarily have been expected to pay to the employees.

If the necessary supporting documentation required from the employer is not provided to my Department, the employee will be advised by my Department to take a case to the Employment Appeals Tribunal (EAT) against the employer to seek a determination establishing the employee's right and entitlement to redundancy. Once such a determination is available, the Department is then in a position to make the payment to the employee concerned. Should the outstanding documentation be provided by the employer during the period while the case is pending a hearing before the EAT, this would allow the claim to be processed by my Department in the usual way.

Departmental Expenditure

278. **Deputy Brian Hayes** asked the Minister for Community, Equality and Gaeltacht Affairs if he will provide an itemised list of payments made to external solicitors and to external barristers whose services were procured directly by the Department and by each agency and body under its aegis in the years 2007, 2008, 2009 and 2010; the reason for each such procurement; if such services were procured through competitive tendering processes in every instance; and if he will make a statement on the matter. [40936/10]

Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey): The information sought by the Deputy in relation to my Department and the State bodies funded from its Vote Group is provided in the accompanying table. In each case, the services of external solicitors and external barristers were procured to provide essential legal advice, legal opinion or to carry out specialist legal work where the legal expertise required was not available in-house. In cases where a competitive tendering process was not held, this generally arose where the solicitor or barrister had extensive, specialist knowledge of a particular area. A number of appointments were also made following consultation with the Attorney General's Office.

In relation to payments made by the Equality Authority, Equality Tribunal, the Irish Human Rights Commission and the Western Development Commission, it has not been possible to compile this information within the time available. I am arranging for the remainder of the material to be provided directly to the Deputy as soon as possible.

Body/Agency Name	Name of Solicitor/Barrister	Amount Paid 2007	Amount Paid 2008	Amount Paid 2009	Amount Paid 2010 to date	Was a Competitive Tendering Process Held?
Department of Community, Equality & Gaeltacht Affairs	A & L Goodbody	€ Nil	€ Nil	€ 6,094	€ Nil	No
	Alexander J Ownes	21,614	Nil	Nil	Nil	No
	Seán Ó Cearbhaill	Nil	61	Nil	Nil	No
Commissioner of Charitable Donations and Bequests	Margetson Greene	Nil	Nil	Nil	33,475	No
	Maxwells	Nil	Nil	Nil	800	No
		Nil	Nil	Nil	2,950	No
		484	Nil	Nil	Nil	No
Dormant Accounts Board	James O'Reilly	1,210	Nil	Nil	Nil	No
	KMB Solicitors	1,906	Nil	Nil	Nil	No
	Maples & Calder	Nil	5,117	Nil	Nil	No
Údarás na Gaeltachta	Brian Conroy	Nil	Nil	Nil	1,512	Yes
	Ciara O' Callaghan	Nil	Nil	2,250	Nil	Yes
	Dáithí Mac Cárthaigh	Nil	Nil	Nil	647	Yes
	Ercus Stewart	1,525	Nil	Nil	Nil	Yes
	Ercus Stewart	Nil	5,445	Nil	Nil	Yes
	Garrett Simons	Nil	Nil	Nil	2,420	Yes
	George Brady	1,815	Nil	Nil	Nil	Yes
	George Brady	Nil	2,420	Nil	Nil	Yes
	George Brady	Nil	Nil	1,823	Nil	Yes
	George Brady	Nil	Nil	Nil	4,840	Yes
	George Brady	Nil	Nil	Nil	908	Yes
	George Brady	Nil	Nil	Nil	1,210	Yes
	Geraldine Glynn	5,266	Nil	Nil	Nil	Yes

