

DÁIL ÉIREANN

*Déardaoin, 6 Deireadh Fómhair 2011.
Thursday, 6 October 2011.*

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

Paidir.

Prayer.

Leaders' Questions

Deputy Éamon Ó Cuív: The private pension levy is already causing severe hardship for pensioners and will have a major effect on pensioners in the future. The pensioners from Tara Mines who protested outside the gates recently outlined the effect this measure would have on them. As a former Minister for Social Protection, I am aware that pensions were already under pressure owing to the global downturn. The Government, against the advice of the Pensions Board and officials in the Departments of Social Protection and Finance, has added to the pressure on pensioners. Its excuse for introducing the pension levy was that it would be used to create jobs. However, it was confirmed by the Minister for Finance yesterday that only slightly more than half of the money collected by the pension levy this year would be used for job creation purposes. I have a simple question for the Tánaiste. Will the Government introduce legislation to refund to pensioners the money taken from them by the Government under false pretences?

Deputy Brendan Howlin: We have to fill the hole the previous Government left behind.

The Tánaiste: What the Government has had to do is undo the mess Deputy Ó Cuív and his colleagues made prior to the general election.

(Interruptions).

Deputy Niall Collins: The Tánaiste should answer the question.

An Ceann Comhairle: Please give him a chance to answer.

The Tánaiste: In case Deputy Ó Cuív has forgotten the large number of people who are out of work, the Government, as part of its jobs initiative, introduced a temporary levy on pensions of 0.6%, which is considerably less than the amount many companies are charging in administration costs. The companies in question are perfectly capable of absorbing the levy. The jobs initiative launched by the Government last May is working. As the Deputy will have noted from the live register figures published yesterday, we have had the biggest drop in unemployment in four years.

Deputy Martin Ferris: Emigration is the reason for that.

Deputy Timmy Dooley: Is the Tánaiste meeting our emigrants on his many trips abroad?

Deputy John Browne: Perhaps they are all at the rugby world cup.

Deputy Brendan Howlin: The Deputies opposite have no shame.

The Tánaiste: There has been a significant reduction in unemployment. In addition, the Government is continuing with its strategy to focus on job creation through the strategic investment programme we have announced and initiatives such as the global Irish economic forum which will take place at the weekend and is intended to bring together people who are in a position to create employment and encourage investment in this country. The pension levy is a temporary measure designed to fund the jobs initiative which has already shown that it is working both in respect of reducing the number of people who are unemployed and creating jobs. That is the priority for the Government and the way to economic recovery.

Deputy Seamus Healy: More than 30,000 jobs have been lost since the Government came to power.

Deputy Éamon Ó Cuív: The live register always drops significantly at this time of the year. One of the main reasons for this is the back-to-education allowance the previous Government extended in recent years. I asked a specific question on the pension levy. Slightly more than half the money raised through the levy will be spent on job creation measures. If the Tánaiste checks the expenditure of the Department of Social Protection, he will see it had recorded an underspend of €10 million on its employment measures at the end of August. I do not yet have the detailed figures for the end of September. The money is being collected, but it is not being spent on job creation measures. Will the Government refund the pensioners the money taken from them under false pretences?

The Tánaiste: All of the money being collected by way of the pension levy is to be used for job creation measures in the four year profile of the jobs initiative. As I indicated, the levy is a temporary measure, the purpose of which is to support the jobs initiative and the creation of employment. While the Deputy is correct that the number on the live register falls every September, the decline in September was the highest recorded in any single month, surpassing the previous largest fall recorded in September 2010. The number on the live register is 32,272 lower than in August 2011 and almost 5,000 lower than in September last year.

Deputy Éamon Ó Cuív: The pension levy is a stealth tax, as the Tánaiste would call it.

Deputy Brendan Howlin: The Deputy has a brass neck.

Deputy Mary Lou McDonald: I am sure the Tánaiste's eyes watered, as mine did, when he read reports that bonus payments to the tune of €925,000 had been received by executives at Anglo Irish Bank. While I accept the payments were not made on his watch, one individual at the bank is due to receive a payment of €51,000. I am sure that, like me and everyone else in the country, the Tánaiste is mystified at how individuals in an institution that has driven the State to the brink can be due bonus payments. I want to know, first, what the Government will do about that individual payment and, more broadly in regard to Anglo Irish Bank, how 22 of the 50 senior people who were employed in the bank at a time when it was at the height of its dangerous casino capitalism can remain there, and how 19 of those can receive salaries in excess of €175,000. After all, this is now a nationalised bank, although toxic and the root of many of our evils. How is it that people can receive these salaries and what will the Government do about it? In the same vein, developers in NAMA are pocketing €200,000. As the Tánaiste

and leader of the Labour Party, how can Deputy Gilmore preside over a scenario where people who made a material contribution to the damage done to this State and the wrecking of our economy can walk away with such big salaries while people on low wages are suffering?

The Tánaiste: I will not defend for one moment bonuses paid to anyone in Anglo Irish Bank. As the Deputy well knows and acknowledged, the bonuses she refers to arose prior to 2009 and the nationalisation of that bank. Since that date bonuses have been ended. Those she refers to are bonuses that arose or were contractually committed to prior to 2009.

The Government is in the process of winding down Anglo Irish Bank. It was a toxic performer in the Irish economy and contributed greatly to the difficulties we now have. None of the board members who were there at the time of the difficulties that arose in 2008 and 2009 are in position now and there has been a complete change at board level. There is a continuing change in respect of the senior personnel in that bank and the Government is continuing with its programme to wind down the bank and minimise the cost to the Irish taxpayer.

Deputy Mary Lou McDonald: One payment of €51,000 is due. I do not accept the Tánaiste's argument which he has also used in respect of senior public servants, claiming he has to sit on his hands. I ask again what he will do about that payment. Twenty-two of the 50 senior personnel in Anglo Irish Bank are still within the bank. I reiterate for the Tánaiste, that of that 22, 19 take home a salary in excess of €175,000. What will he do about that? He and his colleagues are quick to attack people on welfare payments, accusing those out of work of making a lifestyle choice. The Tánaiste is offering some lifestyle opportunity to officials and senior employees in a toxic bank that has brought us to the brink of ruin. He allows them to walk away with salaries in excess of €175,000. The rhetoric of Government commitment to winding down Anglo Irish Bank and the Tánaiste's words of anger in respect of that bank hold no water. What will he do about the senior employees in the bank and their runaway wages? How can he explain to the public a Government strategy that targets people on welfare and low pay and takes a hands-off attitude to fat cats and those who have brought such tremendous hardship to the country?

The Tánaiste: The Deputy is wrong.

Deputy Mary Lou McDonald: The Deputy is not wrong.

The Tánaiste: The Government does not have a strategy——

Deputy Timmy Dooley: You are dead right there.

The Tánaiste: ——of targeting people on social welfare or low pay. On the contrary, this Government is defending and supporting those who have lost their jobs——

Deputy Pearse Doherty: The household package.

The Tánaiste: ——and find themselves on social welfare payments, and those on low pay.

Deputy Timmy Dooley: These people are not on low pay.

(Interruptions).

The Tánaiste: That is why we reversed the cut in the minimum wage——

Deputy Colm Keaveney: Hear, hear.

The Tánaiste: ——and why we are introducing legislation to reinstate the joint labour committees, JLCs, and regulated employment agreements. That is why this Government will ensure

[The Tánaiste.]

that those who have lost jobs and are dependent on welfare payment and people who are on low pay will be defended and protected——

Deputy Mary Lou McDonald: Answer the question about Anglo Irish Bank.

(Interruptions).

Deputy Timmy Dooley: The people in Anglo Irish Bank are not on the minimum wage.

The Tánaiste: There will be fairness. Let us tell the story a different way because grand-standing about this issue will not solve the problem.

Deputy Timmy Dooley: You spent enough time over in the Opposition benches grand-standing. You were there every day.

(Interruptions).

An Ceann Comhairle: Please be quiet, thank you.

The Tánaiste: Of the 50 people who were at senior level in Anglo Irish Bank prior to nationalisation, 28 are gone——

Deputy Mary Lou McDonald: Twenty-two remain.

The Tánaiste: ——and the Government continues with its programme to wind down that bank.

Deputy Colm Keaveney: Hear, hear.

Deputy Timmy Dooley: Take credit for the ones that are gone. The ones who remain are our problem.

The Tánaiste: Of those who were at board level at that stage, all are gone. This Government will not stand over the featherbedding of any person in any part of the banking system——

Deputy Pearse Doherty: Twenty-two moved into new senior positions.

The Tánaiste: The Government is winding down Anglo Irish Bank and the Deputy and the people can be assured that this Government will act fairly and proportionately to everyone. The Deputy's assertion and others of the kind she makes to the effect that this Government is not supporting people on low pay and that there is a different rule for those on high pay are not borne out by the facts.

Deputy Mary Lou McDonald: It is borne out by the facts.

The Tánaiste: We are winding down that bank, will continue to do so and complete it.

(Interruptions).

An Ceann Comhairle: I ask Deputies to listen. Deputy Buttimer is at it again.

Deputy Jerry Buttimer: I apologise, a Cheann Comhairle.

An Ceann Comhairle: We live in a democracy. If someone asks a question the person who is asked that question is entitled to give the answer.

Deputy Colm Keaveney: They do not like the truth. They cannot handle it.

An Ceann Comhairle: Equally, the person who asks the question is entitled to get the answer.

Deputy Colm Keaveney: Intimidation tactics.

An Ceann Comhairle: We live in a democracy and as long as that is the case, that will apply to you, Deputy Keaveney. I ask Deputies to behave as if they were elected to a democracy. I call Deputy Higgins.

Deputy Joe Higgins: Connolly Hospital in Blanchardstown is a vital acute facility for 333,000 people from Meath to west Dublin and Kildare to north-west Dublin. Recently the HSE demanded a costing on what it would save the hospital to go from a 24-hour accident and emergency service to a 12-hour service. The Minister for Health, Deputy Reilly, stated at the hospital on Monday there was no such plan. We accept that for now and will park it.

Today, however, there was devastating news. Staff in the hospital received a memo stating that 12 of 31 beds in the acute Laurel ward are closed with immediate effect and a surgical day ward with 24 beds will shortly be closed for two weeks and will return with only 8 of the 24 beds. This means that 30 to 40 day procedures will now be reduced to ten or 13. This is devastating news for the staff, the patients and especially for those suffering on waiting lists, and it arises from the most draconian cuts. In 2009 the hospital had a budget of €104 million; this year that budget is €84 million, a devastating 20% cut. The HSE acknowledges this is one of the best and most efficient hospitals in the country. In what is termed “activity” it has returned 4% over target and is supremely successful, but now it is being hammered into the ground with enormous consequences for the sick and suffering who languish for longer periods on waiting lists. Is the Tánaiste serious in standing over the devastation of this facility — named after a great socialist, James Connolly — and others throughout the country when, as indicated in a reply to a parliamentary question tabled last week, €17 billion in interest payments alone is to be paid to bondholders in Anglo Irish Bank during the next 20 years? That amount is in addition to the €30 billion for the bailout. Is that not absolutely breathtaking? Will the Tánaiste demand the immediate reversal of these cuts to the funding for this critical hospital facility?

The Tánaiste: Deputy Higgins referred to a circular which, I understand, was issued to staff this morning. I have not seen that circular and I do not know what is in it.

Deputy Joe Higgins: I told the Tánaiste what is in it.

The Tánaiste: No, the Deputy told me his version of what is in it.

Deputy Timmy Dooley: Does the Tánaiste doubt Deputy Higgins’s version? There will be plenty more versions in the coming weeks.

(Interruptions).

An Ceann Comhairle: Will Deputies allow the Tánaiste to reply?

The Tánaiste: Deputy Higgins described it in apocalyptic terms and referred to it as devastating.

Deputy Dara Calleary: The Tánaiste is good at using apocalyptic terms. He wrote the book on that subject.

The Tánaiste: Let us calm down. As the Deputy acknowledged, the Minister for Health assured him on the 24-hour accident emergency service.

Deputy Timmy Dooley: Did the Minister say the same thing to the Tánaiste in respect of Loughlinstown hospital?

The Tánaiste: All hospitals must operate within their budgets. The Government's policy is to ensure that they operate and function in a way that best serves patients.

Deputy Dara Calleary: Not in Galway.

The Tánaiste: This means that there will be changes from time to time in the way in which services are provided in individual hospitals. It also means that there will be changes in the context of the procedures that will be performed in certain hospitals and not in others. In turn, this will mean that there will be implications in respect of the wards that will be used, the number of beds that will be open in particular units, and so on.

We must consider the overall level of service. Yesterday, the Cabinet sub-committee on health examined the question of how the best service can be provided to patients in a way that is cost-effective and that is capable of being managed as efficiently as possible. This matter must be addressed by the management in individual hospitals, including that at James Connolly Hospital which, as the Deputy indicated, is a fine facility that provides very good services. To represent the situation as though there is some kind of Government agenda with regard to closing down hospitals and hospital services is incorrect. Nothing could be further from the truth. The Government is seeking to ensure that patients are provided with the best possible hospital and health services within the limited resources available.

Deputy Billy Kelleher: There are 50 people on trolleys in Our Lady of Lourdes Hospital, Drogheda.

Deputy Joe Higgins: I said nothing about closing down the hospital. The Tánaiste waffled around the issue. What happened to the outrage he expressed when he sat on this side of the Chamber——

Deputy Brendan Howlin: The Deputy was in Europe at that time.

Deputy Joe Higgins: ——regarding the devastating effects of health cutbacks, the suffering of individuals on waiting lists and the fact that working class people and those on middle and lower incomes cannot afford private health insurance? What happened to the Tánaiste's concern for them? The fact is that the budget is set in an arbitrary manner. A cut of €20 million in the hospital's funding will be devastating. There is no point in the Tánaiste referring to the overall level of service and hinting that perhaps some other hospital — for example, Beaumont — can provide what is required. Beaumont and the Mater are already under the most devastating pressure. The position is apocalyptic for those awaiting hospital procedures at a time when there has been a wholesale reduction in the level of services. This gives rise to grievous suffering and places huge pressure on staff.

An Ceann Comhairle: Will the Deputy ask his supplementary question?

Deputy Joe Higgins: I remind the Tánaiste that the doctors in Blanchardstown, who take their responsibilities very seriously, have delivered in terms of the work they do. They have written to local public representatives, including the Ministers for Social Protection and Transport, Tourism and Sport, Deputies Burton and Varadkar — who are betraying the hospital —

and stated that they cannot guarantee that it will be safe to continue to provide services in light of the level of cuts envisaged.

I again ask the Tánaiste whether he will recalibrate the balance, stop paying some of this disgusting interest to European gamblers and reverse the cuts in funding to James Connolly Hospital and other facilities throughout the country. James Connolly Hospital is critically important to people in large parts of the greater Dublin, Kildare and Meath areas.

Deputy Billy Kelleher: I have to I agree with Deputy Higgins on this one.

The Tánaiste: I assure Deputy Higgins that I feel exactly the same way today as I did this time last year or ten years ago——

Deputy Mattie McGrath: The Tánaiste thinks differently though.

The Tánaiste: ——with regard to the necessity to provide the best possible care for people who become sick and who require hospital services. We must provide that care within the resources available to us.

Deputy Joe Higgins: So the Government has decided to introduce cuts in the area of health so that we might pay the bondholders and pay interest to the jackals in Europe.

An Ceann Comhairle: The Deputy asked his question and he should wait for the Tánaiste's reply.

The Tánaiste: The Deputy should stop his populist claptrap.

(Interruptions).

Deputy Timmy Dooley: This is too much. The Deputy's claptrap is competing with the Tánaiste's rhetoric.

Deputy Mattie McGrath: The Tánaiste has the patent on it.

Deputy Timmy Dooley: It was the Tánaiste's claptrap 12 months ago.

The Tánaiste: Deputy Higgins's solution is that we should stop paying the interest. He should realise that one pays interest on money one borrows. If one stops paying the interest, one will no longer be able to borrow. If Ireland were in a position where it could no longer borrow, how would we keep the hospitals open? What would be the position with regard to hospital services in such circumstances?

Deputy Timmy Dooley: This is economics 101. The Tánaiste has taken a crash course in economics in the past eight months. This is unbelievable. The Tánaiste deserves an Oscar for his performance.

(Interruptions).

An Ceann Comhairle: Deputies should be quiet.

The Tánaiste: The idea is that we can have great hospital services if we stop paying the interest on our borrowings. If we stop paying the interest we will have no money to run hospital or other services.

Deputy Emmet Stagg: Deputy Higgins could not be that stupid.

Deputy Joe Higgins: Is that what the Tánaiste said when he was on this side of the House?

The Tánaiste: Let us deal with reality.

Deputy Martin Ferris: Of course the Tánaiste is like the——

(Interruptions).

Deputy Brendan Howlin: What is Deputy Ferris saying? We cannot hear him.

(Interruptions).

The Tánaiste: We must provide the hospital services of the best possible quality. This means that we will be obliged to change the way in which some of our hospitals are run——

Deputy Billy Kelleher: And close them.

The Tánaiste: ——and the way in which some hospital services are delivered. Those changes are being made. In addition, the Government is committed to the most radical reform of the health services ever seen.

Deputy Timmy Dooley: Yes, close more beds. That will be radical all right because there will be no patients.

The Tánaiste: It is also committed to the introduction of a system of universal health insurance which will ensure that people will have access to a decent health service and decent hospitals and that the best quality of service will be provided at James Connolly Hospital, Blanchardstown, and at every other hospital in the country.

Deputy Timmy Dooley: And Roscommon.

The Tánaiste: That will happen——

Deputy Finian McGrath: Not by the closure of wards.

The Tánaiste: ——not through making the type of broad-ranging, grandstanding statements which Deputy Higgins tends to utter.

Deputy Timmy Dooley: Which are similar to those the Tánaiste made six months ago.

The Tánaiste: It will be done by the Government doing its job in the context of ensuring that the economy will recover and that the reforms that will deliver the best quality of service to patients and others will be introduced in the health service and the public service in general.

(Interruptions).

Deputy Timmy Dooley: Mary Harney could not have made a better speech.

Deputy Billy Kelleher: Frankfurt has won out again.

Deputy Timmy Dooley: The Tánaiste sounds like Mary Harney.

Deputy Billy Kelleher: He sounds like Jean-Claude Trichet.

An Ceann Comhairle: When Deputies have settled down, we will proceed to the Order of Business. Thank you, Tánaiste.

Order of Business

The Tánaiste: It is proposed to take No. 1, Road Traffic (No. 2) Bill 2011 [Seanad] — Second Stage (resumed); and No. 4, Patents (Amendment) Bill 2011 — Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that in respect of the Industrial Relations (Amendment) (No. 2) Bill 2011, the Second Stage of which shall be considered tomorrow, the following arrangements shall apply: the opening speeches of the main spokespersons for Sinn Féin, Fianna Fáil, the Technical Group and of a Minister or Minister of State, who shall be called upon in that order, shall not exceed 15 minutes in each case; the speeches of other Members called upon shall not exceed 15 minutes in each case; Members may share time; a Minister or Minister of State, who may speak twice, shall be called upon not later than 1 p.m. to make a speech which shall not exceed 15 minutes; and the main spokesperson for Sinn Féin shall be called upon to make a speech in reply which shall not exceed 15 minutes.

11 o'clock

An Ceann Comhairle: There is one proposal to be put to the House. Is the proposal for dealing with the Industrial Relations (Amendment) (No. 2) Bill 2011 tomorrow agreed to? Agreed.

We will move to matters on the Order of Business which are in order.

Deputy Éamon Ó Cuív: I hope the Ceann Comhairle will guide me as to whether this matter is in order.

An Ceann Comhairle: I certainly will.

Deputy Timmy Dooley: Of that there can be no doubt.

Deputy Éamon Ó Cuív: The NewERA proposal means a fundamental change in the way that State companies are managed, as they will not be managed in the national interest but as financial interests for a shareholder. These are not the same.

Deputy Pat Rabbitte: That is not true.

Deputy Brendan Howlin: Where did the Deputy get that idea?

An Ceann Comhairle: We are going astray. We are talking about promised legislation.

Deputy Éamon Ó Cuív: That is what I am trying to elicit.

Deputy Jerry Buttimer: The Deputy is running for the park.

An Ceann Comhairle: It is not a question of eliciting information. The Deputy should ask about promised legislation.

Deputy Pat Rabbitte: It takes him some time to get off the runway.

Deputy Éamon Ó Cuív: I am coming to it. Will the Tánaiste clarify that in the EU memorandum last December there was no mention of any figure for the sale of State assets? Will he verify the confirmation that this is so by the Minister for Finance yesterday, with the €2 billion figure being agreed even before the Government parties took office and could examine the issue?

An Ceann Comhairle: That is not promised legislation.

Deputy Éamon Ó Cuív: Will legislation be required to introduce the changes outlined in NewERA, which will be fundamental changes in the management of our State companies?

The Tánaiste: The Deputy is a little confused.

Deputy Dara Calleary: A bit like the Tánaiste.

Deputy Timmy Dooley: All the spin is making him dizzy.

The Tánaiste: The changes being made in respect of the shareholdings in our State companies are being made in the national interest in order to revive our economy and create jobs. Deputy Ó Cuív is probably more familiar than I with the EU-IMF memorandum of understanding, which was concluded with his Government last December. It is well known that the understanding that his Government had with the troika was for the sale of State assets in the order of €5 billion.

Deputy Éamon Ó Cuív: No. Show me where that is written? It is not there.

Deputy Timmy Dooley: Where is it?

The Tánaiste: It is not in the memorandum but it is the understanding.

Deputy Brendan Howlin: It was said publicly.

Deputy Barry Cowen: The Tánaiste said it was there.

Deputy Timmy Dooley: He should apologise for misleading the House.

An Ceann Comhairle: Deputy Ó Cuív should resume his seat.

Deputy Éamon Ó Cuív: I wish to assist the Tánaiste.

An Ceann Comhairle: There is no need. You should sit down.

Deputy Jerry Buttimer: That is the new party, Fianna Fáil nua.

Deputy Éamon Ó Cuív: It is not there.

The Tánaiste: As with many other issues, it is not in the document but it is what Fianna Fáil agreed.

Deputy Éamon Ó Cuív: So it is not there.

Deputy Timmy Dooley: Where was it agreed?

Deputy Brendan Howlin: The whole of the social welfare budget.

The Tánaiste: The IMF has since publicly confirmed that. What is in the programme for Government is a commitment for a €2 billion sale and the Government is proceeding to implement that commitment.

Deputy Éamon Ó Cuív: It is a fire sale.

The Tánaiste: There will be no fire sale.

Deputy Timmy Dooley: Just the timber and turf.

The Tánaiste: The Government has made decisions on foot of what is in the programme. As with many other matters that were in the bad deal done by the previous Government with the EU and IMF, this Government will renegotiate and improve the deal to get it working better for the people in this country.

Deputy Éamon Ó Cuív: Even the parts that were not in the agreement.

Deputy Pat Rabbitte: It was shocking.

Deputy Billy Kelleher: The Government is implementing it fairly well.

Deputy Mary Lou McDonald: The programme for Government contains a commitment to ending long-term homelessness and rough sleeping. It also states the Government believes in prevention rather than cure and promises to tackle aggressively the root causes of homelessness. Why have homeless charities been instructed to provide shelter only to local homeless people and not those from outside counties?

Deputy Pat Rabbitte: This has nothing to do with legislation.

An Ceann Comhairle: That is more suitable as a question to a line Minister.

Deputy Mary Lou McDonald: Is this Government policy?

An Ceann Comhairle: We will not deal with it at this stage.

Deputy Pat Rabbitte: It would be more appropriate as a topical issue.

Deputy Mary Lou McDonald: I thank Deputy Rabbitte for his assistance.

Deputy Emmet Stagg: The Deputy should ask about legislation.

An Ceann Comhairle: The Deputy should stick to the Order of Business.

Deputy Mary Lou McDonald: A commitment was made in respect of the programme for Government.

Deputy Emmet Stagg: Is legislation required?

Deputy Mary Lou McDonald: The commitment was to tackle on-street homelessness and sleeping rough. When will the Government bring forward legislative initiatives to deal with it?

An Ceann Comhairle: Is there promised legislation?

The Tánaiste: There is no legislation promised.

An Ceann Comhairle: It cannot be dealt with as a result.

Deputy Mary Lou McDonald: Nothing is promised.

The Tánaiste: It betrays a very poor understanding of the nature of homelessness if the Deputy believes it can be dealt with or eliminated through legislation. Homelessness must be dealt with by implementing a range of measures, which the Government is committed to doing.

Deputy Mary Lou McDonald: Will the Tánaiste spell those out?

The Tánaiste: They are in the programme for Government, to which the Deputy referred. That is the Government's policy. It is utterly naive of the Deputy to believe homelessness can be ended by passing a piece of legislation.

Deputy Caoimhghín Ó Caoláin: She never said that.

An Ceann Comhairle: I again remind Deputies that on the Order of Business only matters promised with regard to promised legislation can be discussed.

Deputy Éamon Ó Cuív: It is hard to know what is promised.

An Ceann Comhairle: Deputies are going around the houses but they should stick to the issues.

Deputy Willie O'Dea: When will the proposals to assist people with difficulties paying their mortgages be introduced?

The Tánaiste: The interdepartmental group established by the Government's economic management council has reported to the economic management council and the proposals will go before the Government shortly. I hope it will happen next week and that it will be published shortly thereafter. It is the Government's intention that when they are published we will bring the proposals before the House to have a full debate.

Deputy Aengus Ó Snodaigh: Ba mhaith liom ceist a chur faoi dhá Bhille atá ar an liosta, uimhir 59 agus uimhir 60. Ní raibh toghchán d'Údarás na Gaeltachta ann le roinnt blianta anuas, cuireadh ar athló. Tá cruachás teanga sa Ghaeltacht agus sa tír i gcoitinne agus chomh maith le sin tá fadhb mhór fostaíochta sna ceantair sin. Cathain a bheidh Bille Gaeltachta os ár gcomhair? Tá géarghá le sin de bharr an cruachás seo.

An Bille eile atá i gceist ná an leasú ar an Bille Coimisiún Thithe an Oireachtais, maidir leis an seirbhís aistriúcháin atá ag an Stát. Cén uair a bheidh an Bille sin os ár gcomhair? Go bhfios dom, is Bille bunúsach é agus ní gá go mbeadh mórán moille air. An bhfeicimid é an tréimhse seo nó sar i bhfad?

The Tánaiste: Labhair an Teachta faoi dhá phársa reachtaíochta, ar dtús, uimhir 59 an Bille Gaeltachta. Tá an Bille sin ar an liosta agus foilseofar é an bhliain seo chugainn, 2012. Cén uimhir a bhí ar an Bhille eile?

An Ceann Comhairle: Uimhir 60.

The Tánaiste: Foilseofar an Bille sin i 2012 freisin.

Deputy Bernard J. Durkan: I will deal with promised legislation, some of which was promised a long time ago by those people now in opposition. There is a great opportunity to shed some light on the issues. The criminal justice (cyber-crime) Bill was repeatedly promised a long time ago, as was the criminal justice (forensic evidence and DNA database) Bill.

Deputy Niall Collins: They are out there somewhere.

Deputy Bernard J. Durkan: Will the Tánaiste give some indication as to whether the heads of these Bills have been discussed or cleared by Cabinet for debate before the House?

Deputy Dara Calleary: It is big in Kildare.

Deputy Barry Cowen: CSI Kildare.

An Ceann Comhairle: Deputy Durkan wants to know where these Bills are.

Deputy Bernard J. Durkan: Perhaps the outgoing Government hid them on its way out.

An Ceann Comhairle: We will find out for the Deputy. He can sit down and rest.

The Tánaiste: I am not in a position to say when those Bills will be published but I will communicate the information to the Deputy.

Deputy Bernard J. Durkan: I have two more issues to raise.

An Ceann Comhairle: Perhaps the Deputy could raise them together.

Deputy Barry Cowen: Deputy Durkan is on a roll.

An Ceann Comhairle: We do not have the Order of Business in stages.

Deputy Bernard J. Durkan: I am anticipating a very positive response.

An Ceann Comhairle: There is a time limit.

Deputy Bernard J. Durkan: The Ceann Comhairle would be interested in this as it might bring levity to the Opposition.

An Ceann Comhairle: We are running out of time.

Deputy Bernard J. Durkan: The common arrangements for gas Bill should bring a smile to the faces of the Opposition.

Deputy Dara Calleary: It is in the pipeline.

Deputy Bernard J. Durkan: Has it been discussed in Cabinet?

The Tánaiste: It is expected that the Bill will be brought forward in 2012.

Deputy Brendan Griffin: When is the health Bill due to come before the House?

The Tánaiste: It is hoped to have it later this year.

Deputy Seamus Healy: The programme for Government promised to prioritise legislation to deal with the issue of transparency in that highly secretive organisation, the National Asset Management Agency, NAMA, which is now apparently paying huge amounts of money to the developers who got this country into huge trouble. Is there no priority for that legislation? When will it be introduced?

An Ceann Comhairle: What legislation is it?

Deputy Seamus Healy: The legislation to introduce transparency in NAMA.

An Ceann Comhairle: Transparency in NAMA.

Deputy Seamus Healy: Absolutely. It is a highly secretive organisation, as you know well.

An Ceann Comhairle: Is there anything about a secret organisation on the Tánaiste's list?

Deputy Seamus Healy: I asked him about this on a number of occasions in the last session.

An Ceann Comhairle: Does the Tánaiste know anything about it?

The Tánaiste: There is no legislation listed on that matter.

An Ceann Comhairle: It is not listed. Perhaps the Deputy might table a parliamentary question to get further information.

Deputy Seamus Healy: It is listed.

Deputy Paul Kehoe: What is the name of the Bill?

Deputy Seamus Healy: It is No. 116 in section C. The Tánaiste told me a number of times previously that the Freedom of Information Act would be extended to cover NAMA. Is it not now a priority?

The Tánaiste: No. 116 is the Freedom of Information (Amendment) Bill which is due to be introduced in 2012.

Deputy Seamus Healy: Will it deal with the promise made in the programme for Government?

Deputy Brendan Howlin: The Deputy will have to find out.

An Ceann Comhairle: We will have to wait.

Deputy Seamus Healy: Will it deal with it? It is included in the programme for Government.

An Ceann Comhairle: We cannot deal with that matter now.

Deputy Seamus Healy: It is included in the programme for Government and the Tánaiste spoke about it previously. Is it now not the position of the Government to introduce transparency in NAMA?

An Ceann Comhairle: It is introducing a freedom of information Bill.

The Tánaiste: Everything that is included in the programme for Government will be implemented.

Deputy Niall Collins: When?

Deputy Seamus Healy: When will it be introduced?

Deputy Brendan Howlin: The Deputy has just been told.

Deputy Billy Kelleher: Last week the Minister for Health said in this House that the strike by the Irish Nurses and Midwives Organisations, INMO, and nurses in the Mid-West Regional Hospital was putting patients' lives at risk. Does the Tánaiste concur with these comments? If he does, are there any legislative proposals to remedy the situation and stop the nurses striking?

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

The Tánaiste: No, it is not a legislative matter.

An Ceann Comhairle: Therefore, we will not deal with it.

Deputy Billy Kelleher: Does the Tánaiste concur with the comments made by the Minister for Health?

The Tánaiste: The matter the Deputy is referring to is an industrial dispute. There are talks taking place and I hope they will continue——

Deputy Billy Kelleher: The Minister for Health stated clearly that patients' lives were at risk.

The Tánaiste: ——in order that a resolution will be found to the dispute and that people will get back to work.

An Ceann Comhairle: I call Deputy Ó Caoláin.

Deputy Billy Kelleher: Does the Tánaiste concur with the Minister for Health's comments?

Deputy Caoimhghín Ó Caoláin: The Government and its predecessor both undertook to raise with the British Government and its representatives the all-party motion relating to the Dublin and Monaghan bombings which was reaffirmed by the Houses last May. I understand the Tánaiste is meeting later today Mr. Owen Paterson, Secretary of State for Northern Ireland. Will he indicate if he will use that opportunity to reflect the sentiments of the House and the unanimous demand of all parties and Independent Members that the British Government fully co-operate in the release of all information and, with the Government, ensure there is a full, independent judicial inquiry into all the information surrounding the Dublin and Monaghan bombings of 17 May 1974?

An Ceann Comhairle: I am sorry, Deputy, but although it is a very serious matter, it is not one for the Order of Business. I call Deputy Daly.

Deputy Caoimhghín Ó Caoláin: A Cheann Comhairle——

An Ceann Comhairle: It is not promised legislation.

Deputy Caoimhghín Ó Caoláin: It was promised by the Government and its predecessor.

An Ceann Comhairle: It is not promised legislation.

The Tánaiste: The Tánaiste is meeting Mr. Owen Paterson today. It is a very reasonable request to establish if the Tánaiste will use the opportunity to reflect the sentiments of the House.

An Ceann Comhairle: I am sure he will.

Deputy Caoimhghín Ó Caoláin: With respect, a Cheann Comhairle, that communication was forwarded on behalf of the Members of this Parliament, not the Government, and I ask you to defend the right to ask this question.

The Tánaiste: To clear up the matter, I am meeting the Secretary of State, Mr. Paterson, later today. As I have done on the previous occasions when I have met him, the Foreign Secretary, Mr. William Hague, and the Prime Minister, Mr. David Cameron, I will raise the issue and pursue the decision and request made by the House. That will be part of the discussion I will have with him.

Deputy Caoimhghín Ó Caoláin: Will the Tánaiste report back to the House?

The Tánaiste: I will be happy to do so. Perhaps the Deputy might table a parliamentary question and I will reply to it.

Deputy Clare Daly: Yesterday the Minister for Finance said the Bill dealing with the issue of fiscal responsibility would be before the House sometime before Christmas. Will the Tánaiste give us a more definite date? This is the Bill to deal with the six-pack governance measures passed by the European Parliament earlier this week which will have a major impact on the workings of the European Union. Also, when will the bankruptcy Bill be before the House? I believe it is also due for publication before Christmas.

The Tánaiste: It is intended to deal with the fiscal responsibility Bill in this session. The personal insolvency Bill is being progressed by the Minister and the Department. It is intended to bring it to the Government shortly.

Road Traffic (No. 2) Bill 2011 [Seanad]: Second Stage (Resumed)

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

An Ceann Comhairle: Deputy Kevin Humphreys was in possession. He has two minutes remaining.

Deputy Kevin Humphreys: As I said last night, I support the Bill. There is a real change in mood on the part of young drivers in terms of their compliance with legislation. Will the Minister provide some figures indicating the age breakdown of persons found to be in charge of a motorised vehicle after consuming alcohol?

Deputy Mitchell referred to cyclists on the roads. Next week is Road Safety Week 2011. I am a cyclist and a strong supporter of cycling in the city. I assisted the current Lord Mayor, Mr. Andrew Montague, with the introduction of the Dublin bike scheme. The removal of heavy goods vehicles, HGVs, from the city has been a great success, resulting in an explosion in the use of bicycles in the city. This is also due to the last Government's cycle to work scheme. These have been positive elements in encouraging more people to use bicycles.

Unfortunately, a proportion of cyclists act irresponsibly and they have not been taken to task. A system of fixed charge penalties or on-the-spot fines is necessary. There are obvious problems with this because there is no necessity to carry identification. However, under current legislation, there are sufficient powers for the Garda to impose fixed charges on cyclists who cycle on footpaths, break red lights and so forth. This behaviour adds to the dangers on the roads and I ask the Minister to examine the matter. The majority of cyclists are responsible. but the next road traffic Bill will have to include a measure to provide for the enforcement of the rules on cyclists. If he has time, will the Minister find out the number of cyclists who have been prosecuted for cycling on footpaths? It is said this is a no-impact crime, but one should talk to people who were knocked down as they emerged from their front gate. It has led to hip replacements and periods in hospital. This is a serious matter.

Yes, we should fully support cyclists and encourage the use of bicycles, but with this comes responsibility. I urge the Minister to examine the issue.

Deputy Maureen O'Sullivan: I support what Deputy Humphreys said. I represent Dublin Central and receive a number of calls about this issue, particularly from elderly people who are at the mercy of cyclists, a certain percentage of whom simply do not abide by the rules. This is also a problem at bus stops. A person asked me if Dublin Bus would be able to do something about the signage at bus stops. People standing at a bus stop watching out for the bus must also watch out for cyclists who do things they should not do.

On the other hand, we have the fantastic bike scheme introduced by Dublin City Council. There was some debate at the time of its introduction, when it was said it would not work in Dublin, that the bikes would end up in the River Liffey or be vandalised and so forth. Recent figures show, however, that only two bicycles have been vandalised since the scheme started. It has been a real success.

Once again, I thank the Library and Research Service for the digest it put together on the Bill. I refer to the quote from the Minister for Transport, Tourism and Sport, Deputy Varadkar, at the back that the combination of lower blood alcohol limits and mandatory testing represents a considerable tightening of the drink driving regime. This new aspect certainly toughens it up. Any initiative which sets out to reduce the number of fatalities on the roads is very welcome because so many families have paid a heavy price as a result of terrible accidents on the roads, many of which have been caused by people driving with considerable amounts of alcohol in their blood. There is no doubt the campaign has done extremely well. There is a culture in much of the country that one does not drink and drive, but, unfortunately, there are parts where that is not evident. I am always intrigued by the numbers of cars outside public houses. They cannot all belong to designated drivers. Some are still taking a risk and driving under the influence of alcohol.

The Minister has stated the Bill is a necessary step to maintain the good work done so far on road safety and to ensure Ireland continues to make progress. I am not sure we are making the progress we should be making. One of the reasons is that we are not really tackling what many others and I believe is the main cause of fatalities, namely, excessive speed on the roads. We know that a particular age group and sex are mainly involved in road fatalities where alcohol or drugs have been consumed, but there is also an element of excessive speed. Young men in their early 20s are involved. I have taken lifts from young men in their 20s and it is part of their psychological make up that they cannot stick to the speed limit. It is part of the boy racer image to turn the steering wheel with one hand. They do not know what the speed limits are and they are totally convinced of their immortality, that nothing can ever happen to them. Studies have been done of the psychological aspects, of what will work with this age group and what will get them to slow down. However, slowing down and being young do not go together. We are losing the battle when it comes to speeding on the roads because in many cases young men are not adhering to speed limits. That is not to take from others who do and who would not dream of getting into a car and doing these things. There is a huge issue with young men whizzing around.

I read recently about something which might be introduced in cars to indicate one's alcohol level when one gets into it. It is more important to attach something to cars to ensure they cannot go above a certain speed limit, in particular for under 25 year old males. That would be a major step forward and I would like to see something like this happen.

We must tackle those who drive under the influence of drugs. We are not paying enough attention to this aspect as we seem to be hooked on the alcohol aspect. If one knows about addiction issues, one will know that the use of prescription drugs is on the increase. Many are driving under the influence of prescription drugs and not heeding the warnings on the effects of these drugs.

Another aspect of road safety is motorway construction. While it is great to be able to drive from Dublin to Cork in two and a half or two and three quarter hours, the fact is permission was given to build that motorway without providing for lay-bys at particular points; it is an accident waiting to happen. I have been driving for 40 years and the only time I was involved in an accident was on that motorway as a result of driver fatigue and having to wait to turn off the motorway to drive a few miles into a town. I know a particular franchise has received

[Deputy Maureen O'Sullivan.]

money to build something, but it should have come first and I am not the only person who says this.

I welcome the introduction of the offence of knowingly driving a dangerously defective vehicle, which is long overdue. I also welcome the placing of an obligation on a driver to provide a blood or urine specimen while in hospital where that person has been involved in a road traffic collision. This has been a loophole in certain cases.

While I represent Dublin Central, I have many contacts and spend time in rural Ireland. I mention the impact of the lowering of the blood alcohol level, in particular for elderly people whose one social outlet during the week is going to mart or to collect their pension and having two or three drinks afterwards. They will now be over the limit if they do so. I do not advocate that people drink and drive, but there is a category, the members of which are not causing accidents on the roads. There have been calls for a better transport scheme which in some places have been taken on board, as we do not want to contribute to further isolation, particularly for elderly persons living on their own in rural areas.

An Ceann Comhairle: I call Deputy Marcella Corcoran Kennedy who is sharing time with Deputies Paul Connaughton, Alan Farrell and Michelle Mulherin.

Deputy Marcella Corcoran Kennedy: I welcome publication of the Bill and commend the Minister for his commitment to improving road safety and tackling the problem of the consumption of alcohol and driving because it is an inescapable fact that Irish drivers drive after consuming alcohol. The issue has been well researched by the Road Safety Authority and it has been shown that alcohol consumption is a major factor in road deaths. Many drivers found to be over the limit are involved in accidents with other vehicles, passengers and in single car collisions. It is fair to say any amount of alcohol in the system of a driver poses a risk not only for him or her but also for his or her passengers and other road users.

We have been successful in reducing the number of road deaths through efforts such as graphic television advertising campaigns to reduce speeding and the level of drink driving, the introduction of penalty points, random Garda breath testing check points and a vastly improved road infrastructure. In the past eight years the number of road deaths has been reduced from almost 400 to approximately 200, but one road fatality is one too many. We must, therefore, continue with our efforts to ensure pedestrians, cyclists and drivers of motorised vehicles can travel in safety and be protected from other road user who, as a result of being impaired by alcohol, pose a threat to them.

The practical measures contained in the Bill specifically targeting alcohol impaired driving are welcome. The further reduction of the blood alcohol limit for drivers and learner drivers and mandatory testing by gardaí of all drivers involved in collisions which result in injuries will enhance efforts to reduce the number of road deaths.

Having said that and acknowledging that drink driving has become increasingly socially unacceptable, I am concerned about how people living in rural areas, in particular older men, can access their local public house. Most are moderate drinkers for whom playing cards and having a couple of drinks represent the only outing they might have in a week. We must have a further debate on how people living in rural areas are to be accommodated as availing of public transport or a taxi rank is not an option for them. Perhaps there is scope to consult the rural transport programme or other voluntary organisations or statutory agencies to address this problem.

There are other matters which deserve consideration which I previously raised at the Joint Committee on the Environment, Transport, Culture and the Gaeltacht. The presence of drugs

in the systems of drivers is known to impair their driving and lead to road fatalities. Some means of detecting both legal and illegal drug use should be investigated and provision made to provide for mandatory testing for these substances in exactly the same way as for alcohol.

Another issue which many constituents have raised with me is that of the decibel level which in some cars is excessive as they have been modified to increase engine sound. It is most notable at night and can be very anti-social and distressing, particularly for the elderly and parents of young children. This is a matter which needs to be addressed urgently.

Other matters to be considered include the introduction of penalty points for the illegal dumping of vehicles, many of which are to be found decaying in many of our scenic areas. Another measure is the education of young people in road safety, perhaps during transition year. Young men in particular, as the research shows, are, sadly, the most likely to be involved in car accidents at weekends, late at night or in the early hours of the morning.

While the political system takes action to reduce the number of road deaths through the introduction of legislation, we must not forget our own responsibilities to ensure safe travel through not driving while tired and wearing a high visibility vest while walking on rural roads.

Deputy Paul J. Connaughton: I welcome the opportunity to speak on this Bill. We must do all we can to reduce the number of deaths on our roads. It has become too real to hear about someone who was killed or seriously injured in a car accident. The damage caused to families and community is immense and leaves lasting scars.

We have been dealing with the issue of drink driving for many years but I am glad to see a cultural shift away from the practice. Young drivers get a hard rap but drink driving is not socially acceptable among my generation. I welcome the reduction in blood-alcohol limits from 80 mg per 100 ml to 50 mg, and 20 mg in the case of learner drivers. These limits should be set at zero. When a person drives, there should be no alcohol whatsoever in his or her system.

The issue of rural isolation has been raised by speakers on both sides of the House. I come from a constituency in which many people live outside of towns. We cannot accept that the solution to this issue is alcohol or pubs. I acknowledge that the pub offers an opportunity for social interaction for rural dwellers, some of whom are very elderly, but surely we can come up with a better way of serving these people. During yesterday's debate, one Deputy announced that he was against drink driving but claimed there was no issue with two or three pints. That attitude is culturally unacceptable if we want to solve this problem. People say they can take two or three drinks without going over the limit but this turns into guesswork. The problem is that by the time they realise they have made a mistake it is too late because they have already caused an accident in which someone is killed or seriously injured. If we want to see a massive cultural shift, we have to be tougher. If we want to help people in rural communities, we will have to come up with innovative ways of connecting them and getting them to their local towns. The local pub is not the answer for everyone. In many instances publicans are looking for ways to facilitate these people, and I ask the Minister to support these efforts.

Coming from a rural constituency, the Minister of State, Deputy Kelly, will be aware that the state of the roads regularly arises as an issue. Roads can deteriorate quickly over the space of several weeks or months, but under the current system, one road could have been selected for repairs three years ago while others are left to deteriorate. People driving down these roads must swerve to avoid potholes. I urge the Department to work with local authorities on devising a better system that would be more reactive to local events. I have been inundated with calls from people whose roads have been destroyed, even though their neighbours' roads were repaired. It is a dangerous situation for drivers, walkers and cyclists and if we start thinking outside the box, we might be able to come up with better solutions.

[Deputy Paul J. Connaughton.]

I welcome the introduction of speed cameras. They have already had a massive impact on driver behaviour. I hear from people around my constituency that they know where they are located on any particular day. They are being deployed to make our roads safer. I have also been contacted by people who were caught out by them, but if there is a speed limit we have to adhere to it.

Alongside solving the problem of drink driving, we must also educate young people about driving skills and driver behaviour. Does the Department plan to implement programmes in our schools and colleges to educate young drivers about what to expect when they start to drive? We cannot have a situation whereby someone who reaches the driving age simply gets a licence and is allowed on the road. Driving is a privilege rather than a right. When one is on the road, one must care for oneself as well as other road users. Sometimes young people do not understand this responsibility and it would do no harm to develop an education policy in our schools to change that attitude. I welcome the Bill, although I believe there is more to be done in regard to educating young drivers.

Deputy Alan Farrell: I welcome the opportunity to speak on this Bill. I intend to speak about road safety, driver education and dangerously defective vehicles.

I support the calls made by a number of speakers for standardised speed limits. A significant number of substandard rural roads have speed limits of 80 km/h or 100 km/h. Joined-up thinking is needed in regard to the implementation of speed limits. Perhaps the Minister can consider this issue in the context of the next road safety Bill. The manner in which speed limits are applied by local authorities should also be reconsidered. In my own constituency, a dual carriageway near the airport has a speed limit of 50 km/h. Drivers are accustomed to speed limits of 100 km/h on dual carriageways and the road in question is perfectly capable of handling such speeds. We also have rural roads with speed limits of 80 km/h or 100 km/h despite sharp bends and blind corners.

I am particularly annoyed by the issue of heavy goods vehicles occupying the overtaking lane of motorways. The spine of Dublin North is the M1, which allows me to drive the length of the constituency in approximately 20 minutes. During rush hour periods heavy goods vehicles tend to drive in the overtaking lane at their speed limit of 100 km/h. While that is safe and acceptable in terms of the speed at which the vehicles can travel it presents difficulties when driving conditions are not ideal because trucks can fly out in front of cars to get ahead of slower vehicles. A ban on heavy goods vehicles from overtaking lanes on motorways would be welcomed by the majority of car drivers.

The Bill provides for mandatory testing and allows gardaí to use their judgment and experience in deciding whether to demand a blood or alcohol sample. This toughening of the legislation is welcome. The blood-alcohol limit in 2011 should be lower than that which applied heretofore because we know about the dangers drink driving present in terms of the carnage that occurred on our roads over many years. Every year between 400 and 500 people have died on our roads. While I commend the Road Safety Authority and the Department on the steps it has taken in this area, one road death is too many.

Drug driving is an issue we should consider further when we come to draft future legislation. Drugs are, unfortunately, all too available. It is a regular occurrence for younger drivers to avail of such substances and it is almost impossible to test for them.

The previous speaker, Deputy Connaughton, referred to education. I support the approach of starting to convey to schoolchildren at a young age the requirement on them to learn the rules of the road early, perhaps even in primary school and throughout secondary school so

that when they reach the age of 16 or 17 and they apply for their licence and learn to drive they are aware of the incredible dangers that exist. I imagine virtually every family in this country has lost an extended family member. I did in Castleknock almost 30 years ago. It is a heart-wrenching experience. Today, as always, a member of the Garda Síochána is present in the House. I cannot imagine that when they leave Templemore they relish the unfortunate duty of having to call to the home of someone who has died to inform a mother, father or brother that their loved one was involved in a road traffic accident especially when alcohol or speeding are involved.

I had the pleasure of attending a couple of road safety road shows in Fingal in 2008 when I was mayor of Fingal County Council. They were held in the auditorium of the Helix theatre in DCU. Such road shows are a worthwhile endeavour. An insurance company, AXA, is involved and the Road Safety Authority spearheads the programme. They bring in schools, predominantly fourth year classes, and show them footage of accidents and the knock-on effects. We should continue that approach as a tactic in the battle against the carnage on our roads.

I wish to address the issue of dangerously defective vehicles. I live close to the M1 motorway. As a recent father I am up a lot in the middle of the night and I hear cars flying up and down the motorway. I refer to modified vehicles in particular, predominantly exhaust additions to make them louder, as mentioned by previous speakers. In the Laois-Offaly Garda area, gardaí had some success prosecuting or cajoling young drivers into removing these after-factory modifications to their vehicles under legislation which, I think, dated from the 1960s. This was a couple of years ago. I would like to see a robust attitude towards the modification of vehicles purely for the purpose of increasing the noise they make. I have seen many young drivers driving around in imported Micras with huge expanders on them that make them look ridiculous. They are noisy and most distracting especially in residential areas.

I commend the NCT regime. I accept it has received a bit of stick in recent times but if we have a robust car testing system in place which is trusted by the public and that can alleviate any fears road users have about the safety of vehicles on the roads then we will take a step closer towards ensuring that we do not have further deaths on our roads. Fundamentally, the Bill is about saving lives in one way or another which must be welcomed.

Deputy Michelle Mulherin: I welcome the Bill. As Deputy Farrell indicated, the underlying effort is to stop people being killed and maimed on our roads. What is particularly helpful and welcome is the provision in the Bill requiring mandatory testing of drivers in hospitals. Drunk driving and the prosecution of it by the Garda is a technical area and gardaí need all the help they can get from legislation. I regret the limit in the past on the ability to test a driver who had been hospitalised following a road traffic accident. Alcohol can be involved in more serious road traffic accidents and it has happened that people have escaped prosecution for causing an accident due to being drunk because they required hospitalisation. Therefore, I welcome the amendment to the legislation.

In welcoming the Bill I join with colleagues who have referred to drug driving. It is an area that requires to be tackled. Drug driving must be treated in the same way as we treat driving with alcohol. When one considers the age profile of those involved in road traffic fatalities one must consider the possibility of drug use. In many cases young men are involved in single-car collisions and the suspicion is that it is not alcohol that they have on board but drugs. Deputy O'Sullivan referred to the speed at which young men drive but when one adds drugs to the equation one would definitely feel invincible. Not only should drug testing be mandatory following an accident but it should be random and the full rigours of the law must be applied where people are suspected of driving under the influence of any intoxicant. The same should be said for prescription drugs which carry warning notices. Just because one is prescribed drugs

[Deputy Michelle Mulherin.]

does not mean one is fit to drive, especially when it puts one's life and other road users at risk. I am interested in hearing a response to that.

A rural public house is an entirely different creature to a public house in the city. We are aware of the community aspect of such an establishment in a small village where it draws people together. That is where one gets one's news. It is what people think of when they think of this country and friendliness. A stranger can go into a rural public house and be made to feel welcome. We can cry about people not being able to go to the public house but it is preferable to examine what is required to ensure they continue. Public houses are entitled to open from 10.30 a.m. until 11.30 p.m. The reality is that many public houses have closed and many others only open in the evening. Such premises only operate for a couple of hours per day such is the extent to which their business has been reduced. They do not provide food because it is not viable. It is important for communities that public houses continue to exist in the same way as the church or post office. They play a valuable role in the community.

The enactment of the Bill will probably make people even more fearful about going to public houses. We must tackle the issue. One way in which we could address it is to consider a reduction in VRT for publicans who wish to transport their customers and another option is to reduce rates. If there is an opportunity to open a business full-time but the reality is that it is not worth a person's while to do it then we must examine the rates regime and reduce it to accommodate such public houses. Publicans are running a business and providing a service and they are not costing the State anything. In fact, they are making VAT returns and they may employ people in rural areas. We should act to preserve them. It is not inevitable that they would be a casualty. People become sentimental about retaining the local public house. If we want them to exist and Johnny down the road wants to go there for his pint that is fair enough but publicans are the ones who must keep the show on the road. They deserve special attention if we are serious about keeping rural public houses open and allowing them an opportunity to continue to run their business. Otherwise, we will not have rural public houses. It will not be a case of whether Johnny should have one, two or three pints; there will not be any public house for him to go for a drink. These public houses are in a minority. They do not have large populations and there will not be crowds marching on the street, but they must be considered. Those are a couple of my thoughts on the matter.

Deputy Finian McGrath: I thank the Ceann Comhairle for the opportunity to speak to this important legislation. Before I get into the nitty-gritty, this is my first opportunity to congratulate publicly the Minister of State, Deputy Kelly, on his new Ministry. I wish him well in the future and the best of luck.

I welcome the Road Traffic (No. 2) Bill 2011 and I commend some of the comments on it. We should look at its detail and discuss it in an open and transparent fashion, and that has begun already in this important debate.

One of the purposes of the Bill is to allow for mandatory alcohol testing at lower limits in line with the Road Traffic Act 2010. The debate is about drink driving, speeding, and road safety. This is an important debate. I will ask fundamental questions on these issues. The vast majority of road traffic accidents are caused by speeding. A substantial minority, I accept, are caused by the abuse of alcohol, and recently, there has been the abuse of drugs by motorists. These are the issues we must consider.

We also have a responsibility. From driving up and down the country and all over the place, I am aware that on a brand new road it is tempting to drive quickly and that when one has a powerful car, it is difficult to remain in total control in such situations. I put it up to the car manufacturers that they also have a responsibility. If they could design a car that would reach

a certainly limit only and could not go any faster, that would be a major contribution. It would save many lives and nip in the bud the male macho young-driver syndrome evident in wider society. From my direct experience, by the way, this type are not all young. These are issues at which we must look as well.

In speaking about the Road Traffic (No. 2) Bill, it is important to show leadership and bring the public with us. Road safety campaigns are important. When I was a primary school teacher, I saw the impact of such campaigns. Some were effective but some were boring for young people and we had to think outside the box to come up with ideas. A helpful contribution is the practical experience of bringing children to traffic schools and showing them DVDs and videos and all sorts of things about road safety. So, too, is the practical experience of young primary school children meeting the gardaí who work in the Traffic Corps. They come in, advise them and support them, and give them that sense of adventure and excitement while at the same time emphasising road safety. There is a broader aspect to the road traffic issue and to this issue.

Section 2 clarifies the situation where a person fails or refuses to produce a driving licence or learner permit when asked by a member of the Garda Síochána. Section 40 of the principal Act, inserted by section 59 of the Act of 2010, is being amended to clarify the provisions.

It is also important to recognise that the vast majority generally comply with the law and that is something we often forget about in the debate. Since the introduction of the tighter controls on drink driving, the vast majority of drivers have gone along with it. People do their best, and they have taken the hit well. It is important that we accept the reality that the vast majority of motorists comply with the law and the day has practically gone when those who go to their local to have one or two pints would drive home. It is easy enough for those of us who live in urban areas as there is no difficulty in walking or getting a taxi to the local, and when there are two or three sharing a taxi, it costs only €2 or €3 each, and it is common sense as well. We also must take into consideration that, as I stated previously, the vast majority of those people would comply with the law and would fit-in. They have no issue with section 2, which is about produce a driving licence or learner permit, or anything like that. Sadly, and it is a little like other issues in this country, the minority sometimes dominates the setting of the political agenda. The man in his 50s or 60s who used go and have a quiet pint or two, now cannot do that because of those who had nine or ten and were totally irresponsible. That is something I sometimes regret because I know many sensible people in that situation who would be responsible, and yet they are being hammered and are suffering again. I raise this with the Minister in the debate because it is important that we talk about these issues.

I note that some of the other Members mentioned the position of the rural pub. I am strongly sympathetic. As somebody who spends a great deal of time in Dromineer, as the Minister of State will be aware, I understand from meeting people there the hassles of driving. In fairness to some of the publicans, they have been creative and have barmen and bar staff who bring people home from the pub, or they provide a good local service. I would say to the publicans that if they want to keep their punters, they will have to provide a service as well. From talking to people, they do not mind paying €2 or €3, if it will get them to the pub and home safely, and they can meet their friends.

There is still a nanny State brigade in this country about drinking as if there is something immoral or wrong about it. There is nothing wrong with somebody having a few pints with his neighbours and friends and talking about local issues, and particularly for senior citizens, meeting their neighbours and friends in such situations. It is almost like part of the community welfare service. It is not a question of binge drinking. The vast majority are moderate drinkers

[Deputy Finian McGrath.]

who have a few drinks, enjoy themselves, talk to their neighbours, get on with their lives and use that social setting as a support. Those who have the arguments on the rural pub have a strong and valid argument. I feel strongly about a situation where a man is living three or four miles up the mountain and it is a big issue for him to come down to participate in social life. Publicans must react to that and the Minister must look at these issues too in dealing with public transport in rural areas.

This is not a major issue in an urban area. However, I also see it in the context of job creation. In the past 12 months I have met many in the catering trade who are losing a barman here or a catering staff member there, and that is an issue also. The Minister must consider it, not only as a road traffic issue but also in the job retention debate. As most Members accept, the only game in town is job creation. We must do everything to that end and part of that debate must be the catering trade, which is directly connected with this legislation.

In Part 1, section 40, subsection (6) is being inserted to clarify the type of information a garda may demand of a person. For starters, it should not be acceptable that anybody would refuse or would fail to produce a licence. Section 40 (6) is important. If one looks at it in more detail, a person may be required to provide all of the following: name and address and date of birth. An offence is committed if a person fails or refuses to provide any of that information or provides false or misleading information. Subsection (6) is a simple subsection with which the vast majority will comply.

Subsection (7)(b) of section 40 of the Principal Act is also being inserted to clarify the provisions relating to the power of arrest where a person refuses or fails to give the information specified in the provision or where the Garda suspects that the information being provided is false and misleading. That is also a matter on which we must be strict. It is important that we deal with such persons, who are not among the vast majority who will comply with the legislation.

Overall, I welcome the legislation although some people have concerns about it. When somebody comes forward with sensible legislation, regardless of differences on other issues in the House, Members should support it. I thank the Acting Chairman, Deputy Seán Kenny, for the opportunity to speak on this matter.

Deputy Andrew Doyle: I would like to share time with Deputies Griffin, Maloney and Conway.

Acting Chairman (Deputy Seán Kenny): Is that agreed? Agreed.

Deputy Andrew Doyle: Like all other speakers, I welcome this legislation. As Deputy Finian McGrath said, we should support common sense legislation when it comes before the House, regardless of any other differences we might have. The ongoing legislative initiative aimed at tackling road traffic carnage and road deaths is a work in progress. It is working. Road traffic deaths fell by 48% in the ten years to 2010. The number of people killed on the roads that year — 212 — was the lowest since records began in 1959. Every one of those deaths, like every one of the 142 road deaths so far this year, is a story of tragedy for the family and community in question. Each road death is unacceptable because it leaves a mark on the affected family and community forever. It is probably unrealistic to expect to eliminate road accidents and deaths entirely, but we have to strive to meet that aim.

Most accidents are caused by defective roads, defective vehicles or defective drivers. This Bill seeks to deal with one aspect of the issue of defective drivers. Those who drive when they are tired, when they are under the influence of drink or other substances, or in a reckless

manner can be defective in their driving. I commend the RSA, the AA and the Minister's office for working together on initiatives aimed at increasing driver awareness of these issues. For example, learners cannot get a learner driver permit until they have passed the theory test. They then have to take 12 hours of lessons — no more than one hour at a time — at an accredited driving instruction school. The new system costs learners money but also allows them to demonstrate their commitment to acquiring enough skills to take sole responsibility for a vehicle. It is a question of driving responsibly.

I would like to speak about the drink driving blood alcohol limit. This legislation would probably have been unacceptable ten years ago. Over the last ten years, we have seen a gradual but continuous acceptance of the fact that drink driving does not work. Drinking impairs the ability of drivers to make sound judgments. Statistics show that one in three accidents results from drink driving. In a survey, some 87% of drivers said it was shameful and irresponsible to drink and drive. I suppose we have to continue to worry about the 13% of drivers who do not share that view.

I suggest that drink driving is a generational issue. It is accepted that younger people, notwithstanding that they tend to drive at greater speeds, have a more responsible attitude to drink driving. They were brought up to think that way. It has been much more difficult for older people to change their attitudes. As other speakers have said, it used to be customary for people in rural areas, in particular, to go out and have a couple of pints before driving home at a speed well under the speed limit. That is not acceptable any more. This Bill will change the legal blood alcohol limit to a level that is generally accepted across the world. When the limit in Australia was reduced to 50 mg, the number of road deaths in Queensland decreased by 18% and the number of serious collisions decreased by 14%. It is effective. We cannot run away from it. We have to follow best practice and put it into law here.

This legislation will pass through the House shortly. It will be law within a couple of weeks. As other Deputies said, we need to consider the next steps. We should continue to improve the quality of the vehicles on our roads. The quality of the road network is a particularly challenging issue in these financially constrained times. We need to educate our young people and maintain their awareness of these issues. It is important to continue to improve vehicle standards.

Deputy Brendan Griffin: I welcome the opportunity to speak on this Bill. Some excellent speeches have been made by Deputies on Second Stage. I hope the Minister and his colleagues will take some of the positive ideas and suggestions proposed by various speakers into account when they are formulating future policy. I welcome any measure aimed at reducing the number of deaths and injuries on our nation's roads. It is shocking to think there were over 600 road deaths per annum in some years in the 1970s. There were over 400 road deaths per annum in the earlier part of the last decade. As Deputy Doyle mentioned, the figure has dropped considerably to closer to 200 in recent years. I agree with the Deputy that every road death is one too many. In ten years time, I hope we can look back in shock at the fact that there were approximately 200 road deaths in each of 2010 and 2011 as the number will have reduced substantially in the interim. I welcome many of the measures included in this Bill. Anything that will reduce the incidence of death and serious injury on our roads is very welcome.

I suggest that in the run-up to the next finance Bill, the Minister should reflect on the application of vehicle registration tax to optional extra safety equipment in new cars. It is surprising and perhaps shocking that increased vehicle registration tax is applied if a person wants to install additional safety equipment, such as side air bags or an anti-lock braking system, when he or she is buying a new car. Given that such optional equipment has the potential to save lives, it should not be more expensive than necessary. Surely the State should not tax

[Deputy Brendan Griffin.]

important equipment that has been proven to save lives. Perhaps that can be considered in the context of the finance Bill. I know this is a very difficult economic time, but we need to ask whether we can put a price on human lives. It would be easy to rectify this anomaly in the finance Bill. It should be considered because it could represent the difference between life and death for a number of individuals in the future.

I mentioned that many positive contributions to this debate have been made in recent days. As a rural Deputy, I must mention the difficulties that are being experienced by people living in the countryside. Rural publicans, in particular, are the big losers from the tightening of the drink driving laws. Rural dwellers who were used to a certain way of life have also lost out because life has become much more difficult for those whose social lives depended on being able to drive to the pub, have one or two pints and go home. We need to balance the measures we are implementing with measures that will make it easier for rural dwellers to maintain some social contact with their neighbours and friends. Many Deputies have mentioned that we need to work in tandem with rural publicans to find a solution that allows people to socialise in the traditional manner. As many rural shops and post offices have closed in recent years, the rural pub is one of the final outlets for rural people who wish to socialise. I know many elderly people whose only contact with other people is when they go to the pub for a pint at night. The Bill will make that impossible for them without the support of taxis or other form of transport. People cannot get taxis or hackneys in many rural communities and, therefore, the publicans need to be subsidised and helped in this regard.

There is a good argument for this as publicans contribute hugely to the economy, including to the Exchequer through VAT, rates, income tax and employer's PRSI, as well as providing a social outlet for people who would otherwise suffer from isolation. There should be measures such as tax breaks for publicans and, as Deputy Mulherin suggested, we need to consider the area of rates. We need to work with the publicans. I would like to see a concentrated approach towards ensuring people in rural areas will be able to go to and from the pub legally and avoid social isolation. This is very important and should be a focus of Government for the future.

Deputy Eamonn Maloney: I want to focus my remarks on one of the provisions of the Bill, taking into consideration some of the previous debates in the House on the same subject matter, namely, the question of the lowering of the blood-alcohol limits. I am one of those who, over the years, has reached a strong conclusion that there should be no tolerance of driving while under the influence of alcohol or any other drug. Whether this Dáil or a future Dáil deals with the issue, it is something all of us know is inevitable.

I read some of the previous records of the House on this matter. As recently as eight years ago, not one single Deputy stood up in the House and said we should question whether it is right or safe that there should be a tolerance level for those who use alcohol or some other drug and then use their vehicle. We have heard certain arguments put forward today and yesterday. Why do we not take to its conclusion the argument that every so many years we would reduce the permitted level of alcohol and use the scientific evidence that this lowers the death rates? I read one contribution which stated the death rate was now down to "only six per week". If one were to say that to a family that has lost a member as a result of the actions of a drunk driver, one would get very little understanding, and rightly so.

We must think this through. Every time we, as parliamentarians, water down these measures, we must ask why we do not go the extra mile, as other Parliaments have done, and just ban it entirely, whether it is alcohol, cannabis, heroin or cocaine. We should ban it once and for all. That is the message people want to hear.

It was refreshing to hear today and yesterday that there are perhaps an increasing number of people who take the view I take, namely, that we must face up to an outright ban on the use of any drug, including the national drug, alcohol, which I enjoy myself occasionally. It may be the new Minister who will have to make a stand and be the only Minister in the history of the State to say this issue has to be confronted and that there must be a public debate on it. If there were a public debate, I believe I know on which side it would come down.

If one considers how other jurisdictions have dealt with this, not just in Europe but world-wide, there is no great difficulty for us. There are some who say we must reduce the alcohol level and try to reduce the number of deaths but then contradict themselves by asking us to consider our country cousins who want to go off for a few pints and then drive home. The life of someone living in the country is just as valuable as that of someone, such as myself, who lives in an urban centre. There should be no distinction.

Speakers in the debate have drawn a distinction between alcohol and drugs. If one compares the figures regarding illegal drugs and road casualties with those concerning the national drug, alcohol, the illegal drugs are out of the frame and are scarcely of consequence in the statistics.

Deputy Ciara Conway: I am delighted to have the opportunity to speak on the legislation. I want to comment first on an issue raised by several speakers. When a Bill is before the House and a problem is identified, people immediately turn to the work of the schools and suggest we should have some programme in the schools. When people make this point, I ask when will our children learn to read and write if we are all going to be preoccupied with alcohol programmes, sexual education programmes and mental health programmes. I understand this is an important aspect, but as individuals, parents, families and as a society, we have a responsibility to act in regard to the questions that arise in the context of this legislation. For example, we need to ask how we are to deal with drink driving in our society and not just place it at the foot of the school gate, time and again.

In the short time I have to speak, I would like to focus on one of the benefits of the boom, which is the relatively good road network. It has taken us a long time to catch up with the rest of Europe but, as a Deputy from outside the Pale who spends a lot of time on the road, I can definitely say the road infrastructure has improved. To be fair, my car is an extension of my office and, thanks to the late Mr. Steve Jobs, my iPhone and the hands-free kit are where I do much of my work. As I travel to and from Waterford on the M9, I am struck by the lack of services, which is a point raised by Deputy O'Sullivan earlier in the debate. This section of the Bill deals with the limits for drink driving, which is undoubtedly an important issue for us to tackle. Tiredness is another big killer, however, although it is not often spoken of. To be fair, the Road Safety Authority usually does a good job in terms of advertisement campaigns and public awareness coming up to bank holidays, but while the advice is to stop, have a coffee and take some time, if one is on the road from Dublin to Waterford there is nowhere to stop.

The majority of motorways throughout the country, including the M9, do not have stops where drivers can take a break. This is partly because it took until 2006 for the National Roads Authority to decide that motor service areas are a good idea. Just as the 2007 Act got up and running, however, the money ran out, and we are now left with the dilemma of what we might call "ghost motorways". Instead of signs telling drivers where they can stop on a motorway to take some time out to ensure their tiredness is not impairing their driving, they merely are being escorted off the road to a petrol station. This is not adequate for people who now commute long distances to work. They need to be able to pull in somewhere and this issue should be given serious consideration in the future. My concern is many drivers will simply choose to hold on until they reach their destination but if they already are fatigued, such time saving could come at a cost to their health and safety. Like other Members, I am aware that

[Deputy Ciara Conway.]

money is scarce, but service stops are important and one must ensure drivers have proper facilities available to them.

The legislation passing through the House is to be warmly welcomed as it helps to tighten up on breath testing for drink driving. It was interesting to learn from reading the Minister's helpful notes accompanying the legislation that a further road traffic (No. 3) Bill will be required to tidy up another mess left behind by Fianna Fáil. In 2010, the previous Government announced with great fanfare the harsh stance it intended to take on drink driving but did not equip the Garda with the requisite equipment to ensure the implementation of the legislation.

I will conclude by noting many Deputies have raised the issue of the need to educate young drivers. I commend Gay Byrne on the fantastic job he does, but is he the man one needs to reach out to young drivers to effect change? As one of the younger Members of the House, I am not being ageist and commend him on his work but consideration should be given to identifying a better role model to engage with such young people to ensure they change their behaviour.

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):

I thank the Deputies who have contributed to the debate for their views and their general support for the Bill. The large number of Deputies who contributed to the debate demonstrates the seriousness with which the House views road safety issues. All are agreed that improvements have and are being made on road safety and that the country as a whole is reaping the benefits with the reduced fatalities on our roads. There is also general agreement across the House as to the reasons for the improvement. The vehicles being driven are more safety-focused, the roads on which people drive are better and safer, initiatives such as safety cameras are in place, enforcement by the Garda has played a key part, education for existing drivers and the next generation of drivers is vital and the laws Members have passed have ensured that road users must adopt a more responsible attitude. During the debate, there also were warnings against complacency. That will not happen and will not be allowed to happen. Although we are on target for the lowest annual fatalities on record, it is sobering to consider that since the Minister introduced this Bill in the Seanad on the Tuesday before last, seven people unfortunately have died as a result of road collisions. The fight must go on and I believe the enactment of this Bill will be another positive step in making the roads safer.

I now wish to address some issues raised by various Deputies. A number of Members raised the issue of driving under the influence of drugs. To clarify, it is illegal to drive while under the influence of drugs to such an extent as to be incapable of having proper control of a vehicle. When a garda suspects a motorist is driving under the influence of any intoxicant, that garda may arrest the person. Unlike alcohol, there is no legal limit for drugs and the garda must be satisfied that a driver is under the influence to such an extent as to be incapable of having proper control of a vehicle. The Minister already has indicated he proposes to introduce stronger measures regarding impairment testing by the Garda as part of the next road traffic Bill. The Medical Bureau of Road Safety, MBRS, with the school of medicine in UCD, already has begun to train gardaí to enhance their assessment of drivers suspected of driving under the influence of drugs other than alcohol. Training commenced in April 2011, is at an advanced stage and will be completed before the impairment testing provisions come into legal effect. The MBRS is also keeping abreast of developments in Europe and across the world in respect of roadside testing for drugs. There is no feasible basis as yet in Ireland or in Europe for the introduction of a preliminary roadside test for drugs, as any testing devices are still in the prototype stages. While random drug driving testing, based on saliva specimens, is in operation in some jurisdictions, it is very limited in application. The Government is aware that drug

driving is becoming an increasing problem and will not be slow to introduce feasible and workable measures to deal with the issue.

A number of other Deputies referred to the need for continuing education, particularly of young people and schoolgoers, to instil proper practices and good road behaviour at the earliest possible opportunity. I listened carefully to Members' comments in this regard. Since its establishment, the Road Safety Authority, RSA, has carried out an extensive information and education campaigns aimed at all sectors of society. The most significant activity has seen the RSA join forces with its counterpart in Northern Ireland, the Department of the Environment, to promote anti-drink driving message on an all-island basis. This has resulted in the development of the most successful and hard-hitting road safety advertisements ever to be viewed on television, North and South, and Members will be familiar with those advertisements. The RSA has also developed comprehensive integrated road safety education programmes at preschool, primary, post-primary and third levels, as well as in the community. Specifically, education resources are used in secondary schools and include tailored modules on raising awareness of drink driving issues. In recent years, the authority has also developed a transition year road safety programme which targets the next generation of drivers before they begin formal instruction. In addition to the major campaigns, the authority has also produced a suite of educational literature, including posters and leaflets that have been distributed to communities throughout the country. This distribution has been assisted by An Garda Síochána and road safety officers with local authorities.

Deputy Broughan referred to the testing of unconscious drivers. In the general scheme of the Bill which the Minister discussed with the Oireachtas joint committee, provision was made for taking a blood specimen from a driver involved in a collision who was brought to hospital in an unconscious state. In the joint committee's response to issues raised, its Chairman referred to the joint committee's concerns that this proposal might raise constitutional issues. As a result, the Department has asked the Attorney General's office to examine the proposal. I appreciate this is an issue of concern and the Department would like, if possible, to make provision for dealing satisfactorily with such occurrences. When the views of the Attorney General's office have been received, the Department will decide how best to proceed with the matter either in the next road traffic Bill or thereafter.

Some Deputies raised the issue of speed limits. The power to decide the speed limit applying to individual roads within an area rests with the relevant road authority in consultation with the Garda Commissioner and with the consent of the National Roads Authority in the case of national roads. Road safety is a major consideration in the application of speed limits and enforcement is a matter for the Garda Síochána. The then Department of Transport issued guidelines in January 2011 to all local authorities and the onus is on each local authority to take them into account with regard to the speed limits to be set for all roads in its area of responsibility. The purpose of these guidelines is to provide advice and guidance on the making of speed limit by-laws by county and city councils for the purpose of applying special speed limits. After taking the guidelines into account, it is considered best practice for local authority officials to advise the elected members of their respective councils on what should be a suitable speed limit regime for different roads in their areas of responsibility.

A number of Deputies have raised the issue of rest areas on motorways. At present, three motorway service areas are open, two on the M1 and one on the N4, and the NRA has planning approval for a further four such areas. While they are not a substitute for service areas, there are a number of parking areas along the motorways at which vehicles can be parked safely to allow drivers to take breaks or rest periods. However, this is a valid issue that must be addressed in the near future.

[Deputy Alan Kelly.]

Deputy Farrell raised the issue of heavy goods vehicles, HGVs. It already is an offence for HGVs to use the outside lane on a three-lane motorway and on a two-lane motorway, they can only use the outside lane for overtaking and must then move into the inside lane.

A number of Deputies on all sides raised the issue of rural isolation, various other matters pertaining to rural Ireland and how this Bill will affect rural Ireland. This issue must be addressed in a wider context and the Government is committed to examining the entire issue of integrated rural transport. As the Minister of State responsible, I hope to make proposals in the near future to consider how to make better use of the transport services across the HSE, Bus Éireann, school buses and the rural transport programme with a view to advancing service provision in rural areas. The issue also will be coming up for consideration in the taxi and hackney review committee that I chair.

Deputy Healy-Rae asked about daytime running lights, DRL. After an extensive consultative process the RSA decided against making DRL compulsory. However, it is an issue that will continue to be monitored. There are several safety issues in cars and this issue will be considered over a period to determine how it can be better addressed. Deputy Durkan spoke about the age of cars. Statistics indicate that the older the vehicle, the greater chance of defects and therefore the greater danger presented on the road. Deputy Maureen O'Sullivan raised the legitimate issue of signage at bus stops for cyclists. The matter will be looked at and taken up in the Department forthwith. Deputy Harrington spoke about high-visibility vests. The Licensed Vintners Association and FBD Insurance have provided funding to the RSA for the purchase and distribution of such high-visibility vests, which we support.

Deputy Ellis spoke about response times from emergency services to collisions, particularly in remote areas. There is an action point in the current road safety strategy that requires the HSE to examine best practice and put in place a system to improve the survival, treatment and recovery of those involved in road collisions. Regular meetings of the relevant stakeholders take place to examine progress on the strategy. The next meeting is scheduled for next month. The Deputy also raised the possibility of North-South co-operation on road safety matters. Discussion is taking place at official level with the authorities in Northern Ireland, under the North-South Ministerial Council to agree a system of mutual recognition of penalty points. As a pilot scheme, it is proposed to identify a small number of offences where an appropriate level of penalty points can be applied. This is likely to take some time to conclude because the systems in both jurisdictions differ considerably.

As part of the graduated driver licensing system, my Department, with the RSA, the Garda and the Courts Service is examining the possibilities for alternative sentencing for road traffic offences. The type of penalties suggested by a number of Deputies will be considered as part of that examination. I expect the group to finalise its views before the end of the year.

Deputy Eoghan Murphy raised the issue of car clamping. The programme for Government contains a commitment to regulate the clamping industry. The Minister, Deputy Varadkar, proposes to discuss this issue with the Oireachtas joint committee soon and to publish a Bill in 2012. Deputy Hannigan and others expressed reservations about taking specimens from drivers in hospital. Taking of blood or urine in hospital is already provided for in legislation. This Bill provides that the blood or urine will be tested at the lower levels. The purpose of the provision is to ensure that all drivers, involved in collisions where death or injury has occurred, will be tested for alcohol. For a long time, drivers removed to hospital after a collision were not tested, which seems unreasonable. The blood or urine tests will only be taken when the treating doctor agrees.

A number of issues were raised that relate to important aspects of road safety but are not contemplated by this Bill. As the Minister mentioned in his opening statement, it is proposed to introduce another road traffic Bill later this year and the issues raised will be considered for inclusion at drafting stage.

The provisions in the Bill will have a very positive effect on road safety. Mandatory breath testing at the lower blood-alcohol concentration levels will ensure that all drivers, involved in serious collisions, who have exceeded these limits will not escape detection.

As we are all well aware road traffic legislation is the most challenged legislation in our courts. As a result we continually examine Road Traffic Acts to strengthen the provisions and close any perceived loopholes. The Bill makes further strides in this direction. It is our wish to have it enacted as quickly as possible so that its provisions can be commenced at an early stage. Strong legislation reduces death and injury on our roads and this Bill contributes in this regard.

I thank the Deputies for facilitating the introduction of the Bill and their contributions to the debate.

Question put and agreed to.

Road Traffic (No. 2) Bill 2011 [*Seanad*]: Referral to Select Committee

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): I move:

That the Bill be referred to the Select Sub-Committee on Transport, Tourism and Sport, in accordance with Standing Order 122(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

Patents (Amendment) Bill 2011: Order for Second Stage

Bill entitled an Act to give effect to Article 1 of the Agreement on the Application of Article 65 of the Convention on the Grant of European Patents, done at London on 17 October 2000; to amend the Patents Act 1992; and to provide for related matters.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock): I move: "That Second Stage be taken now."

Question put and agreed to.

Patents (Amendment) Bill 2011: Second Stage

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock): I move: "That the Bill be now read a Second Time."

On a personal note, as this is the first legislation I have introduced as a Minister of State, I wish to say it is a privilege to be able to do so.

The Patents (Amendment) Bill 2011 is a short but very important Bill amending three sections of the Patents Act 1992, to allow for the eventual ratification by Ireland of the London agreement. I will set out the context in which I am bringing this Bill before the House today. Patents are central to supporting innovative businesses in several ways. Patents add economic value to inventions by giving them a monopoly right for a fixed term to enable the commercial exploitation of ideas in the market place. However, in return for that monopoly the inventor must agree to have the details of the invention published. The publication of patents enables

[Deputy Sean Sherlock.]

research and encourages research, allows business in technical fields to stay abreast of the state of the art and encourages further innovation. It also helps to create co-operative links between inventors, investors and manufacturers through patent licensing.

Protecting intellectual property rights through patenting is important to Irish industry and business. The Irish Patents Office provides for the granting of patents and registering of trademarks and industrial designs. In 1964, a new Patents Act was passed to bring our legislation in line with that of the main industrial countries. This reflected Ireland's outward looking focus for economic development through international commerce, which has continued to this day. The main body of Irish patent law is contained in the Patents Act 1992 which now serves to meet our national needs and our international obligations.

Over the past decade, it has become clear that Ireland's international competitiveness depends increasingly on goods and services, which have high knowledge content. A recent report shows that enterprises across all business sectors spent almost €1.8 billion on research and development activities in 2010. An effective patent system is the key to converting that investment into economic growth. It is imperative that this knowledge is captured at the early stages, protected and exploited to its full potential. Today, inventions can be protected in Europe either through national patent offices or through the European Patent Office located in Munich. Irish and European companies marketing their products, strategically choose to apply for a European patent rather than a national patent to ensure larger geographical protection for their products.

The European Patent Office established by the European Patent Organisation, is an inter-governmental institution comprising 38 countries, the EU 27 along with 11 other European countries. The functions of the office are to examine patent applications and grant a European patent if the relevant conditions are met. It is worth noting that patent applications originating in Ireland to the European Patent Office have been increasing steadily, underlining the importance to industry of European patent protection. Patent applications to the EPO have risen by 44% and grants of European patents to Irish applicants have increased by 21% since 2004.

Unfortunately, the European patent process can be expensive and complex which can act as a disincentive, especially for small and medium-sized firms. A company wishing to protect its invention across Europe applies to the European Patent Office for a patent. Once a European patent is granted by the office the proprietor must designate the countries where he or she wants patent protection and then the patent must be validated in each member state. At this stage the European patent effectively becomes a bundle of national patents.

To validate a patent, a full translation of the patent must be lodged in each country designated, in the national language of that country. These translation costs make up a very sizeable portion of the costs of acquiring a European patent and the costs must be borne by the applicant. As a result, the European patent is uncompetitive when compared with the cost of obtaining US and Japanese patents.

Let me put the matter in real terms. A European patent validated in 13 European countries is about ten times more expensive than a US patent and 13 times more expensive than a Japanese patent when processing and translation costs are taken into account. It has been estimated that validating a patent in 27 countries costs €32,000, of which €23,000 is for translations alone. Anecdotal evidence suggests these translations into national languages are hardly ever consulted. Only 1% of patents go down the litigation route and in the event that a court case ensues, the authentic text of the patent before the judge is always the patent text as granted by the European Patent Office. Meanwhile, the national translations required all over Europe remain in the drawer. Moreover, it usually takes four or five years to process and grant

a patent in the European Patent Office. Consequently, these translations do not serve the purpose of informing the public about state-of-the-art new technologies, as they are only required to be filed after the patent has been granted.

There are other costs associated with the translation requirements such as filing and publication fees to local national offices. Local patent agents often act as intermediaries between the patent proprietor and the national patent offices where the translations are to be filed. These patent agents take on the role of ensuring formal requirements laid down by national law are complied with and the correct fees are paid. Obviously, the patent agent has to be paid for providing this service and a recent study conducted by the European Commission concluded that these costs varied from around €150 to €600 per validation, depending on the member states involved. If a patent is being validated in a number of countries, we can see how these costs can mount up. They particularly affect small and medium-sized enterprises, young innovative companies, start-up companies and public research universities.

Research shows that Irish industry, as elsewhere, often takes a selective cost effective approach when designating states for patent protection, thus leaving the patent vulnerable in those states not designated. In order to reduce these costs, an intergovernmental conference held in London in 2000 adopted the London Agreement. This agreement, which entered into force in May 2008, set out to reduce the cost to applicants by easing the requirement to file translations of granted patents under the European Patent Convention in those countries that signed up to the agreement. The overall aim of the agreement is to reduce the cost of translations across the 38 member states by 50%. In order to reach this level of reduction, it is vital that all member states of the European Patent Convention become a party to the agreement.

Article 65 of the European Patent Convention provides that any contracting state may require a translation of the text of a European patent into one of its languages, if that language is different from the language in which the patent is granted. Under the London Agreement, the parties to the agreement undertake to waive, entirely or largely, the requirement for translations of European patents to be filed in their national language. In effect, under the agreement, states with English, French or German as an official language will dispense with translation requirements entirely for the patent to come into effect.

Having English as an official language, Ireland would have to dispense with the requirement to seek a translation into English of the detailed specification of European patents drawn up in French or German. However, it is important to note that the claims which are the core part of the patent that defines the limit of the monopoly would continue to be available in English after granting. Section 119(6) of the Patents Act 1992 requires that a European patent designating Ireland and drawn up in either French or German must have its specification translated into English for that patent to be validated in Ireland. It is necessary to delete section 119(6) and corresponding subsections where reference to these translations is made in order to give full effect in our legislation to the London Agreement.

In order to assess the implications for Irish inventors and business, my Department carried out a regulatory impact assessment of the London Agreement in 2009. It concluded that the main advantage of the agreement for Irish inventors seeking patent protection abroad was that they would no longer be required to furnish translations to the extent currently required in those countries which became a party to the agreement. This would lead to significant savings when filing in other non-English language European states. Translation costs, publication fees and patent attorney fees would be reduced, with the greatest saving on translation costs. For example in 2007, there were 126 European patents granted originating from Ireland. Twenty-eight states were designated and the total cost of translations to protect the patents was esti-

[Deputy Sean Sherlock.]

mated at €6 million, a significant cost to industry. This figure does not include the filing and publication fees to the national offices or patent attorney's fees.

The London Agreement is an optional agreement and to date 16 countries have signed it. However, our accession to the agreement should encourage other member states to accede, thereby reducing further the cost for Irish inventors when filing in other non-English language European states. The more members involved, the greater the benefit to European business.

I see the Bill as just the first step in reducing the burden of costs involved in protecting patents internationally. On the European Union front, we are working with other member states towards the creation of unitary patent protection that will have the effect of reducing the costs of registration and enforcement of patents for businesses. The Commission's proposal for a single EU patent has been under discussion for over 50 years and we are finally seeing some progress. At the EU Competitiveness Council in March this year the Council authorised the use of the enhanced co-operation procedure for the creation of unitary patent protection in those member states that wished to join. Ireland is one of 25 member states which are forging ahead to achieve a simpler, cheaper and more robust patent system in the European Union that has eluded us of decades. This measure, when fully implemented, will enable Irish-based holders of patents to seek protection for their patent across the 25 member states supporting the unitary patent protection — representing 79% of the territory of the European Union — for a fraction of current costs. The Commission estimates that by implementing unitary patent protection, the overall savings to European business could reach €50 million per year, even in the early stages. These cost reductions should particularly benefit Irish start-up firms and small businesses. When fully implemented, this measure will facilitate a big reduction in costs and red tape which will provide a stimulus for European innovation and make patents more accessible to all companies in the European Union.

Enacting the Bill, combined with our accession to the London Agreement, will remove the current expensive translation requirements which is likely to lead to Ireland being designated in more patent applications and to more patent-related activity in Ireland. It is expected that more inventors and small and medium-sized enterprises, currently deterred from registering patents because of the high costs involved, will be attracted to protecting their intellectual property across Europe. This will further support Ireland's efforts to generate economic growth through promoting and innovating better processes and products. I commend the Bill to the House.

Deputy Willie O'Dea: I congratulate the Minister of State on introducing his first Bill before the House. I also compliment him on the excellent job he has been doing in his Department so far.

A patent is part of the intellectual property family. Patents were central to the development of innovation in technology, on which our future largely depends. There are many definitions, but the best one I can find is that a patent is “a set of exclusive rights granted by a sovereign state to an inventor or their assignee for a limited period of time in exchange for the public disclosure of an invention”. The procedure for granting patents, the requirements placed on the patentee and the extent of exclusive rights vary widely between countries according to national laws and international agreements.

Patents in one form or another have been with us for some time. The first recorded instance we can trace of a patent being granted was in 500 BC when the Greek city of Sybaris granted a patent to people who were developing new refinements of luxury. Sybaris was clearly a wealthy city, perhaps akin to Ireland at the height of the Celtic tiger. In 1449 King Henry VI granted to England the first patent for the introduction of making coloured glass. Patents in

the modern sense originated in 1474 when the Republic of Venice enacted a decree that new and inventive devices, once put into practice, had to be communicated to the republic to obtain the right to prevent others from using them. England followed Venice and the first statutory provision we can find is the Statute of Monopolies 1623 under King James I. In the United States, during the so-called colonial period and Articles of Confederation years, 1778 to 1789, several states adopted patent systems of their own. The first Congress adopted a Patent Act in 1790 and the first patent was issued under this Act on 31 July 1790.

The enforcement of patents is generally a matter of civil law. A patent holder will seek damages for the loss of profits due to infringement of the patent and an injunction preventing the infringement activity continuing in future. Some countries, notably Austria and France, have adopted criminal sanctions for infringements.

The Minister of State referred to the costs associated with making patent applications. The most up-to-date figures I could find were estimates provided by the European Patent Office in 2005, which showed that the average cost of obtaining a European patent via a euro-direct application and maintaining the patent for a ten year term was approximately €32,000. Since the London agreement entered into force on 1 May 2008, this estimate is no longer valid as fewer translations are required. In the United States, figures from 2000 show the cost of obtaining a patent was between \$10,000 and \$30,000 per patent. Where patent litigation is involved, however, the figures can be substantially higher.

The rationale usually advanced for patenting a process or product is that without such a system of protection, much less would be spent on research and development because people would be less willing to invest if they believed their competitors would have immediate access to the products or processes they developed. Another rationale is that it involves disclosure of innovations in the public domain for the common good. If inventors did not have the legal protection of patents, they would prefer to keep their inventions secret. Awarding patents makes the details of new technology publicly available for exploitation by anyone after the patent expires or for further improvement by other inventors. It also introduces competition as competitors will be anxious to design or invent around each others' patents and this will promote healthy competition among manufacturers resulting in gradual improvements of the technology base.

The arguments against patents generally relate to restraint of trade. It is argued, for instance, that patents are inconsistent with free trade. This is particularly evident in areas such as the pharmaceutical industry where pharmaceutical patents prevent generic alternatives from entering the market until the patent expires and, therefore, maintain high costs for medication. However, I understand approximately 5% of pharmaceutical products are patented. Proposals have been made to replace patents with other types of financial incentivisation. For example, it has been proposed that people would be compensated directly — I presume by the state — for the loss of profits arising from the removal of patent protection. This would be a difficult proposal to implement and I do not envisage it will be a realistic option in the immediate future.

The Fianna Fáil Party is committed to transforming Ireland into an innovative hub and increasing innovation and entrepreneurship. While in Government, my party established the innovation task force which recommended that Ireland market itself as an international innovation services centre, offering a location for global intellectual property management licensing and IT trading services. In this context, the task force recommended that Ireland work to harmonise IP regulations at European Union level. It stated “rapid ratification of the London agreement” would “significantly reduce the costs of patent filings”. For these reasons, Fianna Fáil will support the Bill.

[Deputy Willie O'Dea.]

As the Minister of State noted, before 1 May 2008, once a European patent had been granted, it had to be translated, within three months or six months in the case of Ireland, into the official language of each country where the patentor wanted patent protection. If a translation was not provided to the relevant national patent office within the prescribed time, the patent was deemed to be void *ab initio* in the state in question. This position continues to apply in states where the London agreement has not entered into law. This leads to high translation costs for patent holders. According to the Minister of State, these costs amount to approximately 80% of total costs associated with patent applications. It also reduces the incentive to apply for a European patent and it has been argued that the position became a burden on the competitiveness of the European economy compared with the position in the United States or Japan.

The 2009 annual European patent report highlights the importance of the European Patent Convention, EPC, regime to the Irish patent system. Of the 34,172 patents granted in 2009 and having effect in Ireland, 99% were granted by the European Patent Office, EPO, under the convention. The patents granted by the EPO in this scenario mean the patent has been granted in Ireland and other European countries. The figures also show that less than 0.5% of EPC patents having effect in Ireland were granted to people living in this country. As the London agreement affects the translation rules of the European Patent Convention, these figures show that the Bill will affect a substantial number of patents having effect in Ireland.

To reduce costs, an intergovernmental conference was held in London in 2000 regarding the London agreement. This agreement provides that contracting states, which have an official language in common with an official language of the European Patent Office, namely, English, French or German, no longer require translation of EU patents into one of the official languages. Other contracting states must choose one of the official languages of the European Patent Office as a prescribed language into which European patents must be translated to enter into force in the states in question. Contracting states maintain the right to require translations of the claim, which is the central part of the patent, into one of their official languages.

A contracting state to the London agreement also retains the right to require that, in the case of a dispute relating to the European patent, a translation should be provided by the patentee in one of the official languages of the state. The London agreement finally came into force on 1 May 2008 after France signed, and I understand 16 states are now signatories. In 2009, the then Department of Enterprise, Trade and Employment released a regulatory impact analysis of the London agreement. The two options identified were to ratify the agreement or do nothing. By ratifying the agreement, Ireland would have to take patent specifications drawn up in French and German as valid without an English translation. The corresponding benefit would be that Irish applicants for patents in other contracting states would have a reduced burden to provide translations, thereby reducing the cost of protecting patents in contracting states. By doing nothing, Ireland would benefit because the larger the number of countries signing up to the agreement, the lower the cost to someone in Ireland seeking a patent.

Research has shown that costs are significantly higher in Europe than in the US or Japan. I was astonished by the figures provided by the Minister of State in this regard. In reducing costs, small and medium sized enterprises could benefit and greater use of patents would certainly be promoted. Across signatory states there has already been a positive impact. A discussion paper published in November 2008 by the Centre for European Policy Research, CEPR, studied the 15 states which had ratified the London agreement. The paper suggested that the costs of patenting through the European Patent Office had already been reduced by between 20% and 30%, with the implementation of the agreement resulting in an average saving of €3,600 per patent and savings to the business sector of approximately €220 million. The CEPR estimated that if all European Patent Convention member states implemented the London agree-

ment, the reduction in costs could be between 40% and 60%. When the United Kingdom ratified the agreement, it was predicted by the country's Intellectual Property Office that investors in businesses would save more than £1 million.

In spite of this, the cost for patents validated in certain European countries will still be several multiples higher than that for patents granted in the United States. The detailed specification of a patent may not be supplied in English, which may have negative effects. There may be negative effects here, for example, for Irish persons or companies wishing to scrutinise or challenge a patent. If they wish to scrutinise the detailed provisions of the patent they would have to translate it at their own expense. This could lead to court action for the infringement of patents. The RIA states that such costs cannot be estimated but potentially could be significant in particular cases. The significance of this is somewhat obviated in that the patent claim, which concerns the central part of the patent, will usually be the first document to be scrutinised by interested parties.

Significant advantages will flow to Ireland from the London agreement, regardless of Irish ratification. Ireland benefits from the London agreement being ratified in other states. In this regard, the RIA states that ratification by Ireland could encourage other states to ratify the London agreement. This would lead to further reduced costs for Irish applications for patent in non-English language EU states. This, along with the increased incentive to patent and innovative benefits arising therefrom, give us justification for ratification. I agree with those arguments and with the purpose behind the legislation.

I have some points that may be more germane to Committee Stage. According to section 5(3) the Bill will only come into effect on such day or dates as will be nominated by the Minister. In other words there is no specific section that states explicitly when it will come into effect. I mentioned the intergovernmental conference that took place as long ago as 2000. The entire process has been characterised by a certain lethargy in spite of the obvious benefits. As an antidote to that and to ensure that we do not fall into the same trap, I ask the Government to consider establishing a time limit within which to implement this.

In regard to section 4, I ask the Minister of State, Deputy Sherlock, to clarify the meaning of "authentic text". Is it the actual text under which the European Patent Office validates the patent, namely, in one of the official languages? The authentic text must always be in English, French or German.

The Minister of State referred to the ongoing efforts to create a single European patent. Obviously, the European Patent Convention, EPC, system we have is infinitely preferable to that which preceded it whereby one had to apply separately in each country in which one wanted to have protection. Under the EPC system there is a single application but it leads to a bundle of patents, as the Minister of State noted, one for each individual country that is nationally enforceable in each such country. A single European patent that would be enforceable uniformly throughout the European Community would be far preferable and less costly. When the Minister of State replies he might give us an update in regard to that and the kind of timescale involved.

All in all, this is good legislation. It obviously has a very limited application in the overall context but is of significant importance and will reduce costs to business by reducing the cost of creating jobs. From that point of view my party enthusiastically supports it.