Body/Agency Name	Name of Solicitor/Barrister	Amount Paid 2007	Amount Paid 2008	Amount Paid 2009	Amount Paid 2010 to date	Was a Competitive Tendering Process Held?
		€	€	€	€	
	Geraldine Glynn	Nil	Nil	1,628	Nil	Yes
	Geraldine Glynn	Nil	Nil	182	Nil	Yes
	McCann Fitzgerald Solicitors	Nil	Nil	911	Nil	Yes
	Purtill Solicitors	Nil	Nil	Nil	250	Yes
	Quinn Dillon & Co. M Solicitors	Nil	1,994	Nil	Nil	Yes
	RDJ Glynn Solicitors	Nil	Nil	Nil	3,630	Yes
	Úna Tighe	1,452	Nil	Nil	Nil	Yes
	Úna Tighe	545	Nil	Nil	Nil	Yes
	Úna Tighe	Nil	23,172	Nil	Nil	No
An Coimisinéir Teanga	Antóin de Lap	6,302	Nil	Nil	Nil	Yes
	Antóin de Lap	Nil	6,899	Nil	Nil	Yes
	Antóin de Lap	Nil	Nil	7,859	Nil	Yes
	Antóin de Lap	Nil	Nil	Nil	1,948	Yes
	Séamus Ó Tuathail	4,515	Nil	Nil	Nil	Yes
	Séamus Ó Tuathail	Nil	4,384	Nil	Nil	Yes
	Séamus Ó Tuathail	Nil	Nil	4,391	Nil	Yes
	Séamus Ó Tuathail	Nil	Nil	Nil	918	Yes
National Advisory Committee on Drugs	Philip Lee Solicitors	14,633	Nil	Nil	Nil	No
		Nil	9,970	Nil	Nil	No
		Nil	Nil	2,178	Nil	No
		Nil	Nil	Nil	1,403	No

Body/Agency Name	Name of Solicitor/Barrister	Amount Paid 2007	Amount Paid 2008	Amount Paid 2009	Amount Paid 2010 to date	Was a Competitive Tendering Process Held?
Waterways Ireland	Andrew Crean-Lynch Solicitor	€ Nil	€ 27,915	€ Nil	€ Nil	Yes
	Arthur Cox	Nil	12,571	Nil	Nil	Yes
	Arthur Cox	6,529	Nil	Nil	Nil	Yes
	Carson McDowell	Nil	Nil	Nil	1,197	Yes
	Copeland McCaffrey Solicitors	3,649	Nil	Nil	Nil	Yes
	Copeland McCaffrey Solicitors	Nil	36,203	Nil	Nil	Yes
	Elliott Duffy Garrett	Nil	Nil	Nil	1,050	Yes
	Elliott Duffy Garrett	Nil	Nil	130	Nil	Yes
	Elliott Duffy Garrett	Nil	1,767	Nil	Nil	Yes
	FJ Gearty & Co Solicitors	Nil	Nil	Nil	1,013	Yes
	Kerin, Hickman & O'Donnell Solicitors	801	Nil	Nil	Nil	Yes
	Legal Euro One Off Supplier*	10,470	12,841	29,416	9,455	Yes
	Legal Sterling One Off Supplier*	Nil	Nil	669	Nil	Yes
	LK Shields Solicitors	29,217	Nil	Nil	Nil	Yes
	LK Shields Solicitors	Nil	Nil	Nil	4,880	Yes
	LK Shields Solicitors	Nil	Nil	67,965	Nil	Yes
	LK Shields Solicitors	Nil	57,300	Nil	Nil	Yes
	Lucas Associates	Nil	Nil	Nil	616	Yes
	Lucas Associates	Nil	Nil	7,639	Nil	Yes
	Mason Hayes & Curran	Nil	Nil	4,485	Nil	Yes
Mason Hayes & Curran	54,114	Nil	Nil	Nil	Yes	
Mason Hayes & Curran	Nil	16,936	Nil	Nil	Yes	
Matheson Ormsby Prentice	11,342	Nil	Nil	Nil	Yes	
Matheson Ormsby Prentice	Nil	10,213	Nil	Nil	Yes	

Body/Agency Name	Name of Solicitor/Barrister	Amount Paid 2007	Amount Paid 2008	Amount Paid 2009	Amount Paid 2010 to date	Was a Competitive Tendering Process Held?
		€	€	€	€	
	McCann Fitzgerald Solicitors	40,159	Nil	Nil	Nil	Yes
	McCann FitzGerald Solicitors	Nil	Nil	Nil	6,508	Yes
	McCann FitzGerald Solicitors	Nil	Nil	13,682	Nil	Yes
	McCann FitzGerald Solicitors	Nil	7,941	Nil	Nil	Yes
	Morgan McManus Solicitors	Nil	Nil	Nil	46,592	Yes
	Morgan McManus Solicitors	Nil	Nil	229,595	Nil	Yes
	Morgan McManus Solicitors	32,807	Nil	Nil	Nil	Yes
	Morgan McManus Solicitors	Nil	48,522	Nil	Nil	Yes
	Murnaghan & Fee Solicitors	Nil	Nil	Nil	53,763	Yes
	Murnaghan & Fee Solicitors	Nil	30,575	Nil	Nil	Yes
	Murnaghan & Fee Solicitors	26,463	Nil	Nil	Nil	Yes
	Murnaghan & Fee Solicitors	Nil	Nil	38,515	Nil	Yes
	P O'Connor and Son	363	Nil	Nil	Nil	Yes
	P O'Connor and Son	Nil	11,807	Nil	Nil	Yes
<i>**Payments to several payees where individual supplier details are not kept electronically</i>						
An Foras Teanga', comprising: <i>Ulster-Scots Agency</i>	Johns Elliot	Nil	13,584	Nil	Nil	No
	Johns Elliot	Nil	Nil	163	Nil	No