Deputy Finian McGrath: I am sharing my time with Deputies Mattie McGrath and Clare Daly. I thank the Chair for the opportunity to speak to this new legislation, the Patents (Amendment) Bill 2011. I welcome the debate and am glad the Minister of State, Deputy Sherlock, is in the House because there is an important opportunity to link this debate to the

[Deputy Finian McGrath.]

debate on invention and the significant potential for new ideas on job creation. I expect the Government to listen to all views in the House and not to become complacent or arrogant in dealing with issues of great national importance. Deputies on all sides of the House have contributions to make, particularly by linking the debate in the issue of job creation and trying to come up with new ideas and inventions and do something to turn this country around. It is important that all politicians take this very seriously.

The Minister of State mentioned that protection of intellectual property rights through patenting is important and I agree strongly with him on that. When a person comes up with a new idea people should move to do their best in its interest. This does not necessarily mean direct involvement on the consumer or industrial fronts. I mention this point as part of a broader debate. In the past 17 years I have observed how successful the Northern peace process has been and often wonder whether it should have been patented at the time to aid conflict resolution throughout the Middle East and other areas of conflict such as the Basque country in Spain. There is great potential to market and develop Ireland as an international hub for new ideas on peace and reconciliation, conflict resolution and human rights. I see that as having potential to bring investment to the country.

It is also very relevant to the recent debate during the presidential campaign, in regard to candidates such as Mr. Gay Mitchell. I am concerned by comments made by him in recent days. Does he support the Good Friday Agreement or do his views damage the entire peace process? Does he support inclusive dialogue? I link these because they are fundamental questions that should be asked. It is important to link this point into the notion of developing Ireland as a hub for peace and reconciliation and into this debate. One President, Ms Mary Robinson, was able to reach out to Mr. Gerry Adams and another, President Mary McAleese, along with her husband, Martin McAleese, was able to reach out to people such as Jackie McDonald from the Loyalist community. That is the kind of way forward the people are demanding. That is the issue in point.

Acting Chairman (Deputy Sean Kenny): The Deputy must speak to the Bill.

Deputy Finian McGrath: I am linking the point into new ideas and inventions——

Deputy Willie O’Dea: The Deputy is very inventive.

Deputy Finian McGrath: ——and developing Ireland as a hub for conflict resolution, peace and reconciliation. I take the Chair’s point regarding the details of the legislation.

The Patents (Amendment) Bill allows for the ratification of the London agreement on the application of Article 65 of the European Patent Convention. This agreement is a technical addition to the EPC, whose effect is likely to reduce translation costs for patents in Europe. This will mean that European inventors who seek patents in Ireland will not have to translate the detailed specifications of a patent if they are already in another of the official languages, French or German. In a wider international dimension the London agreement will help Irish inventors who seek patents in other signatory states because a detailed patent specification drafted in English will not have to be translated further. That is what the debate is about.

The Bill makes Ireland a party to the London agreement, which I welcome. It also seeks to reduce translation costs for patents in Ireland and Europe, a very positive and constructive step. It amends the Patents Act 1992 which is the principal Irish Act relating to payments.

This is the core issue. I return to the idea of developing new ideas and patents as a means of job creation. This is very important. The austerity programme imposed here during the past four years has taken in the region of €20.6 billion from our economy. This plan is working only

to the degree that it is doing what it was designed to do, namely, to recover losses incurred as a result of reckless lending by major Continental banks during the bubble years. It is not working in reference to any other criteria. We need to be very focused on these issues. If people come along with new inventions or ideas on job creation and investment we must take them very seriously and support them. When a person comes up with an idea in this regard an imaginative way must be found to leverage investment into the economy to generate jobs and rebuild confidence. I appeal to the Minister on this point. For example, the residue of the National Pensions Reserve Fund, €5.3 billion as of July 2011, should serve as a first element. Private pension funds must also play a critical role in addressing the investment deficit. Prior to the recent market contraction the combined assets were estimated at €78 billion. I make that link because people constantly ask where we will find the money and the resources. There is an example.

I also have major broader concerns. I was strongly opposed to the so-called new pension levy for reasons that were reported widely elsewhere. It is projected to raise €1.9 billion over a four year period. This figure is based on a rate of 0.6% per annum which would become 2.4% of the value of each fund. If pension funds could be persuaded to increase the proportion of their assets which they invest in the domestic economy by 5% — more than double the value of the levy — this would generate upwards of €4 billion. Again, I am linking this into the debate on the Bill in the context of patenting and new ideas because I am of the view that it is very important.

People should be aware of what exactly constitutes a patent. There is a degree of confusion with regard to copyright and patents. A patent is an exclusive right based on invention and ownership. In effect, it represents a bargain between the state and the inventor whereby he or she is given a monopoly right over his or her invention for a set period in return for the disclosure of that invention. There are many young, talented individuals in this country and this was evident at the recent Young Scientist of the Year exhibition. It is sad that we are losing some of these people because, as a result of mass unemployment, they are being obliged to emigrate. It is important to highlight this issue and to fast-track ideas which will provide assistance to these people. The legislation will be helpful in that regard.

For an invention to qualify for a patent, it must be susceptible of industrial application and must be new and involve an inventive step. A patent is not to be confused with a trademark or with copyright. A trademark is a sign which is capable of being represented graphically — such as a company's brand logo — and which distinguishes the goods and services of one entity from another. Copyright describes rights given to authors and creators of certain works, such as books and music. It is very important to highlight the differences that exist in this regard.

Section 3 of the Bill provides for the repeal in its entirety of section 119A which was inserted into the Patents Act 1992 by means of the Patents (Amendment) Act 2006. Section 119A provides for the restoration of a patent where translations are not filed under section 119(6). Since the requirements under the latter are deleted, the provisions set down in this subsection are no longer applicable. It is important to refer to that matter.

I welcome the debate on the Bill, which has provided an opportunity for Members to put forward ideas. I have offered a few new ideas while also seeking to discuss the main issues relating to the legislation. We should not be afraid of being radical or of engaging in original thinking when it comes to job creation.

Deputy Mattie McGrath: I do not know how I am going to follow that. Deputy Finian McGrath was very inventive during his contribution. I hope that neither the Minister of State nor the Minister for Finance will get ideas with regard to patenting the pension levy or other issues of that nature. If they did patent the levy, we would be stuck with it for a long time.

[Deputy Mattie McGrath.]

The Patents (Amendment) Bill 2011 is very important. It amends certain sections of the Patents Act 1992 to allow for the eventual ratification by Ireland of the London agreement. In that context, I thank the Minister of State for bringing the Bill before the House. As he stated, patents add huge economic value to ideas and inventions brought forward by innovative individuals and businesses. They are in place for a very good reason, namely, to protect and secure the rights of individuals who have invested their time and efforts in research and development and who have borrowed money from banks, credit unions, their families, and so on to allow them to do this. It is very important that people should be able to patent their ideas and inventions when they reach the production stage. At that point, an idea or invention can become the property of large tycoons or whomever because they can adapt them slightly and call them their own. I am aware of instances, in respect of the business in which I am involved where machines were copied and changed slightly and where the patent laws that were in place did not provide any protection to the inventors. I hope the Bill will strengthen the position in this regard and make it easier and less expensive for people to obtain patents.

I agree with the Minister of State, Deputy Sherlock, that protecting intellectual property rights through patenting is very important. In 1964, a new Patents Act was passed to bring our legislation in line with that of the main industrial countries. I also agree with the Minister of State that during the past decade, it has become clear that Ireland's international competitiveness increasingly depends on goods and services which have high knowledge content. Our exports are very important to us, especially if they involve new ideas and assist in developing new customer bases in Europe and beyond. It is vital, therefore, that we should have strong and effective patents legislation in place to protect the rights of those involved in trade at home and abroad.

The Minister of State referred to the fact that it costs in excess of €30,000 to register a patent as a result of the need to make applications in each European Union member state. That does not reflect the spirit of the Union and the process should be streamlined. The London agreement is certainly a step in the right direction in this regard.

Deputy Finian McGrath referred to young entrepreneurs, young business people and education in schools. I compliment South Tipperary County Enterprise Board — a very slimline organisation that has access to very little funding — in respect of the level of support it has given to businesses in my constituency. More importantly, the board has also become involved with local secondary schools and has promoted enterprise competitions and award schemes for second, third and transition year students. I have been lucky enough to be able to attend most of the awards ceremonies held in these schools in recent years. What I saw on display was just amazing. These young people are coming up with some simple but extremely innovative and entrepreneurial ideas.

We are going to be obliged to adapt the education system in respect of this matter. We should not merely train people solely to pursue academic or other careers. The curriculum must be adapted in order that young students who display an ability to be creative in any area of interest can be accommodated. We must harness their creativity and provide them with support because from small acorns large oak trees grow. The ideas being put forward by second level students are very good and are scientifically based, and we must seek to support and promote their efforts. I again compliment my local county enterprise board for running the scheme in question, which is sponsored and supported by a number of businesses. It is important the school curriculum be developed in such a way as to allow the students to whom I refer to be nurtured in their endeavours.

The relevant figures indicate that 925 patent applications were made in 2007. This increased to 1,007 in 2008 before dropping back to 961 in 2009. The decrease in the latter year is a matter of concern. The economy was slipping into recession in 2008 when the highest number of applications was received. I will be very interested in obtaining the figures for 2010.

We must support anyone who comes up with an idea or initiative in the area of business. We must try to stimulate the thought processes of such people. Unfortunately, many individuals have a great deal of time on their hands because their businesses are floundering or they are unemployed. I am of the view that the national internship scheme could be used to stimulate people into developing new ideas and thereby create further employment opportunities. A great deal of discussion has taken place in the House in respect of job creation and the jobs initiative — which I welcome — that was put in place by the Government. Every little bit helps.

We must secure the position with regard to patents but we must also try to retain in this country those individuals who come up with ideas. In addition, we must make the process relating to applying for patents as simple and as inexpensive as possible. It is crazy that almost 90% of the cost of applications relates to the need to obtain translations. I do not know how that cost can be justified but that is how the system has developed.

I welcome the legislation, which I will be supporting, and thank the Minister of State for bringing it forward.

Deputy Clare Daly: I have no reason to oppose the legislation. The reduction in the translation costs relating to patents is welcome and eminently sensible. However, we must ask what is the role of patents in society, who benefits from them and whether the position in respect of them could be better regulated. In the first instance, the figures produced by the Library and Research Service in preparation for this debate tell an interesting story. The 2009 report of the Irish Patents Office which deals with Irish patents lists an average figure of 320 patents granted each year between 2007 and 2009, with roughly one third of those applying being granted a patent. Of the patents granted, 250 were granted to people within the State. In a European context, the European Patent Office granted 33,844 patents with an effect in Ireland, of which only 151 were granted to applicants from within the State. If the two figures are added together, some 400 patents were granted to people within the State, a very revealing figure. It indicates a very low level of innovation and the inability of Irish people to access the system. It also indicates how far we are from the much-lauded smart economy. This is not because Irish people are not intelligent and talented or do not have good ideas, rather it is indicative of a lack of research, development and devotion to science and technology. These issues must be addressed if the economy is to be developed.

How are we proposing to address these issues? We have to consider the key recommendation made in the 2010 report of the innovation task force which indicates we will develop Ireland as a location for global intellectual property management, licensing and intellectual property services. That sounds absolutely fantastic, but what does it really mean? It is merely a continuation of the same policies applied in the past which have allowed the likes of Google, Facebook, Microsoft and others to locate patents in Ireland, particularly in the Irish Financial Services Centre, to avoid taxation liabilities running into billions of euro. The reports of organisations such as A&L Goodbody, one of Ireland's leading law firms, crowing about the process reveals what is going on. That firm advises on ways to exploit Ireland's nice taxation regime relating to patents, specifically for individuals and companies interested in maximising the available benefits under the patent royalty exemption scheme. In particular, it advises parties to consider establishing a separate company to undertake warranty work for the qualifying patent and that this company, in so far as it is commercially viable, should grant licences to an unconnected third party user. If that was to be done, the patent royalties received by the company would

[Deputy Clare Daly.]

be exempt from Irish corporation tax, while any dividends paid by the patent-holding company would be exempt from taxation.

Billions of euro are flowing untaxed through this country with the creation of very little associated employment. In effect, this is a glorified tax avoidance scheme. Given the enterprise statistics produced by the likes of Forfás last year, is it any surprise that the second biggest category of imports in Ireland, in terms of value, at €22.5 billion or 30% of total, was under the heading of royalties and licences? That income is largely untaxed and is of no benefit whatever to the economy. This is totally ludicrous and an upside-down economic policy in promoting innovation and invention in Irish society. We should step back and examine the issue of patents.

The patent process is very expensive for an individual or small company to pursue, even allowing for the welcome reductions provided for in the London Agreement. A small company may be engaged in important investigative or exploratory work in respect of a renewable energy or wave power project, for example, which is vital in terms of the future development of the economy. To lodge an application for a patent in that research area would cost €15,000 to €20,000 per year, which amount would have to be renewed every year. It is not viable for a small company or an individual to pay such costs to protect ideas or advances in research. This leads to a process whereby an individual or a company can struggle for a few years to try to keep things going, but ultimately such parties will be hijacked and taken over by multinational corporations. However, Irish society will be left carrying the can. As the head of the Ocean Energy Development Unit stated last year, we will be left making sandwiches for those developing energy resources along the western seaboard. Given the current state of the economy, that is absolutely reprehensible. The State must take the lead in promoting research, innovation and development. This work must be led by bodies such as the ESB and other semi-State companies.

This debate touches on the question of who benefits from patents and the role they play in society. It should be the case that where the State shares the cost of educating all its citizens and providing incentives for research and development, society should share the benefits. It is not good enough that the process applied in this country means that income derived from patents is exempt from income tax to the tune of €5 million for an individual or a corporation. Such income should be liable to taxation, with the State benefiting from it. The Minister of State and the Government must begin to consider the issues the right way around and put the common good at the centre of the debate. Scientific advances should benefit humankind which should be the overriding priority, rather than leading to the privatisation of individual rights.

The patents issue is getting out of hand on a global scale. At its simplest, the patent system provides a government guarantee for an inventor granting exclusive rights to use, sell or manufacture an invention for a set period. However, this has been taken to extremes, with a dangerous wave of privatisation in terms of biological diversity. Intellectual property rights are being sought in respect of plants, animals and individual parts of DNA. There are also the ludicrous technology agreements and fees which deprive farmers of their generations-old right to hold, replant and exchange seeds. It is a form of bio-piracy and a new form of colonialism, as freely available seeds and specimens were analysed by genetic engineering companies, patented and sold back at a high price to those who had worked with them for years.

Society and the common good must be factored into the debate, as there is no doubt patents are being used to protect massive profiteering, mainly by multinational corporations. This is denying ordinary people and the world's poorest populations access to drugs, medical treatment and technology which could raise their standard of living, which is reprehensible. The pharmaceutical industry in India is a good example in this regard, as Indian companies produce generic

drugs far more cheaply than many of the multinational corporations because of its patents legislation which has been designed to prevent the patenting of new uses and forms of known medicines. As a result, the pharmaceuticals produced by Indian companies are mainly used by victims of AIDS and so on. However, the multinational corporations, under the auspices of the World Trade Organization and the General Agreement on Tariffs and Trade, are muscling in to try to force India to change its patents legislation. In so doing multinational companies such as the Swiss firm Novartis are able to use their anti-cancer drugs sold under brand names to the tune of \$2,500 for one month's treatment to cut across much cheaper generic drugs costing \$200 per month from Indian companies. It is not that the Indian companies are not profiting or that they are charitable; many of the top billionaires in India are involved in the pharmaceutical industry. Nevertheless, this is an indication that massive amounts of money can be made from patents and exclusivity. The way in which they are being implemented at present is protecting private gain and profit rather than benefitting society and humans. The key lesson from this is that the State deserves and is entitled to a share of innovation and development. We have invested in it. Scientific development should be for the development of all, not just the profits of a few.

Deputy Eoghan Murphy: I am sharing time with Deputy Dara Murphy and Deputy Tom Barry.

It is important when discussing research and development, innovation, creativity, design and engineering that we understand the importance of patents in those areas. It is interesting that Albert Einstein cut his teeth as a clerk in a patents office before he went on to be so creative and innovative. We are having this debate following the death of Mr. Steve Jobs, somebody whose ideas and designs have played an incredibly important part in the 20th and 21st centuries. His legacy still has to be realised. We will probably come to understand in the years to come just how important he was to our lives today.

This Bill is very welcome. It is important that Ireland becomes a party to the London agreement. It is also important that we reduce our costs in this area, as it is key to research and development here and is important for innovation. I welcome the Minister's remarks about an EU patent. There must be a commitment to a unitary patent protection system in Europe, and we must do everything we can to realise it. A previous speaker referred to the costs of filing for patents. It is seen as a cost of innovation and we must reduce it if we can. We must do what we can to make it easier for us and our partners in Europe to work together towards making the patent process cheaper and more efficient for everybody. That would serve all of us.

The Minister said this is the first Bill he has brought to the Chamber. I am not sure if that is correct, but I propose to offer him some ideas for a second Bill on patents which could be introduced in the coming months or even years. In Ireland, the vast majority of patent applications are for physical products. When applying, one is required to put in an abstract patent design, so one describes one's product on paper. There is a debate at present on whether we should go back to a patenting system whereby one would be obliged to produce a physical manifestation of one's idea, that is, show a proven product one has invented and show how it works.

There are many benefits to that system. One is that it is more cost effective. The time to process the application is greatly reduced because one does not need to pore over pages and pages of detailed design specifications. Instead, one can simply see and examine the design. It also reduces translation costs, which is what we are dealing with today in terms of the London agreement, because the physical product exists. It also reduces costs if there is a dispute over patents. If one has filed for patent and the patent only exists on paper, and if understanding of

[Deputy Eoghan Murphy.]

that patent has been breached here or in another jurisdiction, the situation is far more difficult because one does not have a physical product with which to compare it.

If we move to a system wherein one is obliged to produce a physical manifestation of one's idea, it can greatly reduce costs. It also favours small inventors. A large company that has teams of lawyers and other people who are skilled and employed wholly to look at this area, it can put in many applications to file for patent before the product has even been properly invented, designed and proven. The system favours larger corporations over smaller inventors. If we moved to the other system, it would favour smaller inventors.

In fact, innovation and inventions currently being developed are making it easier for people to do that. I was in DCU yesterday where the Irish Technology Leadership Group is holding a Silicon Valley Comes to Ireland exposition. It has brought some Irish inventors and American investors to Dublin to show people what is happening. One of the systems on display was a 3D printer. Not many people are aware of what these machines can do. It takes a 3D representational model on a computer screen and turns it into a physical product. It is a fantastic piece of equipment. When a new inventor has an idea, he or she can draw up the design specifications using a design application programme on a computer and have it physically produced to submit to the Patents Office as part of the application. That is a case of somebody's great idea or innovation helping other people to innovate. It could help us to change our patent system and make it better and more cost effective for small inventors.

Another idea for a future patent Bill, if the Minister intends to bring one forward, arises from the innovation task force. The last Government withdrew the patent income tax exemption. This was an important exemption which I and others believed underlined our commitment to research and development. We must reverse this change. It would confirm our commitment to putting research and development at the heart of our plans for recovery. It would confirm to the rest of the world that this country truly wishes to have a smart economy and to do all it can to achieve that. We are not talking about a huge amount of money and the people affected are generally small inventors. Symbolically, however, it could be incredibly important for the State and how it does business in this area.

I put those two ideas to the Minister for, perhaps, future legislation. They merit attention and debate. I urge caution about where we place patents in terms of measuring innovation. Recently, I looked at China's 12th iteration of its five year plan and at Europe's 2020 strategy. In 2009, China had approximately 8,000 patents coming through. In 2010, it was 12,000. By 2015 it might surpass the US in terms of the amount of patents granted. It is using that to measure innovation in China, to say that it is an innovative country. However, with patents one is, in a way, trying to quantify what it not quantifiable, so I caution against using it as a measure of innovation.

It is not how the people in the tech transfer office of Stanford University measure innovation. They are more concerned with deals done to get products to the market because, as we know from our experience with universities here, many patents get left on the shelf. Many of these ideas are not worth people spending money or time on them. While they might be good in and of themselves, they do not necessarily prove innovation, so I caution against using it as a measure. Certainly, we must consider certain metrics and in that regard it plays a part, but it is not the be-all and end-all, saying in effect that ours is an innovative country simply because of how many patents we have.

I will briefly play devil's advocate in this area. Obviously patents are incredibly important and it is important that there is protection for our ideas. If somebody has the ingenuity and energy to patent an idea, it should be respected in law and in the markets. However, I recently

met some young entrepreneurs working in the web development space. The type of thing they are concerned with patenting is coding, lines of code and on-line products. They were working together in an incubator unit, an environment where people share their ideas. Their view was that if they worked together, kicked ideas about together and overcame challenges and problems, everybody's boat would rise and everybody would be better off. It was an amazing culture of openness that I have not seen previously.

I asked them if they would not be worried that somebody might take their ideas, use them and undermine what they were trying to do. Their perspective was quite interesting: "Ideas are ten a penny; everybody has an idea. Do not come to me with an idea but with something done." Their opinion was that if somebody had the persistence and dedication to take an idea and develop it to the level where it would be wanted on the market, fair play to them and well done. It was an interesting aspect on intellectual property rights. It refers to a particular field, web 2.0, which involves coding, so it obviously would not apply across the range of things that would be patented, but I thought the idea was interesting. It meant sharing ideas and saying: "If you can make this one work, fair play. I will go with something else because there are so many ideas."

Things move so quickly that sometimes a patent can become irrelevant quite quickly. Also, if one has a small company that works in the Internet sector, one might not have the time or the money to spend five years and €10 million in courts trying to pursue somebody for infringing one's patent. By the time one is proven correct in the courts, the company that has taken the idea might be insolvent or the idea might no longer be relevant to the market. That is something that should be brought to the attention of the House given the nature of this debate.

However, I will return to the essential point, which is the Bill before us today. Anything we can do in the European Union to make it cheaper for those filing for and processing patents and to bring harmony to this area is welcome. It is great that the Minister is focusing on this issue which is incredibly important. I refer to everything we are trying to achieve in the smart economy in terms of innovation and urge the Minister to do much more. It is a fantastic way for us to prove ourselves in this space by giving the matter time in the House and by civil servants giving it even more time. We can say to the interest groups that it is something on which we are working and about which we are passionate and that we will do more.

Deputy Dara Murphy: I welcome the Bill which, as the Minister of State, Deputy Sherlock, said, is straightforward and short. It follows a number of other Bills to fulfil a commitment given in the programme for Government to reduce the cost of doing business in this country. Last week I spoke to the Veterinary Practice (Amendment) Bill 2011 which one may say has very little in common with this Bill, but it has in that doing business here has become extremely onerous and expensive. For example, ten bodies can inspect a farm, and the same applies to restaurants and other businesses.

I compliment the Minister of State who has done an extensive tour of many of the new and indigenous companies involved in various innovative practices. It is very important that a Minister listens to the concerns of businesses and brings forward measures quickly to allow them to conduct their businesses in a more efficient manner.

Patents are extremely important, as they protect intellectual property and encourage people who have the innovative gene to spend time and perhaps money and devote themselves in the knowledge that if they discover a unique product worthy of a patent, their efforts will be rewarded. There is nothing wrong with this.

The suggestion from Deputy Clare Daly of the Socialist Party that there should be a tax on companies which use intellectual property and patents was most extraordinary coming from a

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politician. One could say her comments were dangerous, given the precarious position of the economy, but I assume nobody will take them seriously. She also named Google. My colleague, Deputy Eoghan Murphy, mentioned the late Steve Jobs whose company, Apple, employs thousands of people in my constituency of Cork North Central. It produces high end products encompassing a huge degree of complexity, individuality and innovation. I am sure the people living in Deputy Clare Daly's constituency would be horrified by her proposal that a tax be put on companies in Dublin which provide ten of thousands of jobs. Even for the Socialist Party, it is a most extraordinary proposal, one which will be ignored, but it is worthy of note that there is such lunacy coming from one section of the Opposition. I welcome the support of Deputy Willie O'Dea and Fianna Fáil for the Bill.

There is a headline in *The Irish Times* of today which indicates Irish universities are in crisis. It refers to the falling rating of UCD and Trinity College. Half of the patents in third level institutions in the last year for which records are available, 2009, were produced in UCC and the Tyndall Institute. It should be acknowledged that great work is being done in UCC in producing a large number of patents. There has been very little public comment about the fact that last month it was classified as Ireland's only five star university. I, therefore, wish to correct the suggestion that universities in Ireland are in crisis. UCC is not in crisis and I am amused by the reluctance of the Dublin-based media to acknowledge the fact there is only one five star university in the country which is to be found in Cork. One of the main reasons cited by the adjudicating panel for that success was the fact that there was a very high level of innovation at UCC through the Tyndall Institute which was visited by Queen Elizabeth II. We should look to the other universities to follow this example and drive greater innovation.

I commend the Minister of State and encourage him to continue on his journey to assist the wonderful innovation taking place in foreign companies and, most of all, in indigenous businesses.

Deputy Tom Barry: I will try to give a five star presentation like Deputy Dara Murphy. I am delighted to have the opportunity to speak to the Patents (Amendment) Bill 2011 which will help to reduce the cost to applicants under the patents process. It is important to note that the introduction of the Bill will have no financial implications for the Exchequer. I wish we could say this more often of other Bills.

As chairperson of Fine Gael's policy committee on jobs, enterprise and innovation, any support we can offer our entrepreneurs and indigenous industry at this vital time is welcome. We have risen from the economic doldrums before because of the wealth of talent on the island and I hope we can do so again. When we carried out a feasibility study of the sugar industry, all the knowledge came from within Ireland. When we think back to the time that industry was founded in the 1930s, we had to obtain all the knowledge from Germany and elsewhere in Europe, but now we have the confidence and education to do things for ourselves.

The cost of filing translations of patents across Europe is prohibitive and any assistance provided in reducing this cost must be welcomed. One of the main reasons for the introduction of the Bill is the need to address the disparity in the costs associated with patent applications across the European Union which, prior to the London Agreement, made the European patent uncompetitive compared to US and Japanese patents. We are competing on the world stage and cost competitiveness is vital if we are to succeed in this arena. The Bill will ratify the London Agreement which means that when an Irish company applies for a European patent in English, it will no longer have to pay to have it translated into French if it wants to apply in France, German if it wants to apply in Germany and so on. All of these costs were borne by

the applicant and another financial stumbling block in progressing innovation and entrepreneurship.

I am glad to hear €1.8 billion was spent on research and development activities in 2010 and that figure will continue to rise. The figure for renewable energy projects is €800 billion worldwide. We need to become more involved in this area to attract some of this investment to this country.

As the managing director of a small business, I know what the costs are. Every cost has been dissected in recent years because businesses are hanging on. Those which export and have gone to the trouble of creating new products need to be protected. The agri-industry is a major example in this regard. We export many products worldwide and innovation is critical. When one considers that China covers 8% of the world's landmass but has 20% of its population, research in food production is critical.

As a biochemist in my early days, I understand the work required to create a patent. The long hours spent in inventing something must be understood. I heard Deputies on the other side of the House criticise large companies which are making money out of patents. They deserve to do so because they have put the time and money into them. The large agro-chemical company, BASF, applied for 1,707 patents last year. This country produces the highest yields of wheat, barley and oats in the world thanks to the help of agro-chemicals which have been tried and tested and are safe for the environment. They do not come cheap but they provide value for money. Those who invent these products deserve to be rewarded for what they do. The industries in Europe that have produced the greatest number of patents are medical technology, with 10,500 patents, computer technology and electrical machinery. Approximately 235,000 patents were filed with the European Patent Office in 2010, an increase of 11% from 2009. Innovation remains strong and we are playing our part in reducing costs and telling inventors that we are open for business. I commend the Bill to the House.

Acting Chairman (Deputy Thomas P. Broughan): I call Deputy Mitchell O'Connor. Is the Deputy sharing time with Deputy Donohoe?

Deputy Mary Mitchell O'Connor: I think so. I was told that I have one minute, so I will be brief.

Acting Chairman (Deputy Thomas P. Broughan): We will hear the Deputy out.

Deputy Peadar Tóibín: Her time is half up already.

Deputy Mary Mitchell O'Connor: I am grateful for the opportunity to contribute to this debate. This legislation is the outcome of a pro-business and pro-enterprise approach on the part of the Government.

I wish to raise a specific question with the Minister. Is he aware of the new patent box regime due to come into effect in the UK in April 2013? The Government needs to pay close attention to this initiative, particularly given that the previous Government abolished the tax exemption for Irish patent royalties. The UK patent box regime will make that country's tax code more competitive in attracting foreign direct investment by global high technology companies. The UK Government proposes to introduce a 10% rate of corporation tax in respect of income from qualifying patents. Qualifying income comes under three headings: income from licence fees and royalties received for use of an invention, income from the sale of products which incorporate inventions from qualifying patents and income from the sale of patents. Furthermore, once a patent is granted a company can claim patent box benefits for any income arising

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between the date of application and the date on which the patent is granted, up to a maximum of four years prior to the date of granting.

This new regime possibly presents a competitive threat to Ireland given that we are also seeking to attract inward investment from high technology companies. We need to send out a strong message that Ireland is open for business and welcomes foreign direct investment. The UK initiative on patents, alongside continued reductions in corporation tax rates, should receive our careful attention and I would like to hear the Minister's opinion on the matter.

Deputy Paschal Donohoe: Several of my colleagues have responded to Deputy Clare Daly's comments. I could not help but think about Monty Python and the famous question, "what have the Romans ever done for us?", when she asked about the role of foreign investment and multinational companies in Ireland. She queried the contributions they have made to the common good and asked why do they not pay taxes. It has clearly escaped her notice that all the people who work in those companies pay income tax and their employers pay employers' PRSI. The companies also pay corporation tax. If she wants to query the contribution that type of work makes to the common good or the national interest she needs only to spend a few minutes investigating the commercialisation centres established in all our universities to help Irish researchers use the technology they develop in academic settings to deliver commercial gain, employ people and create wealth.

The Bill has been welcomed by the majority of Deputies. I hope to add to the progress that has already been made in this Bill by raising four issues. A supply of incubation funds and seed capital will be necessary to allow people to take advantage of the new patent regime. Ireland already has a buoyant venture capital industry but many of the sources of funding previously available are drying up due to the impact of the financial crisis. One of the recommendations of the innovation task force report published last year was that we should explore ways of strengthening the supply of venture capital in this State to ensure people can take advantage of the cutting edge ideas they develop. The establishment of a strategic investment fund or bank, which is proposed in the programme for Government, would support the measures taken in this Bill.

The President has made reference to the creation of the international content clearing centre, an idea which won an award in the Your Country, Your Call competition. The centre would help to ensure Ireland was at the leading edge in the sharing and distribution of digital content worldwide. When fleshed out, it is an idea that would sit well with the other initiatives currently underway in Ireland and I intend to ensure it receives Government support in the coming years.

The research and development tax credit offers a significant strategic advantage to our State. We have made creative use of the ability it grants companies to benefit from research and development conducted here. We should investigate how we can widen the definition of the tax credit to include a wider range of companies engaged in innovation. While the scheme is well defined as covering the life sciences, biotechnology and pharmaceuticals — people who wear white coats in laboratories — anybody who comes up with truly creative and innovative thought should be able to access it.

While I am very supportive of the development of the right kind of patent regime in Ireland, the application of patent policy can at times stifle innovation and competition. New ideas may be blocked because of the way patents are applied by other firms. This is, however, a point of nuance in the context of overwhelming and understandable support for the current patent regime.

If Deputy Clare Daly's opinions about the Bill differed from mine, her differences were minor in comparison to the odyssey which Deputy Finian McGrath embarked on. He touched on various matters, including the presidency.

It was an odyssey of wonderful proportions.

No one can doubt the commitment of Mr. Gay Mitchell to the Good Friday Agreement, constitutional nationalism, true inclusion and robust debate, but none of those things is mutually exclusive. Then again, unlike Deputy Finian McGrath, I have never been in any doubt as to who I will support.

Deputy Peadar Tóibín: Cuirim fáilte roimh an deis seo labhairt ar an ábhar tábhachtach seo inniu. The Bill may have a bigger impact on Irish innovation and potential investors than some may realise. Its aim is to make the State party to the London agreement. The Bill aims to reduce the cost of patenting by amending the State's Patents Act 1992. The proposed legislation will reduce costs by ending the need to create translations for patents into French and German. I understand there is a flip side in that there could be a marginal increase in costs accruing to Irish businesses in having to translate patents from French and German into English.

Neither am I sure that the Bill is fully revenue neutral, as was stated by a Deputy on the other side of the House. When one scrutinises the Bill there may be some loss of income for the Patents Office. It is important the Government would seek to redress that in some way. There needs to be momentum towards a global standardisation of patents in order that Irish firms and businesses have an equal competitive playing field when operating in the United States or in the Japanese market.

Patents are an unintelligible foreign language to many small businesses. I worked in the enterprise sector for seven years and I never met an owner of an SME who understood how to get a patent. If individuals at the lower end of the scale with fewer than ten employees do not understand the system, that is a barrier to entry because if people do not know how to do things they tend not to do them or at least it takes longer for them to do them. If they cannot understand it themselves, the chances are they will have to use a consultancy firm to help them prepare the business for a patent, which would amount to a serious cost to many small businesses which may be at start-up stage.

The Patents Office has an enormous job of work to help educate small businesses. It could be an idea for the office to educate trainers within the county enterprise board system in order that when they deal with start-up businesses and small to medium enterprises, they are in a position to give good, solid training in all routes to get a patent. It must also be recognised that the patent system is part of the infrastructure of innovation and must be developed in a user-friendly manner. Rather than a person having to have a specific degree in commercial law, most small businesses should be able to grapple with the challenge of developing a patent.

It must be realised that patents are not a silver bullet to success. Ideas often get patented but do not get any further. What is important is that while the reforms are carried out, the Government creates the necessary enterprise environment for businesses to transform their ideas into patents and then to transform the patented product into a monetised or commercial stream for the business. That must be done in a number of ways.

2 o'clock

I and my colleagues have said that austerity is closing down businesses every week and that there needs to be a system whereby businesses can get credit. According to the Irish Small and Medium Enterprises Association, ISME, 58% of small businesses cannot get credit, yet we have a Credit Review Office in this country that has intervened in 30 cases out of 58% of 250,000 small businesses. Credit is very important, as is reform of the upward-only rent system and creating a progressive taxation system in order that a small business that is

[Deputy Peadar Tóibín.]

going down the route of innovation would have some level of decrease in its rates obligation due to the fact that it is innovating. Perhaps larger businesses which are making much more profit would be charged the difference, as such. For example, a large Tesco store would have to pay more according to its profit and its business model than a small Irish struggling innovating business.

What is more important than patents is aggressively promoting small Irish businesses abroad and creating the educational theme from crèche to primary school, secondary school and third level in order that individuals do not find themselves at the age of 30 years starting a business and developing a patent without knowing anything about it. The language of patents should be introduced into the education system in order that individuals do not see it as a barrier to entry and can function properly when they get up and going.

Is rud mhaith í an Bille seo. Tá cúpla rud mícheart ann ach b'fhéidir go mbeidh seans ag an Rialtas na rudaí sin a athrú agus a fheabhsú. Tá sé níos tábhachtaí an béim a chur ar níos mó tacaíochta a thabhairt do mhuintir gnó, go háirithe ó thaobh creidmheasa, bolscaireachta agus oideachais de.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock): I thank all of the Deputies who have contributed to the debate. Some have been pertinent to the legislation before us, others arguably not so. I will seek to address the points that were raised in regard to the legislation itself. As an aside, there is only one Deputy Finian McGrath and one could not patent him if one tried.

I will start with the points raised about the UK patent box regime and the royalty exemptions and other reliefs that were suggested by Deputy Eoghan Murphy and also the points raised by Deputy Donohoe. That is being considered at present under the budgetary process. I note the points, which were well made, and we should hear more about it anon. We are talking about innovation, utilising human capital and allowing for where someone who is creative and has an idea that becomes the subject of a patent to have as easy as possible a transition of that idea to commercialisation. The London agreement would facilitate that process through the translation arrangements. That is really what we are talking about in this context.

The proposed change in the legislation would result in a modest loss of revenue to the Patents Office in terms of fees for translations. In the context of this country becoming a party to the agreement, an applicant must lodge a translation in the office within six months of grant of the patent together with a fee of €35. In 2010 that came to €33,215. The level of renewal fees is likely to increase if we accede to the agreement and it is likely that owing to the lack of translation requirements, this country will be designated in more patent applications to the European Patents Office, EPO.

On Deputy Clare Daly's point on the protection system, the unitary patent protection system will address the excessive costs in Europe. That is without question.

The feasibility of the international content clearing centre, which was raised by Deputy Donohoe, is currently under examination by a group from my Department which includes Enterprise Ireland and IDA Ireland. There is a process under way in respect of that project.

Deputy Eoghan Murphy raised points on the physical manifestation of the patented invention. It could be argued that the direction patent applications are taking worldwide is that of an electronic on-line application, but I would like to hear more from Deputy Murphy on this one, perhaps at a later stage and even on Committee Stage. We can address this further if necessary in a more substantive sense. The question of tax relief on patent royalties is currently

under review in advance of the next budget, and that should address Deputy Mitchell O'Connor's point on the UK regime.

There were many other points raised. Deputy O'Dea asked when the EU patent will come into effect and about the current position. The concept of the EU patent, previously Community patent, is to provide a patent system that will be affordable, especially for small and medium-sized enterprises, and will provide automatic patent coverage in all member states of the European Union. As Deputy O'Dea pointed out, as protracted negotiations over many years failed to reach agreement on the EU patent, the Commission has requested to examine the possibility of bringing a proposal under enhanced co-operation whereby unitary patent protection applying to these member states willing to participate will be introduced. So far, 25 out of the 27 member states of the EU have indicated a willingness to take part and the Commission envisages that the first unitary patent protection will issue in 2013. As is the case normally with any European initiative, I would not be held to that timeframe.

I thank the Members for their contribution to the debate. In my introductory speech, I set out the rationale for the proposed Patent (Amendment) Bill 2011 and outlined the financial burden on industry in providing the full translation of the European patent to ensure full protection of the patent across Europe. I also stated that these translations are rarely consulted and, as such, offer little or no advantage, either to the patent holder or users of the system. It is imperative, both from an Irish and European perspective, that business is not hampered by a system that is inefficient and costly. Access to a cost-effective and efficient patent system is key to stimulating innovation. Under the current regime, the high cost of translating granted patents acts as a deterrent to business and as a consequence, is a deterrent to innovation. Currently, more than 50% of all enterprises in Ireland continue to engage in considerable research and development activities in spite of the difficult economic environment. It is vital that their innovation is captured and exploited in the best way possible. A patent system in which users have limited access due to high translation costs does not serve this purpose and the cost savings from the London agreement should have a positive effect on research and development, allowing for resources saved on translations to be reallocated to further research and development and other business activities. That is the kernel of this legislation.

I hope Deputy Clare Daly, who spoke about taxation of corporates, gets the point of this legislation. It is about being able to facilitate those who are innovators, those who are Irish who want to get out into other markets and who have ideas. We facilitate that process by implementing the London agreement so that we can make that passage as easy as possible for young people, for researchers and for industry.

I hope this does not sound patronising. I suggest that every Member of this House, if they have an opportunity to do so, should engage with Science Foundation Ireland, Enterprise Ireland, IDA Ireland and all of our academic institutions to delve into, and inform themselves of, the interaction between research, intellectual property copyright and the innovation and commercialisation taking place. I have undergone such an education process. Every day one learns more about this field. Before Members come into the House and make sweeping statements about taxation of innovation, they should be well informed about the process. I say that respectfully and in a debating manner in the spirit in which we debate these issues in the House. It is not meant as a personal statement to any one person in particular. We should be careful about the language we use in implementing legislation. This is technical legislation. That is all it is. It is to the common good. There is some contention that it may not be, but I argue forcefully that it is to the common good ultimately and it will be beneficial to this country.

The more countries that sign up to the agreement, the greater the saving will be across Europe. In essence, by even one country joining up, the savings are significant. It has been

[Deputy Sean Sherlock.]

estimated that since the entry into force of the London agreement in 2008, on average savings of 38% on translation costs have been achieved. The results speak for themselves. That is what we are trying to achieve here today.

On some other points raised, the Patents Office runs business seminars across the country aimed at SMEs, start-ups and entrepreneurs, and these seminars are entitled, “Building a Business on Your Ideas”. That is a pertinent point. It speaks to the issue of innovation and how ordinary people can become involved in the process if they have ideas, and there is an excellent programme, through the Patents Office, that seeks to achieve that. The seminars include talks on all elements of intellectual property, IP, how to identify IP within a business and how to protect it. They also provide talks on State supports to industry and they are extremely useful.

On Deputy Clare Daly’s points, the number of patent applications, originating in Ireland, to the European Patent Office was 510 in 2010, a slight increase from 498 in 2009. The latest figures for patent filings in 2010 ranked Ireland 14th of the 38 countries in the European patents organisation and we ranked 23rd in the Patent Cooperation Treaty international rankings which cover most countries worldwide.

However, it is important to make the point that the number of national patent applications is not an indicator of patent activity in Ireland. In Ireland, many of the multinational companies, which employ thousands and which undertake and fund major research and development here, patent their products on a global level. Patent applications submitted by large multinational organisations in the United States, for example, would not show Ireland as the source of the application or that the research and development has been carried out in Ireland. It is important to make that point to rebut some of what has been said by Deputy Clare Daly. There are Irish people working in multinational corporations here, or working within academic institutions that interface with those same corporations, who are producing excellent work, ground-breaking world-class research based on Irish intellectual property which will not necessarily be registered as Irish, but it is still Irish people producing the intellectual property and that is the most important point. It forms the basis, and underpins, thousands of jobs within this economy. It is important to send out a more positive message in terms of what this legislation is about.

Acting Chairman (Deputy Thomas P. Broughan): As many of the contributors mentioned, it is sadly and tragically appropriate that we are discussing this legislation on the day we learned of the death of Mr. Steve Jobs.

Question put and agreed to.

Patents (Amendment) Bill 2011: Referral to Select Committee

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock): I move:

That the Bill be referred to the Select Sub-Committee on Jobs, Enterprise and Innovation under Standing Orders 82A(3)(a) and 82A(6)(a).

Question put and agreed to.

Sitting suspended at 2.20 p.m. and resumed at 3.42 p.m.

Topical Issue Matters

Acting Chairman (Deputy Jack Wall): I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the

Member in each case: (1) Deputy Dessie Ellis — housing conditions in the Balgaddy estate, Lucan, County Dublin; (2) Deputy Pat Breen — the location of a sub-office of the proposed amalgamated vocational education committee in Ennis, County Clare; (3) Deputy Noel Harrington — the construction of the Bantry bypass; (4) Deputy Éamon Ó Cuív — breis airgid a cheadú le athchóiriú a dhéanamh ar Scoil Bhaile Nua, Maigh Cuilinn, Contae na Gaillimhe; (5) Deputy Derek Keating — the provision of bus services for the people of west and south-west Dublin; (6) Deputy Eamonn Maloney — the introduction of a scheme to transfer the payment of motor tax to the purchase of motor fuel; (7) Deputy Brian Stanley — the problem of distressed home loans acquired through local authorities; (8) Deputy Caoimhghín Ó Caoláin — the need for greater flexibility in the back to education allowance; (9) Deputy Denis Naughten — the removal of acute medical beds from Roscommon County Hospital; (10) Deputy Thomas Pringle — the restoration of the exceptional needs payment to applicants for social housing who are offered accommodation in properties secured under long-term leasing arrangements by local authorities; (11) Deputy Séamus Healy — the publication of the report of the special delivery unit on the accident and emergency department at the Mid West Regional Hospital, Limerick; (12) Deputy Seán Crowe — the drop in the world rankings of Irish universities; (13) Deputy Joe Costello — the need for the Minister for Defence to take responsibility for the security of the Commander-in-Chief at Áras an Uachtaráin; (14) Deputy Willie O’Dea — the publication of the report on the Air Corps PC-9 crash in Connemara in 2009; and (15) Deputy Mick Wallace — the awarding of the tender for metro north.

The matters raised by Deputies Breen, Maloney, O’Dea and Stanley have been selected for discussion.

Topical Issue Debate

Vocational Education Committees

Deputy Pat Breen: This is the first time I have availed of the new topical issue system. It is good that it allows for an exchange of views. I am raising the matter of the designation of headquarter locations in the new vocational education committee structure. I am anxious that the Minister for Education and Skills approve the location of a VEC sub-office in Ennis, County Clare. I thank the Ceann Comhairle for facilitating my request to raise this issue in the presence of the Minister of State, Deputy Cannon, who is here instead of the Minister, Deputy Quinn.

The rationalisation or amalgamation of any department is never easy, but the current tough economic circumstances obviously make it particularly difficult. When there is restructuring on a regional basis, it can involve the transfer of services from one county to another. I would have thought there was a compelling case for County Clare VEC to remain independent, in the light of its budget, enrolment size and geographical location. However, it has been decided to merge it with the two Limerick VECs. The Minister announced on Tuesday that the headquarters of the new merged VEC would be in Limerick. I am disappointed that the decision does not provide for a sub-office of the VEC to be located in Ennis. Once again, County Clare is losing out on an essential service.

The staff of the extremely busy County Clare VEC office in Ennis do an excellent job. A great deal of vocational education services are provided from the Ennis office. Deputies will be aware that at this time of the year the VECs deal with a huge volume of applications as they administer the third level maintenance grants scheme. I know this because my office interacts with County Clare VEC on a daily basis. While applicants can use the online appli-

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cation service, the reality is that each application can generate a number of inquiries which need to be dealt with on a one-to-one basis. I know of a young man from Kilrush who had to drop into the VEC office in Ennis on four occasions to follow up on his application.

County Clare VEC provides a range of other services. It processes school transport applications for the 18 post-primary schools in the county. It is involved in adult and further education. It administers the Burren Outdoor Education Centre in Bell Harbour which provides a quality outdoor education experience for people of all ages. It also runs St. Joseph's Education and Training Centre which mainly caters for Travellers.

I ask the Minister to have regard to the geography of County Clare when he reconsiders his decision not to locate a sub-office of the new amalgamated VEC in Ennis. The closure of the existing office in Ennis would cause significant inconvenience for many people. A person from Kilrush who has a query with the VEC would have to travel to Limerick, a round trip of 160 km.

We have already experienced closures in Ennis. When the Department of Agriculture, Fisheries and Food closed its office there last year, it had an impact on farmers. We all recognise that the need to drive efficiencies is extremely important, but it cannot always be done at the expense of people. I suggest the retention of a sub-office in Ennis would be cost-neutral because the Department owns the building in Ennis. It would make economic sense to continue the use of the facility.

County Clare always seems to be the poor relation when decisions on regional services are being made. We have already lost our accident and emergency service and our Department of Agriculture, Fisheries and Food office to Limerick and now we are about to lose our VEC office. I ask the Minister to reconsider his decision and learn from the mistakes of the past. The location of a VEC sub-office in Ennis to maintain some level of service in County Clare would make economic sense, notwithstanding the problems being faced by the VECs and the Department of Education and Skills.

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I welcome the opportunity to outline this week's decision by the Minister for Education and Skills on the location of the headquarters of the new education and training boards following the Government decision to revise the configuration of VECs. As Donegal, Kerry and Dublin city VECs are not being merged, there will be no change to the location of their headquarters at Letterkenny, Tralee and Ballsbridge. Six of the new entities will have sub-offices for the foreseeable future. The Minister has decided the amalgamated north and south Tipperary board will have its headquarters in Nenagh and a sub-office in Clonmel; the Cavan and Monaghan board will have its headquarters in Monaghan and a sub-office in Cavan; the Kildare and Wicklow board will have its headquarters in Naas and a sub-office in Wicklow; the Mayo, Sligo and Leitrim board will have its headquarters in Castlebar and sub-offices in Sligo and Carrick-on-Shannon; the Galway city and county and Roscommon board will have its headquarters in Athenry and a sub-office in Roscommon; and the Waterford city and county and Wexford board will have its headquarters in Wexford and sub-offices in Waterford and Dungarvan.

A single headquarters location has been designated for each of the remaining seven new entities. While staff will be expected to move to the new location as soon as is feasible, sub-offices will be maintained in the immediate short term to facilitate the mergers. The amalgamated Cork city and county board will have its head office within the greater city area of Cork; the Meath and Louth board will have its headquarters in Drogheda; the Dublin and Dún Laoghaire board will have its headquarters in Tallaght; the Laois and Offaly board will have its headquarters in Portlaoise; the Carlow and Kilkenny board will have its headquarters in

Carlow; and the Longford and Westmeath board will have its headquarters in Mullingar. The newly merged Limerick city and county and Clare board which has been referred to by the Deputy will have its headquarters within the greater city area of Limerick. In arriving at these decisions the Minister considered a range of factors, including the need to ensure VEC headquarters would be in locations that, to the greatest extent possible, facilitated staff redeployment under a redeployment scheme within the context of the Croke Park agreement and the need to operate at lowest cost having regard to the accommodation available in existing locations.

It is important to note that the offices of the three specific VECs mentioned by the Deputy are within a 45 km radius of one another. Consequently, there is no barrier to redeploying staff under the Croke Park agreement and no requirement for sub-offices in these cases. I am sure the Deputy will appreciate that the main purpose of the VEC rationalisation is to bring about greater efficiencies. This goal can be realised, in part, by reducing the number of offices used by VECs. In the circumstances, the Minister is satisfied that the optimum headquarters location for the newly merged VEC is within the greater city area of Limerick. I expect staff in Ennis will move to the designated headquarters location as soon as is feasible. A sub-office in Ennis will be maintained in the short term to facilitate an orderly merger.

Deputy Pat Breen: I do not want to compare County Clare with other counties that have sub-offices. That is not what I want to do. However, I am astonished to learn that many other counties will have sub-offices. When one considers the geographical size of County Clare, one realises that Loop Head, for example, is 80 or 90 miles from Limerick. That long distance can be compared to the distances involved in some of the places where sub-offices have been established. I will not name any of them. While I am glad that the Ennis office will be maintained in the short term, I hope we can make a case for maintaining it in the long term. County Clare VEC owns its state-of-the-art two-storey office building which was refurbished a few years ago. The office is ideally located and has car parking facilities. As I said, the VEC provides a number of other services also. Perhaps more optimal use could be made of the building to provide more educational services. Given that the Ennis office will be retained on a short-term basis, perhaps the Department of Education and Skills might consider retaining it as a sub-office on a long-term basis. I am delighted the Minister of State, Deputy Kelly, is here. He is lucky enough because there will be a sub-office in Nenagh.

Deputy Alan Kelly: It is a full one.

Deputy Pat Breen: The amalgamated VEC which will be based there will cover a single county. Perhaps some influence was brought to bear along the line in that case. I hope I can use my influence to convince the Minister of State, Deputy Cannon, of the need for an office in Ennis to deal with the provision of education services in County Clare which have been eroded for far too long.

This can be done in a cost-efficient way. We own the building and now is not the time to sell it. County Clare VEC has a strong and good reputation in dealing with education and this service is badly needed in the area. All I want is a sub-office to deal with some of the day-to-day queries while the main office in Limerick deals with other issues. I appeal to the Minister to take a fresh look at the matter, in particular in regard to the economic aspect, to ensure we can keep a sub-office in County Clare.

Deputy Ciarán Cannon: I thank the Deputy once again for outlining the case for the sub-office. I point out again that Clare and Limerick are not unique in having an arrangement in place where there is one headquarters and no sub-office as there are six other entities across

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the VEC structure in a similar situation. The decision not to have a sub-office in each of these seven locations was driven by the fact of the redeployment distance of 45 km. I note the three existing VEC headquarters in the Clare-Limerick region were all within 45 km of one another, so staff redeployment was not going to be an issue. This was the main driving force behind the decision not to retain a sub-office in Ennis.

Deputy Breen is correct to point out that the staff in Ennis and in every other VEC headquarters across the country are doing excellent work in serving the needs of the people they encounter on a daily basis. I have every confidence this work will be able to continue throughout the new locations. From the initial two meetings of the SOLAS implementation group, which is overseeing the merging of further education and training and we hope, will turn a significant new chapter in Irish education towards the end of next year when SOLAS finally becomes live, I am sure the significant information and communications technologies that will be made available across the structure of SOLAS will allow this excellent work to continue and the service that is already provided to be continued.

On a day-to-day basis, I foresee the main interaction between the general public and the VEC structure happening through the locations of the VECs themselves — through their schools and further education and community training centres — as well as through NEES, the national employment and entitlements service, which will be the first port of call for people wanting to avail of further education and training. I do not believe the lack of a sub-office in Ennis will detract from the service that will be available to people in County Clare. I have every confidence in the current staff at Ennis and their soon to be merged colleagues in the area of Limerick, who will continue to provide an excellent service for the people they serve.

Motor Tax Collection

Deputy Eamonn Maloney: I ask the Minister to undertake a review of the present system for the collection of motor tax, which I argue is an antiquated one. Given the current financial environment, every Department, as well as every legislator, is conscious of the need to become more financially efficient. I would argue that the collection of motor tax by the State in its present form is the most inefficient and expensive way of doing this that could be, which is why I ask the Minister to review it.

When one considers the methodology of motor tax collection, people drive to their local office to pay their tax, which is anti-environmental in the sense that people should not make unnecessary journeys. Every recent Government has tried to promote the idea of drivers not using their vehicles unnecessarily, be it in regard to schools or otherwise, and the same should apply in this situation. When one goes to a local tax office, cars are double and treble parked outside it, which is very negative for the environment.

The policing of motor tax is a crazy system. Members can think of many positive things gardaí could do other than running around trying to police the payment or non-payment of motor tax. That is not the way it should be done. Moreover, if one carries on into the realm of those who do not pay their tax or display their tax discs, many of them end up in court, as can be seen from the national and provincial press. This also involves police and court time, is very expensive and is the wrong way of dealing with this issue. In addition, anyone working in a local tax office will know that in the present environment, where many are unemployed, the level of motor tax evasion goes through the roof. People hold back on payment and a small number do not pay at all. If one takes the point about policing to its conclusion, some who do not pay end up in court and, in some cases, to add to the whole nonsense of the present system, people end up in jail, which adds to the expense for the State. All of these reasons add up to a compelling case to review the current system.

While I accept there is an argument against this, in other jurisdictions motorists pay tax on their fuel, be it petrol or diesel. The fairness in this system is that those who use their vehicles the most, pay the most. It is added on to the driver's fuel cost, so if I am a very regular driver, it will cost me more, whereas if I am a modest driver and use my vehicle only when needed, I will pay less. What could be fairer than that?

Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose): I thank Deputy Maloney for raising this issue, which I know is important to him. As he is aware, the general scheme of a motor tax Bill is currently being prepared in the Department, but this does not include plans to abolish the current system of motor tax in favour of one that places additional taxation on motor fuel. The change in policy suggested would have significant implications across a number of headings, and would require major consideration. I can deal with only a few of these headings in the time available.

First, the maintenance of the tax base would require a substantial increase in excise rates of at least 20 cent per litre. The impacts on inflation would be significant at a time when Government needs to drive down prices across the economy to maintain competitiveness. The impacts on different categories of drivers — urban, rural, commercial, business, private and so on — would need to be understood. Goods vehicles make up 13% of the national fleet, and these, together with public service vehicles and buses, are high usage and high mileage vehicles, which would have higher costs under a pay-as-you-drive system. The potential impacts on business competitiveness are clear.

The proceeds from motor tax are the main element of the local government fund. This fund is used predominantly to meet general purpose requirements of local authorities and to support the maintenance and development of non-national roads. Motor tax receipts in 2010 were some €1 billion and abandonment of motor tax would require a new source of income for local authorities of this order.

A significant increase in fuel duty would lead to an increase in cross-Border fuel purchasing, further depressing the tax base and requiring compensatory adjustments elsewhere to make up the shortfall. The potential for an increase in fuel laundering is also clear.

We must maintain a robust and accurate national vehicle and driver file to ensure compliance with roadworthiness testing, insurance certification and other traffic controls such as penalty points and fixed charge offences. In the absence of drivers paying motor tax, alternative ways to maintain the national vehicle and driver file would have to be found and costed. I do not believe an alternative system could be as effective as the current system.

All in all, the potential benefits which Deputy Maloney has identified would have to be weighed against these issues, and many others, before any change of the kind proposed by him could be contemplated.

Deputy Eamonn Maloney: I acknowledge and to some extent anticipated the arguments that would be presented against my argument.

However, my argument, based on other jurisdictions, is that when one considers the value for money for the State, meaning the taxpayer, and when one adds in all the examples I have illustrated such as policing, police time in court and so on, it is more beneficial. I forgot to include the most important factor, that is, the avoidance of motor tax. I do not wish to use figures from the United Kingdom as comparisons are difficult but I am aware of them and this factor gives rise to a substantial loss to the Exchequer. My point is that were one to accumulate what is lost by the State in respect of motor tax avoidance and what it loses in policing time, court time and so on, the gain for the State and for the taxpayer becomes evident. I do not suggest this proposed system is perfect but in terms

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of cost efficiency, the Department of the Environment, Community and Local Government should consider the position in other jurisdictions and then raise the argument as to how it continues with that system. I argue that we lose more money for the State by continuing with the present archaic system.

Deputy Willie Penrose: I thank Deputy Maloney, who certainly holds these views strongly. As the Deputy has outlined, a pay-as-you-go system would have some potential benefits. However, the Deputy also will recognise there are many actual and potential down sides. There is a danger of significant economic dislocation and loss of competitiveness and there also would be a clear winners and losers on foot of the switch proposed by the Deputy. As a further example to those which were listed in my initial reply, many rural commuters must travel long distances to work and they would be likely losers compared with urban dwellers with shorter commutes. If the switch was to be made on a revenue-neutral basis, it is far from clear where any financial assistance to compensate those people for their losses could come from in the current budgetary circumstances. Everything must be weighed in the balance.

I note the proposed motor tax Bill will consolidate and modernise motor tax law in general and will reform the administration of the motor tax system to ensure consistency, resource efficiency and best customer practice in service delivery and all Members wish to subscribe to that. For example, it will address the abuse of high levels of off-the-road declarations being made, which results in substantial ongoing losses of revenue. Moreover, significant and necessary improvements to the motor taxation system and its administration are contemplated. However, at this point, for the reasons outlined earlier and notwithstanding the taking into account of the Deputy's submissions, I do not envisage its replacement in the manner suggested by Deputy Maloney.

Air Accident Investigations

Deputy Willie O'Dea: I am grateful for the opportunity to raise this important matter in the Chamber today. Next Wednesday will mark the second anniversary of a dark day in the lives of two decent families, because 12 October 2009 was the day on which an Air Corps aircraft on a training flight crashed at Cornamona, west County Galway, resulting in the deaths of two of the Air Corps' best and brightest, namely, instructor Captain Derek Furniss and Cadet David Jevens. I was Minister for Defence at the time and recall well the scene at Baldonnel aerodrome as the coffins were brought in late at night, as well as the sense of shock, anguish and helplessness that permeated the entire defence community and people further afield. These scenes were repeated in no small measure at the funerals over the next couple of days, both of which I attended.

Obviously neither I, as Minister for Defence, nor the defence community nor anyone else was in a position to bring the two young men back. At the time, however, we promised their families that we would set up immediately an investigation by the air accident investigation unit, which would investigate the causes and the reason this happened and would explain this fully to the families by way of publishing a report at the earliest possible opportunity. The intention was to enable a measure of closure to be brought to the families, which have suffered greatly as a result of this unfortunate incident.

Records will show that when an investigation of this type is established, it usually takes a year to investigate the matter and come to the final report, which then is published. In this case, two years will have elapsed next Wednesday and yet the final report has not been published. Moreover, I am sorry to state the lines of communication between the Air Corps and the Department of Defence and the families of the two — or certainly the family of Cadet

Jevens — are minimal to say the least, which greatly disappoints me. The usual procedure is that a draft report is prepared and given to all the interested parties to read. Thereafter, any interested party within this country has 30 days in which to make an observation on the matter, while parties outside the country, usually the manufacturer of the aeroplane, have 60 days in which to communicate.

The draft report was not given to the families until 14 July last, which was 21 months after the accident. Observations were made and the matter literally has been in limbo since. The Jevens family, which has spoken to me about this matter, is suffering the greatest anguish. It is unimaginable and no words of mine could adequately do justice to the anguish and trauma that family has suffered as a result of this incident. Moreover, this has been exacerbated out of all proportion by the delay in publishing the report. Consequently, I ask the Government to publish this report. While the Jevens family will never get over the loss of young David — his younger brother's main ambition in life now is to join the Air Corps — they need some closure and this is the only closure the State can offer to them. As more than double the usual length of time has elapsed and the second anniversary of the accidents falls next Wednesday, I ask the Government to undertake to either publish the report immediately or to give me a good reason it cannot be published.

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):

I am pleased to take this opportunity to speak on behalf of the Minister for Transport, Tourism and Sport, who is attending a European Union Transport Council meeting today, on the subject of the final report regarding the accident to the Air Corps PC-9(M) training aircraft at Cornamona, County Galway, on 12 October 2009. On behalf of the Minister, the Department and myself, I express my deepest sympathy to the families, friends and colleagues of Captain Derek Furniss and Cadet David Jevens, who lost their lives in this tragic accident.

At the time of this accident, the Deputy was Minister for Defence and with the then Minister for Transport, he agreed the investigation of the accident would be conducted by the air accident investigation unit of my Department in accordance with Regulation No. 27(1) of SI 205 of 1997, Air Navigation (Notification and Investigation of Accidents and Incidents) Regulations 1997. Three senior officers of the Air Corps were assigned to the air accident investigation team. A preliminary report on this accident was issued and published by the air accident investigation unit on 17 November 2009.

Following a complex and detailed investigation and in accordance with Regulation No. 18 of SI 205, a notice of findings that included a draft report on the accident was issued on 14 July 2011 to all interested parties associated with the accident. These interested parties included the families of both deceased pilots, the Department of Defence, the Air Corps, the state of the manufacturer of the aircraft, that is, Switzerland and the manufacturer of the aircraft, namely, Pilatus. All parties made formal comments, one of which was a substantial legal submission. These submissions required detailed consideration and a response from the air accident investigation unit in accordance with the requirements of notice of findings, Regulation No. 18(1)(c) of SI 205.

An additional factor that has contributed to the delay in finalising the report is the provision of the significant resources required to deal with the international commitments associated with the fatal accident involving a public transport aircraft at Cork Airport on 10 February in which six people lost their lives and six others suffered injuries. However, I am pleased to be able to inform the Deputy that the Air Accident Investigation Unit has advised me that its response to the submissions received is nearing completion and that the release of the final report is imminent.

Deputy Willie O’Dea: I thank the Minister of State for his positive response. He will appreciate, however, that the delay cannot be justified. It took 21 months to get the draft report and now, two years on, the final report has not yet appeared. In the meantime the family is suffering tremendous anguish, pain, sorrow and a sense of loss. I have done my best to communicate to the Government the urgency attached to bringing closure to the matter. I am delighted that the Minister of State has told me that publication of the final report is imminent. While we will not hold him to it, perhaps he might like to venture an approximate timescale within which the family can expect to receive the report.

Deputy Alan Kelly: I agree with the Deputy. The Government wants to bring closure — whatever closure might mean, as it is a word that is often used — for the families in their loss. I accept that they have endured considerable suffering. As I said, a substantial legal submission needed due consideration for a number of reasons which I will not detail. However, I assure the Deputy release of the report is imminent; it will be published in a very short period of time.

Social and Affordable Housing

Deputy Brian Stanley: I am grateful to the Ceann Comhairle for giving me the opportunity to raise the matter of home loans acquired through local authorities to buy a house under the shared ownership scheme, the annuity scheme and the affordable housing scheme. Typically, these were, to use the awful term from America, sub-prime borrowers. They were people who could not get loans from building societies, banks or other lending institutions and they needed to be refused by two of them before a local authority would grant a loan. They applied in good faith for these loans to buy either an affordable house or a house under the shared ownership scheme or for the full annuity loan to buy 100% of the house. Many people who wanted to acquire their own home were standing on their own two feet at the time and earning reasonably good wages. There were perhaps two wages in the household. They now find themselves with no wages coming into the house and they are also caught in a negative equity trap.

The problem is escalating. Arrears are accumulating on households at a major rate. In County Laois, of 514 loans, 136 are in distress. In other words, they are three or more months in arrears. In the shared ownership section, 33% of loans are in distress, which indicates the seriousness of the problem. Families are under great pressure, which is affecting relationships. It has reached the stage where it is affecting people’s mental and physical health. It is also affecting local authority staff and public representatives who are dealing with the matter. It is putting everyone under pressure and nothing short of a crisis.

Houses throughout the country are being repossessed, with the tenants being evicted and the houses often being boarded up. They are then vandalised, following which they will be sold at half or one third of the value of the original loan. If the original loan was for €280,000, a house might be sold for €80,000 or €90,000. This is leaving the local authorities and the individuals involved with a major loan hangover from the negative equity. A family then typically needs rent allowance and is put on the local authority housing waiting list which, in turn, puts pressure on the system and the family.

We are often asked for solutions. I wish to propose some solutions from this side of the House. Just as with private institutions, we need to put measures in place to deal with loans through local authorities. Burden sharing is an option, as is shared equity. A local authority could take over ownership of a house in cases where the occupier is clearly not in a position and will not be in the short or medium term to pay off the loan and rent the house to the occupier. There could be interest-only repayments. Payments could be deferred for a period or the period of the loan could be extended.

Relief could be brought immediately in the case of shared ownership scheme loans by reducing the rent on the fraction of the house being rented — typically 40% to 50%. Rents are increasing by 4% per year, which is causing major problems. Instead of reducing them or keeping them unchanged, they are increasing by 4%. This matter is under the direct control of the Minister of State.

From talking to officials, I am aware that a review group is in place and I would welcome any steps to address the problem which has been ongoing for some time. However, nothing is happening. There is no outcome or solution. What are the Minister of State and his officials doing about the issue? It is a crisis and we must address it. It is piling up on top of the local authorities and the unfortunate people living in the houses in question. The priority must be to keep them in them. Repossessions — some of which have taken place in my immediate neighbourhood — do not serve anybody. It also causes problems for the people living beside repossessed houses which are often boarded up for months on end and vandalised and consequently worth less. The unfortunate people from whom a house has been repossessed have moved to private rented accommodation and the Government which should be trying to save money is paying rent allowance for them, which is ludicrous.

Colleagues have told me about similar problems in other parts of the State; the problem it is not confined to the midlands. We need to get on top of it, as it has escalated in the past three to four years and local authority officials are at a loss to know what to do. Obviously, my first concern is for the constituents on whom this pressure has built up. However, it is also causing problems for local authorities in their balance sheets. When they go to prepare their budgets, this matter will have a major negative effect because they need to find the money to return to the Housing Finance Agency. As it stands, nobody is winning. The householder, the local authority and the taxpayer are all losing.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose): I thank the Deputy for raising this important matter. The Government is acutely conscious of the difficulties many households are facing in terms of mortgage arrears. Against this background, its Economic Management Council, prior to the summer recess, requested an interdepartmental group to consider further necessary actions to alleviate the increasing problem of mortgage over-indebtedness and report to it by the end of September. The outcome of the work done by the group which was chaired by the Department of Finance and comprised representatives from other relevant Departments, the Central Bank and expertise from the banking sector, has been presented to the Economic Management Council. The Minister for Finance will bring the report to the Cabinet very shortly, after which it will be published.

To date, there is no evidence to suggest wider economic circumstances are creating problems specifically for local authority borrowers in meeting mortgage repayments. The most recent published data available to me are the service indicators 2009, published in February 2011. These show the local authority mortgage arrears level running at 15.08%, a marginal increase on the level in 2008 — 11.6%. I know the Deputy has outlined his experience. A total of 16.17% of mortgage accounts in the private sector are now either in arrears for 90 days or more, or have had their mortgage restructured. This shows that despite local authorities' role as lenders of last resort, generally providing loan finance to the lowest income home buyers, the level of mortgage distress is no worse than for other higher income categories of borrower. Similarly, despite worsening economic conditions generally, repossession remains extremely rare for local authority borrowers, with only 128 repossessions across all local authority areas carried out between 2005 and 2010. Clearly, where repossession does occur it is only as a last

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resort, and my Department is aware that it generally involves those households in arrears who refuse to engage with the local authority lender.

Local authority borrowers have received considerable protection from the worst effects of the downturn in terms of their borrowing costs. The effective rate for borrowers has come down by 2% since the end of November 2008 and now stands at just 3.25%. These rates represent exceptional value when compared with rates charged by commercial lenders. As of now, the local authority rate is more than 1% lower than the average market variable rate.

Provisions regarding lending by local authorities for the purposes of house purchase are set out in section 11 of the Housing (Miscellaneous Provisions) Act 1992. Where a loan stands in default, section 11(10) of that Act and, more recently, section 34 of the Housing (Miscellaneous Provisions) Act 2009, provide that a local authority may make such monetary arrangements with a borrower as the authority considers equitable to take account of the particular circumstances of the borrower.

I hope that every effort is made to contact the local authority to see what compromise can be made on monetary arrangements with the borrower. I have no doubt that people like Deputy Stanley, who are in constant contact with the housing section of local authorities, would ensure this is done. Local authorities have the power to take the situation into account and to come to an agreement that is considered equitable, taking into account the particular circumstances of the borrower. I trust that most people are availing of the opportunity for discussions with the lender.

Deputy Brian Stanley: I thank the Minister of State for his reply. There is a problem with contacting the finance section of the local authorities. We can talk to them until the cows come home, but if someone should be paying €150 per week in mortgage repayments yet is only earning €230 per week, then that person can only pay €40 or €50. That differential of €100 is mounting up in the local authority balance sheet and on the account of the person who has taken out the loan. The room for manoeuvre for local authorities is very limited. Local authority officials in different counties tell us they have very little room to manoeuvre because it is showing up on their balance sheet. They do not have a pot that they can dig into, but a revenue account which is becoming tighter and tighter. The Minister of State knows that from dealing with other local authorities. We have to give some relief to take the pressure off both the home owner and the local authority.

I mentioned the case of local authority mortgage arrears levels in Laois and compared the three different kinds of loans, namely, the shared ownership loan, the annuity loans and the affordable housing loans. The figure is 21% in Laois, but the Minister of State's general figure is 15.08%, which means that the levels are lower in other counties across the State. I am not disputing the Minister of State's figures, which mean that one in seven local authority mortgages is in arrears, while one shared ownership loan in three is in difficulty in my county. We have to do something about this problem.

The Minister of State said that the review group report back at the end September. What is the outcome of that review? When can we see it in this Chamber? What kind of measures are being considered? Do the Minister of State and his officials understand that a sense of urgency is needed for this? We do not solve problems by putting them off. This has been put back for the past three or four years, and I thought the Minister of State would take it up when he got this job. I hope he will do so and I am taking him at his word that he will do something about it.

Surely the most important thing is to keep people in the family home. This suits no one. There are four sets of losers when people are put out of the family home: the family, their neighbours, the local authority and the Government. Does the Minister of State agree?

Deputy Willie Penrose: I certainly agree with that last point. There is only a circle of losers when that happens. I am not disputing what the Deputy has said, as he has the experience locally. The review group will be reporting in the next couple of weeks. It will be brought to Cabinet fairly soon, and will be published, so I am hopeful that will take place in the next couple of weeks.

I note the Deputy's comments on the shared ownership loans. It is going up in the rental situation, so the gap is widening. The most important piece of advice for any borrower facing difficulties and meeting repayments is to engage early and proactively with the lender to seek to achieve an agreed solution. I think Deputy Stanley might agree with me that local authorities have long led the way in dealing proactively and sympathetically with mortgages. I know that sympathy does not fill the jar, but the level of repossessions by local authorities is at the bottom of the list, although they have risen recently. They can and do exercise the powers available to them and endeavour in all arrears cases to engage proactively and constructively with a distressed borrower, with the aim of enabling a household to remain in their own home. That is the best solution if it can be achieved. If people are forced to leave their home owing to default issues, then the problem is only being transferred from one aspect of Government expenditure to another one. There is no real gain involved.

The available data suggest that repossession, where it does occur, is always a last resort. My Department issued guidelines last year based on the regulator's code of conduct on mortgage arrears to reflect the Central Bank's revised code of conduct, which replaced the previous code on 1 January 2011, and which was informed by the deliberation of the expert group on mortgage arrears and personal debt. My Department is updating guidelines to local authorities, in consultation with the city and county managers. I am hopeful these will be issued soon. That is another input, but other more significant inputs are required to alleviate the situation so adequately set out by Deputy Stanley.

Ceisteanna — Questions

Priority Questions

Milk Quota

1. **Deputy Michael Moynihan** asked the Minister for Agriculture; Fisheries and Food if he has raised the issue of a European wide milk quota rather than a national quota in view of the fact that the European Union will be under quota this year; and if he will make a statement on the matter. [28022/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): I thank Deputy Moynihan for keeping this issue on the agenda. He has been very consistent in raising the concern that the soft landing strategy of the European Union simply is not working for Ireland, and that we should pursue changes to that policy which will allow our Ireland more flexibility between now and the end of 2015, when milk quotas are abolished, to allow for growth in that sector and avoid superlevy fines at the end of this milk quota year, which ends next March.

I am glad to update the House on the efforts we are continuing to make. We are lobbying the Commission and the agriculture ministers of different countries at every opportunity, the most recent being a bilateral meeting with the French agriculture minister, Mr. Le Maire, in Paris last Friday. This was a major issue on the agenda, along with other Common Agricultural Policy, CAP, and Common Fisheries Policy, CFP, issues. I am glad to say that France will be a key ally for us on the major issues of Irish concern in both the CFP and the CAP.

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The superlevy is a problem. We are nearly 3% over quota so far this year. It is a huge problem in counties such as Cork where dozens of farmers are already over quota. The last thing we want is progressive farmers to be slapped with significant super-levy fines next year. This is a major concern because it is a serious possibility at present. Unfortunately, we do not have a political way out because there is no traction in the proposal to move from a country based quota system to a European Union quota. This objective, which is being pursued by the Fianna Fáil Party, is not a runner at present.

The issue we are pursuing and on which we are most likely to get some traction is agreement on a butterfat correction. If we secured some flexibility in this area, Ireland would be able to increase its quota this year by between 1.5% and 2% in addition to the 1% we receive under the soft landing policy. We have not yet secured agreement on this matter and may not do so. For this reason, the message to farmers from me and my Department is clear; they must try to operate within the quota that has been allocated. Many farmers are responding to this message. At the end of both May and June, Ireland exceeded its quota by 6%, relative to the time of year. The figure has declined to slightly less than 3%. Despite the progress that has been made, I remain concerned. We will redouble our efforts to secure some flexibility to ease the pressure on dairy farmers who are seeking to expand. As of yet, we have not found a solution.

Deputy Michael Moynihan: I thank the Minister for the information he has provided. He is fully aware of my opinion on this matter which is a serious issue in County Cork and across the country. Did he receive solid support from the French Minister for Agriculture in their discussions last Friday? According to the information available earlier this year, France was among the countries which were unwilling to enter into further negotiations on a European wide milk quota. The Minister referred to flexibility on butterfat potentially facilitating an increase in milk quota of between 1.5% and 2% this year. Is this a serious possibility? While we must be responsible in advising farmers to remain within the milk quota, a number of policy decisions in recent years have placed farmers in an impossible position this year in terms of the amount of stock they have as they gear up for 2015 and beyond. As the Minister correctly noted, the farmers in question are taking a progressive approach. I ask him to elaborate on the views expressed by the French minister and the likelihood of achieving a butterfat correction.

Deputy Simon Coveney: To be clear on this matter, there is no appetite in France to reopen the milk quota negotiations on the soft landing. We are asking the French minister to consider agreeing to a butterfat correction, which would not be popular among French farmers. The overriding concern for France and Germany is to retain the milk quota regime as it stands until 2015. They believe any flexibility or loosening of the current arrangement could lead to a reduction in milk prices as a result of increases in supply. We do not share that assessment. While there is not a strong appetite in France or Germany for revisiting the milk quota issue, we have, for the first time, secured a response which suggested both countries would consider constructively the issue of a butterfat correction. Such a correction would be very helpful in terms of this year's milk quota but would not offer any solutions in the two subsequent years. We will continue to pursue this issue, working with the French and trying to convince the German Minister for Agriculture who has been absolutely resistant on this matter, even on the possibility of a butterfat correction. While we have much diplomatic work to do to make progress on this issue, there is no shortage of effort on our part.

Common Fisheries Policy

An Ceann Comhairle: Before dealing with Question No. 2, I am giving Deputy Martin Ferris permission to question the Minister, although it is, strictly speaking, outside the rules to do

so. Priority Questions are confined to spokespersons unless written permission is received in accordance with Standing Orders. I ask the Deputy to pass on this information to his party to ensure certainty in this regard.

2. **Deputy Michael Colreavy** asked the Minister for Agriculture; Fisheries and Food if he will publish details of the targets that he has set out for the Irish fishing industry in the negotiations regarding the common fisheries proposals; and if he will make a statement on the matter.
[28143/11]

Deputy Simon Coveney: I thank Deputy Ferris and his party for raising this issue. Deputy Pringle and others are also interested in the reply as it relates to the Common Fisheries Policy.

Rather than reading out a long answer, I will try to convey to the Deputies the elements of the reply in which they will be interested. A number of key issues arise for Ireland with regard to the Common Fisheries Policy. I propose to single out a few of them, although that may be a slight contradiction in terms. The first key issue is the concept of transferable fishing concessions, which is one of the big ideas in the current proposals on the Common Fisheries Policy. When Commissioner Damanaki visited Ireland, I spent nearly two hours discussing this issue with her to help her understand the reason the current proposal poses such a threat to the future of the Irish fishing industry. The thinking behind this concept, which would essentially privatise quotas by allowing them to be traded, is to reduce the fleet size through consolidation. Those who could afford to buy up quota from others would do so and fishing boats would be removed from the fleet, resulting in consolidation within countries and fleets. Ireland opposes this proposal, having already significantly reduced our fleet size under a recent fleet reduction programme. We do not want a consolidation of the fishing industry into two or three large ports, nor do we want to allow fishing interests from outside the country establishing a presence to buy up quota. The quota purchased would then be used by non-Irish fishing fleets and fish catches would be taken to non-Irish fishing ports. I have made clear to the Commissioner our concerns about her proposals on the transferability of fishing concessions and quotas. Ireland has taken a consistent position on this issue and has allies around Europe who share our concerns. We must keep quota in the control and management of the State to ensure it is allocated, rather than sold to the fleet, in a manner that is responsible and keeps coastal communities intact.

Additional information not given on the floor of the House

The Common Fisheries Policy (CFP) is scheduled for adoption in the latter half of 2012. This is an ambitious target and there is a strong possibility that the adoption of the new policy will be delayed and fall into 2013 during the Irish Presidency of the EU.

A reformed CFP is a critical policy issue for Ireland as it will shape the strategic blueprint for the European fishing industry for the next decade. The CFP impacts on the social, economic and environmental pillars of the wider seafood industry and the proposals will hold both opportunities and risks for Ireland.

My overarching goal for the new CFP is for a sustainable, profitable and self reliant industry that protects and enhances the social and economic fabric of rural coastal communities dependent on the seafood sector, while balancing these objectives with the need to deliver a sustainable and eco centred fisheries landscape for future generations. I am pursuing initiatives that will deliver and sustain jobs in coastal communities rather than those that promote the concentration of wealth and delivery of excessive profits for a few big international businesses.

I can broadly support the general thrust of the proposals put forward by the Commission in their proposal of 13 July on such key issues as enhanced conservation, rebuilding fish stocks, reducing discarding of fish, introducing more selective fishing gears to allow small fish and

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unwanted by-catches to escape and the use of multi-annual plans as a primary tool to rebuild and manage fish stocks. However, I have differing views on some key points from an Irish perspective. Subject to further negotiation on important details in respect of those issues I would expect that by the conclusion of the negotiations, I would hope to be in a position to support these important elements of the Reform proposals. Within the package there are specific issues that are of critical importance to Ireland which I will address in more detail.

I have serious concerns about the implications of the Commission's intention to impose the mandatory introduction of individually transferable concessions (quotas). Under this system, fish quotas would be allocated as tradeable commodities to private individuals and companies for at least 15 years and those individuals would be permitted to sell on the quotas.

There is serious concern in Ireland that under the current set of proposals, which the Commission has published, there is a real risk that the economic benefit from our quotas will be increasingly lost to Ireland. We fear that large European conglomerates, registering in Ireland, would buy up our quotas and increasingly land them abroad. This would cost us thousands of jobs around the coast and would starve our growing seafood processing industry of raw material. At this point, we can see no safeguards that could be built into the proposals which would prevent this happening.

In relation to discards, I fully support the objectives on addressing the unacceptable and wasteful practice of discarding as set in this proposal. The Commission proposal involves the introduction of a ban on discarding of fish which would be applied incrementally over the period 2014-16. The discarding of fish makes no sense at any level and must be ended. I believe that we need radical action to bring an end to this wasteful practice which is as abhorrent to fishermen as it is to the general public. The Commission proposal for a ban is too simplistic and is more likely to result in the concealment of the practice than a change in the behaviour. I am absolutely committed to addressing the problem in a practical and progressive manner working directly with fishermen and scientists.

The retention of the Hague Preferences is a key issue for Ireland as it gives Irish Fishermen a safety net of additional quotas when stock levels go below a certain point. In the Commission proposal, the Hague Preferences are recognised in the same manner as here to fore. Ireland sought their full integration into the CFP to avoid the current situation where their application each year is a matter for decision by the EU Fisheries Council. I will continue to pursue this approach but I am fully aware that we may face opposition for their inclusion, in any form, from those member states which lose quota when they are invoked.

In terms of the process, there is a long road to take before the reform of the CFP is finalised, many Member States will have conflicting agendas on certain issues. Commissioner Damanaki has visited Ireland and I had a good opportunity to set out Ireland's priorities and to give her a full understanding of the situation of the sector in Ireland and the likely impacts of her proposals, both positive and negative.

I have been actively building alliances with like minded colleagues in Europe. I met with my French Counterpart Minister Le Maire on 30 September and issued a joint communiqué which included a commitment to work closely on sustainability measures including discards, regionalisation and importantly on our opposition to the proposals on ITQs as they currently stand. I intend to build further alliances where possible and continue to liaise with our industry and other stakeholders to pursue and secure Ireland's priorities in a reformed CFP.

Deputy Martin Ferris: I thank the Ceann Comhairle for the flexibility he has shown me today.

I am encouraged by the Minister's statement that he is exerting pressure on the Commissioner and building alliances on the transfer of quotas, which is a major concern across coastal communities. The lack of quota is a serious problem. It is very annoying that fishing is becoming less and less viable for many Irish fishermen. While they are unable to secure quota, some 50% of the quota in France is not taken up. The negotiations on the reform of the Common Fisheries Policy in 2013 should provide for the introduction of a mechanism to allow excess or unused national quotas to be distributed to countries such as Ireland to enable them to maintain a viable industry. In the current circumstances, where we have mass unemployment, the economy is in a bad way and the economy of coastal communities has been decimated in recent years, Sinn Féin and all coastal Deputies will give the Minister their full support if he makes the transfer of quota a priority in the forthcoming negotiations. I ask him to do so.

Deputy Simon Coveney: On the specific issue raised by Deputy Ferris, a mechanism is in place which allows trading of quotas between countries. It is a swapping system under which my Department may negotiate and discuss with other countries the option of swapping quota for different species. While the current system facilitates these types of swaps, it does not allow countries which do not use their full whitefish quota to sell or transfer it to another country. France has the biggest whitefish quota in Irish waters and it is certainly not true to say it is not using up to 50% of that quota. My understanding is it is using practically all of its quota, this year at least. There may be individual species for which it has not filled its quota. It often seeks to swap quota and acquire by return quota for other species. I understand the Deputy's point but it is very unlikely that as quota becomes more valuable fishing fleets will not use theirs in full in the future.

The other issues concerning the Common Fisheries Policy relate to discards. I strongly support in principle what the Commissioner is trying to do in that regard although I believe her approach is flawed in that boats would be forced to land all fish caught, from 2014 to 2016, on a phased basis. The Irish approach and policy to discards will be clear. It will take fish on a stock by stock or species by species basis, looking for technical solutions. First, we will want to reduce the catch of fish currently being discarded and we need to do that proactively. In addition, we will look at ways in which we can eliminate discards entirely when and where that is possible. We must do that with the industry. Otherwise we will drive the issue underground — or underwater as would be the case.

Direct Payment Schemes

3. **Deputy Mick Wallace** asked the Minister for Agriculture; Fisheries and Food if he will maintain the current level of funding to REP scheme, agri-environment options scheme and the disadvantaged areas payment in Budget 2012; if he will acknowledge that many of our small farmers are dependent upon schemes such as these and will be very negatively impacted by any reduction in funding; and if he will make a statement on the matter. [28142/11]

Deputy Simon Coveney: Fair play to the Deputy. He wants me to announce my budget a few months early. The reality, of course, is that I cannot give him the assurance he seeks, namely, that there will be no cuts to any of the schemes from which we make payments — REPS, AOS, disadvantaged area payments, the less favoured area scheme, LFAs, and so on. When I met the IFA yesterday I told delegates it is important to be up-front with people from the start. There will be cutbacks in our budget which will affect some schemes. We have not yet decided which schemes or at what level but the reality is that the four year budgetary framework in which I must operate involves a reduction in expenditure from €1.647 billion to €1.286 billion by my Department, from 2011 to 2012. That reduction, as published material, was available from when the last Government was in place, showing €361 million in reduction

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between this year and next year. Some of the reduction will be accounted for by schemes that are ending naturally in any case, for example, the waste management scheme on farms which was very capital intensive. A number of people have left REPS and gone into AOS which is not as expensive to the State.

However, even when all these issues are taken into account we are still being asked to make savings of between €150 million and €200 million, which is a lot of money. That is why we have been very serious about going through a long and difficult expenditure review process, to try to reduce the cost of delivering services from my Department and to make as much of a saving as possible. The need remains to make some savings from the schemes we operate. I want to work with farming organisations and anybody else who wants to be part of the process to decide which sectors of the farming community can shoulder some of that burden so that we can protect the more vulnerable sectors of farming.

I will make decisions based on two principles, first, to protect the lowest income farmer and people who live in the most vulnerable areas who cannot take advantage of increased prices or very strong markets, in other words, people in disadvantaged areas. Second, I want to make decisions that are consistent with the targets in the Food Harvest 2020 strategy that will allow farming to continue to expand and grow. Even if those principles are applied there will be some difficult choices to make. Some cuts will be required which will target some of the schemes to which the Deputy referred.

Deputy Mick Wallace: I thank the Minister and give him credit for appearing to be very interested in his subject. He is one of the few Ministers who comes to the House and is able to give his replies without notes. This shows a strong level of interest and an understanding of the situation.

The Minister answered my question, more or less. If we were arguing about social issues or any other issues that concern the State and how it decides to spend its money I would make the same point. The Minister referred in his answer to what we need to do. I realise there will be less money to divide up. My appeal is much as the Minister noted. Here, as in all other sectors we should feel a responsibility to protect the more vulnerable. It goes without saying that all cuts most hurt the most vulnerable. The Minister's reply indicates he seems to be geared towards acting with that in mind.

The last time I raised some of these points in the Chamber the Minister stated the disadvantaged area payments would be paid in September. I understand from some farmers who spoke to me that they still have not been paid. I am sure that is not the Minister's fault. The farmers in County Wexford do not seem to have been paid, at any rate. Will they be paid soon? Some moneys are due from last year on the AOS and still have not been paid.

An Ceann Comhairle: Will the Deputy give the Minister a chance to reply? The time is nearly up.

Deputy Simon Coveney: I shall put on the record the facts about the disadvantaged area payments because that is a fair question. Some farmers have been paid and some have not. I shall give the numbers. To date, €164 million has been paid to 75,000 farmers from the disadvantaged area payments scheme, DAS. This is €42 million ahead of the position in 2010 and we have worked hard to try to get payments paid more quickly. Of the 25,000 people awaiting payments, 5,000 are non-compliant with stocking density, 10,000 have been contacted about over-claims or dual claims that need clarification; 3,000 inspections are being processed and 7,000 require maps to be digitised. In those cases maps have been sent in, physically, on a piece of paper, and need to be digitised onto a computer which takes time. Sometimes there is an

inconsistency between maps that needs clarification or inspection. If any payments have not come through yet under the DAS it is either because they require clarity and explanation or because there is a disqualification. We are anxious to try to clarify these points quickly and make the payments as quickly as we can.

The same applies to the AOS payments from last year, which we have already started to pay. There are mapping issues here too. For example, when applying for AOS many people have included maps that do not match the maps they submitted for their single farm payment. Something is wrong somewhere and until we get clarity we cannot make payments because when the Commission audits what we do those issues will arise. There are real reasons for any delays that exist but I assure the Deputy we are working extremely hard to get payments out as quickly as possible.

Common Agricultural Policy

4. **Deputy Michael Moynihan** asked the Minister for Agriculture; Fisheries and Food his views that the option to use 2011 as the basis year for eligibility under the new common agricultural policy would be preferable to 2014; and if he will make a statement on the matter. [28023/11]

Deputy Simon Coveney: I have the relevant reference. There has been much concern, particularly among farmers involved in leasing. Last year approximately 17% of the farmed land in Ireland was leased, on either short-term or long-term leases. That is a significant portion of farmland and that 17% of leased land is often very high quality, productive farmland.

Many rumours have been coming from Brussels and elsewhere to the effect that the Commission's proposals, to be published next Wednesday, will have 2014 as the reference year for future single farm payment. That has caused much concern because when a reference year is set for a future date it impacts on land mobility and rental markets. Obviously people will want to maximise the holding they are farming in a reference year. I have repeatedly made the case to the Commission — as have my officials and they did so as recently as earlier today at the G5 — that it must reconsider the position. The idea of setting a reference year in the future could contribute to warping the rental and leasing market for land in a way that would not be either anticipated or desired. This is something we need to prevent.

The Commission has redrafted sections of the proposal it is due to bring forward next week to try to take account of some of the issues we have raised with it. I have my doubts with regard to whether it will change the 2014 reference year. It will probably retain that as the reference year. However, I am of the view that it will include new elements and paragraphs to try to reassure those who had entitlements in 2010 and 2011 that they will also have such entitlements after 2014. We must wait and see what happens next week but I encourage people not to jump to conclusions until the proposal is published next Wednesday.

Deputy Michael Moynihan: The concern among members of the farming community is that people will seek to maximise their entitlements. In such circumstances, the price for rental land would rise to such an extent that it would be unsustainable. In the drive to maximise their payments, this could cause farmers to make decisions that would have a detrimental effect on their businesses. I welcome the Minister's comments to the effect that he and his officials have contacted the Commission in respect of the 2014 reference year. Do I take it that 2014 is still in the mix or are the reports which were leaked last week and which indicated that the reference year had reverted to 2011 accurate?

Deputy Simon Coveney: The honest answer is that we do not know. To use the Deputy's terminology, it is certainly still in the mix. We have been involved in conversations on a fairly

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regular basis with the Commission at official level. We have very good relations with the Commission and it listens to what we have to say. Ireland is one of the key players in CAP from a policy point of view. Because agriculture is so important to the Irish economy, the Commission takes us very seriously. We have made a strong case to the Commission urging it to be cautious in the context of the original leak which indicated that 2014 would be the base year. We have asked it to try to take account of our concerns and it stated that it would endeavour to do so.

We have also lobbied several governments in respect of this issue and encouraged them to express their concerns to the Commission. To a certain extent, this has worked. At least two other governments have expressed concern on this issue. I do not want to become involved in speculation on how the Commission will respond. I have an idea as to how it might proceed but it would be irresponsible of make any remarks which might get the rumour mill going again. I would rather wait to see what emerges next week. We have made our case very strongly and let us see how the Commission responds. We can deal with the consequences when the published document emerges.

Veterinary Fees

5. **Deputy Michael Colreavy** asked the Minister for Agriculture; Fisheries and Food if he has any proposals to cap the fees paid by farmers to veterinarians; and if he will make a statement on the matter. [28144/11]

Deputy Simon Coveney: Fees paid by farmers to private veterinary practitioners are a private contractual matter between the two parties concerned and I have no statutory function in this area. In line with the position more broadly in the economy — for professions and other service providers — veterinary fees and charges are set in accordance with general market principles. It would not be appropriate for me to impose a cap on the level of fees charged by veterinary practitioners. I encourage farmers to shop around to obtain best value from their local veterinary service providers. In this regard, it is interesting to note that the Competition Authority concluded in its report on the veterinary profession in 2008 that there are wide variations in the fees charged by veterinarians and in their charging methods. Fees charged by veterinarians also take into account of daytime and night-time calls, distance travelled, and so on. In addition, a survey of fees charged by veterinarians in respect of TB and brucellosis testing, which was conducted by the *Irish Farmers' Journal* last year, shows that fees charged for this service vary considerably, indicating that competition exists in the market place and that farmers can achieve value for money if they shop around.

Deputy Martin Ferris: Last year, the IFA estimated in 2009 the overall cost to farmers of medicines alone was €117 million. It also estimated that the cost of veterinary fees was approximately €2,000 per farm. It is disturbing that there is a variation in prices with regard to compulsory testing. The latter is supposed to benefit the State and all the people who live in it, as well as eradicating any type of disease which might be there. I wonder whether it might be possible to fix the price in this regard.

A survey carried out by the IFA in 2009 shows that some products, including antibiotics, were being sold for three times the amount for which they could be purchased at the lower end of the price scale. It would be of assistance if a mechanism relating to fixing the price of medicines in order to do away with the variations relating thereto could be put in place. Farm incomes tend to ebb and flow. They are quite good at present but three or four years ago they were quite low. While there are variations, the cost of medicines and the amounts charged in fees have remained virtually the same during the intervening period. It is costing farmers who are trying to survive and remain in the industry a great deal of money to cater for their live-

stock, and so on. A mechanism should be put in place so that a standard charge would apply in respect of compulsory testing or so forth.

Deputy Simon Coveney: It is fair to state that the cost of veterinary fees represents a significant portion of the costs incurred by those who own livestock farms. Compulsory testing has become part and parcel of farming. The standards we impose on farmers are expensive. That is one of the reasons I make no apologies to anyone who may be critical of the single farm payment system or the other systems of financial support for farmers. It costs more to produce food in the European Union than is the case in other parts of the world and European consumers must pay for that because it is they who demand higher standards. That is what is involved in the support systems to which we refer and in respect of which I am obliged, in the context of the CAP, to negotiate on a weekly basis. The implications of compulsory testing and the other matters I have outlined are increased costs for farmers.

All of the evidence suggests that there is a significant difference between what some farmers pay to veterinarians and what others pay. The evidence also shows that, potentially, there is a big difference with regard to what they pay for medicines. There is no doubt that some veterinarians charge a great deal more than others. The first thing we should do is encourage farmers to shop around. If there is evidence of cartels operating in different regions or counties, I need to know about it so that we can investigate. I would be slow to go down the road of introducing a cap in respect of the amount veterinarians can charge for services provided. Once a cap was introduced on one service, there would be immediate calls for similar caps to be put in place in respect of others.

Veterinary inspections are part of farming now. It is the responsibility of farmers, as business people, to shop around to try to obtain the services and products they require at the best possible price. They should consider entering into partnerships so that they might share the cost of paying veterinary bills, and so on to try to drive prices down. A cap in respect of the charges veterinarians can impose would probably be too blunt a tool. There are other ways in which farmers can help themselves in this regard.

Deputy Martin Ferris: I raise the issue of the obligation relating to compulsory testing — I am fully in favour of this because it is necessary — because in the case of influenza injections and so forth, people pay a standard price. Why is it not possible to charge a set amount in respect of each head of cattle?

That would be the standard price and it would create much security for some farmers. These tests must be done and the farmer can be held to ransom.

Deputy Simon Coveney: I will look into it.