Body/Agency Name	Name of Solicitor/Barrister	Amount Paid 2007	Amount Paid 2008	Amount Paid 2009	Amount Paid 2010 to date	Was a Competitive Tendering Process Held?
<i>Foras na Gaeilge</i>		€	€	€	€	
	Barry Mulqueen	5,400	Nil	Nil	Nil	No
	Edge Manning & Co Solicitors	13,250	Nil	Nil	Nil	No
	Edge Manning & Co Solicitors	Nil	4,913	Nil	Nil	No
	Edge Manning & Co Solicitors	Nil	Nil	10,910	Nil	No
	Edge Manning & Co Solicitors	Nil	Nil	Nil	16,216	No
	Gearóid Mac Unfraidh	908	Nil	Nil	Nil	No
	Gearóid Mac Unfraidh	Nil	Nil	255	Nil	No
	Gearóid Mac Unfraidh	Nil	Nil	Nil	7,360	No
	Mason Hayes Curran	Nil	Nil	38,762	Nil	No
	O' Hare Solicitors	15,264	Nil	Nil	Nil	No
	Peter Ward	Nil	Nil	638	Nil	No
	Philip Lee Solicitors	23,885	Nil	Nil	Nil	No
	Philip Lee Solicitors	Nil	6,067	Nil	Nil	No
	Reddy Charlton McKnight	Nil	Nil	68,812	Nil	No
	Séamas Ó Tuathail	545	Nil	Nil	Nil	No
Séamas Ó Tuathail	Nil	Nil	Nil	10,496	No	
<i>Bord na Leabhar Gaeilge</i>	Edge Manning & Co Solicitors	363	Nil	Nil	Nil	No
	F.G McCarthy Solicitors	1,421	Nil	Nil	Nil	No
	Mullaney Solicitors	605	Nil	Nil	Nil	No
	Sweeney McGann	6,534	Nil	Nil	Nil	No

Body/Agency Name	Name of Solicitor/Barrister	Amount Paid 2007	Amount Paid 2008	Amount Paid 2009	Amount Paid 2010 to date	Was a Competitive Tendering Process Held?
<i>Clár na Leabhar Gaeilge**</i>	Edge Manning & Co Solicitors	€ Nil	€ 5,445	€ Nil	€ Nil	No
	Edge Manning & Co Solicitors	Nil	Nil	1,337	Nil	No
	Gearóid Mac Unfraidh	Nil	605	Nil	Nil	No
	Sweeney McGann	Nil	11,158	Nil	Nil	No
<i>**Successor programme following abolition of Bord na Leabhar Gaeilge</i>						
National Disability Authority	A L Goodbody	46,988	Nil	Nil	Nil	No
	A L Goodbody	22,763	Nil	Nil	Nil	No
	A L Goodbody	Nil	14,740	Nil	Nil	No
	A L Goodbody	Nil	5,675	Nil	Nil	No
	A L Goodbody	Nil	Nil	2,751	Nil	No
	A L Goodbody	Nil	Nil	Nil	4,527	No
	Beauchamps	12,100	Nil	Nil	Nil	No
	Beauchamps	Nil	17,327	Nil	Nil	Yes
	Beauchamps	Nil	7,089	Nil	Nil	Yes
	Beauchamps	Nil	1,791	Nil	Nil	Yes
	Beauchamps	Nil	Nil	459	Nil	No
	BCM Hanby Wallace	Nil	Nil	7,108	Nil	Yes
Family Support Agency	A+L Goodbody Solicitors	20,907	Nil	Nil	Nil	Yes
		Nil	39,217	Nil	Nil	
		Nil	Nil	16,644	Nil	
		Nil	Nil	Nil	20,247	