Other Questions

Coillte Assets

6. **Deputy Willie O’Dea** asked the Minister for Agriculture; Fisheries and Food his views on the sale of Coillte’s assets as part of NewERA; and if he will make a statement on the matter. [27950/11]

Deputy Simon Coveney: Although Deputy O’Dea is not present, I will read the reply into the record. Coillte was one of 28 commercial state bodies reviewed by the review group on State assets and liabilities, chaired by Mr. Colm McCarthy, which reported in April 2011. There

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were three recommendations in the section dealing with Coillte, one of which was that the State should initiate the disposal of Coillte's forest and non-forest assets but not its forest land. My Department has considered the recommendations in the report and I also asked Deloitte on a *pro bono* basis to examine the recommendations in the McCarthy report as they apply to my Department, including Coillte. The analysis and possible outcomes from this work will be considered by the Government, along with the future of other assets, in the context of the work of NewERA.

Coillte was established as a private commercial company under the Forestry Act 1988 and currently manages some 442,000 ha of land, of which some 390,000 ha is under forestry. It also plays a significant role in the provision of forest recreational activities, which was evident from the participation in National Trails Day last weekend. Given its extensive forest holdings and its role as main supplier of timber to Irish sawmills, it is a key player in the Irish forestry business. The group's two panel processing companies, Smartply Europe Limited and Medite Europe Limited, also export significant volumes of wood panelling. The review report recommends the disposal of Coillte's forest and non-forest assets but not its forest land. However, there are still a number of considerations and options arising from that recommendation.

As I outlined to the House in an Adjournment debate on this issue in June, it is essential to maximise the information available to the Government to make an informed, sensible and well-thought out decision that will not compromise the State's core asset, which is the land Coillte manages on behalf of its shareholders, amounting to some 7% of our land mass. NewERA can play an important role in this process. To assist in its examination of options for the possible disposal of assets in general, the Government has requested the Department of Public Expenditure and Reform, in consultation with relevant line Departments, such as my own, and NewERA, to consider a number of possible candidates for disposal. The Government will be advised on the appropriate valuations to be placed on the assets in question, and on the most appropriate method of disposal, likely timeframe and economic impact of any such disposal to inform any further decisions that the Government may wish to make in this regard.

Deputy Michael Moynihan: Since the Forestry Act 1988 and before it there was a drive in some parts of the country to take on forestry. In my own part, over 50% of some parishes are under forestry. There is a significant concern about the issue and it is vital to make a distinction between the Minister's comments and the notion debated on the public airwaves and elsewhere that Coillte land is for sale. Whatever the recommendations from the various bodies reporting on the sale of assets, it is vital that the land be kept in State ownership. It was sold to Coillte for minimal prices 20 or 25 years ago and it was never envisaged that the land would go to outsiders. I caution against such action. The Minister should also take account of what such action would mean to peripheral regions in the country which have given, in some cases, more than 50% of the land to afforestation.

Deputy Thomas Pringle: Will the Department consider that forestry is a national asset as well as the land? There will be a future need to develop a wood biomass industry within the country to offset oil consumption and usage. Will the Minister give this consideration in making a decision? I hope he will make the right decision and not dispose of the assets.

Deputy Mick Wallace: We do not have to go into the argument of the merits or otherwise of selling a State asset. Some 18 million visitors use Coillte land every year and I imagine if it was sold for private purposes, there would be some serious insurance issues arising from the public using the land which is currently a magnificent facility for the people.

Deputy Simon Coveney: I wish to be absolutely clear on a number of issues. No one is considering selling Coillte land and that is off the table. When I asked Deloitte to consider the matter, I stipulated that there should be no consideration of the sale of Coillte lands. I appeal to people to be responsible on the issue if and when we must discuss the matter at some stage in future.

It is true to say that the forests which Coillte manage are also valuable assets. One may argue about the valuation of a crop of 390,000 ha of woodland but the idea considered in the Deloitte report was that a crop, or asset, could be sold through harvesting rights for the next 20 or 50 years, depending on how much value we want. At the end of the process, the land would revert to the State, with a requirement in place for re-forestation and replanting. Essentially, the asset of the forests and land would come back to the State at some time in future.

That is the kind of option we are considering but I stress that no decision has been made on the sale of Coillte as a company or in terms of forest assets. Any sale will take account of the issues raised by Deputy Wallace with regard to ensuring public access to recreational land and so on. There is a significant portion of Coillte land that is not accessed by anyone and we are considering all the options now, including valuations. We will make some decisions as a Government in the not too distant future.

Milk Quota

7. **Deputy Paul J. Connaughton** asked the Minister for Agriculture; Fisheries and Food his views that Ireland could be over quota in the new 2011 — 2012 milk quota year; and if he will make a statement on the matter. [27719/11]

Deputy Simon Coveney: This question relates to the milk quota and I will give a short answer so people have the opportunity to ask questions. Currently, Ireland is at risk of being fined at the end of the milk quota year next March for being over the quota, meaning superlevy fines of 28 cent per litre will be applied to people producing over their quota. I do not want to see that so I encourage farmers to try to operate within quota or reduce surplus milk if already over the quota. In the meantime we will be working hard to try to get some kind of flexibility on the so-called soft landing issue. As of today, we have not made the kind of progress which allows me send a signal to farmers that we are off the hook. We are not.

Deputy Anthony Lawlor: I thank the Minister for his response. There is a significant possibility that we will be over the quota this year and going towards 2015, and farmers are gearing themselves up to the removal of quotas in 2015. Could we get an all-European quota system, taking in the whole of Europe instead of an individual country? Will the Minister work with the Commission towards allowing Ireland in particular, as it is working to the targets of Food Harvest 2020, to build in a gradual and annual increase in quotas?

Deputy Seamus Kirk: I will not hold up the Minister in trying to answer. In his earlier response to my colleague, Deputy Michael Moynihan, there was a suggestion that the butter fat adjustment may provide a possibility for a partial solution to the serious issue we have looming in Ireland on 31 March 2012. Perhaps the Minister will elaborate on the mathematical calculations that will be involved with that.

My second point is a follow-up to the question asked by Deputy Lawlor and relates to the possibility of finding a solution within the Community or, perhaps, by localising it in the context of a bilateral arrangement with Britain. At present, significant volumes of milk quota have been bought from the UK by farmers in Northern Ireland. My information is that the total quota in the North will not be filled in the current year, although one does not know what

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might happen next year. The possibility of it being utilised to alleviate the problems of farmers here should be examined. It is on one island, so it is not a question of breaking into mainland Europe to find a solution.

In sections of the agricultural press the possibility of leasing dairy cows to partner farmers in Northern Ireland has been suggested, so the milk can be produced in Northern Ireland. It is a variation on what we are discussing but there appears to be an inherent health risk in the concept of moving dairy cows from farms in Cork, Louth, Offaly, Kildare and elsewhere in the South to farms in Northern Ireland. If we could reach a bilateral arrangement, however, it would help to alleviate the pressure.

Deputy Simon Coveney: I can understand that people are trying to find imaginative solutions to this problem. We have examined whether it is possible to transfer surplus quota from Northern Ireland to the South. Unfortunately, although I would rather it was otherwise, Northern Ireland is considered a different country and jurisdiction from the Republic of Ireland and, whether we like it or not, it is not possible to do bilateral deals under the European policy on milk.

We are constantly looking for new or clever opportunities to solve the super levy problem. From the Europe point of view, for example, we are examining the possibility of front-loading the remaining quota increases into one year, which is not a runner at present; a reduction in the super levy fines, which is also not a runner; and a further reduction in the butterfat correction levels, which is the one we are pursuing most proactively at present. We believe it is the only one on which we have a chance of potentially getting agreement this year.

We are also examining a far more flexible approach which would see the overall quota as a European quota rather than a quota for individual countries. Last year, even though countries such as Denmark and the Netherlands had significant super levy fines imposed on them, Europe as a whole was approximately 5% under quota. This is the same problem as we have with Britain. Britain is consistently under quota while we are consistently on the edge. We were less than 0.5% under quota last year, and that was after a severe pull back for the last two or three months of the year.

If the Deputies have suggestions, they should keep forwarding them to me and we will consider each of them. I had heard that there was some discussion about trying to come to an arrangement with Northern Ireland to find an all-island solution and putting that case to the Commission. We responded to that and put feelers out to the Commission to see if it would consider it, but we did not make much progress. It would set a very awkward precedent for the Commission in terms of other European countries trying to do similar things. We need to find a solution to Ireland's current difficulty that we can sell across the European Union. Unfortunately, that has not yet happened to the extent that it solves our problem.

Food Harvest 2020

8. **Deputy Tony McLoughlin** asked the Minister for Agriculture; Fisheries and Food if he will provide an update on the targets agreed in Food Harvest 2020; and if he will make a statement on the matter. [27712/11]

Deputy Simon Coveney: The main targets set under Food Harvest 2020 were to: increase the value of primary output in the agriculture, fisheries and forestry sectors by €1.5 billion, a 33% increase on the 2007-09 average; increase the value added in the agri-food, fisheries and wood products sectors by 40% compared to 2008; achieve an export target of €12 billion for the sector, representing a 42% increase compared to the 2007-09 average.

The CSO data shows that the value of the agri-food and fisheries sector has shown a significant increase in 2010 over 2009 values. Specifically, the value of overall primary output increased by 28% in 2010. This included a 40% increase in the value of milk output, a 1.8% increase for beef, an 81% increase for cereals and a 9% increase for pigs. In 2010, total food and drink exports reached €7,884 million, an increase of 11% on 2009 figures. The current trend in exports is also positive, with the first six months of 2011 showing a 14% improvement on the same period in 2010. Final year projections are for exports of the order of €8.9 billion.

These underlying trends provide a sound basis for achieving the Food Harvest 2020 targets. To secure success I set out interim milestones for 2013 and 2015. These are laid out in the document, Milestones for Success, which I launched this summer.

Additional information not given on the floor of the House

These are:

	2013	2015
Primary Output	Increase value by €300 million	Increase value by €700 million
Value Added	Increase value by €500 million	Increase value by €1 billion
Exports	Achieve €9 billion in exports	Achieve €10 billion in exports

I am driving progress on the Food Harvest 2020 report and, through the efforts of the high level implementation committee, I consider that good progress has been made in the past year, as illustrated by the export figures outlined. Details of all initiatives being pursued to date were published in Milestones for Success last July. This is the first progress report on Food Harvest 2020 implementation and is now available on the Department's website at www.agriculture.gov.ie.

Departmental Schemes

9. **Deputy Michael Moynihan** asked the Minister for Agriculture; Fisheries and Food if he will commit to maintaining funding for all the main farm schemes in Budget 2012; and if he will make a statement on the matter. [27947/11]

Deputy Simon Coveney: This is about the farm schemes again; it is a pre-budget submission from Deputy Moynihan. The answer is the same as the one I gave earlier. There will be reductions in expenditure, and I have been frank about that since the week I took office.

Currently, we are lucky to be in charge of an industry that is expanding. Agriculture and agri-food have been the big good news story for the past six months. Unfortunately, that does not disguise the fact that there will be two difficult budgets in a row, with the first more difficult than the second. My Department must undertake its fair share of the reductions in expenditure that are required of all Departments. The Deputy will be familiar with the four year budgetary commitment made under the previous Government and which this Government is committed to implementing. Even though agriculture is a performing sector, we will still have to apply reductions in expenditure in the agriculture budget.

The political challenge for me is to work with the farming organisations, Opposition spokespeople and my party colleagues — and there is a great deal of talent in Fine Gael in the agriculture area at present — to find ways to reduce expenditure that do not damage the growth story of agriculture and that protect vulnerable sectors within agriculture that are not benefitting in income terms from a strong harvest, strong prices and good yields. For that reason I have repeatedly said I will do everything I can to protect the rate of payment in

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disadvantaged area payments and to support vulnerable sectors within agriculture such as, for example, suckler beef, which is vulnerable to an expanding and growing dairy sector.

At present, 50% of our beef comes from the dairy sector and 50% comes from suckler herds. The high end quality product generally comes from suckler herds. We must try to keep that ratio intact which means we must try to support high quality suckler farming. I will be as open as I can be in the build up to the budget. When we make decisions, they will be based on trying to be consistent with the targets set in Food Harvest 2020, as well as protecting vulnerable families and sectors in agriculture.

Deputy Michael Moynihan: What is happening in the agriculture sector is a good news story and the predictions are that it will continue to be. However, it is vital that in every discussion the Minister has and in every decision he makes in the next couple of months which will be difficult, about which there is no doubt, peripheral regions and low-income sectors are protected. One often hears people living on the margins say they will be the last generation farming in a region. They have suffered a lot during the years, including as a result of the tough decisions made in recent times. I appeal to the Minister to ensure they are looked after in whatever way he can.

Deputy Simon Coveney: I agree with the Deputy. There are vulnerable persons in rural Ireland on farms, the sizes of which do not allow them to expand and grow and increase their income from farming activity. We all have a responsibility to keep them on the land. I am not a Minister who will impose policies purely on the basis of economics and solely focus on the efficiency of food production in making decisions. While we need to increase the efficiency of food production and improve the skills set of farmers, we also need to recognise that unless we support farming in certain regions under the schemes in place, people will simply leave the land. That has happened in other parts of the world as supports have been done away with. That is not the environment we want to create in rural Ireland.

Farm Safety

10. **Deputy Nicky McFadden** asked the Minister for Agriculture; Fisheries and Food if he will provide an update on the recent initiatives in which he has been involved; and his views on the increased numbers of fatalities on farms this year. [27703/11]

Deputy Simon Coveney: I am delighted the Deputy has asked this question because farm safety is an issue which is not spoken about enough. When one looks at the figures for the numbers of fatalities on farms, one begins to realise why this issue should be a priority. I took a number of specific initiatives in this area over the summer. In June I made the opening address at the national farm safety conference which was organised by the Health and Safety Authority in Roscommon. The theme was Livestock Safety. In June I also attended Dublin Zoo to launch the family farm and countryside safety week at the request of Agri-Aware. In August I made the opening address at the annual international meeting on agricultural occupational health and safety held for the first time in Ireland. In September the *Irish Farmers Journal* contained a farm health and safety supplement, to which I contributed a short piece promoting increased awareness of farm safety and focusing, in particular, on the need to change farming attitudes, the key issue in farm safety. I also visited and lent my support to the Health and Safety Authority stand at the National Ploughing Championships in Athy a few weeks ago.

In addition to these initiatives, I have been involved in and my Department is strongly committed to promoting farm safety in tandem with the Health and Safety Authority which is responsible for health and safety in the workplace more generally. A large number of organis-

ations are trying to contribute to this issue. There is a farm safety partnership advisory committee, to which all the key stakeholders in agriculture contribute.

Even with all of that work, we have tragically seen 18 fatalities on Irish farms and five fatalities in the fisheries sector. Farming accounts for approximately 6% of the workforce in Ireland, yet this year more than half of the people who will die at work will be farmers or fishermen which is an absolute scandal about which we must do something. We need to change what is in farmers' heads and in those of their wives and families. Their workplace is their home, which often results in lax and inappropriate attitudes to their safety and that of their children and families. I will continue to try to raise the priority, in terms of policy, given to farm safety in order that we can try to make an impact on what are tragic and unacceptable figures.

Additional information not given on the floor of the House

The statistics consistently indicate that the highest proportion of farm fatalities involve accidents with tractors and other farm machinery. Livestock, in particular bulls, comes next, followed by falls and drowning accidents. Despite the good work being carried out by the HSA, the farm safety partnership, Teagasc, the Agricultural Consultants Association and the farming bodies, we have not had the desired impact on reducing farm fatality figures.

I am totally committed to supporting farm health and safety initiatives, as is my Department. There is legislation in place, the Safety, Health and Welfare at Work Act 2005, which places the same duties on farmers as on other self-employed persons to provide a safe place and a safe system of work for their employees. The HSA has doubled its safety inspections this year to 3,000. While enforcement has a role to play, the key to bringing about a change in the farm fatality figures is to bring about a cultural change among farmers regarding farm health and safety. The key to bringing about this cultural change is self-regulation by farmers, by which I mean they need to challenge themselves in regard to the potential for their tractor or livestock or other aspect of their farming activities to cause the next fatality and, most important, to consider what they can do to prevent a fatality from happening. They need to make farm safety an integral part of the farming culture.

The farm safety strategy is fundamentally about changing attitudes through raising awareness. Teagasc has been very active to date in providing farm safety training for farmers nationwide. My Department is dealing with the farm safety element in the dairy efficiency programme 2010-12. This is especially relevant because the dairy sector consistently has the highest number of farm fatalities among all farming enterprises. Farm safety is given a prominent place on my Department's website and it continues to be incorporated into all farm building specifications as they are drawn up or reviewed.

My Department will continue to support and work with the farm safety partnership advisory committee, the HSA, Teagasc and others in achieving a reduction in fatalities and accidents on Irish farms.

Deputy Nicky McFadden: I commend the Minister and the HSA for the initiatives taken. Some 1,500 deaths have occurred, all of which could have been avoided. Some 54% were caused by livestock, in particular bulls. The use of machinery and tree felling are also a source of serious concern. While I commend the Minister for the initiatives he has taken, I wonder about the undertaking of an awareness campaign in the media, including on television.

Deputy Noel Harrington: I do not wish to take away from the question, but the Minister touched on the marine sector. There is an issue about the use of personal beacons as opposed to EPIRBs, emergency position indicating radio beacons, with which I know the Minister is familiar. There seems to be some resistance in this regard. Perhaps he might investigate the

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Department's attitude to moving towards the use of personal beacons rather than EPIRBs, particularly for inshore boats. We all remember the yacht which overturned. The EPIRB did not go work because the yacht did not sink. The personal beacons activated the emergency services. Perhaps the Minister might consider that issue.

Deputy Michael Moynihan: A couple of weeks ago a neighbour of mine was attacked by a bull and died as a result. It had a devastating impact. The Minister is right in that farmers who have grown up on farms and been around animals and livestock all their lives tend to think they understand them but at a moment's notice, an animal can turn on them. The devastation caused by these accidents is considerable and we must do more in this regard. Most of the information given is on the use of machinery, lifting and so forth, but as Deputy McFadden said, 54% of accidents are caused by livestock. It is vital, therefore, that we inform people in a more robust and better way about livestock.

Deputy Simon Coveney: This is primarily a machinery and livestock issue with reference to the handling of powerful animals, some of which are unpredictable, particularly bulls. The number of bull beef animals has increased as a proportion of the stock. In the past there would have been a lot of bullocks whereas now there are a lot of young bulls being produced for beef, which carries with it some risk.

On the use of machinery, 14 and 15 year olds regularly drive large tractors in farmyards and pick up and deliver grain between fields and farmyards. We need to redouble our efforts in this regard and look at ways by which we can be more effective.

This is a problem across the European Union. Ireland's figures for fatalities are not that different from those in most other European countries.

What Deputy Harrington has referred to is essentially a device which, if one falls into the water, will immediately send a signal to the rescue services, which can dramatically reduce the likelihood of fatalities at sea. For some extraordinary reason, we have made huge progress in getting people to wear life jackets in the marine leisure sector, but little or no progress has been made in getting fishermen to wear them. We launched a life jacket campaign over the summer but I am not sure it made a huge difference because for some reason fishermen seem to think they will never fall in the water. I have considered the personal beacon approach used to good effect by the RNLI in the UK. Given the division of rescue functions between the Coast Guard and the RNLI, we cannot simply copy UK policy to Ireland because both organisations will need to be able to pick up signals from the beacon. We will investigate the matter further. As it is an area in which I have close personal experience, I am anxious to do the right thing.

Fishing Industry Development

11. **Deputy Brian Stanley** asked the Minister for Agriculture; Fisheries and Food his plans to safeguard, develop and promote fishing and allied industries here in 2012; and if he will make a statement on the matter. [27916/11]

Deputy Simon Coveney: This question concerns fishing industry development but it gives me an opportunity to express some of my concerns about the Common Fisheries Policy, CFP. Next year will be about planning for fishing in the immediate term. The major hurdle facing us in the coming weeks is the proposal for total allowable catches, TACs, for next year. The initial proposal from the Commission is not good news for our stocks. Of the 34 stocks of interest to Ireland, all but four are seeing significant cuts in the amount available for Irish fishermen. The

cuts range from 15% and 25% for most stocks to a recommended zero quota for cod in the Irish Sea and off the Donegal coast. These are not the final quotas, however, and the quota negotiations will take place during the first weeks of December. The starting point has clearly put us under pressure to build the science and arguments we need to hold what we have and increase quotas where we have the science to back that up.

The good news is that increases are proposed for cod and herring in the Celtic Sea of 141% and 60% respectively, with a 25% increase in haddock in the north west. This is the result of conservation programmes for cod and herring in the Celtic Sea put in place by the industry primarily. We need to replicate this type of approach in other areas, especially in area 6. My job is to put together the science and data to make a convincing argument in order that any cuts applied are fair and that we get a positive result in respect of stocks that are recovering because of responsible fishing.

Additional information not given on the floor of House

On 27 September, the Commission issued its proposals for 2012 fishing opportunities for stocks which are solely within the EU remit and not subject to international agreements. The Commission's proposal for cuts of 15% and 25% is justified on the basis that member states have not provided adequate scientific data on fisheries in many cases. The cost of providing scientific data is very high. The Marine Institute spent €5.9 million in 2010 on data collection for quota stocks, of which 50% was from EU funds. This covered an extensive at-sea and port-based sampling programme and several dedicated and internationally co-ordinated research surveys. The data collected were provided to and used by all the relevant scientific bodies such as ICES and STECF.

I am advised by my experts that in addition to the availability of funding, other reasons that scientists cannot perform robust stock assessments are related to complex problems such as historical data issues, length of time series and lack of coherence in the assessment data. Realistically for many stocks, full assessments will not be available for 2012 or for future years and I am not convinced that in this situation, the adoption of simplistic arbitrary cuts in TACs is an appropriate response. I intend to examine in detail the proposals for each stock taking account of all available information and to determine Ireland's position in that context. In that regard and as provided for in the programme for Government, I will bring forward to the Dáil a sea fisheries sustainability impact assessment in the coming weeks.

I am committed to continuing the path set out in Food Harvest 2020 for the development of the seafood sector in Ireland into 2012. The strategy set out in Food Harvest 2020 involves both the processing and aquaculture sectors. My Department and its agencies have been working together on a twin-track approach to overcoming existing constraints on the aquaculture sector through the comprehensive bay by bay environmental impact assessments required by the EU birds and habitat directives and development of the feasibility of locating aquaculture in less sensitive but more challenging conditions offshore. We are starting to see promising signs of progress in 2011 on the environmental assessments in Natura sites and I believe this will gather pace as the process is bedded in. BIM provides certain support programmes for the sector, including capital grant support for shellfish production outside and within Natura areas where compliance is delivered, and an innovation and technology support scheme. The continuation of these programmes is subject to budget allocations.

In relation to the seafood processing sector, Food Harvest 2020 recognised that the sector was fragmented, lacking in scale, uncompetitive in terms of production costs, too focused on export of commodity products and constrained by inconsistent supply of raw material. BIM, with Enterprise Ireland and Údaras na Gaeltachta, is working to address each of these issues. Grant aid support under the seafood processing business investment scheme was provided in 2011 to improve competitiveness and help the companies concerned develop export markets

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for high value added products. BIM launched a new seafood value adding scheme earlier this year to support seafood companies with developing added value products. The scheme assists with concept development, including business planning, product development and packaging. The continuation of these programmes is subject to budget allocations.

Deputy Noel Harrington: The draft proposals from the Commission are worrying. The Minister and his officials face a serious challenge in maximising the total allowable catch for Ireland. I concur with the Minister that the industry-led conservation initiatives have been positive and should be further promoted. I wish him well in the negotiations later this year.

Deputy Simon Coveney: This year the Commission has decided to take what it calls a precautionary approach. If we cannot provide detailed scientific data to prove that we can maintain fishing efforts on a particular stock, the Commissioner intends to apply an automatic reduction of 25% to the total allowable catch for that stock. I cannot accept that. Either we are applying science or we are not. Our decisions must be made on the basis of science and in respect of a number of fish stocks which may not have sufficient scientific data to estimate a maximum sustainable yield, a number of signals can indicate whether the stocks are healthy. If strong signals about the size and age of a catch suggest that a stock is not under pressure, I cannot stand over the so-called precautionary principle just because the Commissioner would like to implement it. There will be a lot of heated discussions on this issue. I do not disagree with the principle of the Commissioner's proposals but we must base our decisions on science for the sake of stocks and the industry. This will require give and take on both sides.

Animal Welfare

12. **Deputy Gerry Adams** asked the Minister for Agriculture; Fisheries and Food if he will introduce the new Animal Health and Welfare Bill. [27913/11]

Deputy Simon Coveney: I intend to introduce a new animal health and welfare Bill before the end of the year. This legislation should have been put in place long ago. It was partially drafted under the previous Government and the work has continued since I came into office. I am anxious to bring it forward at this stage. The Bill will deal with the protection of animals, whether on farms or in homes. We are trying to consolidate animal welfare legislation dating back more than 100 years into one clear Bill, while adding new sections as appropriate.

Unfortunately, we have witnessed awful instances of cruelty to and mutilation of animals. We need strong legislation to deal with such practices. Other issues are more subtle, such as the responsibility of farmers to their stocks or private home owners to domestic animals. These responsibilities need to be set out clearly in law. It is a privilege and a responsibility to own an animal and we need clear legislation in this area.

Common Fisheries Policy

13. **Deputy Joe McHugh** asked the Minister for Agriculture; Fisheries and Food his priorities in relation to the reform of the common fisheries policy; and if he will make a statement on the matter. [27705/11]

16. **Deputy Brendan Griffin** asked the Minister for Agriculture; Fisheries and Food his key priorities for common fisheries policy negotiations; and if he will make a statement on the matter. [27704/11]

Deputy Simon Coveney: I propose to take Questions Nos. 13 and 16 together.

I mentioned the discards issue earlier. Every European country has a problem with discards. When fishermen catch fish which are out of quota or are not large enough to be marketable, they are thrown over the side of the boat because it costs money to bring them ashore. The proportion of discards are considerable in certain Irish stocks. It serves no one's interest that juvenile fish are being caught, killed and thrown over the side. The industry wants to see a new policy that can reduce and, it is hoped, eliminate quotas for certain fisheries, and I certainly want to see change in this area. It is not defensible morally or from a food perspective and it does nothing for the revival of fish stocks. The Commissioner has taken a hard line on the issue and intends to put an end to discards on a phased basis between 2014 and 2016 by forcing fishermen to land everything they catch. I do not believe that approach is workable because it will not bring the industry with us. What is needed is a scientific approach to look at individual stocks one after the other and examine technical ways in which we can use the quota system, but more importantly technical measures in terms of how we design nets to allow juvenile fish to escape and to be more targeted at the fish we catch. Whether it is a cod by-catch when fishermen are fishing for prawns in the Irish Sea or a whiting or haddock by-catch when one is fishing for cod in the Celtic Sea we need to use the technology, design and mesh size that is available to ensure that we are more targeted at catching larger marketable fish and releasing the fish that we do not have a quota to catch and that are too young to sell. That process will take time but it is already under way from an Irish point of view.

An Ceann Comhairle: I note that the Minister was also taking Question No. 16 in conjunction with Question No. 13. It is on the same subject.

Deputy Simon Coveney: There are issues also around the Hague preferences if the Deputy wishes to ask me questions on that. We are anxious to protect what are called the Hague preferences which give this country preferential treatment on quota allocation when quotas fall below a certain level. If one is catching white fish such as monkfish, whiting or haddock if the quotas fall below a certain level there is recognition in the Hague preferences that to keep a coastal fishery intact one must have certain economies of scale; otherwise the fishery becomes unworkable. That is where the Hague preferences kick in and allow this country to get an increased percentage of quota when the overall quota falls below a certain level. We are very protective of the Hague preferences.

Ministerial Responsibilities

14. **Deputy Noel Harrington** asked the Minister for Agriculture; Fisheries and Food if he will provide an update on his meeting with EU Fisheries Commissioner, Maria Damanaki and their discussions on the Common Fisheries Policy; and if he will make a statement on the matter. [27702/11]

18. **Deputy Noel Harrington** asked the Minister for Agriculture; Fisheries and Food if he will provide an update on the recent visit from Commissioner Damanaki; if he will provide an overview of the discussions held during the visit; and if he will make a statement on the matter. [27701/11]

Deputy Simon Coveney: I propose to take Questions Nos. 14 and 18 together. The questions are about how the visit of Commissioner Maria Damanaki went when she visited this country several weeks ago. I thank the Commissioner for coming. I invited her to come several months ago. I also invited our Commissioner, Mrs. Máire Geoghegan-Quinn to visit.

For Commissioner Damanaki's visit I had two purposes in mind; to visit the Marine Institute in Galway to see the extraordinary work it is doing and to allow her to have detailed discussions

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with me, the fishing industry and NGOs to give an understanding on her perspective on the Common Fisheries Policy and what she wanted to achieve.

In the meeting I used the opportunity to map out in detail why this country feels vulnerable when we look at her approach towards the transferability of fishing concessions or quotas, which essentially means the privatisation of quotas. I reminded her that we support in principle what she wants to do on discards but we think her approach needs to be much more targeted to work with the industry. We had a good discussion. I am confident that when she left she had a much better understanding of Ireland-specific issues.

The reality is that we only catch 18% of the fish in Irish waters. That is the full scope of the EU waters for which this country has responsibility. That puts us in a very unusual position whereby we have large Spanish and French fishing fleets in particular fishing in Irish waters which would like to get their hands on Irish quota if they could. I have explained why I am uncomfortable with the concept of moving away from a quota being treated as a national asset which is then allocated to boats in the Irish fleet in a way that keeps the fleet commercially viable to a system whereby boats could trade quotas among themselves which will result in consolidation and many fewer fishing ports here.

An Ceann Comhairle: I am sorry to interrupt the Minister but the time is up and I wanted to allow 30 seconds to Deputy Harrington.

Deputy Noel Harrington: Only 30 seconds.

An Ceann Comhairle: We finish at 5.45 p.m. and it is that time now.

Deputy Noel Harrington: I welcome the Minister's reply. There are headline issues that the Common Fisheries Policy will discuss. I agree entirely with the Minister's stance on individual transferable quotas. While it makes sense for countries such as France and Spain it would make no sense for this country and would have a severely negative impact on the Irish fishing industry.

Similarly, on the issue of discards it is important that we move with the Commissioner in her position on discards which are immoral. It is a crime. The methodology behind her proposals over-simplify the issue and they need further discussion, particularly with the industry. I hope the Department will work with the industry here to deal with what is a complex issue, more complex than it would appear. It is simple to say it is immoral but it is a difficult issue to deal with and to find a good solution.

Other issues arise as well such as enforcement. The Sea-Fisheries Protection Authority, SFPA, has been working hard and compliance within the fishing industry has greatly improved, which has led to improved prices. That should be acknowledged.

I listened to the Commissioner when she spoke at the Institute of European Affairs. I was concerned that she held up the Danish pelagic industry as a model. The Minister might take note of that. In Denmark 12 or 13 companies control the pelagic industry. That is not something we would wish to emulate. The Commissioner held it up as the way forward. Perhaps the Minister would examine the matter and raise it in his discussions with her and persuade her towards an Irish solution that would maintain the integrity of our industry.

The Dáil adjourned at 5.50 p.m. until 10.30 a.m. on Friday, 7 October 2011.

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 14, inclusive, answered orally.

Common Agricultural Policy

15. **Deputy Barry Cowen** asked the Minister for Agriculture, Fisheries and Food if he will confirm when the proposals from the European Commission on the future of the Common Agricultural Policy will be published; and if he will make a statement on the matter. [27929/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The formal legislative proposals for the future of the CAP are due to be published by the Commission on 12 October next. The publication of the proposals will be followed by an intense and lengthy period of negotiation that is likely to fall for completion under the Irish Presidency of the EU.

On 14 and 15 September last, I and my colleague Minister of State McEntee addressed this House during Private Members Business when we gave an outline of the CAP reform debate to date. We reiterated our key priorities in the CAP negotiations which are:

To ensure that the negotiations on the next EU budget framework deliver a well resourced CAP

To retain Ireland's funding both for direct payments and for rural development in any redistribution of CAP funds between Member States

To obtain flexibility for Member States with regard to payment models and transition arrangements for distribution of single payment funds to farmers

To ensure that rural development policy includes appropriate targeted measures to support competitiveness and sustainability and

To keep CAP processes as simple and as effective as possible and to minimise unnecessary bureaucracy for farmers and costs to the State

I would welcome the opportunity to discuss this matter again in the House when the proposals have been presented to Member States.

Question No. 16 answered with Question No. 13.

Agricultural Colleges

17. **Deputy Tom Barry** asked the Minister for Agriculture, Fisheries and Food if he will provide additional resources for agricultural colleges in view of the Agriculture 2020 report and the push to increase production. [27696/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): Under the Agriculture, (Research, Training and Advice) Act, 1988, Teagasc has statutory responsibility for the provision of education, research and advisory services to the Agriculture sector. It is a matter for Teagasc and its Board to prioritise activities in the delivery of these services and to allocate its resources in accordance with these priorities. Accordingly, delivery of the Teagasc education and training programme is an operational matter for Teagasc and its Board.

It is acknowledged that the demand for agricultural education has reached unprecedented levels over the past four years with a further very significant increase in demand for places in the current academic year. Taking account of this, and in order to respond positively to student demand, Teagasc were granted exceptional approval in August to recruit six new teachers. This approval was conditional on further initiatives by Teagasc to maximise student intake and improve efficiencies in the delivery of education services.

I understand that Teagasc has successfully recruited the new teachers and redeployed a further six advisory staff into the colleges to teach certain modules. Teacher/student ratios have been increased and a mechanism of contracting out the teaching of certain modules/skills is also being pursued. As a result of these initiatives, all the Agricultural Colleges were able to take in additional students this September with an estimated 250 extra places made available to meet the growing demand. Over 1,000 new students enrolled in ‘further’ level courses in agriculture and horticulture with a further 283 students studying ‘higher’ level courses linked to Institutes of Technology and Universities. Additional part-time courses are also being provided through the advisory service and a further 130 students will attend courses delivered through the Teagasc Regional Education Centres. This brings the total number of students studying on Teagasc run courses to 3,300.

Teagasc has a key developmental role in improving the competitiveness of the agri-food sector, supporting sustainable farming and the environment and encouraging diversification of the rural economy. For this reason, they receive substantial Exchequer resources each year to fund the delivery of education, research and advisory services to the agricultural sector. Requests to provide additional resources must have regard to Government efforts to drive efficiencies and contain public service numbers. Under the National Recovery Plan 2011-2014, the Government is committed to reducing public sector numbers to 294,700 by the end of 2014. Delivering the numbers reductions requires that the Moratorium applying to all public sector recruitment must remain in place. Therefore, when vacancies arise, public service organisations must re-allocate or re-organise work or staff accordingly. Any exceptions to this principle can only be considered in very limited circumstances in respect of mission-critical posts and in full compliance with annual ceilings on staff numbers.

Question No. 18 answered with Question No. 14.

Common Agricultural Policy

19. **Deputy Billy Kelleher** asked the Minister for Agriculture, Fisheries and Food his views on the greening measures to be introduced under the Common Agricultural Policy reform; if

he raised this issue at his recent meetings in Brussels; and if he will make a statement on the matter. [27935/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): Although the detailed proposals from the Commission on the future of the CAP will not be published until next week, we know from the Commission communication, the EU budget proposals and public pronouncements provided by the Commission in policy debates that the Commission is pressing for a 30% mandatory “green” component in direct payments for additional agri-environmental measures beyond current cross compliance. The “greening” measures being mooted include retention of permanent pasture, crop diversification and ecological set-aside.

Of course I fully support the idea of encouraging sustainable forms of agriculture and this is at the heart of the Food Harvest 2020 strategy. However, we need to keep things simple and to avoid creating excessive bureaucracy. While the greening measure that would be predominant in Ireland — retention of permanent pasture — should not create major compliance problems, the existence of separate greening conditions would complicate our single payment scheme. We should also be mindful of the considerable greening already in place through cross compliance. There is a further complication for Ireland in that a 30% flat rate greening component would exacerbate the movement towards uniform national or regional payment rates. I believe we should consider whether there are alternative simpler approaches to achieving the Commission’s objectives.

I have discussed this and other matters related to the CAP reform with the Commission and a number of my EU counterparts. Most recently, last week I met my French counterpart, Bruno Le Maire, and we agreed on a common set of priorities for the reform of the CAP which included a commitment “to ensure that future “greening” of the direct income support schemes should be simple to apply both for farmers and Member States administrations and should not entail additional costs for either; the scope of the greening should be pegged to the budgetary resources allocated to the CAP”.

20. **Deputy John Paul Phelan** asked the Minister for Agriculture, Fisheries and Food his plans to consult with the stakeholders in the farming industry here in relation to the negotiations on the reform of the Common Agricultural Policy; and if he will make a statement on the matter. [27709/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): An initial consultation process was launched with stakeholders by my Department in July 2009 to obtain views on what EU agriculture policies would serve Ireland and the EU best in the years to come. The responses received are helping to inform our position in the very important negotiations on the future of the CAP towards 2020.

In 2010, a Consultative Committee on the CAP was set up by my Department comprising all the major farming and agriculture related representative organisations involved in Social Partnership as well as a number of academics. The Committee have met on several occasions, most recently in June and also participated in the Stakeholder event organised by my Department during the visit of Commissioner Ciolos last autumn. It is planned to have the next meeting once the formal Commission proposals have been received. My officials and I will continue to consult with farming organisations and stakeholders as the negotiations progress.

Official Engagements

21. **Deputy Heather Humphreys** asked the Minister for Agriculture, Fisheries and Food the

[Deputy Heather Humphreys.]

bilateral meetings he has had with other EU agriculture ministers in relation to the reform of the Common Agricultural Policy; and if he will make a statement on the matter. [27710/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): Since I was appointed Minister on 9 March last, I have had formal bilateral meetings with my French, UK, Spanish and Danish Ministerial colleagues. I have also taken the opportunity to meet formally with my Ministerial colleagues from the other Member States and the EU Commission at the EU Council of Agriculture Ministers meetings held in Brussels and Luxemburg and also at the Informal Ministerial Councils held in Hungary and Poland. The main purpose of these contacts was to build up alliances with like-minded Member States regarding the upcoming reform of the CAP.

Most recently, I met my French counterpart, Bruno Le Maire, in Paris last week and we agreed a common set of priorities for the forthcoming negotiations, namely

- To ensure that the negotiations for the next EU budget framework deliver at least a stable budget for the CAP, to support sustainable food production in the EU;
- To obtain the necessary flexibility for Member States in relation to payment models and transition arrangements for distribution of single payment funds to farmers;
- To ensure that future “greening” of the direct income support schemes should be simple to apply both for farmers and Member State administrations and should not entail additional costs for either; the scope of the greening should be pegged to the budgetary resources allocated to the CAP;
- To ensure an appropriate market support framework for agricultural markets, including economic and sanitary measures, that is capable of responding flexibly as the need arises.
- To keep CAP processes as simple and as effective as possible and to minimise unnecessary bureaucracy for the farmer and costs for the Member State.

Over the coming period, as negotiations intensify, I will continue to interact with my Ministerial colleagues and with the Commission and European Parliament.

Food Labelling

22. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food if he is satisfied with the implementation of country of origin labelling; and if he will make a statement on the matter. [27698/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The enforcement of country of origin labelling of food is the responsibility of the Food Safety Authority of Ireland (FSAI), a body under the aegis of the Minister for Health. The FSAI will have responsibility for the implementation of the Proposed Regulation of the European Parliament and of the Council on the provision of food information to consumers, covering most meats, which is expected to come into effect from late November 2011.

Sale of State Assets

23. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food if any submission has been made regarding the McCarthy Report recommendations on Coillte. [23954/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): As the Deputy is aware, Coillte was one of 28 commercial state bodies reviewed by the Review Group on State

Assets and Liabilities, chaired by Mr. Colm McCarthy, which reported in April 2011. There were three recommendations in the section dealing with Coillte, one of which was that the State should initiate the disposal of Coillte's forest and non-forest assets but not its forest land. My Department has considered the recommendations in the Report and I also asked Deloitte on a *pro bono* basis to examine the recommendations in the McCarthy report as they apply to my Department, including Coillte. The analysis and possible outcomes from this work will be considered by the Government, along with the future of other state assets, in the context of the work of NewERA.

As I outlined to the House in an Adjournment debate on this issue in June, it is essential to maximise the information available to the Government in order to make an informed, sensible, well-thought out decision which will not compromise the State's core asset, which is the land Coillte manages on behalf of its shareholders, amounting to some 7% of our land mass. I believe that NewERA can play an important role in this process.

To assist in its examination of options for the possible disposal of State assets, the Government has requested the Department of Public Expenditure and Reform, in consultation with relevant line Departments and NewERA, to consider a number of possible assets for disposal. In addition, they will advise the Government in relation to the appropriate valuations to be placed on the assets in question, and on the most appropriate method of disposal, likely time-frame and economic impact of any such disposal, in order to inform any further decisions that the Government may wish to make in this regard.

Food Industry

24. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which a full evaluation has been done of the food industry with a view to identifying the future prospects in the beef, lamb, pig meat and dairy sectors in the context of likely trends affected by the Common Agricultural Policy and World Trade Organisation; if due regard is likely to be had for the necessity to maintain maximum support for food production throughout Europe thereby ensuring continuity and security of supply together with a reliable income for producers and the retention the concept of the family farm; and if he will make a statement on the matter. [27920/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): My Department continually evaluates the various livestock sectors in the context of markets and trade agreements. In particular, the Food Harvest 2020 report provides a roadmap for the various sectors over the coming decade. The strategies in the report were agreed by the sector and are being implemented. I recently produced a report called "Food Harvest 2020: Milestones for success", showing the level of progress with the Food Harvest Strategy and I am pleased that Action has already been taken on 92% of all the issues. Intermediate milestones have been targeted for 2013 and 2015, to ensure that the strategy has a continuous momentum.

I am aware of the significant changes being proposed to the CAP and in other global trade negotiations. I will continue to defend the need for Europe to maintain food production as part of the global requirement to increase production by 70% by 2050.

Agri-Food Sector

25. **Deputy Heather Humphreys** asked the Minister for Agriculture, Fisheries and Food the way the agri-food sector can contribute to economic revival here; and if he will make a statement on the matter. [27718/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The agri-food sector is contributing to the country's economic recovery through its significant role in adding value to the economy and its contribution to the export led recovery. CSO data shows that Ireland's agri-food exports increased by 11% in 2010, reaching almost €8 billion. This sector is continuing to improve in 2011 with current figures showing a 14% improvement in the first six months of 2011 vis a vis the same period in 2010 and final year projections are of the order of €8.9 billion.

The agri-food sector plays a particularly strong role in encouraging domestic expenditure. Analysis shows that more than 70% of its expenditure is on Irish goods and services. This, allied to its lower level of profit repatriation, means that its contribution to the Irish economy is significantly greater than that of other manufacturing industries.

The Deputy should also be aware of the embedded nature of this sector which according to the Census of Agricultural Production has

An annual turnover of €22billion, which is 20% of industries turnover

Accounts for 18% of Ireland's total industrial output and

Provides an outlet for produce from Ireland's 128,000 farms and is the main employment for circa 135,000 people

The major policy initiative which I am pursuing to ensure that this important indigenous sector continues to contribute to our economic recovery is through the implementation of Food Harvest 2020. This provides a pathway to growth and specific targets to be achieved for the primary (33% increase), the value added (40%) and the export sectors (40%) by 2020.

I am personally driving progress on this report, and through the efforts of the High Level Implementation Committee, I consider that good progress has been made in the past year as illustrated by the above export figures. Details of all initiatives being pursued to date have been published in '*Milestones for Success*'. This, the first progress report on Food Harvest 2020 implementation, was published this July and is available on the Department's website at www.agriculture.gov.ie. In summary, '*Milestones for Success*' indicates that action has already commenced on 91% of the 215 recommendations in FH2020 and the publication contains a link which details the progress made on all of these recommendations. It also itemises 54 actions already taken over the past year by my Department and relevant State Agencies on Acting Smart, Thinking Green and Achieving Growth; the key themes of FH2020.

In addition, I have set myself and the agencies working with me on this critically important project, a series of 40 tasks to be completed by end July 2012. To make sure that these plans remain on track, the HLIC and myself have agreed quarterly targets which will help monitor progress and I will assess the first report on progress at the first FH-HLIC meeting in 2012. Another monitoring mechanism was the decision to set interim milestones for 2013 and 2105 and all parties are committed to meeting these milestones.

Food Labelling

26. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which traceability, husbandry, processing or production standards and requirements in the food industry are applied equally here and throughout the European Union; the degree to which food imports continue to comply with such standards; the degree to which labelling is an adequate form of verification; if any improvements are contemplated; and if he will make a statement on the matter. [27921/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): Food production and labelling in the countries of the European Union operates in accordance with harmonised rules and member states controls are subject to audit and supervision by the Food and Veterinary Office (FVO) of the EU.

The Food Safety Authority of Ireland (FSAI) under the aegis the Minister for Health has overall responsibility for the enforcement of food safety in Ireland. It carries out this remit through service contracts with my Department and other agencies including the Health Service Executive (HSE), Local Authority Veterinary Service and the Sea Fisheries Protection Authority.

The work to ensure compliance with the application of health and hygiene regulations and traceability within the remit of my own Department is carried out by staff from the Department. This work is subject to regular audit by both the FSAI and the FVO.

All imports of food products of animal origin into the EU are the subject of prior notification and my Department, in co-operation with the Customs Service, operate veterinary public health controls at EU approved Border Inspection Posts on all direct imports into Ireland coming from non-EU (or third) countries.

Food Industry

27. **Deputy Tony McLoughlin** asked the Minister for Agriculture, Fisheries and Food his priorities for the next implementation phase of Food Harvest 2020; and if he will make a statement on the matter. [27711/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The priorities for the implementation of the next phase of Food Harvest 2020 are set out in '*Milestones for Success*' which was produced last July and is available on the Department's website, *www.agriculture.gov.ie*.

This, the first progress report for Food Harvest 2020, gives the pathway towards reaching the 2020 targets by setting interim milestones for 2013 and 2015 and deciding on the 41 key initiatives which will be progressed by July 2012. At its September meeting, the Food Harvest 2020 High Level Implementation Committee (HLIC) set itself quarterly targets towards achieving these 41 key actions, and next January I will monitor and assess the progress made on the targets set for September-December 2010.

Animal Welfare

28. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food if he will introduce policy and legislation governing welfare of race horses; when legislation will be introduced; if the legislation will bring Ireland in line with the race horse welfare provision of other EU member states; and if he will make a statement on the matter. [27915/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): My Department currently has statutory responsibility for 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. The relevant legislation in this area is the Protection of Animals Kept for Farming Purposes Act, 1984 and the European Communities (Welfare of Farmed Animals) Regulations 2010, S.I. No. 311 of 2010. With regard to animal welfare in general, the main statutes governing cruelty to all animals, including race horses, in this country is the Protection of Animals Act 1911 and the Protection of Animals (Amendment) Act, 1965. Responsibility for pursuing cases under this legislation rests with the Garda Síochána, who may on receipt of a complaint investi-

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gate and bring a prosecution against any person alleged to have committed an offence under these Acts.

There are legislative commitments relating to animal welfare in The Programme for Government 2011, including a commitment to amend and strengthen legislation on animal cruelty and animal welfare. A draft Animal Health and Welfare Bill giving effect to this commitment is in the course of preparation. The Bill is a comprehensive piece of legislation providing a broad basis for regulating the related areas of animal health and welfare. Drafting is ongoing with the Office of the Parliamentary Counsel and it is my intention to publish the Bill at an early date.

Seafood Industry

29. **Deputy Joe McHugh** asked the Minister for Agriculture, Fisheries and Food the work that has been undertaken to retain and create jobs in coastal communities; and if he will make a statement on the matter. [27706/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): Food Harvest 2020 identified a potential to increase employment in the seafood industry from 11,000 to 14,000 by 2020, mostly in coastal communities. The Report also saw the potential to increase the value of the seafood sector from €700 million to €1 billion by 2020. The strategy set out in Food Harvest involves both the processing and aquaculture sectors.

I am committed to continuing the path set out in Food Harvest 2020 for the development of the seafood sector in Ireland into 2012. My Department and its agencies have been working together on a twin track approach to overcoming existing constraints on the aquaculture sector, firstly through the comprehensive bay by bay environmental impact assessments required by EU Birds and Habitat Directives and secondly through development of the feasibility of locating aquaculture in less sensitive but more challenging conditions offshore. We are starting to see promising signs of progress in 2011 on the environmental assessments in Natura sites and I believe this will gather pace as the process is bedded-in. BIM provides certain support programmes for the sector, including capital grant support for shellfish production outside Natura areas and within Natura where compliance is delivered and an innovation and technology support scheme. The continuation of these programmes is subject to budget allocations.

In relation to the seafood processing sector, Food Harvest 2020 recognised that the sector was fragmented, lacking in scale, uncompetitive in terms of production costs, too focussed on export of commodity products and constrained by inconsistent supply of raw material. BIM, with Enterprise Ireland and Údarás is working to address each of these issues. Grant aid support under the Seafood Processing Business Investment Scheme was provided in 2011 to improve competitiveness and help the companies concerned develop export markets for high value added products. In the seafood sector a further tranche of investment under the Seafood Processing Business Investment Scheme administered by Bord Iascaigh Mhara (BIM) was announced today by the Taoiseach which will see a further €3.5 million in investment this year and generate 64 jobs. BIM launched a new Seafood Value Adding Scheme earlier this year to support seafood companies with developing added-value products. The scheme assists with concept development, including business planning, product development and packaging. The continuation of these programmes is, of course, subject to budget allocations.

Common Agricultural Policy

30. **Deputy John Paul Phelan** asked the Minister for Agriculture, Fisheries and Food his priorities in the negotiations on the reform of the Common Agricultural Policy; and if he will make a statement on the matter. [27708/11]

40. **Deputy Martin Heydon** asked the Minister for Agriculture, Fisheries and Food if he will provide an update on the latest negotiations on the Common Agricultural Policy; and if he will make a statement on the matter. [27707/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): I propose to take Questions Nos. 30 and 40 together.

The CAP debate has been ongoing since 2008 in preparation for the new Multi-annual Financial Framework for the EU budget from 2014 onwards. Policy debates on the future of the CAP have taken place at meetings of the EU Agriculture Council of Ministers and these have been augmented by a vast amount of informal discussion and analysis. A Commission communication setting out broad policy options for the future CAP “The CAP towards 2020” was presented on 18 November 2010. The communication, on which conclusions were agreed by the majority of Member States last March, was the first formal step in the negotiating process. Full legislative proposals are expected from the Commission next week. The publication of the proposals will be followed by an intense and lengthy period of negotiation that is likely to fall for completion under the Irish Presidency of the EU in 2013.

Our key priorities in the CAP negotiations are:

To ensure that the negotiations on the next EU budget framework deliver a well resourced CAP;

To retain Ireland’s funding both for direct payments and for rural development in any redistribution of CAP funds between Member States;

To obtain flexibility for Member States with regard to payment models and transition arrangements for distribution of single payment funds to farmers;

To ensure that rural development policy includes appropriate targeted measures to support competitiveness and sustainability and

To keep CAP processes as simple and as effective as possible and to minimise unnecessary bureaucracy for farmers and costs to the State.

Land Reclamation

31. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food if he is satisfied with the new regulations covering the reclamation of land; and if he will make a statement on the matter. [27697/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): On Thursday 8 September 2011, I signed into law the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 (S.I. No. 456 of 2011) to address the findings of the European Court of Justice against Ireland in the manner that the Environmental Impact Assessment (EIA) Directive (85/337/EEC), as amended, was transposed into Irish law. This followed intensive discussions held with the European Commission over the summer months.

The Court found that Ireland was over-reliant on size thresholds and did not take other relevant criteria, such as the cumulative impacts of development, the location of the development or activity relative to sensitive sites etc, into account.

The Regulations relate to three categories of projects—

restructuring of rural land holdings,

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the use of uncultivated land or semi-natural areas for intensive agriculture, and
land drainage works on lands used for agriculture

These Regulations provide for a screening and consent system that will not only satisfy the requirements of the Directive but will also provide a practical and workable solution for farmers. They also ensure that Ireland should not be open to the imposition of very large daily fines for non compliance with the European Court of Justice finding.

There will be no cost involved in applying for a screening decision. It will be a relatively straightforward process and each application will be adjudicated upon on a case by case basis in a timely manner, taking into account the relevant criteria outlined in the Directive.

Mandatory Environmental Impact Assessments will only be required for larger projects which are above specific thresholds set out in the Regulations.

Activities under the screening thresholds set out in the Regulations that do not have an adverse impact on the environment, can proceed without having to be screened by my Department. Above these thresholds farmers will have to apply for screening to see whether the proposed activity can proceed or if it will require an Environmental Impact Assessment to be carried out.

The Regulations will be underpinned by a comprehensive guidance document, a draft of which has been published for public consultation. The closing date for the consultation phase is Friday 21 October 2011.

Animal Protection

32. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Agriculture, Fisheries and Food his plans to reduce the number of seabird deaths caused by longline fisheries in view of the high number reported by the Royal Society for the Protection of Birds. [27918/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The issue of catches of seabirds in long line fisheries is a cause of concern. I understand that the matter is being accessed by the International Council for the Exploration of the Seas (ICES). I will examine any proposals from the EU Commission arising from advice received from ICES or other bodies. This form of fishery is not usually practised by the Irish fleet.

Disadvantaged Areas Scheme

33. **Deputy Ann Phelan** asked the Minister for Agriculture, Fisheries and Food his plans to achieve a better targeting of aid in the form of less favoured areas payments to farmers who work within areas that have been deemed disadvantaged due to agricultural handicaps (details supplied); if there are new criteria for designating LFA's; and if he will make a statement on the matter. [27699/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): In relation to the funding of the Disadvantaged Areas Scheme, in common with all areas of Government spending, a comprehensive review is currently being undertaken, with a view to achieving the best balance between the recognised benefits of the Scheme, while working within the unprecedented financial constraints in which the country currently finds itself.

In addition, there is an EU-wide Review, which was undertaken in response to the strong criticism expressed by the Court of Auditors of the procedures for the designation of intermedi-

ate Less Favoured Areas (LFAs) in the European Union. These criticisms were based on the number and variety of criteria used to designate intermediate LFAs (Member States have used more than 100 criteria) and the lack of transparency.

Member States were asked to map areas of natural handicap against new biophysical criteria and send their simulations to the Commission, after which a reformed scheme can be drawn up. Member States, including Ireland, have submitted the requested simulations. It is intended that any new LFA proposals proposed by the EU Commission will form part of the wider proposals on CAP post 2013, which are due to be published shortly.

Grant Payments

34. **Deputy Peadar Tóibín** asked the Minister for Agriculture, Fisheries and Food if he intends to streamline the process of grants payments to avoid delays to farmers; and if he will make a statement on the matter. [27914/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): My Department operates a number of grants and scheme payments for farmers. Funding for these schemes is provided by the Exchequer, the EU or a combination of both and all expenditure must be carried out in an appropriate manner that adheres to the principles of value for money and compliance with the regulatory requirements.

Area-based schemes under the Rural Development Programme, 2007-13, in particular, are subject to EU Regulations which require detailed administrative checks on all applications, including cross checks with the Land Parcel Identification System, to be completed before payments can issue. These rigorous procedures, including on-farm inspections, apply to payments under the Single Payment Scheme, the Disadvantaged areas, the Rural Environment protection Scheme (REPS) and the Agri-environment Options Scheme (AEOS), to ensure that applications comply meet the scheme conditions and cross-compliance requirements.

I am, of course, conscious of the financial pressures on many farm families and of the importance of grant and scheme payments to their incomes and cash-flow. I have given the highest priority to the processing and payment of all scheme payments and to the elimination of all unnecessary delays. Payments under DAS and AEOS commenced in recent weeks and will continue as queries are resolved. I can also confirm that very substantial payments will issue between now and year end under the Single Payment Scheme and REPS. Grants payments in respect of on-farm investments are dependent on the completion of the project concerned and submission of a valid, documented claim. I am also committed to ensuring that all such claims are processed and paid without delay.

Food Industry

35. **Deputy Áine Collins** asked the Minister for Agriculture, Fisheries and Food his views of the role that agriculture and the agrifood sector can play in economic recovery here; and if he will make a statement on the matter. [27717/11]

39. **Deputy Nicky McFadden** asked the Minister for Agriculture, Fisheries and Food his views on the role that agriculture and the agrifood sector can play in economic recovery here with particular regard to the Food Harvest 2020 report; and if he will make a statement on the matter. [27713/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): I propose to take Questions Nos. 35 and 39 together.

[Deputy Simon Coveney.]

I consider that agriculture and the broader agri-food and fishing sector has the potential to play a significant role in this country's economic recovery. Specifically its capacity to assist the export-led recovery is illustrated by the CSO data which shows that Ireland's agri-food exports increased by 11% in 2010 over 2009 and have also shown a 14% improvement in the first six months of 2011 vis a vis the same period in 2010.

To ensure the continued development of the sector, I am personally leading the implementation of *Food Harvest 2020* which sets out the industry's strategic vision for the next decade and which contains over 200 recommendations designed to assist the industry achieve its key growth targets. Fuller details on targets and policies being pursued are available in my answer to Parliamentary Question 27718/11 of today's date.

36. **Deputy Dara Murphy** asked the Minister for Agriculture, Fisheries and Food further to his recent trip to Algeria, if he will outline the opportunities for the Irish agrifood sector in that region; and if he will make a statement on the matter. [27714/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): Having regard to the targets set in the Food Harvest 2020 Strategy, it is essential that we develop and grow our export markets for food and drinks to ensure that we have markets for the proposed growth in production in the dairy, meats, drinks and other sectors. Both the Algerian and African markets generally present many opportunities for Irish companies to expand their exports of food and drinks.

Algeria is a key target market for growth in Irish dairy exports. Irish food exports to Algeria have increased from €22m in 2009 to €39m in 2010 with the bulk of these exports comprising dairy exports with a value of nearly €38m in 2010. Cheese exports amount to nearly €27m. Algeria is now the second most important export destination for cheese exports after the UK. Exports of beef amounted to €1.13m in 2010.

The purpose of my visit to Algeria was to enhance trade and official relations with Algeria, to build relationships at governmental level and to raise some market access issues. In addition, in officially opening an Irish dairy packing and distribution plant which had relocated from France to Algeria, my visit provided an important signal to the Algerian administration of the long term commitment of Ireland to the Algerian market. I also officiated at the opening of an Irish Algerian retail outlet in Oran, again providing an important showcase for Irish products and for the Irish retail approach to the sale of quality products.

My meeting with the Algerian Minister for Agriculture and Rural Development, Minister Benaissa on 25 September was very constructive. In addition to a discussion on market access issues, we discussed the possibilities of partnerships with Algeria in the context of the development of its food industry. I extended an invitation to Minister Benaissa to visit Ireland and I would hope that as a result of that meeting he and his officials and some Algerian companies will visit Ireland. I also received an invitation and met with Mr Abdel Malek Boudiaf, the Regional Governor of Oran which is a key centre for administration and development in Algeria.

37. **Deputy Áine Collins** asked the Minister for Agriculture, Fisheries and Food the most recent export figures for the agrifood sector; and if he will make a statement on the matter. [27716/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The latest CSO data, covering the first six months of 2011, shows a continued growth in Ireland's agri-food exports

following on from an increase of 11% in 2010. The combined value of exports in the categories Food and Live Animals and Beverages during the first half of the year was €4.279 billion, an increase of more than 14% on the first half of 2010, showing the agri-food sector's continuing contribution to this country's economic recovery.

Food Safety Standards

38. **Deputy Sandra McLellan** asked the Minister for Agriculture, Fisheries and Food if the results of the consultation process on raw milk will be published; and if he will make a statement on the matter. [27917/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The proposed ban on the sale of raw milk for direct human consumption is not new. Sale of raw cows milk was banned for many years (from 1997 till 2006) by my Department; and previously by most local authorities. The ban lapsed due to a change in EU legislation in 2006.

A public consultation process was held in 2008 in relation to the proposed extension of the ban to goats and sheep milk. Seventeen submissions were received. I do not propose to release these submissions as they are regarded as confidential correspondence between the individuals and organisations concerned and my Department. The submissions were wide ranging and included requests to allow restricted sale of raw milk as well as a number of claims of perceived health benefits of drinking raw milk.

All the submissions were carefully reviewed by my Department's experts in conjunction with the Food Safety Authority of Ireland. They were satisfied that the claimed benefits from drinking raw milk did not outweigh the known health risks associated with drinking raw milk. These include diseases such as TB, Brucellosis, E. coli O157, Campylobacter and Salmonella. There have been incidents of these in Ireland and other countries in recent years. Resulting illnesses can be serious and on occasion fatal.

The FSAI has therefore recommended that the sale of unpasteurised milk from all farm animals which is intended for direct human consumption should be prohibited; and advises that the most effective way to protect public health is to ensure that such milk is pasteurised.

The proposed ban will not apply to the consumption of raw milk — e.g. a dairy farmer drinking milk from his/her own cows. Such a ban is not possible under the law and in any event would be unenforceable. However, it is recommended to avoid this practice for health reasons.

The proposed ban will not apply either to the use of raw milk to make cheese. The cheese making process takes time and this provides an opportunity to withdraw product from sale in the event of a problem arising with the source milk. The cheese making process also prevents growth of pathogens and in some cases encourages slow decline in numbers of some pathogens.

Question No. 39 answered with Question No. 35.

Question No. 40 answered with Question No. 30.

Food Industry

41. **Deputy Dara Murphy** asked the Minister for Agriculture, Fisheries and Food if he will provide an update on efforts being made to encourage trade links with new markets for agri-food businesses; and if he will make a statement on the matter. [27715/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The Food Harvest 2020 strategy envisages a significant increase in output and production in the dairy and meat sectors in addition to other areas of food and drinks production, with the ultimate aim of

[Deputy Simon Coveney.]

achieving an export target of €12 billion in 2020, i.e. an increase from a figure of €8 billion in 2008. I and my Department have identified the facilitation of trade and the development of mutual cooperation with key trading partners as a key focus of our work in the coming years to realise this strategy. We are working closely with industry, other government departments and agencies such as Bord Bia and Enterprise Ireland and our embassies to identify new opportunities to grow and develop trade and to consolidate existing markets.

Bord Bia anticipates that exports of Irish food and drink in 2011 will reach a new all time high of €8.9 billion, an increase of more than 12%, or almost €1 billion, on 2010 levels. This follows growth of €700 million in 2010 leaving Ireland's food exports in 2011 some 25% ahead of 2009 levels. This confirms that the projected targets for Food Harvest 2020 are well on the way to being achieved.

Bord Bia has indicated that all major categories are expected to show growth this year, led by dairy and meat, which combined account for more than 60% of total food and drink exports. Strong global prices are driving export growth, with the FAO food price index 26% ahead of this time last year; however increased volumes of dairy products, pigmeat, whiskey, cider, confectionery, sauces/soups and mushrooms are also boosting revenues. It is estimated that volume growth across these categories will account for up to 30% of the total.

Against this background I am very conscious of the need to consolidate and grow existing markets but also of the valuable opportunities for increasing trade in agriculture products in new and emerging markets.

The Chinese market represents a huge opportunity for exports of food and beverages. Developing close working relationships is very important in progressing trade issues. In that connection, I hosted a visit by the Chinese Vice-Minister for Agriculture earlier this year. The Vice Minister and I signed an action plan on mutual cooperation mechanisms between our two countries in the agri-food and fisheries areas and on furthering trade between our two countries. This will result in Chinese officials working within my Department and the Marine Institute and in undertaking educational courses in Ireland. I hope to visit China shortly to further deepen other areas of cooperation with China which will ultimately help to facilitate trade and exports to China.

I have just returned for a very successful visit to Algeria, which is a key target market for growth in Irish dairy exports. Indeed Africa presents significant opportunities also for food exports. Irish food exports to Algeria have increased from €22m in 2009 to €39m in 2010 with the bulk of these exports comprising dairy exports with a value of €37.6m in 2010. The purpose of the visit was to enhance trade and official relations with Algeria, to build relationships at governmental level and to raise some market access issues. In addition I presided at the official opening of an Irish dairy packing and distribution plant and an Irish Algerian retail outlet.

I hope to visit the US next year, which is also a key market, and possibly some other key new emerging markets where we are hoping to grow our exports.

Overseas Development Aid

42. **Deputy Joanna Tuffy** asked the Tánaiste and Minister for Foreign Affairs and Trade the percentage of overall aid that goes to water sanitation and hygiene; his plans to increase funding for this sector which provides safe drinking water, proper sanitation, hygiene promotion and so on in Third World countries; and if he will make a statement on the matter. [28141/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Approximately 2.5 billion people, roughly one-third of global population, lack safe sanitation facilities

and 885 million people lack access to improved sources of drinking water. While progress has been made, only twenty six out of fifty four African countries are on track to meet Millennium Development Goal 7 “to halve, by 2015, the proportion of people without sustainable access to basic drinking water and sanitation”.

The 2006 White Paper commits Ireland to “*support activities across the programme to increase access to water and sanitation*”. Ireland, through the Government’s Overseas Development Programme, Irish Aid, works with central and local Government in its priority Programme Countries, with civil society groups and with multilateral organisations to make progress on the achievement of MDG-7.

Ireland recognises that sustained and equitable access to safe drinking water and basic sanitation is not only a life saving intervention in humanitarian responses, but is also critical to address the complex and multi-dimensional nature of poverty and vulnerability, especially relating to child mortality, food security and gender equality.

In its policy dialogues with partners, Ireland continues to focus on increasing access to safe drinking water through various channels; national development plans, advocacy and governance reforms, humanitarian and recovery programme and climate change adaptation. Ireland also recognises the existence of human rights obligations relating to access to safe drinking water and sanitation and has supported initiatives at the UN Human Rights Council, including the Resolution on human rights and access to safe drinking water and sanitation, adopted at the 15th Session of the Human Rights Council in Geneva in September 2010 and co-sponsored by Ireland.

In 2010, Ireland allocated over €7 million to support water, sanitation and hygiene programmes. Additionally Ireland supports UN Agencies such as UNICEF which works across ninety countries to improve water supplies and sanitation facilities in schools and communities, and to promote safe hygiene practices.

Consultancy Contracts

43. **Deputy Eoghan Murphy** asked the Tánaiste and Minister for Foreign Affairs and Trade the amount he intends to spend on consultancy fees in 2011, in particular those contracted to identify value for money in his Department. [28402/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): My Department manages expenditure under two Votes — Vote 28 (Foreign Affairs) and Vote 29 (International Co-Operation). In 2011, an allocation of €108,000 has been made for consultancy services and value for money and policy reviews in Vote 28. Most of this budget has been allocated towards the provision of specialised ICT consultancy services which are essential in order to maintain the security and integrity of the Department’s ICT networks. In line with Government policy, the Department has significantly reduced its spending on consultancy services in recent years. Since 2008, this budget line has been reduced by 81%.

The Vote 29 consultancy budget for 2011 is €1.4 million. My Department, through Irish Aid (Ireland’s official development assistance programme), commissions consultancy services where specialised knowledge and/or skills are not available within the Department and where independent appraisal, audit, monitoring and evaluation of programmes and projects is required. Given the overall scale, range and diversity of the Irish Aid programme, it is necessary, from time to time, to complement our in-house capacity with specialised skills and advice. These commissions sometimes involve examination of value for money issues as part of a wider set of objectives for the project. In these situations it is not possible to separately identify the VFM element of the total costs.

[Deputy Eamon Gilmore.]

The consultancy expenditure is constantly monitored to ensure that it does not exceed the level required for the proper management of the aid programme.

Urban Renewal Schemes

44. **Deputy Gerald Nash** asked the Minister for Finance if he is giving consideration to making provision for tax based incentives for urban renewal schemes across the State and with particular reference to towns in Border counties which have suffered disproportionately for periods of the current recession; and if he will make a statement on the matter. [27994/11]

Minister for Finance (Deputy Michael Noonan): A wide range of property-based tax relief schemes were introduced up to the mid 2000s. These included area-based tax incentives such as urban renewal, town renewal, rural renewal and the living over the shop schemes. While many important developments were encouraged by these schemes independent reviews concluded that the tax costs of the initiatives were high relative to the outputs achieved. Independent reviews also assessed the success of the schemes in the economic and social development and regeneration of designated areas.

Following a number of reviews to assess the costs and benefits of property-based tax incentive schemes, these reliefs were wound down on a transitional basis so that virtually all such schemes have now been abolished. However, given the structure of these schemes there are ongoing legacy costs to the Exchequer as investors use their reliefs and capital allowances.

My Department is currently undertaking an economic assessment of the potential effects of restricting and/or abolishing these “legacy” tax relief schemes. The assessment includes responses to a public consultation and the results will be considered in the context of the Budget 2012.

While we are in the process of winding down existing schemes and given the current economic climate, it would be difficult to justify the allocation of resources to the introduction of new property-based tax relief initiatives. Indeed, in the current difficult budgetary circumstances, and given the requirement to reduce tax expenditures under the EU-IMF Programme it will be difficult to undertake any new tax incentive schemes. Rather, the Government through the Jobs Initiative is directing resources to assisting in employment generation, providing opportunities for those who have lost their jobs, and thus generating confidence in the economy. This initiative is focused on all counties including those in the border region.

Banks Recapitalisation

45. **Deputy Michael McGrath** asked the Minister for Finance the amount of dated subordinated bonds which matured and were repaid by the covered institutions during the lifetime of the two-year guarantee provided under The Credit Institutions (Financial Support) Scheme 2008. [27965/11]

Minister for Finance (Deputy Michael Noonan): The following information excludes any burden sharing activities, in the form of Liability Management Exercises, conducted with subordinated bondholders. EBS, IL&P, AIB and Anglo Irish Bank had no dated subordinated bonds which matured or were repaid during the period of the CIFS Scheme 2008. Bank of Ireland had two subordinate bonds that matured during the period of the CIFS scheme. The two bonds had a nominal value of €600 million and €750 million, and were repaid in December 2008 and February 2010 respectively.

46. **Deputy Michael McGrath** asked the Minister for Finance the amount of unguaranteed senior bonds held by the covered institutions at the end of February 2011 or a date close thereto. [27966/11]

Minister for Finance (Deputy Michael Noonan): I assume that the Deputy is asking for the amount of unguaranteed senior bonds issued by the covered institutions. The Central Bank of Ireland has advised me that as of 18 February 2011, the total unguaranteed senior debt issued by the covered institutions was €36,452m of which €20,039m was unguaranteed senior secured and €16,413m was unguaranteed senior unsecured.

This information was published to the Central Bank of Ireland website in April 2011: <http://www.centralbank.ie/press-area/press-releases%5CPages%5CClarification-SeniorDebtandSubordinatedDebtIssuance.aspx>

Pension Provisions

47. **Deputy Dominic Hannigan** asked the Minister for Finance the discussions he has had with the airline superannuation scheme about the impact the pension levy will have on the individual pensioners payments; and if he will make a statement on the matter. [28004/11]

Minister for Finance (Deputy Michael Noonan): I have not had discussions with representatives of an airline superannuation scheme about the pension fund levy.

The stamp duty levy of 0.6% applies to the market value, on the valuation date, of assets under management in pension funds and pension plans approved under Irish tax legislation. I am not in a position to comment on what the precise impact of the levy will be on individual funds, schemes, members or retired members as this depends on whether and to what extent pension fund trustees and Life Offices decide to pass on the levy to individual members, given the particular circumstances of the pension funds or pension plans that they are responsible for.

I can say that the Finance (No 2) Act 2011 provisions which introduced the levy include certain safeguards in this area. The payment of the levy is treated as a necessary expense of a scheme and the trustees or insurer, as appropriate, will be entitled where needed to adjust current or prospective benefits payable under a scheme to take account of the levy. However, should the option of reducing scheme benefits be taken, it must essentially be applied in an equitable fashion across the different classes of scheme members that could include active, deferred and retired members. In no case may the reduction in an individual member's or class of member's benefits exceed the member's or class of member's share of the levy. The Revenue Commissioners are also afforded oversight authority to review instances where benefits are adjusted as a result of the payment of the levy to ensure that any such adjustment is made in accordance with the requirements of the levy legislation. In undertaking any such review Revenue may consult with appropriate experts as they see fit.

Tax Code

48. **Deputy Peter Mathews** asked the Minister for Finance his views on a matter (details supplied) regarding tax relief; and if he will make a statement on the matter. [28007/11]

Minister for Finance (Deputy Michael Noonan): I assume the Deputy is referring to a proposal to introduce tax relief for construction work completed on private homes. Tax relief on interest paid is already available for qualifying home loans. A qualifying home loan is a loan used for the purchase, repair, development or improvement of an individual's principal private residence.

[Deputy Michael Noonan.]

In addition, as part of the recent Jobs Initiative, the Government provided further funding for the grants available from the Sustainable Energy Authority of Ireland (SEAI) for energy efficiency works completed in homes. These grants are only available where approved contractors are employed to complete the relevant works. I have no plans to introduce an additional tax incentive in this area.

National Asset Management Agency

49. **Deputy Peter Mathews** asked the Minister for Finance if he will provide contact details for the person in the National Assets Management Agency who interacts with prospective purchasers of incomplete buildings; and if he will make a statement on the matter. [28008/11]

Minister for Finance (Deputy Michael Noonan): NAMA informs me that the persons concerned are Mr. John Mulcahy, Head of Portfolio Management, and Mr. Michael Moriarty, Deputy Head of Portfolio Management. The agency also informs me that it is happy to provide information such as this to Deputies directly, either through the generic e-mail address, *info@n-ama.ie*, or the dedicated e-mail address *OIR@nama.ie*, to which communications may be directed by public representatives.

Tax Code

50. **Deputy Michael McGrath** asked the Minister for Finance when he expects the 2% levy on insurance policies to be implemented once the Insurance (Amendment) Bill 2011 is signed into law; and if he will make a statement on the matter. [28029/11]

Minister for Finance (Deputy Michael Noonan): The Insurance (Amendment) Bill 2011 was signed into law on the 30 of September by the President. The Deputy should note that it is the Central Bank which is responsible for determining the commencement date of the 2% levy on insurance policies under Section 6 of the 1964 Insurance Act as amended by the Insurance (Amendment) Act 2011. I understand that the Bank will shortly publish a notice on its website and will also write out to each insurer which it believes will be required to pay the levy to inform them of their obligation to pay. The Bank has not yet decided what type of notice it will provide to companies but it is unlikely to be less than 60 days. Consequently the levy will commence later this year or at the start of 2012.

Banking Sector Remuneration

51. **Deputy Dominic Hannigan** asked the Minister for Finance the measures open to him either through retroactive legislation or current legislation to claim back expenses that were paid to bank officials after the bank guarantee was granted by the State; and if he will make a statement on the matter. [28054/11]

Minister for Finance (Deputy Michael Noonan): There are constitutional and legal difficulties to be addressed when considering whether to introduce retrospective legislation. In principle it is an area fraught with difficulty and not one to be pursued lightly. It is incumbent on any organisation where it has been alleged that expenses have been misappropriated to pursue the recovery of such funds by whatever means available taking all relevant matters into consideration, e.g. materiality, cost of recovery. Where appropriate this may involve the use of legal proceedings under existing legislation.

If the Deputy has specific evidence of alleged wrongdoing he should bring such matters to the attention of the relevant authorities.

52. **Deputy Terence Flanagan** asked the Minister for Finance the position regarding the expenses claimed by the former chief executive of Irish Nationwide Building Society (details supplied); and if he will make a statement on the matter. [28059/11]

Minister for Finance (Deputy Michael Noonan): Following the merger of Anglo Irish Bank and Irish Nationwide Building Society, the bank wrote to Mr. Fingleton requesting repayment of a €1million bonus, received post the introduction of the Irish Government's Bank Guarantee Scheme, and the return of a watch given to him on retirement which was paid for by the Society. The bank has recently written again, following a response from Mr. Fingleton who declined the request, reiterating the call for action in those matters and has raised a further matter of inappropriately recorded expenses to the value of close to €88,000. The bank strongly believes that Mr. Fingleton needs to take the honourable course of action in the interest of the Irish taxpayer with regard to the Bonus and the watch regardless of whether there is any legal obligation to do so. With regard to the expenses that appear to have been inappropriately claimed by Mr Fingleton, the Bank will continue to pursue Mr Fingleton and will use legal means if he continues to ignore the Bank's requests.

The Government fully supports this endeavour. It is a matter for the Bank to decide on an appropriate course of action if these issues with Mr. Fingleton remain unresolved. The bank has informed me that the specific matter referred to by the Deputy forms part of the bank's investigation into all legacy matters relating to INBS following the merger of that institution with the Bank on July 1st of this year. The Bank will address all issues arising from this investigation once concluded.

Tax Reliefs

53. **Deputy John Lyons** asked the Minister for Finance if he will review an application for the job assist scheme in respect of a person (details supplied) in Dublin 9. [28078/11]

Minister for Finance (Deputy Michael Noonan): I am advised by the Revenue Commissioners that, having reviewed the case, the Revenue Job Assist tax credit has been granted to this person. Revenue have arranged for the issue of an amended certificate of tax credits and have written to the taxpayer advising him of the position.

Departmental Reports

54. **Deputy Dominic Hannigan** asked the Minister for Finance if legislation will be needed to set up the proposed mortgage advice service; and if he will make a statement on the matter. [28094/11]

Minister for Finance (Deputy Michael Noonan): I assume that the Deputy is referring to media speculation in relation to recommendations which may be contained in the Report of an Inter-Departmental group which, prior to the Summer recess, was asked by the Economic Management Council to consider further necessary actions to alleviate the increasing problem of mortgage over-indebtedness. The outcome of the work carried out by the group, which was chaired by my Department and comprised of representatives from other relevant Departments, the Central Bank and expertise from the banking sector, has been presented to the Economic Management Council. I will be bringing the Report to Cabinet next week after which it will be published and I anticipate that the Dáil will be given an opportunity to fully debate the contents and findings soon afterwards. Until the report has been considered by Government and released into the public domain, I do not wish to make any comment on the contents.

Consultancy Contracts

55. **Deputy Eoghan Murphy** asked the Minister for Finance the amount he intends to spend on consultancy fees in 2011, in particular those contracted to identify value for money in his Department. [28401/11]

Minister for Finance (Deputy Michael Noonan): The 2011 Estimate for my Vote includes the following provision for consultancy expenditure:

	€ million
Administrative Budget	€0.028 million
Consultancy costs associated with the stabilisation of the Banking Sector	€3.515 million

At this point I do not envisage that the full allocation will be required but, due to the uncertain nature of the work, the final requirement cannot be predicted with reasonable certainty.

I do not envisage that any of this provision will be attributed to contract work related to value for money.

The following table contains the relevant information in relation to the bodies under the aegis of my Department.

Agency, Body, Office	Detail
National Treasury Management Agency	The projected costs of legal and consultancy fees for the NTMA for 2011 are €8 million. This amount includes fees in relation to banking system functions and takes account of fees incurred by the Department of Finance post the transfer of banking functions to the Department (5 August 2011). It excludes banking consultancy fees recoverable from the financial institutions. Under the Memorandum of Understanding agreed with the Department of Finance, the NTMA continue to pay the third-party consultancy fees of the Banking Unit until 31 December 2011. The above projected costs do not include consultancy fees incurred by NAMA which are paid out of NAMA's operating income. In 2011, legal and consultancy fees for NAMA are expected to be €29.9 million.
Office of the Revenue Commissioners	The amount provided for in 2011 in the Revenue Commissioners Revised Estimates Volume under Consultancy Services and Value for Money and Policy Reviews is €108,000. The amount spent to date in 2011 is €31,365 (including €2,405 to those contracted to identify value for money). The projected total expenditure to the end of the year is c €45,000.
Office of the Appeals Commissioners	Nil expenditure on Consultancy in 2011
Office of the Comptroller and Auditor General	The Office of the Comptroller and Auditor General has an Estimate of €700,000 for 2011 in subhead A.7 Consultancy. Of this amount €500,000 is to provide specialist expertise in conducting the audit of the National Asset Management Agency and €200,000 is provided more generally for specialist expertise in connection with the reporting work carried out by the Office. The consultancy expenditure on NAMA related work is considered a cost of audit and is recouped from NAMA through Appropriations in Aid. To the end of September the Office has spent about €86,000, most of which is recoupable from the NAMA audit. To the end of the year it is expected that the Office will not spend more than about €100,000.

FÁS Training Programmes

56. **Deputy Regina Doherty** asked the Minister for Education and Skills the position on the waiting list for a FÁS training course in respect of a person (details supplied) in County Meath and when they are likely to hear from FÁS regarding same. [27995/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I understand from FÁS that the person in question wishes to do an apprenticeship with FÁS and wishes to establish when he might be called for his first block release (Phase 2). I also understand that a FÁS official has been in touch with the person and that he has been issued a letter inviting him to attend for an induction day tomorrow, 7th October. The person was also advised of his training options.

Community Training Centres

57. **Deputy Éamon Ó Cuív** asked the Minister for Education and Skills if responsibility for the FÁS community training centres will transfer to him; when this will happen; the future for the centres; the implications of this transfer on staff; and if he will make a statement on the matter. [28024/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): FÁS Community Training Centres are the responsibility of this Department.

FÁS Community Training Centres are the vocational arm of the national YOUTHREACH Programme for early school leavers. They offer specific initial vocational skills training as an alternative to second level education with a view to re-engaging early school leavers in progressing their levels of skills, knowledge and competencies.

Participants in CTC are primarily young men and women between 16 and 21 years of age. During 2010 an average of 2,300 early school leavers were availing of training at any one time, and a total of just over 2,100 people finished their training. While there is a focus on ongoing improvement of services delivered by CTC, there are currently no plans to change the existing programme.

Special Educational Needs

58. **Deputy Eoghan Murphy** asked the Minister for Education and Skills if funding for dyspraxia has been considered in budget 2012. [28045/11]

Minister for Education and Skills (Deputy Ruairí Quinn): Firstly, I wish to reiterate this Government's commitment to the provision of resources for children with special educational needs. The Programme for Government sets out that education will be a priority for this Government and that we will endeavour to protect and enhance the educational experience of children, young people and students.

Approximately 15% of the entire budget of my Department — some €1.3 billion — will be spent in support of children with Special Educational Needs this year. This provision is in line with expenditure in 2010 and shows that despite the current economic difficulties, funding for special education has not been cut.

The continued commitment of this Government to special education provision, at a time when savings are being required across a range of expenditure areas, will ensure that children with special educational needs can continue to have access to educational facilities in line with their requirements.

The funding allocation for the education sector for 2012 and for future years will be determined in the context of the overall Estimates and Budgetary process, a key element of which will be the results of the Comprehensive Reviews of Expenditure (CRE) undertaken by all Government Departments.

I wish to clarify for the Deputy that my Department provides a range of teaching and care supports for children of school-going age with special educational needs, including children

[Deputy Ruairí Quinn.]

with dyspraxia. The precise level of support is determined by the special educational needs of the particular child.

Children with dyspraxia may be entitled to additional provision in school, either under the terms of the general allocation system of teaching supports if the educational psychological assessment places the child in the high incidence disability category or through an allocation of additional resources if the child is assessed as being within the low incidence category of special need, as defined by my Department's circular.

The Deputy is aware that the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating resources to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support.

Schools Refurbishment

59. **Deputy Paudie Coffey** asked the Minister for Education and Skills his plans to make funding available under the jobs initiative for a school (details supplied) in order for the repairs to be carried out; and if he will make a statement on the matter. [27973/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I can confirm that the school referred to by the Deputy applied to my Department for funding under the Summer Works Scheme 2011. Unfortunately, due to the scale of demand, it was not possible to grant aid all applications for funding under the Summer Works and Jobs Initiative Schemes.

My Department has no record of receiving an application from the school for funding under the Emergency Works Scheme for the works in question.

For works that are of a very urgent nature, it is open to the school authorities to consider if the works in question, or part thereof, qualify for funding under my Department's Emergency Works Scheme. An emergency is deemed to be a situation which poses an immediate risk to health, life, property or the environment which is sudden, unforeseen and requires immediate action and, in the case of a school, if not corrected would prevent the school or part thereof from opening. Details of the scheme, together with an application form for grant assistance, can be accessed on my Department's website at www.education.ie.

Departmental Schemes

60. **Deputy Paudie Coffey** asked the Minister for Education and Skills his plans to reintroduce the minor works grant for schools; and if he will make a statement on the matter. [27974/11]

Minister for Education and Skills (Deputy Ruairí Quinn): No decisions have yet been taken regarding the payment of the primary school minor works grant in the current school year. Payment last issued in November 2010 in respect of the school year 2010/2011.

Special Educational Needs

61. **Deputy Thomas P. Broughan** asked the Minister for Education and Skills if he will report on new proposals to expand a school (details supplied) in Dublin 5; when a permanent principal will be appointed; and if he will make a statement on the matter. [27980/11]

Minister for Education and Skills (Deputy Ruairí Quinn): 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 the establishment of special classes and

for allocating resource teachers and special needs assistants to schools to support children with special needs.

The NCSE has sanctioned a new class for children with autism in the school in question. Furthermore I have been advised that the BOM of the school has successfully selected a person for the post of Principal and arrangements are under way to complete the appointment process.

Schools Building Projects

62. **Deputy Dan Neville** asked the Minister for Education and Skills the position regarding extra classrooms in respect of a school (details supplied) in County Limerick. [27984/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I can confirm that the school to which the Deputy refers made an application recently to my Department for capital funding for major capital works. This application is currently being assessed and my Department will be in further contact with the school when this process has been completed.

The current status of all projects on the school building programme may be viewed on my Department's website at *www.education.ie* and this will be updated regularly throughout the year.

63. **Deputy Catherine Byrne** asked the Minister for Education and Skills the position regarding a school building project (details supplied); when construction will resume; and if he will make a statement on the matter. [27991/11]

Minister for Education and Skills (Deputy Ruairí Quinn): Officials in my Department are liaising with the relevant stakeholders in relation to the appointment of a completion contractor. While it is not possible at this stage to give a definite date, it is envisaged that construction will re-commence before the end of this year.

Higher Education Grants

64. **Deputy Brendan Griffin** asked the Minister for Education and Skills if a person (details supplied) in County Kerry will receive a third level grant; and if he will make a statement on the matter. [28002/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The decision on eligibility for a student grant is a matter for the relevant grant awarding authority i.e. the applicant's local authority or VEC.

As neither my Department nor the independent Appeals Boards has received an appeal from the student in question, it would appear that a decision on her application is still pending.

I would advise the student to make contact with her grant awarding authority to ascertain the position.

Caiteachas Caipitil

65. **D'fhiafraigh Éamon Ó Cuív** den Aire Oideachais agus Scileanna cén soláthar airgid chaipitil a cuireadh ar fáil in 2011 do bhunscoileanna agus do scoileanna dara leibhéal faoi seach; an méid atá caite faoi gach fomhír acu go dáta i mbliana; agus an ndéanfaidh sé ráiteas ina thaobh. [28018/11]

Minister for Education and Skills (Deputy Ruairí Quinn): Tá leithdháileadh caipitil 2011 i gcomhair bunscoileanna agus iarbhunscoileanna comhcheangailte in aon fho-mhírcheann amháin agus is fiú €418m é. Tá €240m de sannta go sealadach don earnáil bhunoideachais agus

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tá €193m de sin caite go nuige seo. Is é an sannadh sealadach don earnáil iarbhunoideachais ná €178m agus tá €106m de sin caite go nuige seo i mbliana.

Oibreacha Feabhsúcháin do Scoileanna

66. **D'fhiafraigh Éamon Ó Cuív** den Aire Oideachais agus Scileanna cén uair a thabharfar cead do Ghaelscoil Chaitlín Maude, uimhir rolla 19872P, ocht seomra ranga nua a thógáil, ar seomraí iad atá ag teastáil go géar de bharr chomh mífheiliúnach agus atá an chóiríocht atá ar fáil ag an scoil faoi láthair; agus an ndéanfaidh sé ráiteas ina thaobh. [28019/11]

Minister for Education and Skills (Deputy Ruairí Quinn): Tá an scoil dá dtagraíonn an Teachta tar éis iarratas a chur faoi bhráid mo Roinne le déanaí ar oibreacha móra feabhsúcháin caipitil. Táthar ag measúnú an iarratais faoi láthair agus beidh mo Roinnse i dteagmháil arís leis an scoil nuair a bheidh an próiseas seo curtha i gcrích.

Is féidir amharc ar stádas reatha gach uile tionscadail ar an gclár tógala scoile ar shuíomh gréasáin mo Roinne ag www.education.ie agus nuashonrófar é seo go rialta i gcaitheamh na bliana.

Community Training Centres

67. **Deputy Éamon Ó Cuív** asked the Minister for Education and Skills the arrangements being made by her for the FÁS community training centres; their future role; the implications for staff; and if he will make a statement on the matter. [28025/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): FÁS Community Training Centres are the vocational arm of the national YOUTHREACH Programme for early school leavers. They offer specific initial vocational skills training as an alternative to second level education with a view to re-engaging early school leavers in progressing their levels of skills, knowledge and competencies.

Participants in CTC are primarily young men and women between 16 and 21 years of age. During 2010 an average of 2,300 early school leavers were availing of training at any one time, and a total of just over 2,100 people finished their training.

While there is a focus on ongoing improvement of services delivered by CTC, there are currently no plans to change the existing programme.

Student Support Schemes

68. **Deputy Jack Wall** asked the Minister for Education and Skills his views regarding a submission (details supplied); if there is any means available to the person to allow them complete their studies; and if he will make a statement on the matter. [28027/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I regret that the economic circumstances of the country are such that I am not in a position to reverse or vary any of the changes to the student grant scheme announced in Budget 2011 by the previous Fianna Fáil — Green Party Government. These changes include the removal of the automatic entitlement of mature students to the non-adjacent rate of grant, which is the subject matter of the submission to which the Deputy refers.

However, it might be helpful for the student in question to know that she can apply for assistance under the Student Assistance Fund. This Fund at some €5m continues to be made available through the access offices of third-level institutions to assist students in exceptional

financial need. The access offices themselves will also provide support and advice to students to help them to continue with their studies.

Schools Building Projects

69. **Deputy Eoghan Murphy** asked the Minister for Education and Skills his plans to open a primary school (details supplied) in Dublin 6. [28046/11]

Minister for Education and Skills (Deputy Ruairí Quinn): In June of this year I announced that up to 40 new schools are to be established within the next six years, comprising of twenty new primary schools and twenty new post-primary schools to cater for the increase in school going population across these identified locations. It is not proposed to open a new primary school in the general Dublin 6 area as the demographics of the area do not support the need for a new school.

Higher Education Grants

70. **Deputy Brendan Griffin** asked the Minister for Education and Skills if assistance will be provided to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [28066/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The decision on eligibility for a student grant is a matter for a student's grant awarding authority. The Deputy will appreciate that in the absence of all of the relevant details that would be contained in an individual's application form in relation means, residency, nationality and previous academic attainment, it would not be possible for me to say whether or not a student would qualify for a grant.

For example, from the description in the details supplied by the Deputy it is not clear if the course being pursued is a further or higher education course or if the institution is an approved institution for the purposes of the student grant scheme.

To have her eligibility for a grant assessed, the student must submit a fully completed grant application form to her grant awarding authority.

71. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills the position regarding the review of the higher education grant application in respect of a person (details supplied) in County Wexford; when a decision will issue; and if he will make a statement on the matter. [28076/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The outcome to the student grant appeal to which the Deputy refers was communicated by my Department to the student on 7 June 2011. Further correspondence was subsequently received and a response to this issued on 4 October 2011.

Schools Building Projects

72. **Deputy Pat Deering** asked the Minister for Education and Skills the minimum requirement or criteria necessary to get on the tender list for school building projects. [28088/11]

Minister for Education and Skills (Deputy Ruairí Quinn): There are two alternative methods of tendering (the Restricted procedure and the Open procedure). In both procedures there are minimum standards for participation (including previous experience, turnover, insurances, capacity to obtain a bond etc). The minimum standards for participation are stated in the Contract notice/eTenders advertisement.

[Deputy Ruairí Quinn.]

For less complex projects of a small to medium scale, the open procedure is generally used and all contractors meeting the minimum standards are entitled to submit a tender (thus facilitating the inclusion of small to medium enterprises and those with no experience in educational projects).

For larger or more complex projects, where it is considered that pre-qualification of contractors is warranted, the Restricted procedure is normally used. In the Restricted procedure, there is an intermediary qualification stage during which the numbers of applicants is reduced (or restricted) to a specified amount (normally 10). The criteria for suitability assessment, which are taken from the Department of Finance Capital Management Works Framework, include company turnover, insurances, capacity to obtain a bond, personnel for the project, previous experience, and Health and Safety competence.

Guidance on this process and standard questionnaires used by the Department are available on my Department's website.

Special Educational Needs

73. **Deputy John Lyons** asked the Minister for Education and Skills the position regarding the provision of a special needs assistant for a person (details supplied) in County Louth; and if a solution can be found as quickly as possible. [28092/11]

74. **Deputy John Lyons** asked the Minister for Education and Skills the position regarding the provision of a special needs assistant for a child (details supplied) in County Louth; and if a solution will be found quickly. [28140/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 73 and 74 together.

The Deputy will be aware that 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. This now includes a requirement for the NCSE to have regard to an overall cap on the number of SNA posts.

The NCSE has now advised all mainstream schools, including the school referred to by the Deputy, of their SNA allocation for the current school year, taking into account the care needs of qualifying pupils attending the school. The NCSE has recently published statistical information in relation to the allocation of Special Needs Assistant posts and resource teaching hours to Primary Special and Post Primary Schools. The information is provided on a county by county and school by school basis on its website at *www.ncse.ie*.

The school, to which the child referred to by the Deputy, is attending has an allocation of 12 SNA posts and 33 Resource Teaching Hours.

It is considered that, with equitable and careful management and distribution of these resources, there should be sufficient posts to provide access to SNA support for all children who require such care support to attend school, in accordance with Departmental criteria.

I wish to clarify that the recruitment and deployment of SNAs within schools are matters for the individual Principal/Board of Management. SNAs should be deployed by the school in a manner which best meets the care support requirements of the children enrolled in the school for whom SNA support has been allocated. It is a matter for schools to allocate support as

required, and on the basis of individual need, which allows schools flexibility in how the SNA support is utilised.

The NCSE will advise schools early in the new school year of a process to review allocation decisions to ensure that correct procedures were followed and that they comply with my Department's policy. The merits of individual allocation decisions will not be open to appeal under this mechanism.

It will be expected that schools, before requesting a review, will be in a position to demonstrate that they have made every effort to manage their allocation of SNA posts to best effect.

Consultancy Contracts

75. **Deputy Eoghan Murphy** asked the Minister for Education and Skills the amount he intends to spend on consultancy fees in 2011, in particular those contracted to identify value for money in his Department. [28400/11]

Minister for Education and Skills (Deputy Ruairí Quinn): One Value for Money Review on Small Primary Schools is currently underway and is expected to be completed by year end. However, no costs have been incurred to date in 2011 and none are envisaged.

The estimated figure for expenditure on consultancies by my Department in 2011 is in the region of €429,000.

Irish Language

76. **Deputy Joe Costello** asked the Minister for Public Expenditure and Reform his plans to have all legislation passed by the Houses of the Oireachtas translated into Irish; the number of Acts awaiting translation; and if he will make a statement on the matter. [28012/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I have no responsibility for this area. I am informed by the Houses of the Oireachtas Commission that it will reply directly to the Deputy on the matter.

Pension Provisions

77. **Deputy Michael McGrath** asked the Minister for Public Expenditure and Reform the number, shown by relevant category, such as former Minister, former Attorney General, former President, former Taoiseach, of ex-office holders currently in receipt of a State pension in respect of their service as an office holder; for each category, the amount paid per month and per annum; and for each category, the number of the ex-office holders who have put an arrangement in place with the State whereby part or all of their pension is waived and the estimated annual amount saved for the Exchequer as a result of such voluntary waiver arrangements being in place. [28030/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): It has not been possible to collate the data as requested in the time available. I will however supply the data to the Deputy as soon as possible.

National Lottery Funding

78. **Deputy Eoghan Murphy** asked the Minister for Public Expenditure and Reform the percentage of national lottery money spent on health; and the percentage of European lottery money spent on health each year. [28043/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The total allocation in the REV for 2011 for the subheads in the Health Votes (39 and 40) which are part-funded by Lottery proceeds is €13.3 million. As Lottery funding is treated as an item of non-tax revenue to the exchequer, it is not possible to indicate the amount or percentage of Lottery funding provided to any particular Vote or subhead. However, it is estimated that in 2011 total funding from the Lottery will represent 66% of the overall allocation for all subheads which are part-funded by the Lottery.