279. **Deputy Lucinda Creighton** asked the Minister for Community, Equality and Gaeltacht Affairs the progress made in implementing each specific recommendation of the Special Group on Public Sector Service Numbers and Expenditure Programmes report that pertains to his Department in tabular form; the savings achieved in relation to each specific recommendation; and if he will make a statement on the matter. [40954/10]

Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey): As I recently advised the Deputy, the Report of the Special Group on Public Service Numbers and Expenditure Programmes presented a set of options to reduce expenditure and staff numbers across the public sector. These options were considered by the Government in the context of the 2010 Budget.

Gross savings of some €57 million, or almost 12%, were achieved in the 2010 Revised Estimates Volume (REV) for the Vote of the then Department of Community Rural and Gaeltacht Affairs, relative to the 2009 REV. While the allocations in most expenditure programmes were reduced, the primary concern was to protect as much as possible the daily front-line services being funded through my Department, especially those focused on the needs of the most socially deprived communities.

With regard to the reduction in staff numbers, the Government's moratorium on staff recruitment and promotion and other associated measures, including the incentivised early retirement scheme, have achieved, and continue to achieve, reductions in staff numbers across my Department and relevant agencies.

In terms of specific recommendations by the Special Group, one key recommendation was predicated on my Department being dissolved and its functions transferred to other Departments. Other recommendations related to the abolition or transfer between Departments of specified functions. In this regard, the Deputy will be aware that, as part of the restructuring of Departments and agencies announced in March last by the Taoiseach to ensure greater coherence and produce more efficient delivery, my Department has taken over responsibility for (i) social inclusion policy and family policy from the Department of Social Protection and (ii) equality, disability, integration and human rights from the Department of Justice and Law Reform.

In relation to other recommendations by the Special Group, the Deputy should note that:

- The funding of a number of programmes referred to is subject to ongoing consideration of options in the context of the forthcoming Budget;
- The Government's key objective in the *cohesion* process at this time is to ensure greater efficiencies and value for money through the new Local and Community Development Programme. The Programme will be subject to robust monitoring and evaluation and will be implemented through a single delivery structure in each area from January next year. The consolidation/reduction of other structures under my Department's remit will be reviewed over the coming period;
- The future of the Western Development Commission remains under consideration in the context of the ongoing general review of enterprise structures;
- It is anticipated that the Dormant Accounts (Amendment) Bill, which will, inter alia, dissolve the Dormant Accounts Board will be published during the present parliamentary session;

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- Options in relation to the future functions of the Family Support Agency are under review and proposals relating to the reallocation of some functions of the Equality Tribunal will fall to be considered in the context of the review of the equality and human rights bodies currently under way;
- Responsibility for the Community Services Programme has transferred to the Department of Social Protection;
- The Gaeltacht Housing Grant Scheme was suspended in April 2009. While existing commitments under the scheme continue to be met, no new commitments have been created since that time; and
- Other issues with regard to the funding of Irish language/Gaeltacht programmes and the future role of Údarás na Gaeltachta are subject to ongoing consideration in the context of both the forthcoming Budget and the anticipated publication of the 20-year Strategy for Irish. The draft Strategy has been subject to review by the relevant Oireachtas Committee and it is anticipated that the matter will be re-submitted to Government in the coming period.

In light of the foregoing, the Deputy will appreciate that any calculation of savings arising would be premature at this stage.

Departmental Investigations

280. **Deputy Bernard J. Durkan** asked the Minister for Defence the extent to which he has examined alleged irregularities in the Irish Red Cross; when he expects such inquiries to be concluded; and if he will make a statement on the matter. [40868/10]

Minister for Defence (Deputy Tony Killeen): The Irish Red Cross Society is an independent statute based charitable organisation with full power to manage its own affairs. The Minister for Defence has no function in the administration of the Irish Red Cross Society and does not get involved in the day-to-day running of its affairs. It is my understanding that the issue of the bank account in question is being dealt with by the Society. It is also my understanding that all funds have been properly accounted for. The Society has put in place new and revised procedures so that such circumstances do not recur.