No distinction is made between funds raised by the National Lottery from European lottery games and from other lottery games.

Heritage Sites

79. **Deputy Patrick O'Donovan** asked the Minister for Public Expenditure and Reform the number of visitors to a facility (details supplied) in County Mayo in each of the past five years in tabular form; and if he will make a statement on the matter. [28049/11]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): The Visitor numbers to the Ceide Fields for the past five years are as follows:—

2006	2007	2008	2009	2010
30,806	33,610	31,477	28,253	26,196

All operations, including opening times and staffing levels, are reviewed annually in light of budgetary constraints. As a result, some centres may experience a change in the length of their season. This review attempts to keep all sites with a guide service open, albeit with a restricted service at seasonal sites.

The 2010 and 2009 seasons were similar in length and in general it is felt that the reduction in visitor numbers in 2010 is due to the current economic climate.

Consultancy Contracts

80. **Deputy Eoghan Murphy** asked the Minister for Public Expenditure and Reform the amount he intends to spend on consultancy fees in 2011, in particular those contracted to identify value for money in his Department. [28406/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The 2011 Estimate for my Vote includes the following provision for consultancy expenditure:

	€
Administrative Budget	€7k
Programme Consultancy Costs	€75k

At this point I do not envisage that the full allocation will be required but the final requirement cannot be predicted with reasonable certainty.

I do not envisage that any of this provision will be attributed to contracts to identify value for money in my Department.

The following table contains the relevant information in relation to the bodies under the aegis of my Department:

Agency, Body, Office	Detail
Office of Public Works	The estimate in administration subheads for consultancy fees and value for money on Vote 10 for OPW in 2011 is €54,000. Of this amount €33,000 relates to Value for Money and Policy Review consultancy contracts. Additional Information: In the course of its normal business activity, the Office of Public Works engages technical consultants on many of its projects, primarily architectural and engineering. The costs of these consultancies would be included in the overall project.
State Laboratory	The State Laboratory intends to spend €12,000 on consultancy fees in 2011. This spend relates to Internal Audit services only.
Commission for Public Service Appointments	The Estimate for 2011 includes a provision for Consultancy spend of €158,000. To date in 2011 total spend amounts to €25,000 and it is not envisaged that the full amount of the provision will be required to the end of the year. None of this is attributable to contracts related to identifying value for money.
Public Appointments Service	Nil spend on consultancy in 2011.
Valuation Office	The Valuation Office envisages spending €70,000 approximately on consultancies in 2011. None of the consultancies are specifically geared towards the identification of value for money.
Office of the Ombudsman	Total consultancy expenditure for 2011 will be approximately €75,000. None of the consultancies are specifically geared towards the identification of value for money.

Job Creation

81. **Deputy Peter Mathews** asked the Minister for Jobs, Enterprise and Innovation the grants or subsidies that are available to an Irish owned call centre based in County Cork that is trying to expand and create an extra 30 jobs; if he will provide contact details of the person responsible; and if he will make a statement on the matter. [28009/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): My Department does not provide direct funding or grants to businesses but provides funding to a number of State Agencies, including the County and City Enterprise Boards (CEBs) and Enterprise Ireland, through whom assistance is delivered directly to businesses.

Enterprise Ireland (EI) is the Government agency responsible for the development and promotion of the indigenous business sector. The agency's mission is to accelerate the development of world-class Irish companies to achieve strong positions in global markets resulting in increased national and regional prosperity. Enterprise Ireland works closely with individual companies and sectoral groups, offering a wide range of services.

Through its network of 13 Irish offices and 32 international offices, Enterprise Ireland works with clients to assist them to compete and to grow. Enterprise Ireland assists client companies by ensuring that suitable supports are available across those areas critical to business functions namely: Strategy, Finance, Research & Development, Marketing, Human Resources and Production.

Financial and non-financial supports are provided to companies with a business strategy that encompasses all elements required for business success. Enterprise Ireland's range of financial and non-financial supports to Irish-owned companies are designed to help them compete in the most challenging competitive environments, to help them achieve greater efficiencies and to improve overall business performance across a range of areas.

Enterprise Ireland has a very clear mandate in terms of the type of companies with which it works. Agency client companies must be Irish-owned, be a Manufacturing or an Internationally

[Deputy Richard Bruton.]

Trading Services enterprise or be an overseas company in the food, drink and timber sectors seeking assistance to locate in Ireland. Qualifying entities must also employ more than 10 people or be a high growth start-up according to criteria defined by the Board of EI. All projects must be commercially viable and supported by a suitable company development plan. Any assistance is provided on the basis of identified needs of the company.

Enterprise Ireland has an office in Cork located at Industry House, Rossa Avenue, Bishopstown, Cork, Telephone: 021 480 0200 Fax: 021 480 0271. Enquiries should be directed as follows: General Enquiries: Kaye Drake 021 480 0232 — Start-Up Enquiries: Jacqui Norton 021 480 0228

The role of the 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. The Boards give priority to manufacturing and internationally traded services, and support micro-enterprise businesses provided that the proposed projects have the capacity to achieve commercial viability.

Through the provision of both financial and non-financial support, such as advice, mentoring and training programmes, the CEBs remain central in assisting many micro-enterprises in developing their growth potential. Such supports include business related training courses for owner-managers and their staff, one-to-one mentoring provided by business specialists, in company training and start your own business courses. There are four CEBs currently situated in Cork. For contact details for the appropriate Board the promoter should go to *www.enterprise-boards.ie*.

Employment Rights

82. **Deputy Eoghan Murphy** asked the Minister for Jobs, Enterprise and Innovation the position regarding the agency workers regulation legislation; and if he is engaging with or consulting agencies as the legislation is being drafted. [28042/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The EU Directive on Temporary Agency Workers (2008/14/EC) is due to be transposed into Irish law by 5 December 2011 and my Department is working to meet this deadline. A central aim of the Directive is to ensure protection of temporary agency workers by applying the principle of equal treatment in their basic working and employment conditions.

Of course a key feature of the Directive, is that it provides the possibility for the social partners, at the national level, to conclude an agreement which would, while respecting the necessary protections to be afforded to agency workers, allow for some variation in the application of the equal treatment principle such as in relation to the operation of a “qualifying period” before equal treatment would apply.

My Department is currently engaged with the national social partners in discussions on the possibility of concluding a framework agreement in time to meet the legislative deadline and I am pleased that these discussions are very constructive. Given the tight legislative timeframe of 5 December 2011, there are considerable pressures to conclude these discussions and it is my sincere hope that agreement can be achieved between both sides. Government places considerable value on agreement being reached with the national social partners on this issue given the very difficult labour market challenges currently facing this country and the need for all of us to play our part in improving our competitiveness in the global market with every measure possible to sustain existing jobs and grow employment. This ability for Irish businesses

to be able to compete in the global marketplace is particularly relevant given that in the UK, our leading trading partner, a 12-week “qualifying period” before equal treatment is accorded to agency workers has been agreed.

A public consultation on the transposition of the EU Directive on temporary agency work into national law was undertaken by my Department in October 2010 and this drew responses from a number of stakeholders and interested parties, including from a number of recruitment agencies. In the case of a number of respondents, follow-up meetings have taken place with officials of my Department to provide more in-depth information to inform the preparation of the draft legislation. Contact in this regard with key stakeholders is ongoing.

In terms of progressing the legislation, it is my intention, very shortly, to seek Government approval for the formal drafting of the Scheme of a Bill to transpose the Directive that will be capable of taking on board the outcome of the discussions with the national social partners as earlier described, if these are successful.

Consultancy Contracts

83. **Deputy Eoghan Murphy** asked the Minister for Jobs, Enterprise and Innovation the amount he intends to spend on consultancy fees in 2011, in particular fees pertaining to those contracted to identify value for money in his Department. [28404/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Proposed expenditure by my Department, its Offices and Agencies on Value for Money consultancy exercises in 2011 is €119,000.

Social Welfare Appeals

84. **Deputy Finian McGrath** asked the Minister for Social Protection the position regarding a rent allowance appeal in respect of a person (details supplied) in Dublin 5. [28015/11]

Minister for Social Protection (Deputy Joan Burton): The application for rent supplement by the person concerned was disallowed on the grounds that he did not have a housing need when assessed by the Local Authority and the rent was in excess of the rent limit for his area. The person concerned was notified of this decision in writing on 1st March 2011. No appeal against this decision has been received to date.

85. **Deputy Finian McGrath** asked the Minister for Social Protection the position regarding rent support in respect of a person (details supplied) in Dublin 5. [28016/11]

Minister for Social Protection (Deputy Joan Burton): The application for rent supplement by the person concerned was refused on the grounds that she did not meet the qualifying conditions of the scheme and that the rent being paid was in excess of the prescribed limit for her circumstances. This decision has been upheld by the designated Appeals Officer and the person concerned was notified by letter which was issued on 22nd September 2011.

Departmental Staff

86. **Deputy Eoghan Murphy** asked the Minister for Social Protection if her attention has been drawn to the fact that overtime has been approved for senior community welfare officers in the rent unit in order to bring rent applications up to date; if her further attention has been drawn to the fact that this is at a higher cost than maintaining those staff on a lower wage who have recently been made redundant and who are now applying for welfare benefits. [28041/11]

Minister for Social Protection (Deputy Joan Burton): Late last year agreement was reached between the Health Service Executive (HSE) and unions representing the Community Welfare Officers that the staff of the Community Welfare Service (CWS) would transfer to the Department of Social Protection with effect from 1st January 2011 on a secondment basis initially. The period of secondment lasted for 9 months until the end of September 2011. During this period these staff remained employees of the HSE but were subject to the general direction and control of the Minister for Social Protection.

From 1 October 2011 these staff are transferred fully to the Department as civil servants and are accountable to the Minister in the same way as other civil servants.

I have been advised that a number of staff in the CWS were employed in a temporary capacity by the HSE in 2010 for a period of six months, including some of the staff in the rent unit in question. These contracts were subsequently extended to June 2011 from when they were gradually withdrawn. It was never intended that these staff would be retained on a permanent basis or that they would transfer to this department. They remain employed elsewhere in the HSE.

In the context of the transfer of functions from the HSE to the Department a number of Transition Managers were appointed from within the Community Welfare Service, to work with the Department of Social Protection to oversee the transfer of the service to the Department. The relevant Transition Managers are currently in the process of examining the service implications arising from the loss of these temporary staff.

Due to the high volume of applications received and the loss of these staff a short term backlog of applications arose. Overtime working was approved to clear this backlog.

The backlog is currently being processed and it is expected that there will be no backlog by the middle of October. Thereafter it is not envisaged that overtime will be required to maintain the day-to-day operation of the unit. Applications received up to the middle of September have been assessed for entitlement.

Money Advice and Budgeting Service

87. **Deputy Pearse Doherty** asked the Minister for Social Protection the position regarding his programme for Government commitment to convert the Money Advice and Budgeting Service into a strengthened personal debt management agency with strong legal powers.
[27660/11]

Minister for Social Protection (Deputy Joan Burton): The Money Advice and Budgeting Service (MABS) assists people who are over-indebted and need help and advice in coping with debt problems.

There are 52 independent MABS companies operating the local MABS services from 65 locations throughout the country, with national support provided by the MABS ND. In addition, the MABS National Telephone Helpline is available from 9am to 8pm Monday to Friday and the MABS website can be accessed 24 hours a day at www.mabs.ie. Some 90% of clients presenting to MABS are assisted through the telephone helpline, which provides assisted self-help to ensure clients take steps to assess and address their situation.

Responsibility for the Money Advice and Budgeting Service (MABS) transferred to the Citizens Information Board (CIB) in 2009 to provide strong management support to the local voluntary MABS companies.

The future role of MABS is currently under consideration in line with commitments in the Programme for Government and recommendations contained in the reports of the Law Reform

Commission on Personal Debt Management and Debt Enforcement, and the Expert Group on Mortgage Arrears and Personal Debt. In addition, my Department has contributed to the Economic Management Council mortgage arrears working group, chaired by the Department of Finance, which is due to report shortly.

I will be examining the contents of this report to identify to extent to which commitments contained therein will influence the future direction of MABS.

I am satisfied that MABS will continue to provide a high-quality personal service to assist people in overcoming their indebtedness and managing their finances.

Social Welfare Appeals

88. **Deputy Brendan Griffin** asked the Minister for Social Protection if a decision been made on an appeal for carer's allowance in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [27962/11]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 08 February 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 21 June 2011 and the appeal was assigned to an Appeals Officer on 12 September 2011 who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing.

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 Code

89. **Deputy Paudie Coffey** asked the Minister for Social Protection her plans to amend the current welfare system for self-employed persons in order that they would be entitled to benefits if they were to become unemployed; and if she will make a statement on the matter. [27975/11]

Minister for Social Protection (Deputy Joan Burton): Ordinary employees who have access to the full range of social welfare benefits, including jobseeker's benefit, pay Class A PRSI at the rate of 4%. In addition, their employers make a PRSI contribution of 10.75% in respect of the employee, resulting in the combined payment of 14.75% per employee under full-rate PRSI Class A. (For employees earning less than €356, the rate of employer's PRSI is 4.25%).

Self-employed workers are liable for PRSI at the Class S rate of 4% which entitles them to access long-term benefits such as State pension (contributory) and widow's, widower's or surviving civil partner's pension (contributory). Any proposal to extend short term benefits such as jobseeker's benefit to the self-employed would have significant financial implications and would have to be considered in the context of a much more significant rise in the rate of contribution payable.

PRSI coverage is related to the risks associated with employment or self-employment, the annualised system of contributions for self-employed people and the practicalities of administering and controlling access to short-term payments for self-employed people. A system of separate arrangements for employed and self-employed workers within a social insurance context is common in other European social protection systems.

[Deputy Joan Burton.]

Self-employed workers may establish eligibility to assistance-based payments such as job-seeker's allowance. They can apply for the means-tested jobseeker's allowance if their business ceases and they become unemployed or if they are on low income as a result of a downturn in demand for their services. In general, their means will take account of the level of earnings in the last twelve months in determining their expected income for the following year. In the current climate account is taken of the downward trend in the economy.

The Advisory Group on Tax and Social Welfare was established in August of this year in fulfilment of the commitment made in the Programme for Government. The Advisory Group will, inter alia, examine and report on issues involved in providing social insurance cover for self-employed persons in order to establish whether or not such cover is technically feasible and financially sustainable. It is intended that the Advisory Group should consider any proposals for change to existing arrangements in a cost-neutral or cost-reducing context.

Social Welfare Appeals

90. **Deputy Paul J. Connaughton** asked the Minister for Social Protection the position regarding an appeal in relation to illness benefit in respect of a person (details supplied) in County Galway; and if she will make a statement on the matter. [27979/11]

Minister for Social Protection (Deputy Joan Burton): Payment of illness benefit, to the person concerned, was disallowed by a Deciding Officer following an examination by a Medical Assessor of the Department who expressed the opinion that she was capable of work.

An appeal was registered on 29 August 2011 and the Social Welfare Appeals Office has advised me that, in accordance with statutory requirements, the Department was asked for the documentation in the case and the Deciding Officer's comments on the grounds of the appeal. In that context, an examination by another Medical Assessor will be carried out. The person concerned will be notified when arrangements for the examination have been completed.

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

91. **Deputy Joe Costello** asked the Minister for Social Protection the reason rent supplement ceased in April 2011 in respect of a person (details supplied) in Dublin 1; and if she will make a statement on the matter. [27989/11]

Minister for Social Protection (Deputy Joan Burton): The Community Welfare officer dealing with this case has advised that the person concerned was not previously awarded a rent supplement.

The person concerned has been requested to either furnish an assessment of housing need by her local housing authority or documentation proving that she has been in private rented accommodation for a period of 183 days within the 12 month period prior to her rent supplement application.

A decision on her entitlement will be made when the information requested has been provided.

Social Welfare Fraud

92. **Deputy Dominic Hannigan** asked the Minister for Social Protection if she has conducted

any feasibility studies into co-ordinating databases with the Revenue Commissioners as a means to reduce fraud in the social welfare payments by cross referencing PPS numbers; if she will name reports that she has written that investigate this feasibility; if there has been any communication between her Department, the Department of Finance and the Revenue about such co-ordinators; and if she will make a statement on the matter. [28000/11]

Minister for Social Protection (Deputy Joan Burton): The Department has a wide ranging programme to combat social welfare fraud and abuse. In this context, I launched a new strategic fraud initiative in early September which takes a revised and renewed approach to the challenges posed by social welfare fraud. The ambition is to ensure that the public have confidence and trust in this Government's response to combating fraud and abuse in the social welfare system. The new plan is designed to ensure a targeted response to high risk sectors and to ensure an integrated approach to the prevention, deterrence and detection of social welfare abuse across the Department's services.

The Department has, in the last number of years, been engaged in data matching with a number of other Government Departments and public bodies for control purposes. Data matching is viewed as a very efficient and effective mechanism to target control-related activity.

The legislative provisions that allow for the specific sharing of data are contained in section 261 (1) of the Social Welfare Act 2005. Information held by the Department for the purposes of the Act (including the purpose of collection by the Revenue Commissioners of employment and self-employment contributions) may be transferred by the Department to the Revenue Commissioners. Similarly, information held by the Revenue Commissioners for the purposes of this Act or the Income Tax Acts, relating to employers, the reckonable earnings of employed contributors or reckonable income or reckonable emoluments of self-employed contributors or of any payments made under this Act, may be transferred by the Revenue Commissioners to the Department.

Since 1997, the Department matches Revenue Commencement of Employment data against jobseekers data held by my Department on a monthly basis by cross-referencing PPS numbers. Where matches exist, employers are contacted and based on the information received, possible overlaps or cases involving concurrent working and claiming social welfare are identified and are referred for investigation.

In 2010, over 1.2 million records of commencement of employment were received from the Revenue Commissioners and nearly 75,000 were matched, by cross referencing PPS numbers with data held by the Department.

In conjunction with other agencies and in particular with Revenue, the Department tackles the shadow economy by a combination of data sharing, intelligence collation, assurance checks and outdoor operations including inspections and direct investigations. Policing what is conventionally viewed as hidden economy activity is as much about ensuring a level playing field for compliant businesses as it is about combating social welfare fraud. The Department's control programmes are regularly adjusted to concentrate on the areas of greatest risk, including risks from growth of the hidden economy.

Question No. 93 withdrawn.

Social Welfare Benefits

94. **Deputy Terence Flanagan** asked the Minister for Social Protection the position regarding a back to school clothing and footwear allowance in respect of a person (details supplied) in Dublin 13; and if she will make a statement on the matter. [28006/11]

Minister for Social Protection (Deputy Joan Burton): The Back to School Clothing and Footwear Allowance (BSCFA) scheme operates from the beginning of June until the end of September each year.

Departmental records show that no application form was received from the person concerned. A duplicate application form has been forwarded to the person concerned which he should complete and return immediately to Department of Social Protection at PO Box 131 Letterkenny, Co. Donegal in order that his entitlements under the BSCFA scheme can be examined.

95. **Deputy Peter Mathews** asked the Minister for Social Protection her views on a matter (details supplied) regarding prepaid debit cards; and if she will make a statement on the matter. [28010/11]

Minister for Social Protection (Deputy Joan Burton): The range of payment options currently offered by the Department to pay customers includes electronic information transfer (EIT) through the post office network, electronic fund transfer (EFT) to the customer's account at a bank, building society or certain credit unions that have been authorised by the banking and credit union regulators. Cheque payments are also provided.

Government policy aims to facilitate the greater use of electronic payment systems in the economy in the interests of developing a modern payments environment in Ireland. This would ultimately reduce the amount of cash required in the economy and would reduce overhead costs borne in the first instance by retailers, such as insurance. In this regard we are currently developing a new Payments Strategy to enable the Department to continue to modernise the payment of welfare benefits in line with wider Government policies such as the National Payment Strategy.

As part of the development of this strategy, my Department issued a request for information (RFI) and received information on potential alternative payment solutions from a large range of companies and agencies. The options included prepaid debit cards and other card options as well as payment by EFT or by mobile phone, so called m-payments. The efficiency and costs associated with various payment channels are being considered as part of this process and will inform the development of the strategy. The strategy also takes into account international developments in delivering welfare payments and the need for good and effective controls. I expect to publish the strategy by the end of this year.

Pension Provisions

96. **Deputy Olivia Mitchell** asked the Minister for Social Protection if she has any role in requesting and or obliging the private sector to increase the retirement age for their workers in order that they are not left without income in the years between 65 years and the new pension entitlement age as that increases up to 2028; and if she will make a statement on the matter. [28050/11]

Minister for Social Protection (Deputy Joan Burton): The responsibility for setting retirement age in employment in the private sector rests with the individual employer who, in the main, sets retirement age under the contract of employment. Overall State responsibility for employment matters is held by my colleague, Mr Richard Bruton, the Minister for Jobs, Enterprise and Innovation.

However, my Department is working with the relevant agencies of State who have a role to play in identifying and breaking down barriers to remaining in work past the age of 65.

The continued participation of older people in the labour market must be encouraged and facilitated to meet the challenge of an ageing society. Employees and employers need to be persuaded to change their attitudes to working longer. In the workplace, employers should try to retain older employees and create working conditions which make working longer both attractive and possible for the older worker.

Where this is not possible and people leave paid employment before State pension age, they may be entitled to apply for another social welfare payment until they become eligible for a State pension. Opportunities for older people to participate in education, employment and other aspects of economic and social life must be maximised.

The standardisation of State pension age at 66 in 2014 and the abolition of State pension (transition) removes the retirement condition associated with State pension (transition) which acts as an incentive to leave the workforce and has been widely criticised as a barrier to older people remaining in employment. There is no retirement condition attached to the State pension (contributory) which is currently payable from age 66.

For the future, arrangements are being examined which would enable people to postpone receipt of State pension and receive an actuarially increased pension at a later date. In addition, changes are also being considered which would allow people with a shortfall in their PRSI contribution record at pension age to continue to make contributions beyond State pension age, if they continue in employment or self-employment.

Raising State pension is a necessary step in ensuring the sustainability of pensions into the future. There is an important and significant policy background to these changes which is that with increases in life expectancy, more people are living to pension age and living longer in retirement. This has obvious and significant implications in relation to the future costs of State pension provision. The fundamental principle involved here is that people need to participate in the workforce for longer and they need to contribute more towards their pensions if they are to achieve the income they expect or would like to have in retirement.

Social Welfare Appeals

97. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when a review of the entitlement to rent support will take place in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [28069/11]

Minister for Social Protection (Deputy Joan Burton): The answer remains as previously advised in Question Number 71 which I provided to the Deputy on 21st September 2011. I have been advised that on 24th May 2011, the designated Appeals Officer upheld the decision of the Community Welfare Officer not to award a rent supplement to the person concerned on the grounds that the rent payable was in excess of the prescribed limit for a single person.

98. **Deputy Michael Healy-Rae** asked the Minister for Social Protection if she will review the rent allowance in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [28071/11]

Minister for Social Protection (Deputy Joan Burton): The decision to reduce the rent supplement payment to the person concerned was upheld by the designated Appeals Officer. The person concerned has now appealed the decision to the Chief Appeals Office. The person concerned will be notified of the outcome of the appeal in due course.

99. **Deputy Bernard J. Durkan** asked the Minister for Social Protection further to Parliamentary Questions Nos. 409 of 14 September and 202 of 27 of September 2011, if any clarification

[Deputy Bernard J. Durkan.]

has been sought as to whether carer's allowance was actually awarded and or paid to a person or persons who legitimately provided the care in accordance to the regulations and guidelines laid down for the carer's allowance scheme; the efforts if any made to ascertain the veracity of the claim; if normal procedures were adhered to; and if she will make a statement on the matter. [28075/11]

Minister for Social Protection (Deputy Joan Burton): As previously outlined, decisions in respect of all carer's allowance claims are based on the relevant legislation in the Social Welfare Acts.

Regarding your question about the validity of a specific application for carer's allowance, my department is endeavouring to identify the application in question from the details supplied so that a review can be carried out. If it transpires upon review that a claim was paid incorrectly the Department will take appropriate action.

100. **Deputy Maureen O'Sullivan** asked the Minister for Social Protection the reason a person (details supplied) in Dublin 10 has to wait 12 to 18 months for a review of their application for disability allowance with her appeals department; and if she will expedite the application. [28084/11]

Minister for Social Protection (Deputy Joan Burton): I am advised by the Social Welfare Appeals Office that an Appeals Officer, having fully considered all the evidence, disallowed the appeal of the person concerned by way of summary decision. The person concerned was notified of the Appeals Officers decision on 27 Jun 2011.

Under Social Welfare legislation, the decision of the Appeals Officer is final and conclusive and may only be reviewed by the Appeals Officer in the light of new evidence or new facts. If there is any new evidence or new facts pertinent to this case that was not brought to the attention of the Appeals Officer during the determination of this appeal, they may be submitted to the Social Welfare Appeals Office for further consideration.

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 Code

101. **Deputy David Stanton** asked the Minister for Social Protection if she will consider amending the qualifying criteria for community employment and Tús schemes to allow those signing for credits and not receiving a jobseeker's or other payment to be eligible; and if she will make a statement on the matter. [28086/11]

Minister for Social Protection (Deputy Joan Burton): The purpose of Tús is to focus on those people who are long-term unemployed. For this reason, eligibility is at present confined to those on the Live Register for 12 months and in receipt of jobseeker's allowance. These provisions are to ensure a targeted approach to those currently affected by long-term unemployment.

Eligible persons are being identified by the Department of Social Protection by applying the following conditions:

- A person must be unemployed and in receipt of a jobseeker's payment for at least 12 months, and
- Currently be in receipt of jobseeker's allowance, and

- Be fully unemployed.

The criteria for participating on the community employment (CE) programme are similarly based on age and length of time in receipt of specified social welfare payments.

Persons signing for credits are not eligible for participation on Tús or CE. They do, however, have access to the National Internship Scheme subject to meeting the criteria for the scheme.

102. **Deputy David Stanton** asked the Minister for Social Protection if there is any flexibility for local deciding officers regarding the length of time for which applicants must be receiving qualifying payments when making decisions on eligibility for community employment, Tús, JobBridge and other work placement and employment training schemes; and if she will make a statement on the matter. [28087/11]

Minister for Social Protection (Deputy Joan Burton): The purpose of the various work placement and employment training schemes is the provision of quality work and training opportunities for those who are unemployed in order to assist them in updating their skills and to improve their opportunities in the labour market.

The eligibility criteria for the various schemes have been specifically constructed so as to ensure a targeted approach to those currently affected by unemployment. Deciding Officers have prescribed powers within social welfare legislation that relate to entitlement to certain statutory social welfare schemes and would not have a function in relation to determining eligibility criteria for the schemes referred to in the question.

Social Welfare Benefits

103. **Deputy John McGuinness** asked the Minister for Social Protection if the approved payment of rent supplement will continue in respect of a person (details supplied) in County Kilkenny; and if she will expedite a response. [28095/11]

Minister for Social Protection (Deputy Joan Burton): The person concerned is in receipt of rent supplement. This case is currently under review and the Community Welfare Officer involved has advised that the person concerned has recently submitted a duly completed review form as requested. The Community Welfare Officer will contact the person directly when his review has been completed.

Social Welfare Appeals

104. **Deputy John McGuinness** asked the Minister for Social Protection if he will arrange an early and positive review of an application under the back-to-school clothing and footwear scheme 2011 in respect of a person (details supplied) in County Kilkenny. [28096/11]

Minister for Social Protection (Deputy Joan Burton): The Back to School Clothing and Footwear Allowance (BSCFA) scheme operates from the beginning of June until the end of September each year.

A person may qualify for a BSCFA payment BSCFA if he or she is in receipt of a social welfare or health service executive payment, is participating in an approved employment scheme or attending a recognised education or training course, and has household income at or below certain specified levels.

The persons concerned were refused BSCFA as their income exceeded the limit allowable for their family composition. BSCFA Review Section have confirmed that a request for a review of this decision has been received from the person concerned.

[Deputy Joan Burton.]

However, due to the large volume of applications and requests for review received, information regarding the progress of individual reviews will not be available until such time as the applications have been examined and a decision taken.

Social Welfare Fraud

105. **Deputy Patrick O'Donovan** asked the Minister for Social Protection further to Parliamentary Question No. 377 of 20 September 2011, if she has invoked section 8 of the Data Protection Act 1988 as amended by the Data Protection (Amendment) Act 2003 as a means to combat social welfare fraud. [28167/11]

Minister for Social Protection (Deputy Joan Burton): In line with data protection requirements, the Department has, in the last number of years, been engaged in extensive data matching exercises with a number of other Government Departments and public bodies for control purposes. Data matching is viewed as an efficient and effective mechanism to target control related activity.

Data matching acts as an important preventative and detection control. The Department has an extensive legal structure to support the sharing of data for the purpose of controlling the entitlement and payment of benefits. The legislative provisions which allow for the specific sharing of data are contained in section 261(1) of the Social Welfare Consolidated Act, 2005. Information held by the Department for the purposes of the Act (including the purpose of collection by the Revenue Commissioners of employment and self-employment contributions) may be transferred by the Department to the Revenue Commissioners. Similarly, information held by the Revenue Commissioners for the purposes of this Act or the Income Tax Acts, relating to employers, the reckonable earnings of employed contributors or reckonable income or reckonable emoluments of self-employed contributors or of any payments made under this Act, may be transferred to the Department.

Under the provisions of section 261(2) of the 2005 Act, information held by the Department for the purposes of the Act or the control of schemes administered by or on behalf of the Department may be transferred to another Department or a specified body. The converse also applies. These provisions are in accordance with the data protection provisions. The legislative provisions governing data protection are contained in the Data Protection Act, 1988 and Data Protection (Amendment) Act, 2003 and have regard to EU Directives which have been transposed. Notwithstanding the provision of the 2005 Act, as outlined above, the Department must operate in accordance with and be in compliance with the basic principles underpinning the data protection legislation.

The restriction on processing of personal data (including disclosure to a third party) is lifted in limited circumstances, as specified in section 8(b) of the Data Protection Acts, where the right to privacy must be balanced against other needs, i.e. where criminal investigations are being undertaken. Typically these provisions would apply in instances where the Department's Special Investigation Unit investigators are dealing with cases of multiple claiming and personation with the Gardaí. In addition, they apply where this Department requests and obtain data from other Government departments and agencies for the control of schemes.

The Department liaises with the Data Protection Commissioner on a regular basis and will, where Social Welfare legislative proposals have data protection implications, consult with the Commissioner on such matters.

The Department undertakes a number of existing data matches with other Government Departments & Agencies on a systematic basis, including the following the Irish Prison Service,

Third Level Institutions, General Register Office, Commission on Taxi Regulation, Revenue Commissioners, Department of Work & Pensions (UK State Pensions Match) and the Probate Office. These matches are in compliance with the data protection regulations.

Consultancy Contracts

106. **Deputy Eoghan Murphy** asked the Minister for Social Protection the amount she intends to spend on consultancy fees in 2011, in particular, those contracted to identify value for money in her Department. [28407/11]

Minister for Social Protection (Deputy Joan Burton): The procurement of services is essential to support the Department in providing high quality service to the public in a cost effective and efficient manner and is governed by a comprehensive regulatory, legal and procedural framework. The Department is focused on ensuring that all work is carried out in a fashion designed to achieve best value for money in the use of public funds to achieve its objectives.

The Department engages consultants (individuals or organisations) to provide intellectual or knowledge based services (e.g. expert analysis and advice) including the delivery of reports, studies, assessments, recommendations and proposals that contribute to decision making or policy making.

In this regard, the Department expects to spend some €1,100,000 for the engagement of consultants, including business, social inclusion and I.T., in 2011.

The Department is not at present carrying out any Value for Money (VfM) reviews as a result of the Government decision to defer the selection of the 2011 Value for Money reviews, which are agreed by Government each year, pending the outcome of the Department of Public Expenditure and Reform Comprehensive Review of Expenditure currently being completed.

Wildlife Conservation

107. **Deputy Michael McCarthy** asked the Minister for Arts, Heritage and the Gaeltacht when a decision will issue on a deer hunting licence application in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [27988/11]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I understand that a licence will be issued to the person concerned in the next week.

Architectural Heritage

108. **Deputy Denis Naughten** asked the Minister for Arts, Heritage and the Gaeltacht when funding will be allocated to local authorities under the conservation grant for protected structures and structures at risk scheme; and if he will make a statement on the matter. [28077/11]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): Due to the significant reduction in the budgetary allocation to the built heritage within the Vote of my Department, the operation of the Local Authority Conservation Grants Scheme has been suspended. Limited funding is being provided through a “Structures at Risk Fund” in 2011, to assist with works to safeguard structures protected under the Planning and Development Acts 2000-2010. 23 local authorities have been issued with and accepted grant offers for a total of 31 projects under the fund.

Funding in future years for these purposes will be subject to the normal Budgetary and Estimates processes.

Wildlife Conservation

109. **Deputy Maureen O'Sullivan** asked the Minister for Arts, Heritage and the Gaeltacht his views on Larsen traps and the threat that they pose to protected birds particularly after the recent disturbing report (details supplied) regarding use of these traps to capture and then torture birds. [27990/11]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): My Department has responsibility for regulating the use of traps, snares and nets for catching wildlife. This is done in accordance with the provisions of the Wildlife Acts 1976 to 2010 and the Wildlife Act 1976 (Approved Traps, Snares and Nets) Regulations 2003. The use of Larsen Traps complies with the provisions of these regulations and is acceptable when carried out with due care.

An Teanga Gaeilge

110. **D'fhiafraigh Éamon Ó Cuív** den Aire Ealaíon, Oidhreachta agus Gaeltachta an bhfuil sé i gceist aige maoiniú a chur ar fáil ó Chiste na Gaeilge do Chumann na bhFiann de bharr na hoibre tábhachtaí atá ar bun acu leis an óige, de bharr na béime atá ag an Straitéis 20 Bliain ar mhúineadh na teanga agus ar ghréasán imeachtaí taobh amuigh den scoil do dhaoine óga, más rud é go dtarraingíonn Foras na Gaeilge siar an maoiniú a bhíá chur ar fáil acu don Chumann; agus an ndéanfaidh sé ráiteas ina thaobh. [28020/11]

111. **D'fhiafraigh Éamon Ó Cuív** den Aire Ealaíon, Oidhreachta agus Gaeltachta an ndearna an Chomhairle Aireachta Thuaidh/Theas faomhadh ar phlean cistíochta Fhoras na Gaeilge don earnáil dheonach Gaeilge, cén uair a ndearna siad faomhadh air agus an bhfuil sé sásta go bhfuil an scéim ag obair go sásúil; agus an ndéanfaidh sé ráiteas ina thaobh. [28021/11]

Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley): Tógfaidh me Ceisteanna Uimh 110 agus 111 le chéile.

Dírím aird an Teachta ar fhreagraí atá tugtha agam ar Cheisteanna Dála le gairid faoin ábhar seo (Ceist Dála Uimh. 163 ar 22 Meán Fómhair 2011, Ceist Dála Uimh. 126 ar 28 Meán Fómhair 2011 agus Ceist Dála Uimh. 487 ar 4 Deireadh Fómhair 2011).

Mar chúlra, tuigfidh an Teachta go gcuireann Foras na Gaeilge bunmhaoiniú ar fáil faoi láthair do 19 n-eagraíocht, lena n-áirítear Cumann na bhFiann. Déanann mo Roinn féin agus an Roinn Cultúir, Ealaíon agus Fóillíochta ó thuaidh maoiniú ar Fhoras na Gaeilge, a thagann faoi choimirce na Comhairle Aireachta Thuaidh Theas.

Mar thoradh ar athbhreithniú seachtrach ar na heagraíochtaí bunmhaoinithe a rinneadh d'Fhoras na Gaeilge, d'aontaigh an Chomhairle Aireachta Thuaidh Theas gur chóir an cur chuige bunmhaoinithe a athrú chun cur chuige níos sruthlínithe agus níos cost-éifeachtaí a chur i bhfeidhm. Go bunúsach, tá sé i gceist go mbeidh Foras na Gaeilge ag athrú mhúnla bunmhaoinithe do 19 n-eagraíocht go múnla iomaíoch, bunaithe ar scéimeanna faoina ndéanfar tosaíochtaí straitéiseacha éagsúla a sheachadadh. Ar ndóigh, beidh sé oscailte do Chumann na bhFiann, mar aon leis na heagraíochtaí bunmhaoinithe eile, iarratas a dhéanamh faoin gcóras nua scéimeanna.

Is é an staid reatha ná go ndearna Bord Fhoras na Gaeilge ocht ndruchtscéim a fhaomhadh ag a chruinniú ar 23 Meán Fómhair 2011. Tá na druchtscéimeanna sin faoi bhreithniú ag na Ranna Urraíochta faoi láthair mar ullmhúchán don chéad chruinniú eile den Chomhairle Aireachta Thuaidh Theas ar 12 Deireadh Fómhair 2011. Tá sé aontaithe ag an gComhairle Aireachta Thuaidh Theas cheana go leanfar le bunmhaoiniú eatramhach a chur ar fáil do na heagraíochtaí go dtí 30 Meitheamh 2012.

Maidir le maoiniú a chur ar fáil do Chumann na bhFiann trí Scéimeanna Tacaíochta Gaeilge mo Roinne (ar ar tugadh Ciste na Gaeilge roimhe seo), feictear dom nach mbeadh sé ag teacht le cuspóirí an athbhreithnithe atá idir lámha ag Foras na Gaeilge, le treoir ón gComhairle Aireachta Thuaidh Theas, dá mbeadh mo Roinnse chun plé le réimsí oibre mar seo atá mar chúram ar Fhoras na Gaeilge.

Turbary Rights

112. **Deputy Marcella Corcoran Kennedy** asked the Minister for Arts, Heritage and the Gaeltacht when a decision on landowners involved in a bog (details supplied) will be available; and if he will make a statement on the matter. [28139/11]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): At the request of the Deputy, I met with a number of the landowners involved and undertook to have their case reviewed. My Department is nearing completion of this review and will be in contact with the landowners in question in the near future in regard to this case.

Consultancy Contracts

113. **Deputy Eoghan Murphy** asked the Minister for Arts, Heritage and the Gaeltacht the amount he intends to spend on consultancy fees in 2011, in particular those contracted to identify value for money in his Department. [28396/11]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): As the Deputy will be aware, my Department was established on the 2nd of June 2011. The 2011 REV provides my Department with an allocation of €211,000 under subhead A.7 Consultancy Services and Value for Money Policy Reviews. Of this allocation, some €32,764 has been expended to October 1st 2011. My Department is keeping the need for consultants under close review in order to control expenditure and ensure value for money.

It should be noted that this figure does not include any expenditure on consultancy related work which may form part of general programme expenditure. This expenditure is presently under review and, for completeness, I will write to the Deputy separately when this review is finished.

Telecommunications Services

114. **Deputy Michael Healy-Rae** asked the Minister for Communications, Energy and Natural Resources the position regarding broadband (details supplied) in County Kerry; and if he will make a statement on the matter. [28074/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The provision of broadband services here is, in the first instance, a matter for private sector service providers operating in Ireland's fully liberalised telecommunications market. Broadband services are provided by private service providers over various platforms including DSL (i.e. over telephone lines), fixed wireless, mobile, cable, fibre and satellite. In cases of market failure the Government will intervene, where it is appropriate and possible to do so. The Group Broadband Scheme, National Broadband Scheme (NBS) and Rural Broadband Scheme are all examples of where Government has intervened to ensure broadband availability in areas, particularly rural ones, where commercial investors have failed to provide services.

Accordingly, between the significant private and public sector investments over recent years all areas of the country now have access to at least a basic broadband service. In addition to the NBS, the Rural Broadband Scheme, which recently closed for applications, aims to identify

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the remaining individual premises in rural Ireland, outside the NBS areas that are unable to obtain a broadband service and to provide a basic broadband to those premises, where requested. Almost 5,000 applications have been received under the Scheme and work is continuing on the processing of approximately 1,200 of these applications where address details need to be clarified. A total of 237 applications have been received from County Kerry — this number is provisional and may change once all addresses have been clarified.

The challenge now is to accelerate the delivery of next generation broadband. The Next Generation Broadband Taskforce (NGBT), which I chair, aims to assist in developing a road-map for the delivery of such services across Ireland. The Taskforce, and four Working Groups reporting to it, are considering issues such as appropriate targets, private sector investment plans, and the role of Government in driving and facilitating investment. The Taskforce met recently and will meet again in December. In the interim, the four working groups will continue their work. I expect that the Taskforce will help to identify the optimal policy to deliver wider customer access to high-speed broadband generally and thereby assist in delivering on the commitment in the Programme for Government.

Alternative Energy Projects

115. **Deputy Michael McCarthy** asked the Minister for Communications, Energy and Natural Resources the position regarding applications from him to the European Commission for State aid approval for the REFIT 2 and REFIT 3 schemes; when he expects a decision on the issue; and if he will make a statement on the matter. [28098/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): There are separate State Aid clearance processes under way with the European Commission in respect of the extension of the REFIT Scheme for the renewable energy technologies of onshore wind, landfill gas and hydro technologies and a new REFIT Scheme covering biomass technology categories. The Commission is currently completing assessments on these applications and I am advised that decisions should be forthcoming in the coming weeks.

Consultancy Contracts

116. **Deputy Eoghan Murphy** asked the Minister for Communications, Energy and Natural Resources the amount he intends to spend on consultancy fees in 2011, in particular those contracted to identify value for money in his Department. [28398/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The allocation for consultancy services in my Department in 2011 is €1.980m. The identification of value for money is a core value underpinning all consultancy activity under the aegis of my Department.

Social and Affordable Housing

117. **Deputy Pearse Doherty** asked the Minister for the Environment, Community and Local Government if he has undertaken any assessment of the viability of social housing bonds as discussed in the programme for Government. [27678/11]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose): With levels of capital funding for social housing reduced by some 66.23% since 2008, the financial parameters within which we are operating, and will be operating over the coming years, rule out a return to very large capital-funded construction programmes by local authorities. Accordingly, delivery of social housing will be primarily facili-

tated by more flexible funding models, with the social housing leasing initiative and, in particular, the Rental Accommodation Scheme, playing their parts as long-term housing supports.

The Programme for Government listed some of the options we are exploring to facilitate the increased provision of social housing, including social housing bonds and the viability of utilising the value of existing social housing stock as a means of leveraging further funding for the provision of social housing. The Government is also committed to developing other funding mechanisms that will increase the supply of permanent new social housing. Such mechanisms will include options to purchase, build to lease, and the sourcing of loan finance by approved housing bodies for construction and acquisition. Under the latter option, approved housing bodies will be able to build or acquire new social housing, remunerating their borrowings with funding provided by the Department under the leasing scheme. At the end of the loan period the approved housing body will own outright the units which will either continue to be made available for social housing purposes or may be sold to sitting tenants.

The first scheme of this nature, involving loan finance from the Housing Finance Agency being used by an approved housing body to purchase housing units from NAMA, was launched in July 2011. I expect this facility to be a critical source of new social housing provision in the years ahead. A range of other funding options remain under examination with a view to maximising the delivery of housing supports.

Waste Disposal

118. **Deputy Robert Dowds** asked the Minister for the Environment, Community and Local Government the number of current bin waivers for certain local authorities (details supplied). [27976/11]

119. **Deputy Robert Dowds** asked the Minister for the Environment, Community and Local Government the most up to date annual cost of providing bin waivers in certain counties (details supplied); and whom pay for same. [27978/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 118 and 119 together.

Details of the numbers of households qualifying for waiver schemes and the annual cost of operating those schemes are not compiled by my Department; these are matters for the relevant local authority.

The Programme for Government contains a commitment to introduce competitive tendering for household waste collection, under which service providers will bid to provide waste collection services in a given area, for a given period of time and to a guaranteed level of service. A public consultation on the issues involved, designed to inform the policy development process, has recently concluded. The responses received are being examined and I intend to bring policy proposals to Government before the end of the year. The issue of waivers for low income households will be among the issues for consideration in this context.

Water Services

120. **Deputy Paudie Coffey** asked the Minister for the Environment, Community and Local Government the effect the establishment of the State company Irish Water will have on investment in our infrastructure; and if he will make a statement on the matter. [27981/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Programme for Government provides for the establishment of a new State-owned national water authority to take over responsibility for managing and supervising investment in water

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services infrastructure and to manage the domestic water metering programme. The Memorandum of Understanding between Ireland and the EU/IMF commits Ireland to undertaking an independent assessment of the establishment of such an authority.

Work on the independent assessment is underway. The assessment will examine the optimal organisational structures for Irish Water, including its proposed powers and responsibilities, and will consider in detail the legal, financial and organisational structures together with an implementation plan. This plan will take account of the need to ensure that this critical public service is delivered efficiently during the transition and that there is no loss of momentum in the delivery of key projects.

It is intended that the outcome of the assessment will be considered by Government together with proposals for the establishment of Irish Water before the end of 2011.

Water and Sewerage Schemes

121. **Deputy Denis Naughten** asked the Minister for the Environment, Community and Local Government if he will approve the contract documents to allow Roscommon County Council to proceed with the upgrading of the treatment plants on its four regional water schemes; and if he will make a statement on the matter. [28035/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): 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 Roscommon. The Four Roscommon Regional Water Supply Schemes — Arigna, Boyle/Ardcarne, Roscommon Central and South Roscommon Regional Water Supply Scheme are included in the Programme amongst the list of contracts in the county to start in the period 2010-2012.

My Department is finalising its examination of Roscommon County Council's Contract Documents for the schemes and a decision will be conveyed to the Council as soon as possible. Once approved, the Council can then proceed to invite tenders for the construction of the schemes.

Public Toilet Facilities

122. **Deputy Eoghan Murphy** asked the Minister for the Environment, Community and Local Government the provisions in place to ensure that all public toilets are in working order and well maintained; and if there are any proposals to increase the number of public toilet facilities. [28038/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Section 67 of the Local Government Act 2001 provides that a local authority may take such measures, engage in such activities or do such things (including the incurring of expenditure) as it considers necessary or desirable to promote the interests of the local community in relation to matters, including inter alia, the public use of amenities such as sanitary accommodation.

It is a matter for each local authority to determine the extent to which these facilities should be provided and to allocate resources accordingly.

Local Authority Charges

123. **Deputy Eoghan Murphy** asked the Minister for the Environment, Community and Local

Government, further to Parliamentary Question No. 524 of 14 September 2011, if any decision has been made on how the household charge will be implemented. [28039/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Further to the reply to Question No. 524 of 14 September 2011, the legislation to underpin the household charge will contain the precise details of the charge and will be published and brought before the Houses of the Oireachtas shortly.

It is intended that the legislation will provide that the household charge will be administered on a self assessment basis and it will be a matter for owners of residential property to register and pay the charge by the due date. In the event of non-payment, penalties will apply and unpaid household charges will remain as a charge against the property concerned.

I recognise that the charge, although modest at €100, represents an additional cost for homeowners and it is proposed to facilitate homeowners by allowing it to be paid in four instalments.

Similar to the charge on non-principal private residences, an online system is being developed by the Local Government Management Agency (LGMA) to enable homeowners pay the household charge by credit card/debit card. In addition, homeowners will be able to make payments by cheque, postal order, etc through the post to the LGMA. A bureau will be established in the LGMA to administer the charge on a shared service/agency basis for all local authorities.

Departmental Schemes

124. **Deputy Eoghan Murphy** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the fact that decisions made under the rental allowance scheme cannot be appealed to the Ombudsman for Public Services, unlike decisions made by other local government agencies; and if he will make a statement on the matter. [28040/11]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose): In general, decisions made by public bodies, including housing authorities, can be referred to the Office of the Ombudsman.

In relation to tenancies under the Rental Accommodation Scheme, all such tenancies are residential tenancy agreements governed by the Residential Tenancies Act 2004. Where disputes arise between the landlord and the tenant each has recourse to refer the matter to the Private Residential Tenancies Board under the provisions of the Act.

Environmental Policy

125. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government if door-to-door coal distributors are regulated by permit; if not, his plans to introduce such regulations; and if he will make a statement on the matter. [28058/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): On 7 June 2011, I signed the Air Pollution Act, 1987 (Marketing, Sale and Distribution of Fuels) (Amendment) Regulations 2011. These Regulations require that all bituminous coal placed on the market for residential use must have a sulphur content of no more than 0.7%.

The Regulations also require all coal bagging operators and fuel suppliers to register with the Environmental Protection Agency (EPA). All persons or bodies whose sole or main business involves retailing bituminous coal (which includes door to door distributors) must register

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with the EPA. There is no charge for registration. The EPA will maintain registers to support intelligence led enforcement by local authorities. Persons required to register can contact the EPA at the address below:

Solid Fuel Suppliers Registration
Resource Use Unit
Environmental Protection Agency
Johnstown Castle Estate
P.O Box 3000
Wexford
Phone: 053 9160600 Email: FuelRegistration@epa.ie

Bagging operators and fuel suppliers must hold a record showing that all bituminous coal placed on the market for residential use has a sulphur content of no more than 0.7%. The National Standards Authority of Ireland (NSAI), at the request of my Department, has prepared an annual traceability audit system, known as SWiFT 7, that is considered to demonstrate compliance with the new Regulations. SWiFT 7 was prepared in consultation with key stakeholders, which included the EPA, local authorities, the Solid Fuel Trade Group and other industry representatives. Such a record is required to fulfil the EPA registration obligations set out above.

Under Section 10 of the Environment (Miscellaneous Provisions) Act 2011, local authority authorised persons may now issue fixed payment notices for breaches of the Regulations. Fuel suppliers who have still not registered with the EPA after 31 December 2011 will be liable for a fixed payment notice of €500 if found to be selling or placing bituminous coal on the market.

Proposed Legislation

126. **Deputy Pearse Doherty** asked the Minister for Justice and Equality the position regarding his programme for Government commitments on fast-tracking personal bankruptcy reform. [27660/11]

Minister for Justice and Equality (Deputy Alan Shatter): In line with a commitment in the Programme for Government a Personal Insolvency Bill is in the course of being developed in my Department to provide for a new framework for settlement and enforcement of debt and for personal insolvency. The commitment under the EU/IMF Programme of Financial Support for Ireland is to publish the Bill in Quarter 1 of 2012. It is my objective to publish the measure ahead of the EU/IMF deadline, if possible.

In developing the Bill, account is being taken of the recommendations of the Law Reform Commission in its recent Report on *Personal Debt Management and Debt Enforcement*. That report provided an in-depth review of the personal debt regime. The economic and financial effects of certain of the new arrangements that are in contemplation are being carefully assessed to ensure that all relevant issues are addressed and their impact is fully anticipated and understood.

I should inform the Deputy that the Government has already introduced some important early reforms to our bankruptcy laws. These were provided for in the Civil Law (Miscellaneous Provisions) Act 2011. The most noteworthy of these provisions will come into force on 10 October and provide (i) for the reduction of the application period to the court for discharge from bankruptcy from 12 years to 5 years, subject to the same conditions that exist at present, and (ii) for the first time in Irish law, for the automatic discharge of bankruptcies on the

12th anniversary of the bankruptcy adjudication order. A number of other, mainly technical, improvements to bankruptcy law contained in the Civil Law (Miscellaneous Provisions) Act 2011 are already in force since 2 August 2011.

Residency Permits

127. **Deputy Ciara Conway** asked the Minister for Justice and Equality when a person (details supplied) in County Waterford, whose previous residency in the State expired in November 2010 and who has not been directly corresponded with by him since 5 April 2011, will learn the outcome of the application he has made to the INIS Repatriation Section for his right to reside here to be renewed; and if he will make a statement on the matter. [27963/11]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned was granted permission to remain in the State under the IBC/05 Scheme for a two year period, valid to 17th November, 2007. The person concerned applied to have this permission renewed but this was refused as he did not meet the Scheme's continuous residency requirement. He was notified of this decision by letter dated 8th October, 2008.

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 a final decision is made. In advance of a final decision being made, the case of the person concerned will be examined to determine what, if any, impact the recent European Court of Justice Judgment in the Belgian Zambrano case may have on his case. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

Having due regard for the high volume of cases awaiting a decision, the Deputy can be assured that the case of the person concerned will be processed to completion as soon as possible.

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.

Garda Complaints Procedures

128. **Deputy Joe Costello** asked the Minister for Justice and Equality if he will respond to allegations in correspondence (details supplied); and if he will make a statement on the matter. [27999/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda authorities that the matters referred to relate to civil proceedings which are before the courts.

The Deputy will appreciate that it would therefore be inappropriate for me to comment further.

Citizenship Applications

129. **Deputy Finian McGrath** asked the Minister for Justice and Equality the position regarding the case of a person (details supplied) in Dublin 3. [28013/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that a valid application for a certificate of naturalisation was received from the person referred to by the Deputy in November, 2009.

The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation and will be submitted to me for decision as expeditiously as possible.

The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

On the processing of naturalisation applications generally, the Deputy may be aware that I have introduced a series of measures within my Department to provide for speedier processing of citizenship applications to bring about a substantial reduction in the processing timescale and in particular to address the backlog of applications awaiting a decision.

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.

Garda Vetting of Personnel

130. **Deputy Eoghan Murphy** asked the Minister for Justice and Equality the current time-frame for Garda vetting in respect of a person (details supplied) in Dublin 4. [28036/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda Authorities that a vetting application in respect of the person referred to was received by the Vetting Unit. The application is being processed by the GCVU at present. The GCVU will be in contact with the registered organisation when that processing is completed.

Proposed Legislation

131. **Deputy Eoghan Murphy** asked the Minister for Justice and Equality when he anticipates the new legislation on entrepreneurs and investment visas to be tabled in Dáil Éireann. [28037/11]

Minister for Justice and Equality (Deputy Alan Shatter): I can confirm that my Department has been working on new immigration schemes in the area of entrepreneurship and investment. I believe there is scope for dynamic initiatives from my Department to contribute to our national recovery and the area of entrepreneurship and investment is a prime opportunity. I am currently considering recommendations for a scheme which will not require legislation to be tabled before the Oireachtas.

Citizenship Applications

132. **Deputy Robert Troy** asked the Minister for Justice and Equality if he will expedite a naturalisation application in respect of a person (details supplied) in County Westmeath. [28051/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that an application for a certificate of naturalisation was received from the person referred to by the Deputy in August 2011.

The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation and will be submitted to me for decision as expeditiously as possible.

The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

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.

Garda Stations

133. **Deputy Ciarán Lynch** asked the Minister for Justice and Equality his plans to close Garda stations in Cork city and county; and if he will make a statement on the matter. [28052/11]

Minister for Justice and Equality (Deputy Alan Shatter): I wish to make it clear at this juncture that no decisions have been made in relation to the closure of Garda stations.

The Commissioner is currently carrying out a review of the entire Garda organisation in the context of ensuring that the Force will be in a position to match the deployment of resources to its policing commitments as effectively as possible.

Clearly, an examination of the opening hours and in some cases the viability of Garda stations will form part of this review. The Commissioner may have to consider in appropriate cases whether a better policing service could be delivered to a local community by having Gardaí out on patrol instead of in a station.

I look forward to receiving the Commissioner's proposals, which will be aimed at maximising the efficiency of the Garda Síochána, and prioritising the resources available to operational front-line policing services.

Prison Committals

134. **Deputy Joanna Tuffy** asked the Minister for Justice and Equality the position regarding the need to reduce the number of persons imprisoned for non-payment of fines; and if he will make a statement on the matter. [28055/11]

Minister for Justice and Equality (Deputy Alan Shatter): I can inform the Deputy that the number of such persons actually held in custody at any one time is a small fraction of the overall prisoner population. To illustrate this point, 14 prisoners out of a total of 4257 in custody or 0.3% of the prison population on 5th October 2011 fell into this category.

The Fines Act 2010 makes provision for alternatives to imprisonment in the event of default on payment of a fine. Specifically, the legislation provides for the recovery of the fine by an authorised person (receiver) and the use of community service as a sanction, where a receiver has been unable to recover the fine or its value in seized goods. The Courts Service is pro-

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gressing work on implementation measures to facilitate the commencement of the remaining provisions of the Act as quickly as possible.

Section 14 of the Act has been commenced with effect from 4 January, 2011. This requires the court to take into account the person's financial circumstances before determining the amount of the fine, if any, to be imposed. This means that no person should be sent to prison for default solely because they cannot afford to pay a fine.

I intend to bring forward new legislative proposals to introduce a system of "attachment orders" allowing a small amount of money to be taken from wages or social welfare facilitating the payment of the debt or fine over time.

Residency Permits

135. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent of consideration that he has given to the appeal in respect of the issue of Stamp 4 residency status in the case of a person (details supplied) in County Carlow; and if he will make a statement on the matter. [28133/11]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned, a failed asylum applicant, applied to remain in the State on the basis of his marriage to an EU citizen. This application was approved, for an initial one year period, on 13th September, 2006. An application from the person concerned to have this permission to remain renewed was refused on the basis that the person concerned was no longer residing with his EU citizen spouse and consequently his entitlement to be in the State pursuant to the exercise of EU Treaty rights had ended. The decision to refuse to renew his permission to remain in the State based on marriage to an EU citizen was upheld following an internal review of that decision and the outcome of this comprehensive review was notified to the person concerned by letter dated 4th March, 2010.

Arising from the refusal of the internal review of the decision to refuse to renew his permission to remain based on marriage to an EU citizen, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 12th August, 2010, that the then Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him. He was also notified of his entitlement to apply for Subsidiary Protection in accordance with the provisions of the European Communities (Eligibility for Protection) Regulations 2006.

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 a final decision is made. 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.

136. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the position regarding the determination of residency in the case of a person (details supplied) in County Waterford; and if he will make a statement on the matter. [28134/11]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned is a failed asylum applicant. 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 22nd September, 2009, that the then Minister proposed to make a Deportation Order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against her. In addition, she was notified of her entitlement to apply for Subsidiary Protection in accordance with the provisions of the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned submitted an application for Subsidiary Protection. 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 a final decision is made. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

It is noted that the address supplied in the Deputy's Question does not match the address currently on record in my Department. If, as it appears, the person concerned has changed address, she is legally obliged to communicate such an address change to my Department.

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.

137. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality further to Parliamentary Question No. 135 of 15 September 2011, if a person (details supplied) in County Kildare can apply for long-term residency in their own right; and if he will make a statement on the matter. [28135/11]

Minister for Justice and Equality (Deputy Alan Shatter): I refer the Deputy to my reply to Parliamentary Question Number 135 of 15th September 2011. The position remains as stated.

If the person concerned wishes to apply for Long Term Residency in her own right, a prospective employer must first obtain a work permit for her and she must accumulate five successive work permits. The issuing of work permits is the responsibility of the Department of Jobs, Enterprise and Innovation, Davitt House, Adelaide Road, Dublin 2. Further information is available at www.deti.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

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cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Consultancy Contracts

138. **Deputy Eoghan Murphy** asked the Minister for Justice and Equality the amount he intends to spend on consultancy fees in 2011, in particular those contracted to identify value for money in his Department. [28405/11]

Minister for Justice and Equality (Deputy Alan Shatter): I would like to inform the Deputy that the estimated spend by my Department on consultancy in 2011 is in the region of €53,000 and the estimated spend on Value for Money reviews for 2011 is in the region of €2,000. It should be noted that all Value for Money reviews are now carried out in — house by Departmental staff.

Irish Red Cross

139. **Deputy Finian McGrath** asked the Minister for Defence his views on correspondence sent to him recently by a former senior manager at the Irish Red Cross in relation to a chapter of the recent Comptroller and Audit General report on the affairs of the Irish Red Cross; if he is satisfied as to the purpose his substantial grant in aid to the IRC is put; and if he will make a statement on the matter. [28014/11]

Minister for Defence (Deputy Alan Shatter): As the correspondence was addressed to an independent office holder, the Comptroller and Auditor General, it would not be appropriate for me to express any views on the particular issues raised in relation to his recently published 2010 Annual Report and Appropriation Account. However, at a general level, I welcome the Report's conclusions and I am satisfied that good progress in relation to governance reform of the Society is being made.

In relation to my Department's annual grant to the Society, I am satisfied that nothing has come to light to indicate that the grant has not been properly accounted for, or used for purposes other than which it is provided. However, in light of recent controversies, I recently asked the Chairman of the Society for assurances in this regard and for information about how the grant is utilised. Comprehensive and satisfactory answers were provided by the Chairman.

Consultancy Contracts

140. **Deputy Eoghan Murphy** asked the Minister for Defence the amount he intends to spend on consultancy fees in 2011, in particular those contracted to identify value for money in his Department. [28399/11]

Minister for Defence (Deputy Alan Shatter): It has not been possible in the time available to compile all the necessary information requested by the Deputy. The information will be forwarded to the Deputy as soon as possible.

Organic Farming Scheme

141. **Deputy Tom Hayes** asked the Minister for Agriculture, Fisheries and Food if the organic farming scheme will be kept in place for the next year; if so, will the lever of funding remain the same; and if he will make a statement on the matter. [27967/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The Government's National Recovery Plan sets out the expenditure ceilings for my Department for the period

2011 to 2014 and future funding for the Organic Farming Scheme will have to be considered in the context of these budgetary constraints. Furthermore, my Department is currently undertaking a comprehensive review of expenditure and will be engaging in the 2012 Estimate process. No decision on the level of funding of the Organic Farming Scheme will be taken pending the outcome of these deliberations.

Disadvantaged Areas Scheme

142. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food the reason farmers in disadvantage areas are only allowed one payment per partnership in view of the stated policy of promoting milk production partnership by him to support the food harvest 2020 targets; and if he will make a statement on the matter. [27982/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): Under current EU regulations governing the Disadvantaged Areas Scheme there is no provision for making more than one payment in the case of partnerships. However, in line with the need to improve scale and increase efficiency as identified in Food Harvest 2020, the Department is looking at ways to encourage more collaborative working, including partnership formation, and is seeking to minimise any impediments to these newer models of farming.

Departmental Agencies

143. **Deputy Dominic Hannigan** asked the Minister for Agriculture, Fisheries and Food the progress made on the management agreement between him and the Loughs Agency to transfer authority to them to control aquaculture in the Foyle; and if he will make a statement on the matter. [27983/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): My Department is working with the Loughs Agency and other relevant Departments and agencies to address the issues involved which are complex in nature.

Every effort is being made to bring the process to a conclusion as soon as possible.

Grant Payments

144. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Cork has had a deduction from their single farm payment; if he will review this case and refund the withheld money in view of the fact that they are now compliant with environmental regulations and have recently built a slurry holding tank; and if he will make a statement on the matter. [28011/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The person named was the subject of a Nitrates inspection by the Integrated Controls Division of my Department acting on behalf of the Department of the Environment, Community and Local Government on the 2nd of March 2011. This inspection uncovered discrepancies that were deemed to be intentional and a penalty of 20% was recorded against the 2011 Direct Payment for the person named.

The person named was informed of this decision on the 6th of April 2011 and of his right to seek a review. He was also informed of his right to appeal the outcome of any review to the Independent Agriculture Appeals office. To date, no request for a review has been submitted, however, your question will now be taken as a request for review which will now be carried out. As part of this review any new facts or evidence will have to be supplemented with supporting documentation.

Forestry Sector

145. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food if he will provide statistics for the full amount of trees, full amount of forests and the full amount of land that Coillte have sold to pension funds and banks since 1989. [28031/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The statistics sought in respect of the period since 1989 are currently being compiled and I will respond to the Deputy directly as soon as possible.

146. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food if he will provide the figures regarding the extent of forest harvesting in Ireland since 2007; and the way that is being balanced by planting, as per the sustainable yield promised by the strategic forestry plan. [28032/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): To facilitate forest harvesting, a total of approximately 33,700 hectares of forestry was licensed for felling since 2007. Each licence to clearfell, issued under the Forestry Act 1946, carries a compulsory replanting condition obliging the licensee to replant the cleared area within 12 months of the expiry of the licence. In addition to the replanting required as a consequence of harvesting, a further 33,059 hectares of new forestry have been planted since 2007 under the Afforestation Scheme.

147. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food if he will provide a full list of forestry grant recipients since 2007. [28033/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): Council Regulation No. 1290 of 2005 requires the Department to publish on its website certain details on beneficiaries of schemes funded or co-funded by the European Agricultural Guarantee Fund (EAGF) or the European Agricultural Fund for Rural Development (EAFRD). Following a European Court of Justice Judgement in 2010 only data relating to beneficiaries who are legal persons are being published. Details of natural persons cannot be published as a consequence of this Judgement. As forestry grant payments are fully State funded there is no obligation on the Department to publish details of recipients, whether they are natural or legal persons.

Grant Payments

148. **Deputy Sean Fleming** asked the Minister for Agriculture, Fisheries and Food the position regarding the agri-environment options scheme application in respect of a person (details supplied) in County Laois; when same will be approved; and if he will make a statement on the matter. [28057/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The person named was approved for participation in the Agri-Environment Options Scheme with effect from 1 November 2010. Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, had to be completed before any payment could issue. These checks have now been successfully completed and payment will issue shortly.

Departmental Reports

149. **Deputy Terence Flanagan** asked the Minister for Agriculture, Fisheries and Food if he

will provide a timeframe for the implementation of the McIver and Burke report; and if he will make a statement on the matter. [28060/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): Business Plans for the Development of the Fishery Harbour Centres were published in 2009 and provide a blueprint for the future development of the Fishery Harbour Centres. The Business Plans set out a five year timeframe for implementation of the recommendations. I can confirm that in the two years since their publication my Department has been actively engaged in the implementation of the recommendations made in the Business Plans and will continue to do so within the resources available to it.

Departmental Expenditure

150. **Deputy Terence Flanagan** asked the Minister for Agriculture, Fisheries and Food the amount spent by him on legal fees in 2010 taking fishermen aquaculturists to court. [28061/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The Minister did not take fishermen aquaculturists to court in 2010.

Fisheries Protection

151. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the degree to which conservation measures already adopted in the context of the Common Fisheries Policy or otherwise have improved fish stocks in traditional Irish fishing waters; and if he will make a statement on the matter. [28100/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): As part of Ireland's obligations under the Common Fisheries Policy, the Marine Institute collects data on the status of quota stocks in Irish waters. This data contributes to the ICES advice to the European Commission and is intended to inform the Commission's proposals for total allowable catch of quota species each year. The ICES advice to the Commission is specific to individual species and ICES areas. The ICES advice is published.

The Marine Institute also publishes annually its 'stock books' for demersal and pelagic fisheries and for shellfish. The stock books are the principal annual publication of the Marine Institute's Fisheries Science Services and provide the latest impartial scientific advice of the Institute on commercially exploited fish stocks in Ireland. The stock books include analysis of the status of fish stocks, including the impact of existing or proposed conservation or management measures. The Stock books are available on the Marine Institute web site www.marine.ie.

Fishing Industry

152. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the total catch of all species landed in this jurisdiction in each of the past five years to date in 2011; the extent to which such catches were processed here and the extent of employment created; the extent to which fish caught in Irish waters were landed and processed in other jurisdictions; and if he will make a statement on the matter. [28101/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The Sea Fisheries Protection Authority has statutory responsibility for collection of data on landings by Irish vessels and is independent in the performance of its functions. I have no role in the matter. However, I have referred the Deputy's question to the SFPA for direct response on this matter.

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Data on landings by non-Irish vessels are a matter for the Member State of registration of the vessel, regardless of where the fish were caught. Data is not compiled on the extent to which fish landed into Ireland are processed here. Some landings are exported directly without processing. However, overall Irish traded seafood for 2010 was worth €711 million, with Irish production accounting for €537 million of that total. The balance of €174 million would be accounted for by imports. Data is being currently compiled on employment in the seafood processing sector by BIM and I have asked them to forward the data to you directly.

153. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which fish caught within 100 km of our shores are landed and processed here or elsewhere; and if he will make a statement on the matter. [28102/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The Sea Fisheries Protection Authority has statutory responsibility for collection of data on landings by Irish vessels only and is independent in the performance of its functions. I have no role in the matter. However, I understand that data on landings is not collected by reference to distance from shore. I have referred the Deputy's question to the SFPA for direct response. Data on catches by non-Irish vessels are primarily a matter for the Member State of registration of the vessel, whether landed into Ireland or elsewhere.

Fish Quotas

154. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which all EU countries including Ireland enforce fishing quotas; and if he will make a statement on the matter. [28103/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): Each member State has a role to enforce the fishing quotas determined by the EU Council. The EU Commission has overall responsibility to evaluate the application of the rules of the Common Fisheries Policy by the Member States and to apply deductions of quota where a Member State exceeds its quotas in a particular year. The monitoring and control of fishing activities in Irish waters and landings into Ireland is the responsibility of the Irish Control Authorities.

Fishing Industry

155. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food if he will indicate, if known, the extent to which fish and fish products, fresh, tinned or smoked, available here have been caught by Irish fisherman and are processed here; and if he will make a statement on the matter. [28104/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): My information is that approximately 48% of domestic sales are Irish in origin. Imports are understood to be mostly canned fish and frozen fillets for the fast food trade, as well imports of fresh cod and salmon to balance shortages of domestic supply. An Bord Bia promote the consumption of local fresh fish, including hake, haddock, whiting and mackerel and shellfish species such as crab, mussels and prawns and there is plentiful domestic supply of these species. In addition, BIM make available a range of supports to the Irish processing industry to help it modernise, become more competitive and consumer oriented and increase output capacity and thus both increase exports and compete with imported processed seafood products.

Common Fisheries Policy

156. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which he and his colleagues through out the EU have studied the fish catches in each member state with particular reference to observance of the Common Fisheries Policy; and if he will make a statement on the matter. [28105/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): Member States have no oversight role in relation to the observance of fishing quotas by other Member States. The EU Commission has overall responsibility to evaluate the application of the rules of the Common Fisheries Policy by the Member States. It is a matter for the EU Commission, as set down in EU Regulation, to apply sanctions in the event of any quota breaches.

Food Safety Standards

157. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which food labelling and traceability continues to be enforced; and if he will make a statement on the matter. [28106/11]

158. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the degree to which all food products here comply with Irish and EU traceability, husbandry, production and health standards; and if he will make a statement on the matter. [28107/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): I propose to take Questions Nos. 157 and 158 together.

Food production and labelling in the countries of the European Union operates in accordance with harmonised rules and member states controls are subject to audit and supervision by the Food and Veterinary Office (FVO) of the EU. The Food Safety Authority of Ireland (FSAI) under the aegis the Minister for Health has overall responsibility for the enforcement of food safety in Ireland. It carries out this remit through service contracts with my Department and other agencies including the Health Service Executive (HSE), Local Authority Veterinary Service and the Sea Fisheries Protection Authority.

The work to ensure compliance with the application of health and hygiene regulations and traceability within the remit of my own Department is carried out by staff from the Department. This work is subject to regular audit by both the FSAI and the FVO. All imports of food products of animal origin into the EU are the subject of prior notification and my Department, in co-operation with the Customs Service, operate veterinary public health controls at EU approved Border Inspection Posts on all direct imports into Ireland coming from non EU (or third) countries.

Agri-Food Sector

159. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food his intentions to ensure that farming and food production remains an attractive option for farm families; and if he will make a statement on the matter. [28108/11]

160. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the steps he will take, in conjunction with his EU colleagues, to protect the concept of the viability of the family farm enterprise throughout Europe; and if he will make a statement on the matter. [28109/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): I propose to take Questions Nos. 159 and 160 together.

The Government's strategy for development of the agri-food sector, Food Harvest 2020, is built on the premise of sustainable food production by family farms. This is also the basis of the European Model of Agriculture, supported by the Common Agricultural Policy, which combines the goals of sustainable and competitive food production with management of our natural resources and balanced rural development. It is my intention in the upcoming negotiations on the reform of the Common Agricultural Policy to ensure that the reform delivers the environment in which Irish agriculture and food production can develop and prosper based on viable family farms. My priorities in the negotiations are:

To ensure that the negotiations on the next EU budget framework deliver a well resourced CAP;

To retain Ireland's funding both for direct payments and for rural development in any redistribution of CAP funds between Member States;

To obtain flexibility for Member States with regard to payment models and transition arrangements for distribution of single payment funds to farmers;

To ensure that rural development policy includes appropriate targeted measures to support competitiveness and sustainability; and

To keep CAP processes as simple and as effective as possible and to minimise unnecessary bureaucracy for farmers and costs to the State.

National Herd

161. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which the numbers in the single suckler cow herd have fluctuated over the past 12 years to date in 2011; and if he will make a statement on the matter. [28110/11]

162. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which the numbers in the beef and dairy herds have varied on an annual basis over the past 12 years to date in 2011; and if he will make a statement on the matter. [28111/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): I propose to take Questions Nos. 161 and 162 together.

Data on the national herd is published twice yearly by the Central Statistics Office (CSO) on the basis of two categories; dairy and other cows. The former are kept principally to produce milk for human consumption and the latter is essentially used for beef production. Data to December 2010 is presented in tabular format below. Results in respect of June 2011 are not yet available but that information will be released on the CSO website in due course.

It can be seen that the size of dairy and suckler cow herds has remained relatively stable over the last 12 years albeit with a gradual decline in overall herd populations. The numerical strength of both herds is closely interlinked. With the impending abolition of milk quotas in 2015, it is projected that dairy cow numbers in Ireland will increase substantially. This will result in a greater number of dairy male calves becoming available for beef production.

Year	Dairy Cow Herd '000 head	Beef / Suckler Cow Herd '000 head
1999	1,173.8	1,166.8
2000	1,152.8	1,155.2
2001	1,148.0	1,159.7
2002	1,128.7	1,150.8
2003	1,135.7	1,144.2
2004	1,121.8	1,150.8
2005	1,101.1	1,150.0
2006	1,087.1	1,128.8
2007	1,087.5	1,117.4
2008*	1,024.1	1,175.0
2009*	1,022.4	1,134.9
2010	1,027.0	1,070.7

Source: CSO December livestock data.

*Revised data sourced from administrative records.

Sugar Industry

163. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which discussions have taken place with EU colleagues on the prospect of reintroducing the growing of sugar beet here for commercial purposes in view of the fact that the cessation of the industry was based on outdated data; and if he will make a statement on the matter.

[28112/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): As part of the reform of the EU sugar regime in 2006, a temporary scheme for the restructuring of the sugar industry, was introduced with the aim of reducing EU sugar production in order to comply with WTO and other international obligations. The scheme provided an incentive for sugar processors to voluntarily renounce sugar quota and dismantle the associated sugar processing plant and it provided compensation for affected stakeholders. Prior to the commencement of the negotiations the Commission carried out an exercise in 2005 to assess the possible impact of the reform proposals on sugar production in Member States and it indicated that the Member States most likely to be affected adversely by the reform measures were Ireland along with Portugal, Greece and Italy. During the EU discussions on the restructuring scheme Ireland would have provided the most up to date information concerning the Irish sugar industry.

There is no mechanism under the present Regulations which are in force until 30 September 2015 which would allow for the re-instatement of the sugar quota for the growing of sugar beet in Ireland for the production of sugar. The EU Commission's forthcoming proposals, due to be unveiled later this month should provide a clearer view of the prospects for the future direction of this regime after 2015. I and my officials have met with two separate groups who have conducted feasibility studies into the possibility of establishing a sugar/bioethanol facility. Any venture to develop a combined sugar/bioethanol production facility would have to be a commercial proposition financed in total by investors and interested parties and would need to be based on solid commercial criteria that makes sound economic sense.

Purchase for Destruction Scheme

164. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the

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total number of animals slaughtered during the beef destruct scheme of some years ago; and if he will make a statement on the matter. [28113/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The Purchase for Destruction Scheme was introduced on 1 January 2001 in response to the EU BSE crisis and ran for a period of six months. The scheme was highly successful in removing surplus product from the market, removing a total of 278,000 animals or 90,500 tonnes of carcase beef and contributing significantly to a much more stable international market in 2002.

Sheep Stock

165. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which the numbers in the national sheep flock have varied over the past five years to date in 2011; and if he will make a statement on the matter. [28114/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The results of the National Sheep and Goats Censuses for the years 2006 to 2010, which are available on the Department’s website, are summarised in the table below (data for 2011 is not yet available). They show that there was a decline in the national sheep flock between 2006 and 2009 but that the decline appears to have bottomed out with a modest increase in 2010. This modest increase also applies to the breeding flock for 2010. This reversal of the trend in sheep numbers is both welcome and necessary in order to ensure the survival of the sheep industry as an important part of the Irish agricultural sector and it shows that the sector has responded positively to the price improvements in the market which occurred over the past two years and to other measures which have been introduced to help the sector. I am confident that the recovery in the sector will continue, given a continuation of favourable returns from the market.

Sheep Numbers as at December according to the National Sheep and Goat Census
(conducted in month of December each year)

Year	Breeding Ewes over 12 months	Rams	Other Sheep	Total
2006	N.A.	N.A.	N.A.	3,600,715
2007	N.A.	N.A.	N.A.	3,269,876
2008	N.A.	N.A.	N.A.	3,090,466
2009	2,189,504	69,162	816,131	3,074,797
2010	2,200,526	70,118	845,588	3,116,232

N.A. = Not Available

Agri-Food Sector

166. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the extent to which new markets have been established for Irish-produced beef, lamb and dairy produce; the number of any such markets that have been lost for whatever reason over the past five years to date in 2011; and if he will make a statement on the matter. [28115/11]

167. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the anticipated extent of any new markets for Irish beef, lamb or dairy products likely to emerge over the next 12 months; and if he will make a statement on the matter. [28116/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): I propose to take Questions Nos. 166 and 167 together.

Irish exports of beef and lamb in were valued at almost €1.7 billion in 2010, representing an increase of almost 8% on the previous year, and these figures are continuing to grow in 2011. The vast majority of Irish exports of beef and lamb are directed to other EU countries. However, it is always advantageous to have alternative outlets available for our produce and my Department is working actively, with the co-operation of Bord Bia and the Department of Foreign Affairs to secure access to more third country outlets for Irish produce.

Already this year we have reached agreements with the authorities in Turkey, Egypt and Singapore which allow for the export of beef to those countries. We have also hosted a visit by an official delegation from the Philippines and we are hopeful that this will lead to the opening of that market to Irish beef. The European Commission is having discussions with the authorities in the Russian Federation which, it is hoped, will allow for the export of sheepmeat from EU countries, including Ireland, in the future. Ireland already has access to the Russian market for exports of beef and beef offal, and my Department is actively engaged, in consultation with the industry, in developing market access in a range of other countries.

Long term targets include China for beef and lamb, and Japan for beef and my Department is engaging actively with the authorities in these countries in order to secure access for these products. Indeed earlier this year I hosted a visit from the Chinese Vice Minister for Agriculture and signed a mutual co-operation agreement in the agri food sector which I hope will help to build the kind of confidence in Irish agri food production and control systems which will provide a platform for improved trading relationships into the future. My Department is also making enquiries about possibilities for access for our beef and lamb in the Middle East region. There is a strong demand for meat globally at present and my department is working, in consultation with the industry, to ensure that Irish exporters are able to take advantage of the opportunities that arise.

In so far as dairy products are concerned, exports in 2010 were valued at almost €2.3 billion, which is an increase of 17% in the previous year. Ireland already has access to markets worldwide. Nonetheless I am working with industry to raise the profile of the Irish dairy sector, and the Irish agri food sector generally in emerging markets. In this context I recently visited Algeria to meet my counterpart, Minister Rachid Benaissa and to open a new Irish Dairy Board Office and Packing Centre in what is already a significant, but expanding market for Irish dairy products, and I am confident that my continuing work in this area will ultimately pay dividends for the dairy and other sectors.

Finally, on the question of markets lost, it is the case that once my Department has obtained access to markets for beef or other agri food products, the extent to which those markets are exploited by Irish agri food businesses is determined by the usual commercial considerations, including demand, supply and price. For my part, I can assure the Deputy that I will continue to work closely with industry, through Bord Bia and with the assistance of the international network of Irish Embassies, to raise the profile of Ireland and the Irish agri food sector, and to build the kind of confidence in our production and control systems that forms the bedrock of successful international trade, so that Irish agri food businesses can continue to develop a strong international profile and increase exports in traditional and emerging markets.

Herd Numbers

168. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food if, in view of the fact that ownership of the lands at Dromonig, Kilnamartyra, Macroom, County Cork, has been established beyond doubt having been transferred to its present owner in 1998, it is intended to take action to ensure that the operation and management of the herd and/or herds there is brought into line with all the necessary established practices and guidelines; if

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any examination of probate of the will of the deceased person was sought to clarify if the executor was the sole beneficiary of the estate or the estate including lands; if these issues have been clarified or confirmed in view of the need to ensure the veracity of the details in such cases; and if he will make a statement on the matter. [28117/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): As indicated in my reply to his questions on 20th July 2011 and 27th September 2011, the DVO has been aware for some time that there was a dispute over the ownership of the land and it was decided that no change in registration of the herd number should take place pending clarification of this issue. In the meantime, the herd keeper role, which assigns responsibility for the care and maintenance of the cattle to a nominated person, and does not denote ownership of the cattle or lands in question, was assigned to the son of the deceased person in whose name the request for transfer of the herd number had been received. Further action on the registration of herd owner cannot take place until evidence has been provided to the DVO that the land ownership issue has been resolved. The DVO is endeavouring to have the position relating to the ownership of the lands clarified.

Consultancy Contracts

169. **Deputy Eoghan Murphy** asked the Minister for Agriculture, Fisheries and Food the amount he intends to spend on consultancy fees in 2011, in particular those contracted to identify value for money in his Department. [28395/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): I engaged three consultancy firms on a pro bono basis earlier this year as part of the Departments Comprehensive Expenditure Review. Consultants are not generally engaged on value for money exercises as the Department has trained staff capable of performing these exercises as required.

Youth Services

170. **Deputy Michael McCarthy** asked the Minister for Children and Youth Affairs if there is funding available for a programme (details supplied) in County Cork; and if she will make a statement on the matter. [27996/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The 2011 budget allocation for the Youth Affairs Unit of my Department is €60.154m on current expenditure and €800,000 on capital expenditure. This funding supports the delivery of a range of youth work programmes and services for all young people, including those from disadvantaged communities through grants-in-aid. Foróige is currently in receipt of €6.037m from Youth Affairs Unit for projects run under a number of schemes including the Youth Service Grant Scheme, Special Projects for Youth Scheme, four (4) Youth Information Centres and for a number of projects under the Young People's Facilities and Services Fund (Rounds 1 and 2).

The Youth Affairs Unit of my Department is aware of the Big Brother Big Sister Programme which is run by Foróige. However, having regard to the reductions in public expenditure that must be achieved by Government Departments and State Agencies and the limited funding available, it was not possible to consider funding for the programme in 2011. In light of expected budgetary constraints in 2012, it is unlikely that any new applications for funding will be considered next year.

171. **Deputy Gerald Nash** asked the Minister for Children and Youth Affairs her plans to issue youth information centre grants in 2011; when this process will commence; and if she will make a statement on the matter. [27998/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): My Department has allocated €1.862 m in 2011 to support Youth Information Centres around the country. The programme funds 31 centres which are used by some 175,000 young people. The majority of the centres also act as relays for a European Information Service, Eurodesk. To date, three of the four annual instalments have been made to these centres through the grant administering agencies. The final instalments of the 2011 allocations will be made by the end of this month provided audited accounts have been provided to my Department in respect of 2010.

Adoption Services

172. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs if she or another group or agency now has responsibility for the regulation and operation of adoptions; and if she will make a statement on the matter. [28067/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): Following the commencement of the Adoption Act, 2010, which took place on 1 November 2010, adoption in Ireland is now regulated by the Adoption Authority of Ireland which is an independent quasi-judicial statutory body appointed by Government. The functions of the Authority are set out in Section 96 of the Adoption Act, 2010. These include functions of an operational, judicial and quasi-judicial nature in relation to the adoption process itself, as provided for under the Act and relating to the Authority's designation as the Central Authority for the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption. Other functions of the Authority include registration, regulatory and standard setting functions in respect of all agencies providing adoption services in accordance with Part 13 of the Act and the relevant regulations. The Authority also undertakes and promotes research and publishes information about adoption and related services; provides information directly to the general public; supports others in the provision of information on adoption services.

Departmental Staff

173. **Deputy Michael Healy-Rae** asked the Minister for Children and Youth Affairs the position regarding recruitment for a new panel of social workers (details supplied); and if she will make a statement on the matter. [28072/11]

174. **Deputy Michael Healy-Rae** asked the Minister for Children and Youth Affairs in view of her previous commitment to give approval to recruit an additional 60 social workers in 2011, the number of these posts that will be allocated to County Kerry; and if she will make a statement on the matter. [28073/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I propose to take Questions Nos. 173 and 174 together.

The Ryan Report Implementation Plan committed to the recruitment of an additional 270 social workers. 200 of these new posts were in place by the end of 2010 in addition to the backfilling of other vacancies which occurred. An additional 60 social workers are due to be recruited by the HSE in 2011. These posts are at various stages of recruitment. The HSE, in reviewing its overall approach to recruitment has prioritised some key development posts and is processing the recruitment of these staff with a view to their taking up employment before the end of the year.

I am pleased to advise the Deputy that the 60 additional social workers have all been prioritised and included in this category of staff to be recruited by year end. Social work recruitment is managed centrally by the HSE's National Recruitment Service in Manorhamilton with a single national panel. The assignment of successful candidates from this panel is a matter for

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HSE management. Accordingly the HSE has been asked to respond directly to the Deputy on the specific queries raised regarding social worker recruitment and allocation in the Kerry area.

Consultancy Contracts

175. **Deputy Eoghan Murphy** asked the Minister for Children and Youth Affairs the amount she intends to spend on consultancy fees in 2011, in particular those contracted to identify value for money in her Department. [28397/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): My Department expects to spend approximately €24,000 on consultancy fees in 2011.

Health Service Staff

176. **Deputy Denis Naughten** asked the Minister for Health further to Parliamentary Question No. 425 of 5 April 2011, the number of vacant posts in psychology services in County Roscommon which have been filled since that date; the number of posts currently filled; the number which are vacant; and if he will make a statement on the matter. [27969/11]

Minister for Health (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Fast Food Outlets

177. **Deputy Gerald Nash** asked the Minister for Health his views on placing an onus on takeaway food outlets to provide toilet facilities for patrons; and if he will make a statement on the matter. [27971/11]

Minister for Health (Deputy James Reilly): There is a general requirement for food businesses who sell food and drink to the public and who provide sit down facilities in this regard to also provide patrons with toilet facilities. I do not consider that it would be reasonable or, indeed, feasible to require all takeaway food outlets to provide such toilet facilities to patrons given that the type of food business involved is a take away service.

Hospital Accommodation

178. **Deputy Michael McCarthy** asked the Minister for Health the position regarding the proposed extension to the Bandon community hospital, Cork; if he will provide a timeline of when he expects that this project will be completed; and if he will make a statement on the matter. [28001/11]

Minister for Health (Deputy James Reilly): The management and delivery of the health capital programme is a service matter. Therefore your question has been referred to the Health Service Executive for direct reply.

Hospital Waiting Lists

179. **Deputy Éamon Ó Cuív** asked the Minister for Health when a person (details supplied) in County Galway will receive an appointment for surgery at St. Columcille's Hospital, Loughlinstown, Dublin; if he will expedite the matter; and if he will make a statement on the matter. [28028/11]

Minister for Health (Deputy James Reilly): 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. As this is a service matter it has been referred to the HSE for direct reply.

Departmental Staff

180. **Deputy Dominic Hannigan** asked the Minister for Health the number of absenteeism days lost in each office of the Department of Health and the Health Service Executive that operates in Dublin north east HSE region; the number of absenteeism days lost per each office; the estimated amount to the Exchequer through lost work; the amount that has been paid out in agency fees to cover those absent days; and if he will make a statement on the matter. [28048/11]

Minister for Health (Deputy James Reilly): Based on the most recent analysis carried out by my Department, the number of days lost to sick leave (excluding a small number of staff on medically certified long term sick leave) for the period 1st January 2011 to 3rd October 2011 is 2,706. This equates to a lost time rate of 3.48%. The cost to the Exchequer of this is approximately €442,000. My Department does not pay agency staff to cover the sick absences of its own staff.

In relation to the Health Service Executive, the July Performance report shows that absenteeism for June 2011 was 4.87% nationally, with a rate of 4.10% in Dublin North East. The more detailed aspects of the Deputy's question have been referred to the Executive for attention and direct reply.

Hospital Accommodation

181. **Deputy Ciarán Lynch** asked the Minister for Health if accommodation will be found in the National Rehabilitation Hospital in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [28053/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): 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.

Health Services

182. **Deputy Bernard J. Durkan** asked the Minister for Health further to Parliamentary Question No. 1032 of 14 September 2011, the qualification guidelines for orthodontic treatment; and if he will make a statement on the matter. [28070/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): Patients are assessed by the HSE Orthodontic Service under the modified Index of Treatment Need (IOTN). Patients with the greatest level of need, i.e. Grade 5 or Grade 4 are provided with treatment by the HSE.

Hospital Services

183. **Deputy Brendan Griffin** asked the Minister for Health when a person (details supplied) in County Kerry will be called for an operation; and if he will make a statement on the matter. [28093/11]

Minister for Health (Deputy James Reilly): 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. As this is a service matter it has been referred to the HSE for direct reply.

184. **Deputy John McGuinness** asked the Minister for Health if he will arrange an early date for assessment for an operation in respect of a person (details supplied) [28097/11]

Minister for Health (Deputy James Reilly): 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. As this is a service matter it has been referred to the HSE for direct reply.

Medical Qualifications

185. **Deputy Bernard J. Durkan** asked the Minister for Health the procedures to be followed to enable a person (details supplied) practice as a doctor here; and if he will make a statement on the matter. [28118/11]

Minister for Health (Deputy James Reilly): Registration of medical practitioners is a matter for the Medical Council. Full details on the requirements for registration can be found on the Medical Council website at www.medicalcouncil.ie/registration.

Medical Cards

186. **Deputy Bernard J. Durkan** asked the Minister for Health when a medical card, applied for two years ago, will issue in the case of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [28119/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

187. **Deputy Bernard J. Durkan** asked the Minister for Health the basis on which psychiatric outpatients who are also medical card holders are being required to pay for their medication, in view of the ongoing difficulty in ensuring that such patients actually take their medication and the likely danger to patients in such circumstances whose families may have other financial pressure; if he will review this position; if this decision was made by the Health Service Executive of its own volition; and if he will make a statement on the matter. [28120/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): Under the former Eastern Health Board, it was the practice to provide psychiatric medicines free to all patients who attended an outpatient clinic for services regardless of their eligibility status. Such arrangements were unique to the greater Dublin area. In all other former Health Board Areas, patients used either their medical card or Drug Payment Scheme card to access psychiatric medicines.

In 2009, the HSE decided to bring the arrangements for the supply of medicines to patients attending mental health outpatient clinics in the greater Dublin area into line with those operating in the rest of the country. These changes were introduced on a phased basis, starting on 1 October 2010 when medical card holders in the HSE Dublin North East area requiring psychiatric medicines were referred to their own GP for a GMS prescription. This arrangement is being extended to the Dublin Mid Leinster area from 1 November 2011. At the same time, Drug Payment Scheme cardholders will be required to pay for their prescription up to the co-payment threshold of €120 per month. Medical card holders will continue to receive their medication free of charge, subject to any applicable prescription charge. These arrangements will be kept under review.

Consultancy Contracts

188. **Deputy Eoghan Murphy** asked the Minister for Health the amount he intends to spend

on consultancy fees in 2011, in particular those contracted to identify value for money in his Department. [28403/11]

Minister for Health (Deputy James Reilly): The Department has significantly reduced its spend on consultancy in recent years and all projects which involve the engagement of external consultants are approved by the Minister prior to the issuing of public tenders. Once initiated, the spend profile of each project is monitored by the Department on a monthly basis. It is expected that the total expenditure on consultancy fees for 2011 will be approximately €760,000, none of which relates to value for money initiatives.

The Department has put in place its own dedicated resources to undertake reviews under the auspices of the Value for Money & Policy Review Initiative 2009-2011. Last year, the Department completed a value for money review of private and semi-private treatment services in public hospitals. It is expected that implementation of the report's recommendations will result in increased revenues to the health service of approximately €75m in 2011 and approximately €18m in 2012. In addition to participating in the Comprehensive Review of Expenditure as part of the overall pre-budget deliberations of the Government, the Department is also currently engaged in two further value for money reviews in the areas of disability services and immunisation programmes, both of which will further help to drive efficiency and effectiveness in the health sector.

Rail Services

189. **Deputy Seán Kenny** asked the Minister for Transport, Tourism and Sport his views on a rail-based alternative (details supplied) to the A5 motorway that the State is committed to contributing funding towards; and if he will make a statement on the matter. [27964/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): As outlined in my reply to Parliamentary Question No. 536 of 20th September 2011, in the context of the March 2007 agreement between the Irish and British Governments on a funding package to support the restored Northern Ireland Executive, the Irish Government made a commitment to provide funding for a roads investment package for Northern Ireland to contribute to the upgrading of the A5 road from Aughnacloy to Derry/Londonderry to dual-carriageway status.

As the Taoiseach recently indicated, the Government remains committed to the upgrade of the A5 road in the context of the North West Gateway Initiative designed to develop the economic potential of the North West. There are no plans to fund a rail-based alternative.

Bus Services

190. **Deputy Gerald Nash** asked the Minister for Transport, Tourism and Sport his views on placing responsibility on the providers of bus services to introduce toilet facilities on their vehicles; and if he will make a statement on the matter. [27970/11]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): The responsibility for the provision of toilet facilities on bus services is a matter for the providers of such services and not one in which I have any function.

As the Deputy may be aware, the licensing of commercial bus passenger services was transferred to the National Transport Authority (NTA) under the Public Transport Regulation Act, 2009. The NTA issued Guidelines for the licensing of public bus passenger services in November 2010, which are available on the NTA's website (www.nationaltransport.ie).

Rail Services

191. **Deputy Richard Boyd Barrett** asked the Minister for Transport, Tourism and Sport his

[Deputy Richard Boyd Barrett.]

plans to meet 50% of the cost of the A5 dual carriageway from Derry to the border at Aughnacloy, estimated at £400 million, as per the St Andrew's Agreement; if not, if he will give consideration to provide £37.5 million to meet 50% of the cost of the relay of the rail line from Derry to Coleraine; and if he will make a statement on the matter. [27972/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): As outlined in my reply to Parliamentary Question No. 536 of 20th September 2011, in the context of the March 2007 agreement between the Irish and British Governments on a funding package to support the restored Northern Ireland Executive, the Irish Government made a commitment to provide funding for a roads investment package for Northern Ireland to contribute to the upgrading of the A5 road from Aughnacloy to Derry/Londonderry to dual-carriageway status.

As the Taoiseach recently indicated, the Government remains committed to the upgrade of the A5 road in the context of the North West Gateway Initiative designed to develop the economic potential of the North West.

Public Transport

192. **Deputy Gerald Nash** asked the Minister for Transport, Tourism and Sport the progress made on the “go smart” scheme in Dundalk, County Louth; the extent to which the project will be completed in accordance with the original plans and in the context of a restricted resource environment; and if he will make a statement on the matter. [27992/11]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): A decision has yet to be announced regarding the outcome of the Smarter Travel Areas Competition. The future of this programme will be considered in the context of the available budget for 2011 and beyond. The size and availability of funding for the delivery of a Smarter Travel Areas programme must be considered in the context of the Government's and my Department's overall priorities. Dundalk County Council will be notified of any decision in due course.

Cycle Facilities

193. **Deputy Eoghan Murphy** asked the Minister for Transport, Tourism and Sport if he has considered opening bike parks in the city centre to provide commuters with a safe place to leave their bikes, thus encouraging more persons to cycle to work. [28047/11]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): The provision of public bike parking is a matter in the first instance for the local authority concerned utilising either their own resources or financial assistance that may be available from either my Department or the National Transport Authority. A good example of local authority provided city centre bike parking is the secure bike parking made available by Dublin City Council on the ground floor of Drury Street multi-storey car park in Dublin 2.

Consultancy Contracts

194. **Deputy Eoghan Murphy** asked the Minister for Transport, Tourism and Sport the amount he intends to spend on consultancy fees in 2011, in particular those contracted to identify value for money in his Department. [28408/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The latest estimate of expenditure by my Department on consultancy fees for 2011 is €463,000. Much of the expenditure is related to policy reviews which are broadly oriented towards the objective of achieving improved economic outcomes in the transport, tourism and sport sectors. Expenditure on specific studies under the value for money review programme for the year is €2,800.