Departmental Expenditure

281. **Deputy Brian Hayes** asked the Minister for Defence if he will provide an itemised list of payments made to external solicitors and to external barristers whose services were procured directly by the Department and by each agency and body under its aegis in the years 2007, 2008, 2009 and to date in 2010; the reason for each such procurement; if such services were procured through competitive tendering processes in every instance; and if he will make a statement on the matter. [40937/10]

Minister for Defence (Deputy Tony Killeen): In 2007 McCann Fitzgerald solicitors were contracted, through a competitive tendering process, to provide legal drafting, research and advice services in relation to the drafting of new Rules and Procedure and Court Martial Rules following the enactment of the Defence (Amendment) Act, 2007. A payment for this service was made in 2008 to the value of €53,845 which included VAT. The Defence Forces Canteen board have procured legal advice from B.P. McCormack & Son, Solicitors, when required, since 1944. The only payment made in the years listed was a payment of €5,505.50 in 2008 in

relation to two cases. Firstly, advice was sought concerning the amendment of Regulations and secondly legal advice sought in a case taken by an employee of the Board.

Overseas Missions

282. **Deputy David Stanton** asked the Minister for Defence, further to reports in a newspaper (details supplied), if it is true that his Department is owed moneys from the UN for peace-keeping operations; the amount outstanding and the operations for which it is owed; the way this article reconciles with his statement to the Select Committee on Justice, Defence and Women's Rights on 20 October 2010. [40998/10]

Minister for Defence (Deputy Tony Killeen): The Department replied on 8th October 2010 to a query received from the newspaper in question regarding amounts due to Ireland, from the United Nations (UN), in respect of peacekeeping operations. As of 30th September 2010, the UN owed Ireland approximately €5.6 million. However, on 11th October a payment of approximately €5 million was received from the UN, thereby reducing the amount currently owed to Ireland to €0.6 million in respect of UNIFIL (Lebanon), sea/air transport costs.

The €5 million UN payment was in respect of equipment deployed by the Defence Forces to the United Nations Mission in the Central African Republic and Chad (MINURCAT). In accordance with the terms of a Memorandum of Understanding agreed between Ireland and the UN for Ireland's contribution of troops and equipment to MINURCAT, all costs have now been received. A claim is currently being processed by the Department for submission to the UN in respect of costs associated with the withdrawal of the Irish Contingent from MINURCAT. Since 01 January 2010, the UN has paid a total of €8m approximately to Ireland in respect of costs associated with the deployment of Defence Forces personnel to UN missions, the bulk of which was in respect of the MINURCAT mission.

Defence Forces Strength

283. **Deputy David Stanton** asked the Minister for Defence, further to Parliamentary Question No. 545 of 19 October 2010, if he will provide a breakdown of the number of Permanent Defence Forces cadre personnel by Reserve Defence Forces unit; and if he will make a statement on the matter. [40999/10]

Minister for Defence (Deputy Tony Killeen): A breakdown of the number of Permanent Defence Force (PDF) Cadre personnel by Reserve Defence Force (RDF) unit is being compiled and will be forwarded to the Deputy as soon as it becomes available.

284. **Deputy David Stanton** asked the Minister for Defence the number of Permanent Defence Forces personnel currently acting up to fill vacancies within the PDF; the number of same who are being paid additional moneys towards their additional duties; and if he will make a statement on the matter. [41000/10]

Minister for Defence (Deputy Tony Killeen): The number of members of the Permanent Defence Force who are being paid acting/substitution allowance for performing the duties of a higher rank is as follows:

Enlisted Personnel

With effect from the last payroll, which in the case of Enlisted Personnel was the 20 October 2010, 97 Enlisted Personnel were paid for performing the duties of a higher rank (39 were paid Acting Allowance and 58 were paid Substitution Allowance).

[Deputy Tony Killeen.]

Officers

With effect from the last payroll, which in the case of Officers was the 29 October 2010, 95 Officers were paid for performing the duties of a higher rank (93 were paid Substitution Allowance and 2 were paid Acting Allowance).

Agreement on an Employee Control Framework has been reached with the Department of Finance, which is based on a figure of 10,000 all ranks Permanent Defence Force personnel, appropriately configured across the Army, Naval Service and Air Corps to enable them meet the roles assigned by Government. The issue of the payment of an acting/substitution allowance, to members of the Permanent Defence Force, for performing the duties of a higher rank is being addressed within the implementation of the ECF and the review of the structures and posts required to meet the operational requirements of the Permanent Defence Force.